

# CHAPTER I

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**PART 1**  
**ADMINISTRATIVE CODE**

**General Provisions**

§101 Short Title. This Part 1 shall be known and may be cited as the “Administrative Code.”

§102 Definitions. The following words, when used in this Part 1, shall, unless the context clearly indicates otherwise, mean or indicate as follows:

Administrative Code: the Administrative Code of the Municipality, as set forth in this Part 1 and any and all amendments and supplements thereto and modifications thereof.

Law: all applicable Acts of the Pennsylvania General Assembly and the Congress of the United States.

§103 Amendment. This Administrative Code may be amended by the Commission in accordance with provisions prescribed in §319 of the Charter.

§104 Interpretation and Enforcement.

104.1 In interpreting the provisions of the Code, the following rules shall apply:

104.1.1 Words used in the present tense include the future. The singular includes the plural and the plural the singular. The word “person” includes an individual, corporation, partnership, incorporated association or other similar entity.

104.1.2 The captions and section headings used in the Code are for convenience only and shall not control or affect the meaning or construction of any of the provisions of the Code.

104.1.3 Whenever a defined term is used, whether with initial capitalization or not, it shall be deemed to be used as defined in §104.2 of the Code.

104.1.4 Whenever the regulations in the Code are at variance with other lawfully adopted rules, regulations, ordinances, restrictions or covenants, that which imposes the most restrictive requirements shall govern.

104.2 When used in the Code, the following terms shall mean or indicate as follows, except when the context clearly indicates another meaning:

Charter: The Home Rule Charter of Mt. Lebanon, Pennsylvania.

Commission: The Commission of Mt. Lebanon, Pennsylvania, consisting of five (5) members elected by the qualified voters of Mt. Lebanon, Pennsylvania.

Commissioner: An individual member of the Commission.

Comprehensive Plan: The long-range Comprehensive Plan for Mt. Lebanon, Pennsylvania prepared in accordance with the Pennsylvania Municipalities Planning Code and originally adopted April 27, 1970, as amended or re-enacted thereafter.

Municipality: Mt. Lebanon, Pennsylvania, a Home Rule Municipal Corporation.

### 104.3 Enforcement.

104.3.1 General Penalty. Wherever in the Code any act is prohibited or is made or declared to be unlawful or an offense, or wherever in the Code the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefore, any Person violating any such provision of the Codes shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5) nor more than one thousand dollars (\$1,000) for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance and for water, air and noise pollution violations, and not exceeding six hundred (\$600) for a violation of any other ordinance for each offense. Each day any violation of the Code may continue shall constitute a separate offense.

104.3.2 Abatement of Nuisances. In addition to the penalties and other remedies herein provided, any condition caused or permitted to exist in violation of any of the provisions of the Code will be deemed a public nuisance and may be abated by the Municipality with the costs of such abatement borne by the person or entity owning the property upon which such condition may exist. Such costs will be collected for the use of the Municipality as debts by law are collectible or by a municipal claim or lien which may be filed as provided by law. Each day that such condition continues shall be regarded as a new and separate offense.

104.3.3 Actions at Law or in Equity. In addition to the enforcement provisions set forth hereinabove, the Municipality may institute, an appropriate action or proceeding at law or in equity against a Person responsible for violation of any of the provisions of the Code and request either or both of the following remedies:

104.3.3.1 To cease, correct or remove the violation.

104.3.3.2 To enforce the penalty provisions of the Code or seek other remedies as are just and reasonable.

104.3.4 Revocation of Permits. Any license or permit may be revoked by the Municipality for the violation by the licensee or permittee, or by any

Person operating under his direction or authority, of any provision of the Code, and such revocation may be in addition to any fine or penalty imposed for such violation.

104.3.5 Partners, Officials, Officers and Employees. Any partner, elected official, officer or employee of any partnership, association or corporation found in violation of any provision of the Code may be held individually liable for such violation upon a showing of knowledge on the part of such individual of the activity found to be an offense hereunder; and the Municipality may impose upon such individual any penalty hereinabove set forth in addition to any penalty imposed upon the partnership, association or corporation.

104.3.6 Exemption of Municipal Officials. No provision of the Code designating the duties of an officer or employee of the Municipality shall be so construed as to make such officer or employee liable for any fine or penalty for violation of such provision, unless the intention of the Commission to impose such a fine or penalty upon such officer or employee is specifically and clearly expressed in the provision creating or establishing the duties of such officer or employee.

104.3.7 Cumulative Penalties. Wherever the Code provides for alternative penalties or remedies, said penalties or remedies shall be cumulative and the imposition of any one such penalty or remedy shall not prevent the Municipality from invoking any other penalty or remedy provided therefore.

104.4 The provisions of the Code so far as they are substantially the same as those of ordinances and regulations in force immediately prior to the adoption of the Code, constitute a continuation of such ordinances and regulations in the form in which they appear in the Code and not a new enactment or repeal of those ordinances and regulations. The effectiveness of said ordinances and regulations and amendments thereto shall date from the date of their original enactment. The provisions of the Code shall not affect any act done or liability incurred under, nor shall they affect any suit or prosecution pending or to be instituted to enforce, any such prior ordinances or regulations.

## **Commission**

§105 General. The number of Commissioners, their terms, election and qualifications, the filling of Commission vacancies, and the Commission's authority shall be as provided by the Charter.

§106 Compensation. Each Commissioner shall receive a salary of three thousand five hundred dollars (\$3,500) per year, payable in quarterly installments. This salary may be changed as the Commission may from time to time ordain in accordance with §304 of the Charter.

§107 Indemnification and Personal Liability Insurance. The Municipality shall indemnify any member of the Commission who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Municipality) by reason of the fact that he is or was a member of the Commission against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the Municipality, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The Municipality shall provide insurance for the benefit of each member of the Commission insuring each such person from any liability asserted against him or incurred by him in any such capacity, in such amounts and with such limitations as the Commission shall deem appropriate.

§108 Organizational Meeting. The Commission annually shall organize at a meeting in the Municipal Building at the time and on the day specified in §310 of the Charter. If the President of the Commission for the preceding year is not, at this time, a member of the Commission, the Secretary of the Commission shall preside over the organizational meeting until a President is elected.

§109 Duties of the President and Vice President.

109.1 The President shall preside at all meetings of the Commission and shall have such duties and powers as are accorded to the presiding officer of the Commission by the Charter and this Administrative Code. The President shall serve as ceremonial head of the Municipality and shall be empowered to issue proclamations on behalf of the Municipality, but shall have no administrative duties or authority except as conferred upon him as a Commissioner.

109.2 In the absence of the President, the Vice President of the Commission shall assume the duties of the President. In the absence of both the President and Vice President, the Commission shall appoint a President Pro Tempore who shall have all the power and duties of the President.

§110 Meetings.

110.1 Regular Meetings. The Commission shall meet regularly at 8:00 P.M. on the second Tuesday of each month at the Municipal Building or at such other place as the Commission may designate. If the second Tuesday of a month is a legal holiday, the meeting shall take place on the first day following unless otherwise directed by the Commission. The Commission may adjourn to a stated time and day for general or special business.

110.2 Special Meetings. Special meetings may be called in the manner prescribed in §311 of the Charter.



- 110.3 Public Meetings. All regular, adjourned or special meetings of the Commission shall be open for public attendance with such exceptions as authorized by state law applicable to Home Rule Municipalities. The public shall be notified of such meetings in accordance with state law applicable to Home Rule Municipalities.
- 110.4 Agenda. The proposed agenda for any regular or adjourned meeting of the Commission shall be prepared by the Secretary of the Commission. The proposed agenda shall be provided to all Commissioners and posted for public display in a prominent place near the entrance to the Municipal Building, or posted to the municipal website, not later than forty-eight (48) hours prior to the scheduled time of the meeting. Although the Secretary shall make a reasonable effort to include all matters to be considered at a meeting in the proposed agenda, nothing in this section shall prohibit the Commission from adding or deleting items or deviating from the order shown on the proposed agenda without advance public notice.
- 110.5 The maintaining of records of Commission meetings, quorum requirements, and majority action requirements shall be as provided by the Charter.
- 110.6 Presence for Quorum. Except as provided in subsection §110.7, only Commission members physical present at a meeting place within the municipality shall be counted in establishing a quorum.
- 110.7 Telecommunication. Commission members may participate in Commission meetings by means of telecommunication devices, such as telephones or computer terminals, which permit, at a minimum, audio communication between locations, when the following conditions exist:
- 110.7.1 A majority of the membership of Commission then in office is physically present at the advertised meeting place within the Municipality and a quorum is established at the convening or reconvening of the meeting; provided, however, that in the case of an emergency meeting (as defined in the Pennsylvania Sunshine Act), a Commission member participating by telecommunication device will be counted as present and therefore counted toward a quorum as long as there is still a physical location where the public may attend the meeting. If, after the convening or reconvening of a meeting, a member has been disqualified from voting as a matter of law, but is still physically present, Commission members participating by telecommunication device in accordance with this section shall be counted to maintain a quorum.
- 110.7.2 The telecommunication device used permits the member or members of Commission not physically present at the meeting to:

110.7.2.1 Speak to and hear the comments and votes, if any, of the members of Commission who are physically present, as well as other members of Commission who may not be physically present and are also using a telecommunication device to participate in the meeting; and

110.7.2.2 Speak to and hear the comments of the public who are physically present at the meeting.

110.7.3 The telecommunication device used permits the members of Commission and the members of the public who are physically present at the meeting to speak to and hear the comments and the vote, if any, of the member or members of Commission who are not physically present at the meeting.

110.7.4 Participation by telecommunication device is permitted only for one or more of the following reasons:

110.7.4.1 Illness or disability of the member of Commission;

110.7.4.2 Care for the ill or newborn in the member's immediate family;

110.7.4.3 Emergency; and

110.7.4.4 Family or business travel.

110.7.5 The Commission must authorize the participation of a member by telecommunication device if the number per year exceeds three.

110.7.6 Nothing in this subsection shall be construed to limit the protections and prohibitions contained in any law or regulation relating to the rights of the disabled.

110.8 Voting. A member of the Commission shall not be disqualified from voting on any issue before the Commission solely because the member has previously expressed an opinion on the issue in either an official or unofficial capacity.

## §111 Rules of Procedure.

111.1 The current edition of "Robert's Rules of Order" shall be the official rules of procedure for the Commission. The Solicitor shall be responsible for advising the President of the Commission on the application and interpretation of the rules of procedure.

- 111.2 The roll call of Commissioners shall be called alphabetically, except that the President shall be called last. A Commissioner, who is present at the meeting, shall not abstain from voting unless he has disqualified himself from voting by reason of conflict of interest.
- 111.3 No Commissioner shall address the Commission until he has been recognized by the President. He shall address himself thereupon to the President and confine his remarks to the question under discussion.
- 111.4 The President may, when he deems it necessary for the expeditious handling of business, place a limit on the duration of time and number of times a Commissioner may speak on a motion or matter of business. Members of the public may address the Commission according to the direction and discretion of the President.
- 111.5 When a member of the public wishes to address the Commission, he shall be requested, upon recognition by the President, to step to the podium and state his name and address.
- 111.6 Any ruling by the President may be overruled by a majority vote of the Commissioners present and entitled to vote at a meeting.

§112 Order of Business.

- 112.1 The order of business for each meeting shall be as follows:
  - 112.1.1 Call to order
  - 112.1.2 Pledge of Allegiance to the Flag
  - 112.1.3 Roll call
  - 112.1.4 Citizen comments
  - 112.1.5 Approval of the minutes of the previous meeting
  - 112.1.6 Unfinished business
  - 112.1.7 New business
  - 112.1.8 Reports and other matters
  - 112.1.9 Adjournment
- 112.2 The President may deviate from the order of business unless overruled by a majority vote of the Commissioners present and entitled to vote at a meeting.

**Forms of Action by the Commission**

§113 General Requirements.

- 113.1 Official actions of the Commission may be taken by enactment of an ordinance, or adoption of a resolution or a motion, as prescribed by the Charter or other applicable law.

- 113.2 All actions specified in §319 and §320 of the charter and all other actions of a legislative character shall be in the form of an ordinance.
- 113.3 Ordinances authorizing non-electoral debt or lease rental debt shall be enacted according to the provisions of §321 of the Charter.
- 113.4 Every ordinance shall contain the date of its enactment, and its enactment shall be verified by the signature of the presiding officer of the meeting at which final action thereon was taken. The official seal of the Municipality shall be affixed to the original copy of each ordinance by the Secretary of the Commission. However, failure on the part of the presiding officer to sign an ordinance or affix the official seal shall not in any way invalidate an otherwise valid ordinance.
- 113.5 Any ordinance which repeals or amends an existing ordinance or part of the Mt. Lebanon Code, as defined by §325 of the Charter, shall set out in full the language to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.
- 113.6 Every proposed ordinance shall be submitted to the Commission in writing. No ordinance shall pertain to more than one general subject which shall be clearly expressed in the ordinance title. No ordinance shall be enacted at the same meeting at which it was introduced unless by special procedure according to §114.6 of this chapter.

§114 Ordinance Enactment Procedure.

