

**LOWER NAZARETH TOWNSHIP**  
**NORTHAMPTON COUNTY, PENNSYLVANIA**  
**RESOLUTION #LNT-~~27~~-19**

A RESOLUTION OF THE LOWER NAZARETH TOWNSHIP BOARD OF SUPERVISORS, NORTHAMPTON COUNTY, PENNSYLVANIA EXPRESSING OPPOSITION TO PENNSYLVANIA HOUSE BILL 349 OF 2019 REQUIRING MUNICIPALITIES ENFORCING THE PENNSYLVANIA UNIFORM CONSTRUCTION CODE THRU UTILIZATION OF THIRD-PARTY AGENCIES TO RETAIN TWO THIRD PARTY AGENCIES TO ACT ON BEHALF OF THE MUNICIPALITY

**WHEREAS**, Lower Nazareth Township is a Second-Class Township located in Northampton County, Pennsylvania; and

**WHEREAS**, Lower Nazareth Township elected to become an opt-in municipality pursuant to Chapter 5, Section 501 of the PA Construction Code Act 45 of 1999, as amended, and enforce the Pennsylvania Uniform Construction Code Act (“UCC”) either via a municipal employee or retention of a third-party agency; and

**WHEREAS**, Lower Nazareth Township has elected to enforce the UCC through retention of a third-party agency; and

**WHEREAS**, Lower Nazareth Township has continued to enforce the UCC through retention of a third-party agency; and

**WHEREAS**, House Bill 349 provides that a municipality shall retain two (2) third party agencies to enforce the UCC in its municipality; and

**WHEREAS**, House Bill 349 further provides the requirements for a municipality to retain and contract with two (2) third party agencies to administer and enforce the UCC; and

**WHEREAS**, House Bill 349 removes all meaningful authority from local governments as to administration and enforcement of the UCC; and

**WHEREAS**, House Bill 349 requires a municipality to contract with third party agencies removing the authority of a municipality to annually appoint its code enforcement officials; and

**WHEREAS**, House Bill 349 requires a municipality to consider the input of affected stakeholders in selecting a third-party agency thereby removing authority from the elected governing body of the municipality to govern the municipality in accordance with the authority granted it by the applicable Township Code; and

**WHEREAS**, House Bill 349 further requires a municipality to consider the fee schedule and availability of a third party agency to perform tasks under the UCC placing the cost and accessibility of a third party agency over the qualifications and experience consideration of a municipality in selecting a code enforcement official; and

**WHEREAS**, Lower Nazareth Township is concerned with the creation of liability if a contractor is permitted to select a code official to conduct an inspection that may not strictly enforce the UCC; and

**WHEREAS**, with the exception of accessibility, there is no overview by the Commonwealth of the performance of the duties of code enforcement officials; and

**WHEREAS**, pursuant to the Second Class Code of the Commonwealth of Pennsylvania, if Lower Nazareth Township is unsatisfied or receives complaints regarding the performance of the duties of a code enforcement official, Lower Nazareth Township may terminate and appoint a new code enforcement official; and

**WHEREAS**, notwithstanding the provision in House Bill 349 that one of the two third party agencies shall be designated as the municipal enforcement agency, Lower Nazareth Township believes that utilization of two third party agencies in a municipality will create conflict regarding administration and enforcement; and

**WHEREAS**, the provision in House Bill 349 that a third party agency shall be designated as the enforcement agency will create additional costs and expense on a municipality as both agencies will be required to participate in any enforcement action in which the non-designated enforcement agency is involved; and

**WHEREAS**, for the foregoing reasons Lower Nazareth Township opposes House Bill 349.

**NOW, THEREFORE, BE IT RESOLVED**, by the Lower Nazareth Township Board of Supervisors, Northampton County, Pennsylvania, that the Board of Supervisors opposes House Bill 349. House Bill 349 removes from local governments the ability to meaningfully administer and enforce the UCC in a manner that protects the health, safety and welfare of its residents; and

**FURTHER RESOLVED**, by the Lower Nazareth Township Board of Supervisors, Northampton County, Pennsylvania that they respectfully request the members of the Commonwealth of Pennsylvania House of Representatives Labor and Industry Committee vote in opposition to House Bill 349; and


**FURTHER RESOLVED**, that a copy of this Resolution shall be sent to members of the Commonwealth of Pennsylvania House of Representatives Labor and Industry Committee; and


**FURTHER RESOLVED**, that this Resolution shall be effective immediately.

**IN WITNESS THEREOF**, that the Lower Nazareth Township Board of Supervisors, Northampton County, Pennsylvania, has caused this Resolution to be adopted this 23rd day of October, 2019.

Lower Nazareth Township  
Board of Supervisors

Attest:

  
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Tammi Dravec, Secretary/Treasurer

  
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James Pennington, Chairman