

**BOROUGH OF NEWBURG
CUMBERLAND COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2018-009

**A RESOLUTION OF THE BOROUGH OF NEWBURG,
CUMBERLAND COUNTY, PENNSYLVANIA TO APPOINT
COMMONWEALTH CODE INSPECTION SERVICES, 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
COMMONWEALTH CODE INSPECTION SERVICES, 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 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 Commonwealth Code Inspection Services, Inc. (the "CCIS"), and the CCIS 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 CCIS 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 CCIS 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 CCIS charges the Borough to perform the duties of a Zoning Officer as specified in the Zoning Code shall be in accordance with applicable agreements between the Borough and CCIS and incorporated into the Borough's Master Fee Schedule, as amended from time to time.

SECTION 5. The CCIS 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 21st day of May 2018 by the Borough Council for the Borough of Newburg, in lawful session duly assembled.

ATTEST:

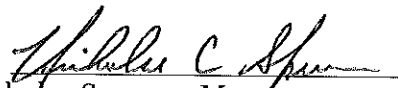


Sara Rhine, Borough Secretary

BOROUGH OF NEWBURG

By: 

Nathan Shoemaker, President
Borough Council

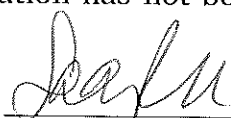
By: 

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 the 21st day of May 2018, 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: 5/21/18

By: 

Sara Rhine, Borough Secretary