- 114.1 Introduction. Any Commissioner may introduce a proposed ordinance at any regular, adjourned or special meeting of the Commission. At the time of introduction or prior thereto, copies of the proposed ordinance shall be distributed to each Commissioner. Upon introduction, the President shall set a date for a public hearing, if required, on the proposed ordinance.
- 114.2 Ordinance Number. Each proposed ordinance, when introduced, shall be assigned a bill number by the Commission Secretary by which the ordinance shall be identified throughout the enactment process. After enactment, the ordinance shall be assigned a permanent ordinance number.
- 114.3 Public Hearing. The President shall conduct a public hearing, in accordance with public notice provisions required by the Charter or other applicable Law, on all ordinances for which a public hearing is requested by a majority of the Commission. On the prescribed date the President shall conduct a public hearing at which any Commissioner, citizen or taxpayer may express his views upon the ordinance.

- 114.4 Amended Bills. Any bill under consideration by the Commission may be amended by a majority vote of the Commissioners present and entitled to vote. If in the opinion of the Solicitor the amended bill represents a significant change in the proposed ordinance, and the amendment to the bill either follows or occurs during the course of a required public hearing, then a further public hearing shall be held for the purpose of considering the amended bill.
- 114.5 Enactment. At a meeting subsequent to the meeting at which an ordinance is introduced, subject to §114.6, and after the public hearing, if required, any Commissioner may move for the enactment of the proposed ordinance by referring to the bill number. In the case of ordinances requiring a public hearing, the motion for enactment may be made at the same meeting as the public hearing or any subsequent meeting subject to the provisions of the Charter or other applicable Law. If the motion for enactment receives a second, the President shall call for a vote of the Commissioners present. If a nay vote is cast, the President shall direct the Secretary to call the roll of the Commissioners and, in the absence of a unanimous vote, record the vote of each Commissioner. The ordinance shall be enacted by a majority vote of the Commissioners present and entitled to vote, unless a greater vote is required by the Charter, this Administrative Code or other applicable Law.
- 114.6 Special Procedure. If it is necessary to enact an ordinance at the same meeting at which it is introduced, any member of the Commission may move for its enactment by special procedure. If the motion receives a second, the President shall direct the Secretary to call the roll and record the vote, in which event the ordinance shall be enacted by a vote of not fewer than four (4) Commissioners.
- 114.7 Publication of Ordinances. Within thirty (30) days of enactment, all ordinances shall be published one time in a newspaper circulating generally within the Municipality. As used in this section, the term “published” shall mean to print in a newspaper of general circulation in the Municipality:
- 114.7.1 The ordinance or brief summary thereof, and
  - 114.7.2 The place or places where copies have been filed and the times when they are available for public inspection.
- 114.8 Effective Date of Ordinances. Unless a later date is specified therein, or required by the applicable Law, all ordinances shall take effect on the tenth (10th) day after publication, except that the following ordinances shall take effect immediately:
- 114.8.1 The annual budget ordinance, and
  - 114.8.2 Any ordinance adopted by an affirmative vote of four (4) Commissioners declaring that the ordinance deals with an emergency situation.

- §115 Codification of Ordinances. The Commission Secretary shall cause enacted ordinances of a general or permanent nature to be incorporated annually, or more frequently if necessary, into the Mt. Lebanon Code as defined by the Charter. Any non-substantive numbering and stylization changes and grammatical corrections in any ordinance required for the preparation of said codification shall not invalidate any ordinance.
- §116 Codes of Technical Regulations. The Commission may adopt any standard code of technical regulation by reference thereto in an adopting ordinance.
- §117 Copies of Ordinance, Resolutions, Minutes and Other Similar Official Records. Copies of ordinances, resolutions, minutes and other official records shall be available to all persons requesting them upon payment of a reasonable reproduction charge.
- §118 Investigation. The Commission may make investigations into the affairs of the Municipality in accordance with the Charter.

### **Administration Organization**

- §119 General. Functional departments of the Municipal organization shall be created or abolished by the Commission as provided by the Charter or other applicable Law. Within these departments the organization of specific functions shall be the responsibility of each department director subject to the approval of the Manager. The highest ranking employee of each department shall be designated the “Director” except that the highest ranking employee of the Police and Fire departments shall be designated the “Chief.”
- §120 Manager. The Manager shall be the chief administrative officer of the Municipality. He shall be subject to appointment and removal by the Commission. During the tenure of his appointment he shall possess and exercise the powers and duties as prescribed by the Charter. The Manager’s compensation shall be as determined by the Commission in the annual salary ordinance. During the disability or temporary absence of the Manager, the Assistant Manager shall exercise the duties and have the authority of the Manager subject to §504 of the Charter.
- §121 Administrative Staff. The Manager, Assistant Manager, Directors and Chiefs of departments, and designated employees in charge of staff functions under the Manager, shall comprise the administrative staff of the Municipality. The administrative staff shall serve under the direction of the Manager and shall advise and consult with him upon all matters affecting the welfare of the Municipality or relating to any phase of the Municipal administration. The administrative staff shall deal with the Commission through the Manager, except in response to routine inquiry or in connection with investigation under §326 of the Charter. Employees in the various departments, except in response to routine inquiries or in connection with investigation under §326 of the Charter, shall deal with members of the Commission only through their Department Directors or Chiefs and the Manager.

§122 Department Directors.

122.1 Directors or Chiefs of departments of the Municipality shall be appointed by the Manager with the advice and consent of the Commission, solely on the basis of executive, administrative and technical qualifications appropriate to the duties of each department. A member of the administrative staff may serve as Chief or Director of more than one department. Directors or Chiefs of departments may be removed by the Manager with the advice and consent of the Commission.

122.2 Each Department Director or Chief shall:

122.2.1 Cooperate with other departments in furnishing them such service, labor and materials as may be requested by the Director or Chief of such other department, subject to such regulations as the Manager may prescribe.

122.2.2 Manage and supervise the activities and personnel of his department, establish objectives and standards for the performance of work and administer the operations of the department in an efficient manner for the effective providing of services.

122.2.3 Develop and recommend an annual budget and program plan for his department, approve and control the expenditure of funds within the department's approved budget, and report to the Manager on the operations and activities of the department.

122.2.4 Consult with and advise the Manager on the operation of the Municipality as it relates to his department and perform such other duties, activities and functions as the Manager may direct.

§123 Department Organization. The Municipality shall have the following departments with the functions, duties and responsibilities hereinafter described for each department. The Manager shall have the authority to assign temporarily duties and responsibilities among such departments.

123.1 Finance Department. The Department of Finance shall be responsible for all activities related to management of and accounting for Municipal funds including disbursements, collection of accounts receivable, investment of idle funds and the accurate reporting of the Municipality's finances. The Department is also responsible for all personnel and insurance management functions including payroll, personnel records, and pension and benefit programs.

123.2 Fire Department. The Fire Department shall be responsible for all activities related to fire suppression, fire inspection and prevention including the enforcement of the Fire Prevention Code, and maintenance of fire apparatus and facilities. The Department also supervises the activities of the Mt. Lebanon Volunteer Fire Company.

- 123.3 Public Works Department. The Department of Public Works shall be responsible for all activities related to maintenance and construction of municipal buildings, facilities and properties. The department also supervises streetlights and traffic signals; contracts for refuse collection, and coordinates activities with municipal engineers and utility companies.
- 123.4 Police Department. The Police Department shall be responsible for all activities related to the prevention and suppression of crime, apprehension of violators of the law, protection of life and property, and traffic and pedestrian safety.
- 123.5 Recreation Department. The Department of Recreation shall be responsible for all Municipal recreation programs including the operation and maintenance of the tennis center, golf course, ice rinks, public swimming pool and community rooms. The Department also plans park facilities.
- §124 Administrative Offices. The Manager may, within budget appropriations approved by the Commission, create such administrative staff offices as may be required to administer the operations and affairs of the Municipality.

### **Boards and Authorities**

#### §125 General.

- 125.1 Purpose of Boards and Authorities. The boards and authorities specified in this Administrative Code are created by the Commission for the purpose of providing advice, guidance, supervision for specialized programs of a continuing nature and serving as a board of appeals where specified to do so. Before the creation of any authority or board not in existence at the time this Administrative Code is enacted, the Commission first shall ascertain the feasibility of carrying out such special purpose by an existing department, board or authority.
- 125.2 Advisory Nature of Boards. Except where a board is otherwise designated under the Charter, this Administrative Code, or other applicable Law, boards shall have the authority and responsibility to make findings of fact, express opinions, and make recommendations to the Commission within the areas of responsibility assigned to such boards. Such findings of fact, opinions or recommendations shall be in writing.
- 125.3 Appointments and Removal of Members of Boards and Authorities. The appointment and removal of members of boards and authorities shall be the responsibility of the Commission. Whenever feasible, the Commission shall publicize vacancies on boards and authorities and solicit indications of interest from residents desiring to serve. Members of any board or authority shall be residents of the Municipality. Except as otherwise provided by applicable Law, a member of a board may be removed by the Commission at any time with or without cause. Members of authorities may be removed in accordance with the provisions of applicable law.



- 125.4 Terms of Membership. The term of membership on a board or authority shall be in accordance with this Administrative Code or other applicable Law. If a vacancy occurs on a board or authority during a term of membership, the Commission may fill the vacancy for the remainder of the unexpired term. The terms for all board members shall expire on a March 31st. The terms of authority members shall be as provided by the authority's respective Articles of Incorporation. Members shall continue to serve until their successors are appointed. Members of boards and authorities shall not serve more than two (2) consecutive terms of office on a board or authority unless specifically approved by the Commission.
- 125.5 Organizations of Boards. Each board, at its first meeting following March 31st of each year, shall elect one of its members to serve as chairman for the ensuing year and such other officers as a board may deem appropriate.
- 125.6 Rules of Procedure. Each board and authority shall establish certain written rules and procedures for operation. Copies of any such rules and procedures shall be placed on file in the Office of the Manager and provided to the Commission and, upon request, to any member of the general public.
- 125.7 Expenditure of Municipal Funds. Except as otherwise provided by the Charter, this Administrative Code or other applicable Law, no board or authority shall either expend Municipal funds or incur obligations respecting such funds without specific prior appropriation by the Commission. The Manager shall assign employees of the Municipality to serve as liaison to boards or authorities and shall provide staff services to such agencies.
- §126 Ad Hoc Boards. The Commission may, when it deems appropriate, appoint an ad hoc board to advise the Commission on a specific matter. Such boards shall be created for a definite term not to exceed one (1) year. Members of an ad hoc board shall be appointed for the life of the board and such board and its membership shall be subject to the provisions of this section on Boards and Authorities except as stated in this section. At the completion of its term, the board shall dissolve and the terms of its members expire unless the board is recreated and its members reappointed for a definite period not to exceed one (1) year. Members of ad hoc boards need not be residents of the Municipality.
- §127 Administrative Appeal Procedure. Whenever a section of any chapter of the Mt. Lebanon Code permits a right of appeal to the Commission, any board or other reviewing body pursuant to the procedures set forth in this §127, the exclusive procedure for perfecting said appeal shall be as follows:
- 127.1 Within 30 days from the date of the decision or other action from which the appeal is taken, the appellant shall file a Notice of Appeal with the Office of the Manager. The Notice of Appeal shall be in writing, shall state the current mailing address of appellant, shall briefly describe the action from which the appeal is taken and shall briefly set forth the grounds upon which the aforesaid action is being challenged.

- 127.2 Upon receipt of the Notice of Appeal, the Manager shall transmit the Notice of Appeal to the appropriate reviewing body, as set forth in the Mt. Lebanon Code section authorizing the appeal. The reviewing body shall schedule a time and place for a public hearing on the appeal, to be held no later than forty-five (45) days after the date on which the Notice of Appeal was filed with the Manager. At least several days prior to the scheduled hearing, the reviewing body shall notify the appellant of the time and place of the hearing by sending a Notice of Hearing by certified mail, postage prepaid, to appellant to the address set forth in the Notice of Appeal.
- 127.3 At the time of the public hearing, Appellant may appear in his own behalf or be represented by counsel or agent. Appellant shall have the opportunity to present evidence and argument and cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- 127.4 The reviewing body shall render a decision upon the appeal within forty-five (45) days from the date of the public hearing and within the same time period shall send a Notice of Decision by certified mail, postage prepaid, to Appellant at the address set forth in the Notice of Appeal.

§128 Civil Service Board.

- 128.1 Purpose. The purpose of the Civil Service Board shall be to hear appeals of disciplinary action and dismissals of all sworn police and fire employees, except for the highest ranking officer in each respective department, and to hear appeals by applicants for appointments and promotion to such positions.
- 128.2 Membership and Term. The Civil Service Board shall consist of three (3) members each appointed for a six (6) year term. The term of no more than one (1) member shall expire in any year. The Commission may appoint no more than three (3) alternate members to serve on the Board. The term of office of the alternate members shall be six (6) years. When seated pursuant to §128.4, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and alternates shall have all the applicable powers and duties set forth in this Administrative Code. Alternates shall hold no other office in the Municipality. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board unless designated as a voting alternate pursuant to §128.4.
- 128.3 Duties and Functions. The Civil Service Board shall be responsible for hearing appeals from police and fire employees covered by Civil Service rules and regulations. The subject of such appeals shall be limited to disciplinary actions or dismissals and to appeals by applicants for appointment to sworn police and

fire positions. The decision of the Board upon any such appeal shall be binding upon the Municipality. In connection with all appeals before the Board, the Board shall be empowered to subpoena and swear witnesses and all testimony shall be taken under oath or affirmation. Either an electronic or stenographic verbatim record of all appeal proceedings shall be maintained by the Board. All proceedings of the Board shall be pursuant to, and in accordance with, the Personnel Regulations of the Municipality (Part 3 of this Chapter), the Charter, this Administrative Code and the applicable Law.

