

**BOROUGH OF NEWBURG  
CUMBERLAND COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 2016-008**

**A RESOLUTION OF THE BOROUGH OF NEWBURG,  
CUMBERLAND COUNTY, PENNSYLVANIA TO APPOINT  
THE PENNSYLVANIA MUNICIPAL CODE ALLIANCE,  
INC. AS THE BOROUGH'S ZONING OFFICER TO  
ADMINISTER AND ENFORCE THE ZONING,  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
FOR THE BOROUGH OF NEWBURG AND ANY  
REGULATIONS ADOPTED PURSUANT THERETO, AND  
TO RATIFY AND APPROVE AN AGREEMENT WITH THE  
PENNSYLVANIA MUNICIPAL CODE ALLIANCE, INC.  
FOR SUCH APPOINTMENT**

**WHEREAS**, pursuant to section 601 of Pennsylvania's Municipalities Planning Code, 53 P.S. § 10601, and section 1202(21) of the Borough Code, 8 Pa. C.S § 1202(21), the Borough of Newburg (the "Borough") has the authority to enact a zoning, subdivision and land use ordinance; and

**WHEREAS**, the Borough Council enacted a Zoning, Subdivision and Land Use Ordinance by Ordinance No. \_\_\_\_ of 1985, as amended by Ordinance No. 1 of 1994 (the "Zoning Code"); and

**WHEREAS**, the Borough wishes to administer and enforce the Zoning Code and requires the services of a qualified zoning officer and administrative staff to administer and enforce the Zoning Code; and

**WHEREAS**, pursuant to section XII of the Zoning Code, the Borough Council has the authority to appoint a zoning officer to enforce the Zoning Code and all rules, conditions, and requirements adopted or specified pursuant thereto; and

**WHEREAS**, the Borough desires to retain the professional services of the Pennsylvania Municipal Code Alliance, Inc. (the "PMCA"), and the PMCA desires to perform services for the Borough that include providing a qualified zoning officer to administer and enforce the Zoning Code; and

**NOW THEREFORE, BE IT RESOLVED**, by the Council for the Borough of Newburg as follows:

**SECTION 1.** The above recitals are incorporated herein by reference hereto.

**SECTION 2.** The Borough Council hereby appoints the PMCA as the Zoning Officer for the Borough responsible for administering and enforcing the Zoning Code and all rules, conditions, and requirements adopted or specified pursuant thereto.

**SECTION 3.** The Borough Council hereby ratifies and approves the Agreement between the Borough and the PMCA that defines the respective parties' rights and responsibilities

for the before mentioned appointment. A copy of the Agreement is attached hereto and incorporated herein.

**SECTION 4.** Any fees, expenses and costs that the PMCA charges the Borough to perform the duties of a Zoning Officer as specified in the Zoning Code shall be in accordance with the PMCA's fee schedule attached hereto as Exhibit "A" and incorporated into the Borough's Master Fee Schedule, as amended from time to time.

**SECTION 5.** The PMCA shall at all times when providing services to the Borough maintain a valid certification with the Pennsylvania Department of Labor and maintain error and omissions insurance in an amount of at least One Million Dollars.

**SECTION 6. Effective Date.** This Resolution shall become effective immediately.

**SECTION 7. Severability.** In the event any provision, section, sentence, clause, or part of this Resolution shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Resolution, it being the intent of Borough Council that such remainder shall be and shall remain in full force and effect.


**SECTION 8. Repealer.** All resolutions or parts of resolutions inconsistent herewith are expressly repealed.

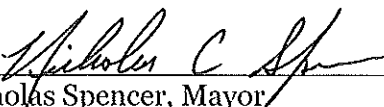
**DULY ADOPTED** this 19 day of September 2016 by the Borough Council for the Borough of Newburg, in lawful session duly assembled.

**ATTEST:**

  
\_\_\_\_\_  
Sara Rhine, Borough Secretary

**BOROUGH OF NEWBURG**

By:   
Susan Moose, President  
Borough Council

By:   
Nicholas Spencer, Mayor  
Borough of Newburg

**CERTIFICATION**

The undersigned hereby certifies that she is the duly appointed Secretary for the Borough of Newburg, Cumberland County, Pennsylvania and that the foregoing Resolution was adopted by the Borough Council at its regularly scheduled meeting held on \_\_\_\_ day of September 2016, which meeting was duly called and at which time a quorum was present and acting throughout, and that said Resolution has not been revoked or amended.

Dated: 9/19/16\_\_\_\_\_

By: \_\_\_\_\_  
Sara Rhine, Borough Secretary



Chambersburg Office: 380 Wayne Ave. Chambersburg, PA 17201 Phone: 717 496-4996  
Bedford Office: 125 S. Richard Street, Suite 102, Bedford, PA 16522 Phone: 814 310-2326  
Somerset Office: 318 Georgian Place, Somerset, PA 15501 Phone: 814 444-6112  
Email: [pmca@pacodealliance.com](mailto:pmca@pacodealliance.com) Website: <http://pacodealliance.com/>

## Hourly Zoning Fee Schedule

- 1) Ordinance and Inspection responsibilities charged at \$40.00 per hour standard rate.
- 2) Weekends, emergency calls, and evening meetings there is a minimum 3 hour charge.
- 3) PMCA will provide cell phone number and email address to the Municipality at their request. We will respond to inquiries within 24 hours when possible, 48 hours by contract.
- 4) PMCA can work on an as needed basis, set number of hours per week or month, or set office hours and times. Whatever your needs are, we will try to provide for you.
- 5) PMCA will maintain an office and normal office hours.

Location: 380 Wayne Avenue, Chambersburg, Pa. 17201  
Our office hours are: Monday through Friday, 8 am to 4 pm.  
Telephone 717 496-4996 Fax: 717 446-0586

8-19-16

