

BOROUGH OF AVALON
RESOLUTION NO. 993

A RESOLUTION OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, ADOPTED PURSUANT TO 35 P.S. § 7210. 501 (RELATING TO ADMINISTRATION AND ENFORCEMENT) AND BOROUGH OF AVALON ORDINANCE NO. 1285, DESIGNATING AND RETAINING IN A NON-EXCLUSIVE CAPACITY, BUILDING INSPECTION UNDERWRITERS, INC., A THIRD-PARTY AGENCY, TO CONDUCT BUILDING INSPECTIONS IN THE BOROUGH OF AVALON PURSUANT TO THE PENNSYLVANIA CONSTRUCTION CODE, 35 P.S. §§ 7210.101 - 7210.1103 AND TO ACT ON BEHALF OF THE BOROUGH FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ACT; AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH TO EXECUTE A NON-EXCLUSIVE AGREEMENT WITH BUILDING INSPECTION UNDERWRITERS, INC. TO CONDUCT SUCH INSPECTIONS; AND REPEALING ALL INCONSISTENT RESOLUTIONS.

WHEREAS, Borough Council of the Borough of Avalon is authorized both by the Pennsylvania Construction Code Act, 35 P.S. § 7210.501 (relating to administration and enforcement) and Borough of Avalon Ordinance No. 1285 to designate and to retain one or more construction code officials or third-party agencies to act on behalf on the Borough for the administration and enforcement of the Act; and

WHEREAS, Borough Council is desirous of designating and retaining Building Inspection Underwriters Inc., in a non-exclusive capacity, to conduct building inspections in the Borough pursuant to the Pennsylvania Construction Code, 35 P.S. §§ 7210.101 - 7210.1103 and to act on behalf of the Borough for the administration and enforcement of the Act.

NOW THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Avalon and it is hereby resolved with the authority of the same that:

1. **Designation and Retention of Third-Party Agency.** The following third-party agency is hereby designated and retained in a non-exclusive capacity to conduct building inspections in the Borough of Avalon pursuant to the Pennsylvania Construction Code, 35 P.S. §§ 7210.101 - 7210.1103 and to act on behalf of the Borough for the administration and enforcement of the Act:

**Building Inspection Underwriters, Inc.
317 South Home Avenue
Pittsburgh, Pennsylvania 15202**

2. **Duration of Non-Exclusive Designation and Retention.** This non-exclusive designation and retention of Building Inspection Underwriters, Inc. to conduct building inspections and to act on behalf of the Borough for the administration and enforcement of the Act may be revoked at any time by the Borough upon the adoption of a Resolution.

3. **Reservation of Right by Borough to Designate and Retain Other Third-Party Agencies.** The Borough specifically reserves the right to designate and retain other third-party agencies at any time to conduct building inspections in the Borough pursuant to the Pennsylvania Construction Code, 35 P.S. §§ 7210.101 - 7210.1103 and to act on behalf of the Borough for the administration and enforcement of the Act.

4. **Authorization to Execute Agreement.** The proper officers of the Borough are hereby authorized to execute any and all documents necessary or advisable designating and retaining Building Inspection Underwriters Inc., to conduct building inspections in the Borough pursuant to the Pennsylvania Construction Code, 35 P.S. §§ 7210.101 - 7210.1103 and to act on behalf of the Borough for the administration and enforcement of the Act.

5. **Severability.** If a final decision of a court of competent jurisdiction holds any provision of this Resolution, or the application of any provisions of any circumstances of this Resolution to be illegal or unconstitutional, the other provisions of this Resolution, or the application of such provision to other circumstances, shall remain in full force and effect. The intention of the Borough Council is that the provisions of this Resolution shall be severable and that this Resolution would have been adopted if any such illegal or unconstitutional provisions had not been included.

6. **Conflict with Other Resolutions.** Any other Resolution or parts of Resolutions conflicting herewith be and the same are hereby repealed insofar as they conflict herewith.

7. **Effective Date.** The provisions of this Resolution shall be effective July 1, 2004 and shall remain effective until repealed.

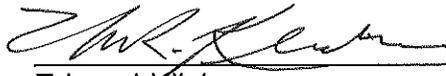
RESOLVED this 15th day of June, 2004.

ATTEST:

BOROUGH OF AVALON



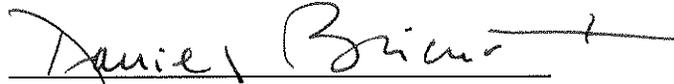
Harry W. Dilmore
Secretary



Edward Klicker
President
Borough Council

SEAL

THIS RESOLUTION examined and approved by me
this 15th day of June, 2004.



Mayor Daniel K. Bricmont, Esq.