- 128.4 Quorum. Three (3) members of the Board shall constitute a quorum. *If*, by reason of absence or disqualification of a member, a quorum is not reached, the chair shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially designated until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates. No action of the Board shall be valid unless it shall have the concurrence of at least two (2) members.

## §129 Board of Appeals.

- 129.1 Purpose. The purpose of the Board of Appeals is to review codes in force affecting construction in the Municipality; to review the Municipality's present and projected policies and procedures for enforcement of those codes; to advise the Commission in connection therewith; and to hear and rule on appeals, requests for variances and requests for extensions of time under the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101 - 7210.1103, as amended from time-to-time, and its regulations and the Uniform Construction Code, contained in 34 Pa. Code, Chapters, 401 - 405, as amended from time-to-time, and as enacted by the Municipality.
- 129.2 Membership and Term. The Board of Appeals shall consist of five (5) members, each appointed for a five (5) year term. The initial terms of the members of the Board shall be as follows: (i) one (1) member of the Board shall be for one (1) year, (ii) one (1) member of the Board shall be for two (2) years, (iii) one (1) member of the Board for three (3) years, (iv) one (1) member of the Board for four (4) years, and (v) one (1) member of the Board for five (5) years. Each member of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspector or plan reviewer.
- 129.3 Duties and Functions. The Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time under the Code. The Board of Appeals shall also review annually all building, fire prevention,

minimum property standards or other codes designated by the Commission for the Board's review which may now or hereafter exist within the Municipality and all present, projected and proposed policies and procedures for the enforcement of such codes; shall bring to the attention of the Commission problems and enforcement of such codes; shall bring to the attention of the Commission problems and developments in this area as they feel should be considered, together with their advice and recommendations with respect thereto; and shall serve as the Board of Appeals provided in §129.1.

§130 Community Relations Board.

- 130.1 Purpose. The purpose of the Community Relations Board is to encourage compliance with all Laws, federal and state, respecting the rights of citizens; to educate the citizenry with respect thereto; to function in a conciliatory manner regarding problems which may arise regarding citizen rights; to establish a position of community leadership with respect to all matters of community relations among citizens; and to advise the Commission in connection therewith.
- 130.2 Membership and Term. The Community Relations Board shall consist of not fewer than five (5), nor more than seven (7), members, each appointed for a three (3) year term. Five (5) members shall be appointed by ward and two (2) members shall be appointed at large. The terms of not more than three (3) members shall expire during any year.
- 130.3 Duties and Functions. The Community Relations Board shall inform itself concerning all programs and functions which may now or hereafter exist within the Municipality coming within the aforementioned purpose; shall make such studies and investigations as appear helpful; shall investigate complaints and hold hearings as deemed appropriate; shall attempt to conciliate any problems which may develop in the area of citizens' rights either by invitation or when the Board believes it should be active without invitation; and shall bring to the attention of the Commission such problems and developments in this area as it feels should be considered by the Commission, together with its advice and recommendations with respect thereto. The Board shall endeavor to inform the community with respect to the rights of all citizens by conducting educational programs and distributing informative material. The Board shall file a report in writing with the Commission annually.
- 130.4 Councils. To determine needs in special areas and to recommend to the Commission suitable approaches to meeting these needs, the Community Relations Board may work through broad-based citizen councils. Such councils shall be created with the approval of the Commission and members shall be appointed by the chairman of the Community Relations Board with the approval of the Commission.

§131 Economic Development Council.

- 131.1 Purpose. The purpose of this board is to encourage community wide economic and community development by developing and maintaining a program for business assistance, establishing positive working relationships with the local business community, acting as a business advocate, using financial and other incentives to attract new business and encourage reinvestment, undertaking strategic planning of key commercial corridors, providing recommendations to the Commission on administrative policies and procedures, funding considerations, and regulatory changes relative to development, maintaining an information and database of key socio-economic factors influencing the local economy, providing development guidance and overseeing major new developments, undertaking studies necessary to define needs and opportunities, identifying infrastructure needs necessary to promote growth, and marketing, advertising and promoting Mt. Lebanon as a business location.
- 131.2 Membership and Term. The Economic Development Council shall consist of not less than five (5), nor more than seven (7), members each appointed for a four (4) year term. The terms of no more than three (3) voting members shall expire during any year. A member of the Commission shall serve as an ex-officio member. A member of the Commission shall serve as the Liaison to the Economic Development Council. The President/Chair of the Mt. Lebanon School Board, Mt. Lebanon Partnership, Uptown Business Association, Beverly Road Business Association, South Hills Chamber of Commerce, Planning Board, Historic Preservation Board and up to three (3) at large members to be selected by the Commission shall join the Economic Development council as **non-voting** members who share the same term as voting members. The President/Chair of the above mentioned organizations shall have the option of providing a delegate/representative from their respective organizations in lieu of the President/Chair.
- 131.3 Duties and Functions. The duties and functions of the Economic Development Council shall be as described in §131.1. The council shall also be responsible for advising the Commission as to the implementation of annual work plans developed by the Economic Development Council.

§132 Environmental Sustainability Board.

- 132.1 Purpose. The purpose of the Environmental Sustainability Board is to advise the Commission on matters relating to environmental sustainability and energy efficiency, including those programs, goods and services which are environmentally proactive.
- 132.2 Membership and Term. The Environmental Sustainability Board shall consist of seven (7) members each appointed for a three (3) year term. The initial terms of board members shall be one (1), two (2) and three (3) years. No more than three (3) members' terms shall expire in any one year. Effective October 1, 2014, all members shall be appointed by the Municipality.

132.3 Duties and Functions. The duties and functions of the board are to explore programs and practices that promote environmental awareness; recommend implementation strategies for energy efficiency (conservation) and environmentally improved practices for municipal and school departments, facilities and programs; monitor municipal and school environmental efforts; and promote environmental and energy awareness in the community.

§133 Equal Opportunity Board.

133.1 Establishment. There is hereby established the Equal Opportunity Board of Mt. Lebanon. It shall be composed of five (5) members, who shall be residents of Mt. Lebanon and shall be appointed by the Mt. Lebanon Commission. Members shall serve without compensation, except for payment of expenses. In the event the requirements of the position and/or availability of volunteers cannot be found within Mt. Lebanon then the members need not be residents of Mt. Lebanon but must be either a Mt. Lebanon taxpayer, maintain a business, be employed or go to school in Mt. Lebanon.

Members shall be eighteen (18) years or older. The Mt. Lebanon Commission shall initially appoint a member to serve a one-year (1) term, a two-year (2) term, a three-year (3) term, a four-year (4) term, and a five-year (5) term. Thereafter all terms shall be five-year (5) terms. The Mt. Lebanon Commission may remove members at any time for any reason.

133.2 Powers and Duties. The Board is hereby vested with the authority to administer and enforce this Ordinance and to carry out the following powers and duties:

133.2.1 To meet and function at any place within Mt. Lebanon;

133.2.2 To adopt, promulgate, amend and rescind rules and regulations to effect the policies and provisions of this Ordinance and to make recommendations to the Mt. Lebanon Commission thereof to effect such policies;

133.2.3 To initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices in violation of this Ordinance taking place within Mt. Lebanon.

133.2.4 To study the problems of discrimination and foster, through community effort or otherwise, good will among the groups and elements of the population of Mt. Lebanon;

133.2.5 To issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination.

- 133.2.6 From time to time, but not less than once a year, to report to the Mt. Lebanon Commission describing in detail the investigations, proceedings, hearings and studies it has conducted and their outcome, the decisions it has rendered and the other work performed by it, and make recommendations for such further legislation concerning abuses and discrimination.
- 133.2.7 The exercise of any powers and duties are subject to and contingent upon the following: (i) the Board must have a minimum of three (3) active members; (ii) the Mt. Lebanon Commission will have budgeted adequate funds for the Board to function; (iii) the Manager will have provided adequate staff for the Board to function; (iv) the Board will have adopted proper procedures and regulations as are necessary and desirable for it to function, which procedures and regulation have been approved by the solicitor; (v) the powers and duties to be exercised are not the responsibility of or have been delegated to another party such as the Pennsylvania Human Relations Commission, through a work sharing agreement or memorandum of understanding or otherwise, and (vi) the Mt. Lebanon Commission has certified to the Board that it is not pursuing such an agreement or memorandum and, in such event, the Mt. Lebanon Commission will have also certified which, if any, powers and duties the Mt. Lebanon Commissioners wish the board to exercise.

§134 Historic Preservation Board.

- 134.1 Purpose. The purpose of the Historic Preservation Board is to advise the Commission on matters relating to historic preservation and to perform related functions upon request by the Commission.
- 134.2 Membership and Term. The Historic Preservation Board shall consist of seven (7) members. The initial terms of members of the Board shall be as follows: (i) two (2) members of the Board shall be for one (1) year, (ii) two (2) members of the Board shall be for two (2) years.
- 134.3 Duties and Functions. Perform such additional functions and duties as may be requested to assist the Commission to review planning and zoning issues related to the historic character of the Municipality.

§135 Hospital Authority.

- 135.1 Purpose. The purpose of the Hospital Authority is to increase and improve the health and safety of the residents of Mt. Lebanon by exercising any or all of the powers conferred upon hospital authorities under the applicable Law.
- 135.2 Membership and Term. The Hospital Authority shall consist of five (5) members, each appointed for a five (5) year term. The term of no more than one (1) member shall expire during any year.

135.3 Duties and Functions. The duties and functions of the Hospital Authority shall be those defined in the Authority's Articles of Incorporation and in its bylaws and operating rules.

§136 Library Board.

136.1 Purpose. The purpose of the Library Board is to serve as an administrative board responsible for the operation of the Municipal library system as prescribed by Law.

136.2 Membership and Term. The Library Board shall consist of seven (7) members, each appointed for a three (3) year term. The term of no more than two (2) members shall expire during any year.

136.3 Duties and Functions. The Library Board shall have the duties, powers and responsibilities prescribed by the applicable Law. The Board shall be responsible for all library functions, setting policy, supervising the budget and establishing any other rule or regulation which the Library Board has the power to adopt for its own organization and procedure as is customary, advisable and consistent with the Charter, this Administrative Code and the applicable Law; provided, however, that notwithstanding anything in this §135, all Library personnel will be subject to all Municipal rules, regulations and policies, including the Manager's power to appoint, suspend or remove said personnel. The Manager will exercise such power in a similar manner as this power is exercised with respect to Municipal departments, treating the Library Board/Director similar to a department director, and including that the Manager or the Manager's designee will provide human resources services for Library personnel.

§137 Parking Facilities Advisory Board.

137.1 Purpose. The purpose of the Parking Facilities Advisory Board is to advise the Commission on parking matters and how facilities should be made available in Mt. Lebanon.

137.2 Membership and Term. The Parking Facilities Advisory Board shall consist of such members as are appointed by the Commission from time-to-time, each appointed for a three (3) year term. The term of the initial members shall be set by the Commission so as to be staggered in order to expire evenly.

137.3 Duties and Functions. The purposes of the board are to: Review parking studies and plans; review information concerning parking demands and facilities repairs/replacement issues; review and recommend new technology that would improve efficiency of the parking operation; meet with property and business owners in the commercial district to review parking facilities problems and opportunities; recommend a five (5) year capital improvement plan; recommend strategies for more efficient use of parking resources; and perform such other functions and duties as may be requested by the Commission from time-to-time.



§138 Parks Advisory Board

- 138.1 Purpose. The purpose of the Parks Advisory Board is to deal with issues related to parks and other public open space in Mt. Lebanon.
- 138.2 Membership and Term. The Parks Advisory Board shall consist of seven (7) members, each appointed for a three (3) year term. Effective January 1, 2001, the seven (7) member's terms shall be initially established on a staggered basis as follows:

Number of Members	Length of Term in Years
3	3
2	2
2	1

The terms of the members shall be determined by a lot at the first board meeting after adoption of this ordinance. All subsequent terms shall be of three (3) years in duration.

- 138.3 Duties and Functions. The duties and functions of the board are to inventory park and existing facilities, review park programming, recommend utilization of parks by resident groups, recommend policies for park aesthetics and physical development, promote education/involvement of the community in resource preservation and organize clean-up programs. Additionally, the board may recommend fund-raising for improvements, promote public/private partnership projects and make recommendations for municipal budgetary considerations.

§139 Pension Investment Advisory Board.

- 139.1 Purpose. The purpose of the Pension Investment Advisory Board is to review the performance of the investments held by the pension plans, recommend changes to those investments as necessary and generally advise the Commission on matters related to the performance of pension investments.
- 139.2 Membership and Term. The Pension Investment Advisory Board shall consist of five (5) members each appointed for a three (3) year term.
- 139.3 Duties and Functions. The duties and functions of the board are to review the performance of the pension plan investments on a quarterly basis and recommend any changes in investments to the Commission; periodically review the performance of the fund money managers and make appropriate recommendations; advise the Commission on the appropriateness of policies related to pension investments, such as the asset allocation plan; and generally recommend to the Commission the means by which the performance of the pension investments can be improved. At all times while performing its work the Board shall be cognizant of the purpose of the invested funds.

§140 Planning Board.

- 140.1 Purpose. The purpose of the Municipal Planning Board shall be to review plans presented to the Municipality for construction, development, or redevelopment and to make recommendations on those plans to the Commission; to prepare and maintain a Comprehensive Plan for development and redevelopment in the Municipality; and to review and make recommendations on any matter involving planning or zoning within or affecting the Municipality.
- 140.2 Membership and Term. The Municipal Planning Board shall consist of five (5) members, each appointed for a four (4) year term. The terms of no more than two (2) members shall expire during any year. Members of the Planning Board shall hold no other Municipal office.
- 140.3 Duties and Functions. The Municipal Planning Board, at the request of the Commission, shall have the authority to:
- 140.3.1 prepare the Comprehensive Plan for the development of the Municipality and present it for the consideration of the Commission;
  - 140.3.2 make recommendations to the Commission concerning the enactment or amendment of the zoning regulations and official map;
  - 140.3.3 make recommendations to the Commission concerning the enactment or amendment of a redevelopment code and its administration;
  - 140.3.4 prepare and recommend subdivision and land development regulations;
  - 140.3.5 promote public interest in and an understanding of the Comprehensive Plan, community development and planning generally;
  - 140.3.6 hold public hearings and meetings relating to matters within its area of responsibility;
  - 140.3.7 obtain from other departments and boards of the Municipality such available information as relates to the work of the Planning Board;
  - 140.3.8 enter upon any land to make examinations and surveys with the consent of the owner; and
  - 140.3.9 perform such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by the Commission, the Pennsylvania Municipalities Planning Code or other applicable Law.

§141 Sports Advisory Board

- 141.1 Purpose. The purpose of the Sports Advisory Board is to advise the Commission on how to improve the sports programming and facilities available in Mt. Lebanon.
- 141.2 Membership and Term. The Sports Advisory Board shall consist of such members as are appointed by the Commission from time-to-time, each appointed for a three (3) year term. The term of the initial members shall be set by the Commission so as to be staggered in order to expire evenly. There shall be **up to** thirteen (13) voting members of the Board that will consist of (i) eleven (11) members chosen from any sports organization recognized by the Commission and/or the Parks Board; and (ii) two (2) at-large positions. The Municipality and the School District will also be able to provide a liaison and staff members, all of whom shall be non-voting members. Any Parks Board representative shall be non-voting.
- 141.3 Duties and Functions. The duties and functions of the Sports Advisory Board shall be to review and advise on sports-related facilities and services in Mt. Lebanon. Specific areas for review shall include: to recommend possible changes and improvements to sports-related facilities; to assist in the continued safe provision of athletic opportunities to Mt. Lebanon residents; to receive and consider public comment and other public input regarding sports facilities and services; and to support and promote programs and services.

§142 Traffic Board.

- 142.1 Purpose. The purpose of the Traffic Board shall be to review traffic regulations and controls and to make recommendations to the Commission on such controls and regulations.
- 142.2 Membership and Term. The Traffic Board shall consist of seven (7) members, each appointed for a three (3) year term. The terms of no more than two (2) members shall expire during any year. Appointments shall be made such that at least one member on the board shall be from each ward in the municipality.
- 142.3 Duties and Functions. It shall be the duty of the Traffic Board to consult in the preparation of traffic studies, to receive and investigate complaints regarding traffic matters, and to recommend to the Commission and the Manager ways and means for improving traffic conditions and the administration and enforcement of traffic Laws.
- 142.4 Appeals. The Traffic Board is also authorized to hear and determine appeals of parking tickets as established under Article X. The Traffic Board may establish procedures for the hearing of these appeals, which procedures may include having the appeals heard and determine by one or more of the members of the Traffic Board.

§143 Zoning Hearing Board.

- 143.1 Purpose. The purpose of the Zoning Hearing Board shall be to hear and decide requests and appeals filed pursuant to the provisions of the Zoning Chapter.
- 143.2 Membership and Term. The Zoning Hearing Board shall consist of three (3) members, each appointed for a three (3) year term. The term of no more than one (1) member shall expire during any year. Members of the Board shall hold no other office in the Municipality. Alternate members of the Zoning Hearing Board may be appointed in accordance with the provisions of the Pennsylvania Municipalities Planning Code, as amended.
- 143.3 Compensation. Members of the Board shall be compensated for their services as follows:
- 143.3.1 ten dollars (\$10) to each Board member attending each hearing;
- 143.3.2 an additional ten dollars (\$10) to the Board member writing the opinion on each hearing.
- 143.4 Duties and Functions. According to the provisions of §1302 of the Home Rule Charter, the Zoning Hearing Board shall conduct hearings and render decisions on zoning matters such as appeals from the Zoning Officer, challenges to the validity of any provision of the Zoning Chapter including the Zoning District Map, and requests for variances and special exceptions as conferred upon it by Law.

**Budget and Fiscal Matters**

- §144 Annual Budget. Preparation, submission, adoption and amendment of the annual budget shall be in accordance with §§901 to 907 of the Charter.
- 144.1 The Manager’s annual recommended budget, as well as the final approved annual budget, shall include an appropriate level of funding (as determined by the Commission) for the street reconstruction program, which funding level is designed to maintain the Municipality’s streets at an “acceptable” Overall Condition Index rating throughout the length of the Annual Street Reconstruction Program (as determined by the Municipal Engineer).
- 144.2 Appropriations and amendment of the Budget. At any time during the fiscal year, the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency; and, upon written request by the Manager, the Commission may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

144.3 The General Fund. The Manager's recommended Budget and the final Budget adopted by the Commission shall address the General Fund in the following manner:

144.3.1 In accordance with the new GASB 54 fund balance standards, the Municipality shall operate the general fund with the following categories:

144.3.1.1 Non-spendable: inherently not able to be spent, because it is either not in spendable form or is required to be maintained intact.

144.3.1.2 Restricted: externally enforceable limitations on use. Limitation on use placed by external parties, such as by contract. Can only be undone by source of restrictions.

144.3.1.3 Committed: self-imposed limitations involving Commission action by ordinance. Can only be undone by same action.

144.3.1.4 Assigned: intended as limitation. Commission or management action indicating intent to use resources in any certain way. Can be undone and re-directed at any time.

144.3.1.5 Un-assigned: residual net resources. Unassigned balances are available for expenditure.

144.3.2 The unassigned fund balance shall have a goal of twelve percent (12%) of total expenditures. The unassigned fund balance goal shall be progressively increased above the twelve percent (12%) with the target being fifteen percent (15%).

144.3.3 The unassigned fund balance shall not fall below ten percent (10%) of total expenditures without corrective action.

144.3.4 If the unassigned fund balance does fall below ten percent (10%) of total expenditures, the Manager shall present a plan for the restoration of the unassigned fund balance. This plan shall include the following:

144.3.4.1 the reason for the fund balance shortfall (e.g. general operations or unexpected event);

144.3.4.2 a reasonable yet aggressive time period for restoration, possibly with interim targets;

144.3.4.3 the long-term forecast and economic conditions facing the Municipality; and

- 144.3.4.4 the impact of the shortfall on the Municipality's rating and future debt issuance.
- 144.3.5 If the unassigned fund balance is projected to be below ten percent (10%) for a budget year, the Manager's proposed budget and the final budget approved by the Commission shall include a reasonable contribution to the unassigned fund balance and shall continue to do so annually until the fund minimum is restored to the ten percent (10%) level as efficiently as possible.
- 144.3.6 The Commission may by resolution adjust the aforesaid percentages by resolution in response to any applicable rating agency or GASB standards. For purposes of this Ordinance, the percentage calculations of operating expenditures include debt and capital expenditures.
- 144.3.7 The unassigned fund shall be used in accordance with the following:
  - 144.3.7.1 it cannot be used for regularly scheduled and reoccurring operational expenditures, except for pension shortfalls prior to fiscal year 2015.
  - 144.3.7.2 can be used for non-debt capital items as long as the municipal budget otherwise meets its minimum capital funding for the year as set forth in §144.6.
  - 144.3.7.3 can be used to cover operational expenditures not budgeted for a year that are due to unforeseen circumstances. In such a case, if the budget in the following year also includes such expenditures, said expenditures must be in part of normal operational expenditures, and will not rely on the use of the unassigned fund balance.
  - 144.3.7.4 for other uses as directed by the Commission.
- 144.4 Balanced Budget. The Commission hereby establishes the following policies related to the balancing of the budget:
  - 144.4.1 Operational expenditures of the General Fund plus Debt Service must be budgeted to be paid for solely by General Fund Revenues and transfers in from other funds, exclusive of the use of unassigned fund balance. Operational expenditures include all Pension plan obligations for employees.
  - 144.4.2 In the event of a material unforeseen emergency situation that increases budgeted operational expenses, the Commission may assign funds from the unassigned fund balance; provided, however, that if such situation

may occur in the following year, that such expense will be budgeted and the assignment from the unassigned fund balance must be eliminated in the following year's budget.

- 144.4.3 The Commission must adopt a fiscal plan that incorporates all Pension plan obligations into the Operating budget completely no later than fiscal year 2015.
  - 144.4.4 No decrease in projected tax collections shall be permitted in any Municipal budget that is dependent upon use of unassigned fund balance.
  - 144.4.5 All new, multiyear service level increases must propose how this enhanced level of service will be paid for. Such designation could be through a transfer of existing general fund sources, an increase in general fund revenues, grants or other non-general fund resources obtained to pay specifically for that expenditure, or some other method that covers the ongoing cost without use of unassigned fund balance.
- 144.5 Debt. The Commission hereby establishes the following policies related to the issuance of debt by the Municipality:
- 144.5.1 Debt shall not be used to finance ongoing operational costs.
  - 144.5.2 Whenever possible, the Municipality shall pursue alternative sources of funding in order to minimize the overall level of debt incurred.
  - 144.5.3 Long-term general obligation debt may be incurred when necessary to fund the Capital Improvement Program (CIP) or other necessary capital projects. Debt funding shall be limited to those capital projects for which there is no other alternative funding and when there is a current or near-term need for the project. The proposed debt service structure will be analyzed as to its impact on the capital as well as operating budget.
  - 144.5.4 The maturity date of any debt shall not exceed the reasonable expected useful life of the project financed.
  - 144.5.5 The Municipality will abide by the requirements of the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, the debt provision(s) outlined in the Mt. Lebanon Home Rule Charter, as well as applicable Federal and State legislation.
  - 144.5.6 The Municipality shall typically request quotations for financial advisory and bond counsel services.

- 144.5.7 When selling bonds to finance capital projects the Municipality will typically seek competitive bids or a competitive Internet sale. The Municipality may negotiate bond issues when it is deemed to be in the best interests of the Municipality, for example with interest rate sensitive refunding.
- 144.5.8 The Municipality shall encourage and maintain good relations with financial institutions, municipal bond insurers and bond rating agencies.
- 144.5.9 Generally, variable rate debt should be used only as a source of interim or construction financing, financing of equipment with a useful life of five years or less, and short-term financing of debt service. In the event variable rate debt is used, the variable rate debt shall be refunded as a part of the next long-term bond issuance, unless impractical or not in the best interest of the Municipality.
- 144.5.10 The Municipality may consider using Tax and Revenue Anticipation Notes as short-term debt instruments to manage cash flow needs or emergency situations.
- 144.5.11 The Municipality will continually review its outstanding debt issues to take advantage of refunding opportunities.

144.6 Capital Expenditures in the Budget.

- 144.6.1 The Manager's recommended budget and the final budget approved by the Commission shall include a Minimum Level of capital items to be paid for by General Fund Revenues ("Capital Items"). Capital Items will be specifically designed to maintain existing service levels and operations, and may not be funded with debt. "Minimum Level" shall generally mean an amount equal to an average of the lower two of the prior three years of actual expenditures of such Capital Items. The determination of the Minimum Level of Capital Items shall not include any funds used or required for the Annual Street Reconstruction program.
- 144.6.2 The Manager shall schedule a Capital Investment Discussion and Hearing each year upon receipt of the prior year's final financial statements. The purpose of such hearing will be to debate the use of any funds in excess of the Minimum Level and the levels set forth in §142.3 in the unassigned fund and to consider any use of debt to finance large scale capital items. Large scale Capital Items shall mean such items that maintain current operations and any enhancements thereto that are detailed in the Municipal Capital Improvement Plan or other relevant planning documents.



§145 Capital Improvement Program. Preparation, submission and adoption of the capital improvement program shall be in accordance with §§910 and 911 of the Charter.

145.1 The portion of the Capital Improvement Program that provides for street reconstruction may not be financed with debt. The Commission may not adopt a Capital Improvement Program where street reconstruction is financed with debt.

145.2 The portion of the Capital Improvement Program that provides for street reconstruction may not be increased when compared with the prior year, for any year in which there is an increase in real estate taxes when compared with the prior year. The Commission may not adopt a Capital Improvement Program where the amount set aside for street reconstruction increases over the amount set aside in the previous year's program, unless there is no increase in real estate taxes for the year. For purposes hereof, an increase in real estate taxes will be determined solely by a comparison in millage rates.

145.3 The Capital Improvement Program shall include an appropriate level of funding (as determined by the Commission) for the street reconstruction program, which funding level is designed to maintain the Municipality's streets at an "acceptable" Overall Condition Index rating throughout the length of the Annual Street Reconstruction Program (as determined by the Municipal Engineer).

§146 Payment of Funds.

146.1 No payment of any funds of the Municipality shall be made unless provided for in the budget; provided, however, that payroll and utility expenditures may be paid at the direction of the Manager when based on prior ordinance or contract.

146.2 All checks or drafts of the Municipality shall be signed by the Manager or Acting Manager and shall be countersigned by the President or Vice President of the Commission, and by the Treasurer or Acting Treasurer. A facsimile signature may be used with the approval of the signatory.

§147 Investment of Funds. The Manager or his designated agent shall have full authority to invest, redeem and reinvest funds available but not immediately required for Municipal operations. Such investments shall be made only in securities backed by the full faith and credit of the United States Government, by the Federal Deposit Insurance Corporation, by the Federal Savings and Loan Insurance Corporation, or by the pledges of assets of the type and valuation as provided by Law.

Temporary investments may also be made in bank certificates of deposit secured by fully pledged collateral and repurchase agreements for United States Government or other allowable securities, except that pension funds under the control of a trustee shall be exempt from this section.

§148 Municipal Official and Employee Bonds.

148.1 Bond Requirement. Before entering upon the duties of their respective offices or positions, the Treasurer, the Manager, the Director of Finance, the Solicitor and such other officers, agents or employees of the Municipality as the Commission may designate shall execute as principal and file with the Municipality a public official's bond in the manner prescribed by §1505 of the Charter.

148.2 Bond Amounts. Municipal officials and employees shall be bonded for the honest and faithful performance of their duties. The minimum amounts of these bonds shall be:

148.2.1 Treasurer ..... \$500,000

148.2.2 Manager ..... \$ 25,000

148.2.3 Director of Finance ..... \$ 25,000

148.2.4 Solicitor..... \$ 25,000

148.2.5 All other Municipal employees shall be covered by a blanket honesty bond in an amount established from time to time by the Commission.

148.3 Purchase of Bonds. All bonds for public officials and employees of the Municipal government shall be purchased by the Municipality through competitive bidding. The cost of such bonds shall be borne by the Municipality.

148.4 Public Officials and Employee Indemnity. The Municipality shall indemnify the Manager, Department Directors, Inspection Employees, the Planner, the Solicitor, and the Engineer in the event such employees are a party or are threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Municipality) by reason of the fact that such employee is or was a member of the administrative staff against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in, or not opposed to, the best interests of the Municipality, and with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The Municipality shall provide insurance for the benefit of each such employee insuring each such employee from any liability asserted against him or incurred by him in any such capacity, in such amounts and with such limitations as the Commission shall deem appropriate.

## **Purchasing System**

- §149 **Requirements.** All contracts and purchases of the Municipality involving sums in excess of an amount equal to one-tenth of one percent (.001) of the current year's general fund budget shall be in writing and shall be executed on behalf of the Municipality by the President of the Commission or, in his absence, the Vice President of the Commission, and attested by the Manager, or, in his absence, the Acting Manager. The President, or Vice President, and Manager, or Acting Manager, shall also execute all contracts, regardless of amount, for the purchase, sale, leasing, or use of real estate. Unless otherwise provided by ordinance, the Manager shall execute written contracts on behalf of the Municipality involving sums of less than an amount equal to one-tenth of one percent (.001) of the current year's general fund budget pursuant to budget or other prior authorization. Authorization for contracts for the construction of public capital improvements shall be given by ordinance. Any officer required to execute a written contract may request the Solicitor to approve the same as to form.
- §150 **Purchasing System.** The Manager shall establish and administer a purchasing system which shall provide the regulations, policies and procedures covering the acquisition of goods and services of the Municipality subject to the provisions of this Administrative Code. Such purchasing system shall cover all purchases made by the Municipality except:
- 150.1 Purchases made by boards and authorities of the Municipality.
  - 150.2 Labor or services rendered by any Municipal officer or employee.
  - 150.3 Labor, materials, supplies or services furnished by one Municipal department to another Municipal department.
  - 150.4 The purchase or lease of real estate.
  - 150.5 Purchases made pursuant to cooperative intergovernmental purchasing programs.
  - 150.6 Contracts with other governmental entities, authorities, agencies or political subdivisions.
  - 150.7 Contracts for professional services.
  - 150.8 Purchases made for the specific purpose of resale.
- §151 **Purchasing Policy.** It shall be the general policy of the Municipality to purchase goods and services from responsible suppliers in a manner which provides the Municipality with the best goods or services available at the lowest possible price. It shall also be the policy of the Municipality that:
- 151.1 No officer or employee of the Municipality shall accept any gratuity, gift or favor designed to influence his recommendation for the purchase of any goods or

service, nor shall any officer or employee personally benefit either directly or indirectly by a purchase made by the Municipality.

151.2 The Municipality shall endeavor to purchase products and goods manufactured or produced by American business concerns.

151.3 Cooperative intergovernmental purchasing agreements shall be fostered and supported when not to the financial detriment of the Municipality.

§152 Competitive Bidding. All purchasing of goods and services by the Municipality with a cost in excess of an amount equal to one-tenth of one percent (.001) of the current year's general fund budget shall be made through the competitive bidding process except for:

152.1 Labor or services rendered by any Municipal officer or employee.

152.2 Labor, material, supplies or services furnished by one Municipal department to another Municipal department.

152.3 Contracts for labor, material, supplies or services available from only one vendor.

152.4 Contracts relating to the acquisition or use of real property.

152.5 Contracts for professional or unique services.

152.6 Contracts for insurance.

152.7 Contracts for emergency repairs or replacements.

152.8 Contracts with other governmental entities, authorities, agencies or political subdivisions.

§153 Competitive Bidding Procedure.

153.1 Authorization to Bid. Appropriation for the purchase of goods or services in the annual budget as adopted by the Commission shall constitute authorization for the Manager to enter competitive bidding for such purchase.

153.2 Pre-qualification of Bidders. The Manager shall cause to be established and maintained a bidders list for each type of goods or services purchased by the Municipality. Inclusion on the bidders list shall signify that a bidder is considered responsible either through previous experience in business dealings with the Municipality or through an investigation of the credit, reliability and performance of the bidder. Once qualified as responsible, a bidder shall remain on the bidders list indefinitely unless removed by reason of disqualification.

153.3 Disqualification of Bidders. A bidder may be disqualified for any of the following reasons:

153.3.1 Documentation of unsatisfactory performance by the bidder or by the goods or service provided by the bidder.

153.3.2 Failure to submit a bid on two (2) successive occasions.

153.3.3 False or misleading statements about a product or service.

153.3.4 An attempt by a bidder to influence the purchase of goods or services by the Municipality through a gift, gratuity, favor, or benefit or promise thereof to a Municipal officer or employee.

153.3.5 Collusion with another bidder in an attempt to regulate the price, quality, or availability of goods or services to the detriment of the Municipality.

Upon disqualification a supplier shall be removed from the bidders list until re-qualified. Such re-qualification shall consist of reasonable proof that the cause for disqualification shall not re-occur.

153.4 Invitation to Bid. When it is determined that a purchase is to be made through competitive bidding, an invitation to bid shall be sent by mail to all vendors appearing on the bidders list for the item to be purchased. The invitation shall include:

153.4.1 A basic description of the item to be purchased.

153.4.2 The quantity to be purchased.

153.4.3 A copy of the specifications and bid documents, or instructions on the method by which they may be obtained.

153.4.4 The date, time and place of the bid opening.

153.4.5 Any other specific requirements.

153.5 Legal Advertisement. A copy of the invitation to bid shall be placed in a legal advertisement published in a newspaper of general circulation in the Municipality. The legal advertisement shall appear no later than ten (10) working days prior to the scheduled bid opening.

153.6 Specifications. Specifications shall be prepared for all purchases made through competitive bidding. Specifications should be a specific, complete and accurate description of the item to be purchased and requirements for performance. Specifications should be clearly worded but should not be so specific or strict so as to effectively eliminate acceptable products from competition.

- 153.7 Bid Deposit. A bid deposit may be required for any purchase made by the Municipality and provided in an amount, manner and form prescribed by the Manager.
- 153.8 Bid Procedure. All bids shall be firmly sealed in an envelope and labeled indicating the specific purchase for which the bid is submitted and the scheduled date of the bid opening. Bids shall be opened at the appointed time by a committee of at least three (3) members of the administrative staff. All bid openings shall be open to the public. Any bids received after the bid opening has commenced shall be returned to the bidder unopened. Upon completion of the bid opening the bid committee will analyze the bid for conformance with the specifications and determine the best responsible bid.
- 153.9 Bid Award. Upon recommendation of the bid committee, the Commission shall award the purchase to the best responsible bidder. All such awards shall be made in a public meeting by a majority vote of the Commissioners present. The Commissioners shall, at all times, reserve the right to reject any and all bids received and to waive any and all bidding formalities or other requirements of the invitation to bid and/or the specifications.
- 153.10 Maintenance of Bids. The Manager shall maintain, on file, all bids received for a period of not less than three (3) years and shall make such files available for public inspection upon request to citizens and taxpayers of the Municipality and to vendors who made a bid in response to an invitation to bid.

§154 Sale of Municipal Property.

154.1 Real Estate.

- 154.1.1 No real estate owned by the Municipality may be sold or leased except upon authorization of the Commission by Ordinance. Additionally, no real estate owned by the Municipality shall be sold or leased for a consideration in excess of fifteen hundred dollars (\$1,500), except to the highest bidder after public notice by advertisement for bids or advertisement of a public auction. All bids for sales shall be accepted on the condition that payment of the purchase price in full shall be made within sixty (60) days of the acceptance of bids. If no compliant bids are received after advertisement, the Municipality may follow the applicable procedures in the Municipal Property Purchase and Sale Law, or any successor or similar statute.
- 154.1.2 The Commission shall have the authority to reject all bids if the bids are deemed to be less than the fair market value of the real property. In the case of a public auction, the Commission may establish a minimum bid based on the fair market value of the real property.

154.1.3 Real estate owned by the Municipality may be sold at a consideration of fifteen hundred dollars (\$1,500) or less without advertisement or competitive bidding only after the Commission estimates the value thereof upon receipt of an appraisal by a qualified real estate appraiser.

154.1.4 Notwithstanding the foregoing provisions of this section, the Commission shall have the authority to exchange real property for real property of equal or greater value without complying with the foregoing provisions of this section, provided that the property being acquired by the Municipality is to be used for municipal purposes. Municipal purposes as used in this subsection include a subsequent sale or lease of the property to any of the delineated entities listed or referred to in §153.3.

154.2 Personal Property.

154.2.1 Except as otherwise hereinafter provided, no Municipal personal property with a value in excess of one-twentieth of one percent (.005%) of the general fund budget for the year in which the sale takes place shall be disposed of, by sale or otherwise, except upon approval of Commission. Except as provided herein, such a sale or other disposition shall be to the best responsible bidder after advertisement and receipt of bids or after the conduct of a public auction.

154.2.2 Surplus or unnecessary Personal Property with a value under one-twentieth of one percent (.005%) of the general fund budget for the year in which the sale takes place may be disposed of by the Manager in a manner that the Manager reasonably believes will provide fair value for the property. A public auction or the solicitation of at least three (3) bids is sufficient for these purposes.

154.2.3 An acceptable public auction is one that provides for open, live, competitive bidding, and may be conducted by means of an online or electronic auction.

154.2.4 If public bidding is selected, the Commission or Manager (as applicable) may reject any bids received if the bids are believed to be less than the fair market value of the property. If no bids are received after advertisement, the applicable procedures in the act entitled (as amended, supplemented or replaced), “An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received,” shall be followed.

154.2.5 The provisions of this section shall not be mandatory where personal property of the Municipality is to be traded in or exchanged for new or used personal property being acquired by the Municipality.

154.3 Exceptions.

154.3.1 The provisions of this Section requiring advertising for bids and for sale at public auction and sale to the highest bidder shall not apply where the Municipality's real or personal property is to be sold or leased to:

154.3.1.1 A county; city; borough; town; township; home rule municipality; political subdivision; institution district; school district; or a volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the Municipality;

154.3.1.2 A council of government, consortium, cooperative or other similar entity created pursuant to 53 Pa.C.S.Ch. 23 (relating to intergovernmental cooperation);

154.3.1.3 An authority, including those defined in 53 Pa.C.S. §5602 (relating to definitions) and as referenced in the Pennsylvania Economic Development Financing Law;

154.3.1.4 A non-profit corporation engaged in community development or reuse only upon entering into a written agreement with the non-profit corporation that requires the property to be used for industrial, commercial or affordable housing purposes;

154.3.1.5 A person for the person's exclusive use in an industrial development program;

154.3.1.6 A non-profit corporation organized as a public library for its exclusive use as a library;

154.3.1.7 A non-profit medical service corporation;

154.3.1.8 A non-profit housing corporation;

154.3.1.9 The Commonwealth or to the Federal Government;

154.3.1.10 A non-profit museum or historical society for its exclusive use as a non-profit museum or historical society; or

154.3.1.11 Any person or entity to which real or personal property may be sold without public bidding under any statute applicable to a political subdivision or authority including; the Borough Code, the Third Class City Code, the First Class Township Code or the Second Class Township Code.



154.3.2 When property is to be sold or leased to a non-profit corporation organized as a public library for its exclusive use as a library or to a non-profit medical service corporation or to a non-profit housing corporation, Commission may elect to accept nominal consideration for the sale or lease as it shall deem appropriate.

154.3.3 Real property sold pursuant to this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, non-profit medical service corporation or to a non-profit housing corporation or non-profit museum or historical society shall be subject to the condition that when the property is not used for the purposes of the company, service, squad, society or the corporation, the property shall revert to the Municipality.

§155 Emergency Repair Purchases. When a circumstance requires that a purchase be made in a limited period of time so as to preclude the competitive bidding process, the Manager may waive the bid requirement and authorize an emergency repair or replacement purchase. Such emergency repair or replacement purchases shall be limited to situations in which:

155.1 A delay in making the purchase presents a threat to the health, safety or welfare of the residents of the Municipality; or

155.2 The purchase is required by unforeseen circumstances and delay would seriously hinder the effective delivery of Municipal services; or

155.3 There are no possible alternatives to the emergency purchase. Every effort shall be made to provide competitive conditions during the emergency purchase. Quotations shall be obtained from as many vendors as possible; however, such quotations may be either oral or written. As soon as possible after becoming aware of the need for an emergency purchase, the Manager shall advise the Commission of the situation necessitating the emergency purchase and the procedure to be used. All emergency purchases shall be subject to confirmation by the Commission at the next regularly scheduled meeting.

§156 Sale of Municipal Equipment and Supplies. The Manager shall have the authority to dispose of unneeded, obsolete or surplus equipment or supplies, with an estimated value of less than seven thousand five hundred dollars (\$7,500) in the manner most beneficial to the Municipality. Sale of equipment with an estimated value of more than seven thousand five hundred dollars (\$7,500) shall be sold with the approval of the Commission through the competitive bidding process, except that competitive bidding shall not be required for the sale of services to other governmental entities.

## **Public Improvements**

§157 Eminent Domain and Condemnation. The Commission shall exercise the power of eminent domain in the laying out, opening, widening, extending, vacating, grading or changing the

grades or lines of streets or highways or sidewalks, in the maintenance of a free and unobstructed view down and across lands located at or near the intersection of any two (2) streets or highways, or a street or highway and a railroad or railway, or at any curve in any street or highway, as may be necessary to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of persons traveling upon any such street or highway, in the construction of bridges and the piers and abutments therefore, the construction of slopes, embankments and sewers, including storm water drains, the erection and extension of waterworks, public buildings, public works, lands and places for the disposal of ashes and other refuse materials, garbage treatment works and libraries, the establishing of parks, playgrounds and recreation places, the changing of watercourses and for all other purposes authorized by the applicable Law.

§158 Public Streets. The Commission shall enact, ordain, survey, layout, open, widen, straighten, vacate, relay or repair any streets and parts thereof, which are within the Municipality, if in its judgment it is necessary for the public convenience. The Commission may exercise these powers upon the petition of a majority in interest of the owners of property through whose land such street passes, or upon whose land it abuts.

§159 Sidewalks. The Commission shall, if in its judgment it is necessary for the public convenience, layout, ordain and establish sidewalks along any street, including State highways and County roads, and shall establish grades for such sidewalks, which grades may be separate and apart from the grade established for the street or highway. The Commission may exercise these powers upon the petition of majority in interest of the owners of property through whose land such sidewalk passes, or upon whose land it abuts. The Commission, upon such notice as may be provided by ordinance, may require owners of property abutting on any street, including State highways and County roads, to construct, pave, curb, repave and recurb the sidewalks along such property with such materials, at such grades and under such regulations as may be prescribed by ordinance, and upon failure of such owners to comply with such notice, or without notice to the property owners as above provided, the Commission in either case shall have power to cause the same to be done by the Municipality and to levy and collect the cost thereof from such owners of property abutting such sidewalk. All reconstruction, repaving and recurbing may be provided for in the ordinance authorizing the original construction, paving and curbing, without the necessity for adopting a new ordinance authorizing such reconstruction, repaving and recurbing.

The cost of any such grading, paving, curbing, repaving and recurbing shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the Municipality and shall be filed with the Secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by Law for the filing and collection of municipal claims.

The cost of any such paving, curbing, repaving and recurbing may, in any case, be borne in whole or in part by the Municipality.

§160 Sewers and Drains. The Commission shall establish and construct a system of sanitary sewers and drainage as seems advisable to the Commission for the public convenience, health and safety. The Commission may permit, and, where necessary for the public health, shall require by ordinance any owner of property benefited, improved or accommodated by sanitary sewers, to make connections with such sewers or drainage in such manner as the Commission may order for the purpose of discharge of such drainage or waste matter as the Commission may specify. The Commission may enforce by penalties any regulation they may ordain with reference to any sanitary sewer or drainage connections. All connections required shall be uniform. All persons so connected may be required to pay, in addition to the cost of making such connections a monthly or annual rate prescribed by ordinance. Such monthly or annual rate shall constitute a lien, until paid, against the property so connecting with such system, and the amount thereof may be recovered by due process of Law.

The cost of construction of any system of sanitary sewers or drains may be charged upon the properties benefited, improved or accommodated thereby to the extent of such benefits according to the applicable Law or may be paid for wholly or partially by general taxation.

### **Code of Ethics**

§161 Municipal Employment. No elected official shall hold any other compensated office of or employment with the Municipality during his term of office. No former elected official of the Municipality shall hold any compensated appointive office of or employment with the Municipality, or act as a paid consultant to the Municipality, until at least one (1) year has expired after termination of his service as an elected officer. No Municipal employee may hold any municipal, county or State elective office nor may an employee seek any elective governmental office while holding a position of Municipal employment.

§162 Nepotism. No elected official or board or authority member shall appoint or vote for the appointment of any person related to him by blood or marriage as an official or employee, when the compensation of such official or employee is to be paid from public funds.

§163 Comprehensive Ethics Law. Municipal officials and employees shall comply with applicable provisions of the Public Official and Employee Ethics Law, Act 9 of 1989, 65 P.S. §401 *et seq.*

§164 Violations. In addition to the remedies and penalties otherwise provided by Law, any elected official or board or authority member who violates this Code of Ethics shall be disqualified from further service as an elected official or board or authority member for a period of four (4) years following the date of the prohibited activity. If an elected official shall commit a prohibited activity while he is in office, he may be removed from office according to the procedure provided by the applicable law. If a board or authority member shall commit a prohibited activity while he is serving on said board or authority, he may be removed from office, after a hearing before the Commission, by the action of a majority of the members of the Commission present at any duly constituted meeting of the Commission at which a quorum is present.

**PART 2**  
**ELECTED OFFICERS**

§201 Compensation of Treasurer. From and after January 1, 1978, the rate of compensation of the Treasurer for his duties as Treasurer and Tax Collector is hereby fixed at nine thousand dollars (\$9,000) per year payable in such installments as shall be agreed upon between the Municipality and the Treasurer.

**PART 3  
PERSONNEL REGULATIONS**

**General Provisions**

§301 Short Title. This Part 3 shall be known and may be cited as the “Personnel Regulations.”

§302 Scope. Except where otherwise indicated, all Employees, as defined in §303 below, shall be included in the scope of this Part 3.

§303 Definitions.

Department Director: The highest ranking Employee in each of the departments established by the Administrative Code (Part 1 of this chapter).

Employee: Any full-time, part-time, or temporary employee of the Municipality excluding elected officials, members and employees of the Municipal boards and authorities, and persons performing services for the Municipality on the basis of a service contract, retainer or prescribed fee.

Full-Time Employee: Any employee who is regularly employed by the Municipality on a permanent or probationary basis and whose duties require a full-time work schedule.

Part-Time Employee: An employee who normally is employed by the Municipality for less than forty (40) hours per week for an unspecified duration of time.

Temporary Employee: An employee who is employed for a specified duration of time regardless of the number of hours per week for which employed.

§304 General Personnel Policy. It is the declared personnel policy of the Municipality that:

304.1 Employment in the Municipal government shall be based on merit and fitness, free of personal and political considerations.

304.2 The Municipality shall not discriminate in any manner against any person on the basis of race, color, creed, religion, sex, national origin or political affiliation with regard to selection or employment with the Municipality.

304.3 Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the Municipal government.

304.4 Positions shall be classified and compensated according to duties and responsibilities.

- 304.5 Appointments, promotions and other personnel actions shall be based on merit principles.
- 304.6 High morale shall be maintained by fair administration of these regulations and by every consideration of the rights and interests of Employees consistent with the best interests of the public and the Municipality.
- 304.7 Tenure of Employees shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work and the availability of funds.

### **Administration**

§305 Personnel Officer. The Manager shall have the responsibility for the administration of the personnel system as established by this Part 3. The Manager may elect to delegate portions of the authority granted under this Part 3 to an Employee. When used in this Part 3, the title “Personnel Officer” shall mean the Manager or such Employee to whom the Manager has delegated authority for personnel matters. Use of the title “Manager” shall indicate activities over which the Manager shall not delegate his authority.

§306 Personnel Manual. The Personnel Officer shall establish and maintain a manual of personnel policies, procedures and regulations. Such manual shall be referred to and cited as the “Personnel Manual” and shall represent the official administrative personnel policy and constitute the authorized personnel procedures and regulations of the Municipality under the Charter and this Part 3. When deemed necessary and appropriate, the procedures and rules provided in the Personnel Manual may be amended and revised from time to time.

The purpose of the Personnel Manual shall be to establish those administrative policies, procedures and regulations necessary to implement the personnel system. Individual departments of the Municipality may establish and enforce procedures and regulations for Employees of such department, provided that no such procedure or regulation shall be in conflict with the Charter, this Part 3, the Personnel Manual, or an applicable negotiated labor agreement.

§307 Personnel Handbook. The Personnel Officer shall prepare and distribute a Personnel Handbook generally summarizing the policies and procedures specified by this Part 3 and the Personnel Manual, together with personnel and safety rules and other general Employee information. Employees shall be responsible for conformance with the rules specified in the Personnel Handbook, and violation of such rules may subject an Employee to disciplinary action.

§308 Personnel Records. The Personnel Officer shall maintain a personnel file for each Full-Time Employee containing materials, correspondence and records pertaining to the Employee and his or her employment. Employees shall be permitted to review their personnel records upon request; however, personnel records, except as they deal with

compensation and benefits or as they may be required by a court of competent jurisdiction, shall not be a matter of public record.

## **Classification**

§309 Establishment of a Classification Plan. The Personnel Officer shall develop a classification plan which shall be approved annually by the Commission.

§310 Classification Procedure.

310.1 Each position of full-time Municipal employment shall be assigned to a classification. The title of the classification shall generally reflect the duties of positions assigned to the classification. More than one person may be assigned to a classification provided that:

310.1.1 Each position assigned to a classification is of substantially the same level of responsibility and consists of similar types of duties.

310.1.2 Each position assigned to a classification shall have the identical salary range under the salary plan.

310.2 Each classification shall be assigned one of the following employment groups for the purpose of compensation:

310.2.1 Managerial: the positions of Manager, Assistant Manager and all Department Directors.

310.2.2 Administrative/Supervisory: non-department director positions with administrative or supervisory responsibilities.

310.2.3 Technical/Clerical: Public Safety Aide: non-supervisory administrative, clerical or technical salaried positions.

310.2.4 Craft/Maintenance: hourly-rate positions through which construction, custodial and maintenance functions are performed.

310.2.5 Uniformed Police: the positions of police officer and police supervisor.

310.2.6 Uniformed Fire: the positions of firefighter and platoon chief.

§311 Classification Descriptions. The Personnel Officer shall establish a descriptive written summary of the general level of responsibilities and duties for each classification. Such description shall include general statements about the classification, necessary qualifications of Employees assigned to the classification, and differences between the classification and other similar classifications. Classification descriptions shall not limit the responsibilities or duties which may be assigned to a position within a classification;

however, substantial deviation from the classification description may justify the reclassification of a position or creation of a new position.

§312 Reclassification. When the duties and/or the responsibilities of a position change to the extent that the position substantially deviates from the classification description, the Manager may elect to reclassify the position. Such reclassification may reassign the position to another existing classification or may require the creation of a new classification. Reclassification of a position may or may not, at the discretion of the Manager, constitute a promotion or demotion of the Employee assigned to the position.

### **Compensation, Hours of Work and Leaves of Absence**

§313 The Pay Plan. The Personnel Officer shall develop annually a pay plan which, when approved by the Commission, shall represent the authorized pay for each full-time position of Municipal employment. The pay plan shall be expressed in the form of a pay range for each classification and, where applicable, a series of intermediate steps.

§314 Advancement Within a Pay Range. Employees shall advance within their pay range according to the following guidelines:

314.1 New Employees shall be assigned to the first step of the pay range for the classification, except that the Manager may, when circumstances warrant, assign an Employee to an intermediate step in the range.

314.2 Employees shall advance in their range at intervals of longevity established in the pay plan for their class of employment until they reach the maximum longevity step. The Manager may, for reasons of exceptional merit, advance an Employee in the salary range to a step above the normal step to which the Employee would be eligible by longevity as long as such step is within the salary range for the position.

314.3 Employees assigned to classifications in the Managerial, Administrative/Supervisory and Technical/Clerical classes of employment may advance beyond the longevity maximum for their range when such advancement is merited by performance as recommended by their Department Director. Such merit advancement shall not exceed the merit maximum for the range.

314.4 When an Employee is reclassified into a pay range, the Employee shall be assigned to a step in the range equal to or not more than five percent (5%) above or below the Employee's previous pay, except that the Employee shall not be assigned to a step below the minimum step or above the maximum.

314.5 When an Employee is promoted into a pay range, the Employee shall be assigned to a step in the range at least five percent (5%) above the Employee's previous pay, except that the Employee shall not be assigned to a step above the maximum step for the range.



- 314.6 A Department Director/or Staff Office Chief may recommend to the Personnel Officer that a longevity step not be granted when an Employee's performance or conduct is unsatisfactory, provided, that a longevity step shall not be suspended without the approval of the Manager. When an Employee is not granted a longevity step, such Employee shall be notified by the Personnel Officer in writing of the reasons for the action. After the reasons bringing about the action have been corrected, the affected Employee will be advanced to the applicable longevity step.
- §315 General Wage Increase. With the approval of the Commission, the Manager may grant a general wage increase to Municipal Employees; provided, that such an increase shall not apply to wage rates established by formally negotiated contracts made between the various groups of Employees and the Municipality. Such an increase shall be figured by percentage or by dollar amount within a class of employment and may vary among classes of employment. The effect of such a general wage increase on a pay range shall be as determined by the Manager. In no case shall such a general wage increase advance an Employee above the maximum for the pay range.
- §316 Adjustments to Pay Ranges. The pay plan may be amended from time to time as circumstances require, either through adjustment of rates or by reassignment of job classes to different pay ranges. The Personnel Officer shall survey annually salary levels for similar positions paid by other public and private sector employers, and after review and approval of the Manager, recommend to the Commission any adjustments in pay ranges necessary to provide pay competitive with other employers.
- §317 Part-Time and Temporary Employee Pay. The Personnel Officer shall prepare annually a pay plan for Part-Time and Temporary Employees. Department Directors and Staff Office Chiefs, with the approval of the Personnel Officer, may deviate from the pay plan when an exceptional skill level is required.
- §318 Hours of Work, Overtime Pay. The normal hours of work for all Full-Time Municipal Employees shall be forty (40) hours per week. Starting times, quitting times, lunch periods and break periods shall be designated by the Department Director and Staff Office Chief subject to the provisions of prevailing labor agreements. When work in excess of forty (40) hours per week or eight (8) hours per day is approved by an Employee's supervisor, the Employee shall be compensated for such overtime work in the amount specified by the overtime provisions of the pay plan. Employees assigned to classifications in the Managerial and Administrative/Supervisory classes shall not be eligible for overtime compensation.
- §319 Other Compensation. Other forms of compensation such as holiday pay, longevity pay and shift differential shall be paid according to the regulations specified in the Personnel Manual and in the amounts provided in the pay plan.
- §320 Employee Insurance Benefits. All Full-Time Employees shall be eligible for group medical and life insurance plans that the Commission may, from time to time, approve, subject to the regulations governing such plans in the Personnel Manual.

§321 Employee Retirement Plans. Upon employment, Full-Time Employees who meet the requirement specified for such plan shall become eligible for participation in the Municipal retirement plan for their class of employment. Employees assigned to the Managerial or Administrative/Supervisory classes may elect optionally to participate in an approved deferred compensation plan in lieu of the appropriate retirement plan.

§322 Leaves of Absence. Personnel rules shall be adopted prescribing the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These leaves shall cover, among others, vacations, sick leaves, holiday leaves, emergency leaves, maternity leaves, military leaves and jury duty leave.

### **Appointment, Promotion, Personnel Actions, Training and Safety**

§323 Appointment Policy. It shall be the policy of the Municipality regarding the appointment of Municipal Employees that:

323.1 All appointments to Municipal employment shall be made in a manner to assure that the most qualified applicant is selected.

323.2 Reasonable recruitment programs shall be conducted to provide as broad a field of qualified applicants as possible for selection.

323.3 Selection of Municipal Employees shall be based on valid, applicable and job-related measures of qualifications.

323.4 All incumbent Municipal Employees shall be provided opportunity to apply for appointment to any vacant Municipal position.

§324 Civil Service Appointments and Promotion. All sworn Employees of the Departments of Police and Fire, other than the chief of each department, shall be appointed and promoted under regulations adopted by the Municipal Civil Service Board and approved by the Commission.

§325 Non-Civil Service Appointments and Promotions. All Full-Time Employees shall be appointed and promoted on the basis of their qualifications to hold the position to which appointment or promotion is made. When a position becomes available for appointment, the Personnel Officer shall make the position's availability known to all incumbent Employees of the Municipality and conduct a recruitment program designed to attract qualified applicants for the position. When a sufficient number of qualified applicants are available among incumbent Employees, the recruitment program may be waived. Appointments and promotions shall be made on the basis of an evaluation process to determine the most qualified applicant. Such a process may include, but not be limited to: written examination, work experience, education, performance examination or evaluation, and/or oral examination. The Personnel Officer shall maintain records indicating the basis used in selection of an applicant for appointment.

- §326 Probationary Period. Employees appointed or promoted to a position of Municipal employment shall undergo a probationary period of not less than six (6) months nor more than one (1) year. If an Employee fails to perform satisfactorily in the position during the probationary period, the Employee may be discharged or demoted without the right of appeal.
- §327 Reduction in Force. Whenever there is lack of work or funds requiring reduction in the number of Employees in a department or office of the Municipality, the required reduction shall be made in such job class or classes as the Department Director and Staff Office Chief may designate, provided that Employees in the department or office shall be laid off in the inverse order of their relative length and quality of service. Within such affected job class, all Temporary Employees shall be laid off before probationary Employees, and all probationary Employees shall be laid off before any permanent Employees.
- §328 Disciplinary Actions. When an Employee's work performance or conduct justifies disciplinary action, or when an Employee violates a regulation specified in the Personnel Manual, a Department Director and Staff Office Chief may issue a reprimand to the Employee, suspend the Employee without pay for up to thirty (30) days, or, with the approval of the Manager, demote or dismiss the Employee. An Employee who has been suspended, demoted or dismissed may appeal the disciplinary action and request a hearing. Appeals by Employees covered by the Civil Service regulations shall be heard by the Civil Service Board. Appeals by Employees not covered by the Civil Service Board shall be heard by the Manager, the Personnel Officer and the appealing Employee's Department Director and Staff Office Chief.
- §329 Training. The Personnel Officer shall encourage the improvement of service by providing the Employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service. The Manager and Department Directors shall establish standards for the training programs.
- §330 Safety. The Personnel Officer shall organize, coordinate and implement a Municipal safety program which shall provide for, among others, accident and injury reporting, rules and regulations, safety education and accident investigations. The Personnel Officer shall prepare and distribute a safety program manual describing safety procedures, standards and rules. Employees will be responsible for compliance with the standards and rules specified in the manual, and violation of such rules may subject an Employee to disciplinary action.

### **Grievance Procedure**

- §331 Scope of Grievances. Any Employee may submit a grievance on any subject concerning the Employee's classification, compensation, work assignment, or working conditions. If a grievance procedure is specified in any applicable negotiated labor agreement, the grievance procedure in this Part 3 — Grievance Procedure — shall be used for grievances not subject to such other grievance procedure.

§332 Initiation of Grievances. Before submitting a grievance, an Employee shall discuss the grievances with the immediate supervisor. If the supervisor is unable to resolve the grievance, the Employee may initiate Step One of the grievance procedure.

§333 Grievance Procedure.

333.1 Step One. Within ten (10) working days of the problem or action which precipitated the grievance, or of gaining knowledge thereof, the aggrieved Employee shall submit the grievance in writing to the Director of the Employee's department. The grievance shall include the aggrieved Employee's name, a statement detailing the problem or action precipitating the grievance, and the corrective action requested.

333.2 Step Two. If a satisfactory settlement to the grievance is not obtained within ten (10) working days of the initiation of Step One, the Department Director shall forward the grievance to the Personnel Officer. The Personnel Officer shall meet with all parties involved and attempt to resolve the grievance.

333.3 Step Three. If a satisfactory settlement to the grievance is not obtained within ten (10) working days of the initiation of Step Two, the Personnel Officer shall forward the grievance to the Manager together with a written report of the activities which took place in Step Two and the reasons why the grievance was not resolved. The Manager shall respond to the grievance in writing, and the decision of the Manager shall be final.

§334 Resolution of Grievance. The settlement of grievances regarding a section of this Part 3 or any policy or procedure established, enacted or approved by the Commission which requires the waiver, modification or repeal of any such section, policy or procedure shall be approved by the Commission. No Employee shall be disciplined or discriminated against as a result of having submitted a grievance.

**PART 4**  
**COLLECTION OF TAXES**

§401 Expenses Approved.

- 401.1 Title Search. In any enforcement proceeding, the actual cost of a title search in an amount not to exceed two hundred fifty dollars (\$250) shall constitute a reasonable expense for each title search necessary for the initiation of each proceeding and compliance with Pa. R.C.P. 3129. The sum not to exceed fifty dollars (\$50) shall constitute a reasonable expense for each bringdown or update of the title search in connection with entry of judgment, issuance of execution, listing for sale, or other action.
- 401.2 Actual out-of-pocket expenses in connection with any enforcement action, such as for postage, non-sheriff's service of process, investigation of the whereabouts of interested parties and other necessary expenses shall constitute reimbursable expenses as part of each delinquent claim recovered.

§402 Attorney Fees Approved.

- 402.1 Flat fee matters. The following schedule of attorney fees is hereby adopted and approved as reasonable attorney fees pursuant to Act 1 and Act 20 for all matters described, which fees shall be awarded to the municipality, its agents, counsel or assigns in each action initiated pursuant to the Act for the collection of unpaid delinquent claims. The property owner's obligation to pay the full amount of the flat fee for each phase of each action shall accrue upon the initiation of any aspect of each phase. The full amount of each flat fee for each prior phase of the proceeding shall carry over and be due on a cumulative basis together with the flat fee for each subsequent phase.
- 402.1.1 Filing of municipal claim. The sum of one hundred fifty dollars (\$150) shall constitute reasonable attorney fees for the preparation and filing of a municipal claim as defined under the Act.
- 402.1.2 Preparation and service of writ of scire facias or compliant in assumpsit as provided in the Act. The sum of four hundred fifty dollars (\$450) shall constitute reasonable attorney fees for the initiation of each proceeding and shall include preparation and filing of the Praeceptum for Writ of Scire Facias or Complaint in Civil Action, Sheriff's direction for service, Notice pursuant to Pa. R.C.P. §237.1 and the preparation and filing of the Praeceptum to Settle and Discontinue the proceeding. The above does not include:
- 402.1.2.1 Federal tax liens, judgments, and mortgages. Where there are federal tax liens, federal judgments, federal mortgages or other record federal interests, the sum of two hundred dollars

(\$200) shall constitute reasonable attorney fees for all matters necessary to properly notify and serve the United States with all required additional notice and the presentation of related motions to court.

402.1.2.2 Alternative service of legal pleadings. In the event that a Special Order of Court is necessary to serve original process or any other pleading, notice, court order, or other document, the following amounts shall constitute reasonable attorney fees as follows:

402.1.2.2.1 Investigation of defendant(s) whereabouts and preparation of Affidavit of Diligent Search – one hundred dollars (\$100).

402.1.2.2.2 Preparation and Presentation of Motion for Alternative Service, and delivery of the Order of Court, along with appropriate directions to the sheriff for service – two hundred dollars (\$200).

402.1.3 Amicable Scire Facias or Consent Judgment. The sum of four hundred dollars (\$400) shall constitute reasonable attorney fees for the preparation, filing, monitoring, and conclusion of an amicable Scire Facias or consent judgment, including negotiation, preparation and filing of the pleading, acceptance of service, installment payment and/or forbearance agreement and satisfaction. See 53 P.S. §7185. Municipality may, in its sole and absolute discretion, hold the amicable Scire Facias or consent judgment and file only in the event of a default in the terms and conditions of the amicable Scire Facias or consent judgment or any related installment or forbearance agreement. If a consent judgment is entered following the filing of Writ of Scire Facias or Complaint in Assumpsit, then the flat fee for entry of the consent judgment shall be the same as that amount provided for in §402.1.4, “entry of judgement,” below.

402.1.4 Entry of Judgment. The sum of two hundred twenty-five dollars (\$225) shall constitute reasonable attorney fees in connection with entry of judgment which shall include preparation and filing of the Praecepto to Enter Judgment, Notices of Judgment, Affidavit of Non-Military Status, and the Praecepto to Satisfy Judgment.

402.1.5 Writ of Execution – Sheriff’s Sale of Property or Execution Upon Assumpsit Judgement. The sum of seven hundred dollars (\$700) shall constitute reasonable attorney fees for preparation of all documents necessary for each execution upon any judgment pursuant to the Act.

This sum shall include the preparation and filing of the Praecipe for Writ of Execution, all sheriff's documents, preparation and service of Notices of Sheriff's Sale, staying the writ of execution, and attendance at one (1) sheriff's sale.

402.1.5.1 Postponements. The sum of one hundred dollars (\$100) shall constitute reasonable attorney fees for each continuance of sheriff's sale at the request of the defendant.

402.1.6 Sale pursuant to §31 of the Act, 53 P.S. §7281. The sum of seven hundred dollars (\$700) shall constitute reasonable attorney fees for the sale of property pursuant to §31 of the Act, 53 P.S. §7281 including preparation and service of necessary documents, court appearances, attendance at sale and preparation of proposed schedule of distribution of the proceeds realized from such sale.

402.1.7 Sale pursuant to §31.1 of the Act, 53 P.S. §7282. The sum of five hundred dollars (\$500) shall constitute reasonable attorney fees for a sale of property pursuant to §31.1 of the Act, 53 P.S. §7282, including the preparation of necessary documents, service, court appearances, and the preparation of proposed Sheriff's Schedule of Distribution.

402.1.8 Installment payment agreement. The sum of one hundred fifty dollars (\$150) shall constitute reasonable attorney fees for the preparation of each written installment payment agreement.

402.1.9 Motions. The sum of two hundred dollars (\$200) shall constitute reasonable attorney fees for the preparation, filing, and presentation of motions, other than for alternative service, which shall include, but are not limited to, motions to reassess damages, motions to amend caption, motions to continue the sheriff's sale.

402.2 Hourly rate matters. The following schedule of attorney fees is hereby adopted and approved as reasonable attorney fees pursuant to Act 1 and Act 20, which fees shall be awarded to the municipality, its agents, counsel or assigns as compensation in all contested matters, and in all other matters not specifically referenced in §402.1, undertaken in connection with the collection of delinquent claims:

402.2.1 Senior attorneys  
(practicing law for ten (10) years or more) \$185.00 per hour

402.2.2 Junior attorneys  
(practicing law for less than ten (10) years) \$160.00 per hour

402.2.3 Paralegals \$100.00 per hour

402.2.4 Law clerks

\$65.00 per hour

each as recorded and charged in units of one-tenth (1/10) of an hour for all time devoted to enforcement and collection of the municipality's delinquent claims. Counsel, whether duly employed or duly appointed by the municipality, its agents or assigns, shall not deviate from this fee schedule absent a subsequent ordinance amending the same or unless as otherwise permitted in §402.3. Hourly rate matters include, but are not limited to, any matters where any defense, objection, motion, petition or appearance is entered in any phase of any proceeding by or on behalf of any defendant or other interested party.

- 402.3 The municipality's legal counsel recovering attorney fees pursuant to the schedule of attorney fees in §§402.1 and 402.2 of this ordinance shall be permitted to increase attorney fees by three percent (3%) on a yearly basis, without having to obtain further authorization from the municipality, beginning one (1) year following the date of enactment of this ordinance.

§403 Procedure.

- 403.1 Required notice: The notice required by the Act, *as amended*, 53 P.S. §7106, shall be provided in accordance therewith and shall be incorporated into an appropriate delinquency notice or notices sent by the municipality, its agent, counsel or assigns.
- 403.2 Fees to be accrued and delinquent claims to be filed. Fees shall accrue for all efforts in collection after the thirtieth (30<sup>th</sup>) day after the notice, or after the tenth (10<sup>th</sup>) day of any required second notice under the Act, *as amended*, 53 P.S. §7106, on all accounts referred to counsel for enforcement. Fees accumulated as a result of enforced collection shall be certified by duly appointed counsel for the municipality authorized to pursue collection of delinquent claims pursuant to the Act, or by counsel for the municipality's agents or assigns and, if not collected in due course with the debt as by voluntary payment, shall be included in any delinquent claims filed on behalf of the municipality or by its agents or assigns in the course of enforcement including any delinquent claims originally filed with the Department of Court Records, any delinquent claims filed with the sheriff or in any other delinquent claims filed or statements provided where attorney fees are due.
- 403.3 The amount of fees determined as set forth above shall be added to and become part of the delinquent claim or delinquent claims in each proceeding as provided by the Act as provided herein.

§404 Service Charges, Expenses and Fees Approved.

- 404.1 Pursuant to §1, §2, and §3 of the Act of May 16, 1923, *as amended*, 53 P.S. §7101, §7103, and §7106, and specifically in the schedule found in accordance with Act 83 of 2004, the municipality does hereby authorize the recovery of charges,



expenses and fees set forth in §404.4 that are incurred by the municipality or charged to the municipality by collectors retained by the municipality in connection with efforts to collection delinquent claims as a result of any persons' failure to promptly pay delinquent claims.

- 404.2 The following schedule of charges, expenses and fees (hereinafter referred to as "servicing expenses," "out-of-pocket expenses," and "postage expenses") is hereby approved and adopted by the municipality pursuant to Act 83 of 2004 which amends §1, §2, and §3 of the Act of May 16, 1923, *as amended*, 53 P.S. §§7101, 7103, and 7106. Which amounts are the direct result of each person's or property's failure to pay delinquent claims promptly. The servicing expenses, out-of-pocket expenses, and postage expenses established, assessed, and collected hereunder shall be in addition to the record costs, §401 Expenses, and §402 Attorney Fees associated with legal proceedings initiated by or on behalf of the municipality to collect its delinquent claims.
- 404.3 Servicing of a delinquent claim or delinquent claims may result in voluntary payment without the initiation of enforcement proceedings. It is the intent of this §404 to pass the cost of servicing on to the delinquent person or property as part of each delinquent claim. The recovery of servicing expenses, out-of-pocket expenses and postage expenses established herein shall not be contingent upon the initiation of enforcement proceedings. However, such servicing expenses, out-of-pocket expenses and postage expenses are due even where enforcement proceedings are initiated. The purpose of this section is to pass the entire cost and expense associated with delinquent collection on to the delinquent person or property and to make the municipality whole on all delinquent claims collected.
- 404.4 Schedule. The following schedule of servicing expenses, out-of-pocket expenses and postage expenses shall constitute reasonable and appropriate charges, expenses and fees for each indicated category. The servicing expenses, out-of-pocket expenses and postage expenses shall be added to and become part of the municipality's delinquent claims, together with the face, penalties, interest and costs, if any, and title search expense, attorney fees and out-of-pocket expenses in connection with enforcement proceedings, if any, and shall be payable in full before the discharge or satisfaction of any delinquent claim. The below schedule of servicing expenses, out-of-pocket expenses and postage expenses is separate and distinct from any amounts imposed by the sheriff, department of court records, court or any other public office in connection with the collection of the municipality's delinquent claims.
- 404.4.1 Out-of-Pocket Expenses. The expenses of postage, title searches, investigators, process servers and other necessary expenses incurred in servicing shall constitute reasonable out-of-pocket expenses as part of each delinquent claim recovered.

404.4.2 Municipal No Lien Letter and Tax Certification. The sum of twenty-five dollars (\$25) shall constitute a reasonable servicing expense for the preparation and issuance of each municipal no lien letter relating to the municipality's delinquent municipal claims. The sum of ten dollars (\$10) per year certified shall constitute a reasonable servicing expense for the preparation and issuance of each delinquent tax claim certification.

404.4.3 Postage Expense. Out-of-pocket expenses shall include the actual cost of postage related to the collection of the municipality's delinquent claims.

404.4.4 Servicing Expense.

404.4.4.1 A servicing expense of ten percent (10%) of gross collections shall constitute a reasonable servicing expense for all servicing related to the collection of the municipality's delinquent claims. Servicing expenses shall accrue on the first of the month for the entire month, or part thereof. There is no per diem servicing expense. Gross collections for the purpose of calculating servicing expenses shall include the face together with penalty, interest and lien costs, if any, for each delinquent claim collected. Lien costs shall mean charges imposed by the Department of Court Record and/or by the municipality's collector for the filing, satisfaction, revival, amendment, and transfer of delinquent claims. Gross collections shall not include any record costs, attorney fees, or out-of-pocket expenses related to the collection of the municipality's delinquent claims.

404.4.4.2 In addition, the following schedule of fees shall constitute a reasonable and appropriate fee for each indicated service:

404.4.4.2.1 In addition, the following schedule of fees shall constitute a reasonable and appropriate fee for each indicated service:

404.4.4.2.1.1 Assignments: five dollars (\$5) per delinquent claim;

404.4.4.2.1.2 Preparing/filing tax liens: six dollars (\$6) per item;

404.4.4.2.1.3 Satisfactions (for no consideration passing receipts): ten dollars (\$10) per delinquent claims;

- 404.4.4.2.1.4 Tax claim revivals (*i.e.* S&A): thirty dollars (\$30) per delinquent claim;
- 404.4.4.2.1.5 Act 1/Act 20 Compliance: thirty-five dollars (\$35) per case;
- 404.4.4.2.1.6 Preparing/filing municipal claims and claim revivals (S&A): thirty dollars (\$30) per delinquent claim;
- 404.4.4.2.1.7 Municipal claim/short title examination: forty-five dollars (\$45) per delinquent claim;
- 404.4.4.2.1.8 Sheriff sale claim certificates: eighty dollars (\$80) per case

404.4.4.3 Liability for payment of charges, expenses and fees, including servicing expenses, out-of-pocket expenses, and postage expenses, shall be for those delinquent claims identified in §405, regardless of whether the delinquent claims are filed as claims in the Allegheny County Department of Court Records office.

404.4.5 The municipality’s delinquent collector recovering charges, expenses and fees pursuant to the schedule set forth in §404.4 of this ordinance shall be permitted to increase such charges, expenses, and fees by three percent (3%) on a yearly basis, without having to obtain further authorization from the municipality, beginning one (1) year following the date of enactment of this ordinance.

§405 Effective Date and Retroactivity.

- 405.1 This ordinance shall take effect on the date of enactment set forth below (“effective date”) and with respect to attorney fees pursuant to §§402 and 403 shall apply to all taxes, tax claims, tax liens, municipal claims, municipal liens, Writs of Scire Facias, Judgments, or Executions filed on or after December 19, 1990, or as otherwise provided by law.
- 405.2 Liability for payment of servicing expenses, out-of-pocket expenses, and postage expenses authorized in §401 and §404 and listed in §404.4.1 through §404.4.4, shall accrue as follows:

- 405.2.1 Immediately upon the effective date for all of the municipality's unpaid delinquent tax claims for calendar years 2019 and prior;
- 405.2.2 March 31 of each year beginning March 31, 2021, for all of the municipality's delinquent tax claims for calendar years 2020 and thereafter if not paid-in-full on or before March 30 of the year after which the taxes first became payable.
- 405.2.3 Immediately upon the effective date for all of the municipality's delinquent municipal claims due in 2020 and prior years originally billed more than thirty (30) days from the effective date.
- 405.2.4 On the thirty-first (31<sup>st</sup>) day from the initial billing date for all of the municipality's unpaid delinquent municipal claims for calendar years 2020 and thereafter not paid-in-full with thirty (30) days after the date of the initial billing for the delinquent municipal claims.
- 405.2.5 For delinquent tax claims following tax bills resulting from additional assessments:
  - 405.2.5.1 By December 31 of the current year or on the one-hundred-twenty-first (121<sup>st</sup>) day from the initial billing date, whichever is later, for a current year's additional assessment, billed in the current year;
  - 405.2.5.2 On the one-hundred-twenty-first (121<sup>st</sup>) day from the initial billing date for a prior year's additional assessment, billed in a later year.
- 405.3 In no event shall the municipality's right to charge and collect reasonable attorney fees pursuant to §402 of this ordinance be impaired by the fact that any delinquent claim may also include an attorney commission of five percent (5%) for delinquent claims filed prior to December 19, 1990. Any attorney fees assessed and collected under this or any prior ordinances pursuant to Act 1 shall be in addition to any five percent (5%) commission previously included in any delinquent claim or judgment thereon.
- 405.4 Attorney fees, servicing expenses and out-of-pocket expenses incurred in pending enforcement proceedings prior to the effective date of this ordinance, pursuant to a prior ordinance adopted under Act 1 or Act 20, but not collected, shall remain due and owing in accordance therewith, and shall be incorporated in any future statement, delinquent claim, pleading, judgment, or execution. Attorney fees, servicing expenses, and out-of-pocket expenses in any pending or new action incurred after the effective date of this ordinance shall be incurred, charged, and collected in accordance with the schedules and procedures set forth in this ordinance.

- 405.5 The charges, expenses and fees set forth in §404 of this ordinance relate to all unpaid delinquent claims in favor of the municipality, its agents and assigns, and shall be retroactive to the date of each delinquent claim.
- §406 Assignment. The municipality assigns the provisions of this ordinance to any assignee of its delinquent claims unless the assignment limits the assignee's ability to collect such amounts. The municipality and its duly authorized agents and their counsel shall retain all rights to charge reasonable attorney fees, charges, expenses, and fees in accordance with the provisions of this ordinance in actions commenced under the Act and for servicing any delinquent claims retained by the municipality.
- §407 Interest and Penalties. All interest related to delinquent claims shall be charged at the rate of ten percent (10%), pursuant to 53 P.S. §7143. All penalty related to delinquent tax claims shall be charged at the rate of ten percent (10%), pursuant to 72 P.S. §5511.10. All penalty related to delinquent municipal claims shall be charged at the rate of five percent (5%), pursuant to 53 P.S. §7203.