

**CHAPTER 1**  
**ADMINISTRATION AND GOVERNMENT**

**PART 1**  
**BOROUGH COUNCIL**

- § 1-101. Regular Meetings of Council.
- § 1-102. Special Meetings.
- § 1-103. Adjourned Session.
- § 1-104. Organization Meeting; Election of President.
- § 1-105. Election of Other Officers.
- § 1-106. Standing Committee.
- § 1-107. Special Committees.
- § 1-108. Duties of Committees.
- § 1-109. Introduction and Reference of Ordinance and Other General Laws.
- § 1-110. Form of Petition, Complaint, etc.
- § 1-111. Consideration of Committee Report; the Question.
- § 1-112. Procedure After Final Passage of Ordinance or Other Enactment.
- § 1-113. Reconsideration of Vetoed Ordinance or Resolution.
- § 1-114. Bills for Money Due the Borough.
- § 1-115. Signing of Orders.
- § 1-116. Quorum.
- § 1-117. Suspension of Rules.
- § 1-118. Adoption and Repeal of Additional Rules.
- § 1-119. President to Preserve Order.
- § 1-120. Manner of Addressing Council.
- § 1-121. Motions.
- § 1-122. Limitations Affecting Addresses.
- § 1-123. Interruptions; Call to Order.
- § 1-124. The Floor.
- § 1-125. Precedence of Motions.
- § 1-126. The Question.
- § 1-127. Division of a Question.
- § 1-128. Vote on the Question.
- § 1-129. When Yeas and Nays to be Taken.
- § 1-130. Question When Blank is to be Filled.
- § 1-131. Motion for Reconsideration.
- § 1-132. Name of Introducer Recorded; Withdrawal of Motion.
- § 1-133. Roberts Rules of Order to Govern Council.
- § 1-134. Order of Business.

SCOTTDALE CODE

PART 2  
MAYOR

- § 1-201. Salary.
- § 1-202. Payment Procedures.

PART 3  
APPOINTED OFFICERS

- A. Borough Manager.
  - § 1-301. Creation of Office.
  - § 1-302. Appointment and Removal.
  - § 1-303. Qualifications.
  - § 1-304. Bond.
  - § 1-305. Manager's Compensation.
  - § 1-306. Powers and Duties.
  - § 1-307. Procedural Limitations on Borough Council.
  - § 1-308. Disability or Absence of the Manager.
- B. Code Enforcement Officers.
  - § 1-311. Establishment of Office of Code Enforcement.
  - § 1-312. Duties and Powers of Code Enforcement Officer.
  - § 1-313. Permits, Certificates and Fees.
  - § 1-314. Violations and Penalties.
- C. Chief of Police.
  - § 1-321. Office Created.
  - § 1-322. Duties.
  - § 1-323. Compensation.
- D. Solicitor.
  - § 1-331. Collection of Claims, Accounts and Debts.
- E. Treasurer.
  - § 1-341. Treasurer to Keep Accounts.

ADMINISTRATION AND  
GOVERNMENT

- § 1-712. Certification to Auditor General.
- § 1-713. Annual Appropriation.

**C. Recovery of Service Fees**

- § 1-721. Authority to Charge Fees.
- § 1-722. Fees for Automobile Accident Responses.
- § 1-723. Third-Party Billing.
- § 1-724. Establishment of Fund.

**PART 8  
MUNICIPAL AUTHORITY**

- § 1-801. Legislative Authority.
- § 1-802. Execution of Articles.
- § 1-803. Publication of Notice.
- § 1-804. Funding, and Filing with Commonwealth.
- § 1-805. Appointment of Members.

**PART 9  
FIRE INSURANCE PROCEEDS**

- § 1-901. Designated Officer.
- § 1-902. Municipal Certificate.
- § 1-903. Procedures.
- § 1-904. Fees.
- § 1-905. Penalty.

**PART 10  
WARRANTLESS ARRESTS**

- § 1-1001. Warrantless Arrests.

**PART 11  
SEXUAL HARASSMENT POLICY**

- § 1-1101. Prohibited Activity.
- § 1-1102. Responsibilities.
- § 1-1103. Complaint Procedures.

SCOTTDALE CODE

PART 12  
RIGHT-TO-KNOW LAW

§ 1-1201. Adoption of Policy.

PART 13  
JUNIOR COUNCIL PERSON

§ 1-1301. Position Created; Requirements.

PART 14  
ATTORNEY FEES; COLLECTION OF DELINQUENT ACCOUNTS

- § 1-1401. Short Title.
- § 1-1402. Definitions.
- § 1-1403. Purpose.
- § 1-1404. Right to challenge.
- § 1-1405. Procedure For Assessing Attorney's Fees.
- § 1-1406. Actions in Assumpsit.
- § 1-1407. Interest Charges.
- § 1-1408. Cumulative Remedies.  
Exhibit A Schedule of Attorney Fees for the Collection of  
Municipal Debt

## PART 1

## BOROUGH COUNCIL

[53 P.S. § 46001 et seq.]

**§ 1-101. Regular Meetings of Council. [Ord. 20, 8/18/1896, Art. 5, § 1; as amended by Ord. 447, 5/8/1961; and by Res. 94-01, 1/3/1994]**

The regular meetings of the Borough Council shall be held on the second Monday of each month at the Council Chamber at the Borough Buildings in Scottdale, Pennsylvania, at 6:30 p.m.

**§ 1-102. Special Meetings. [Ord. 20, 8/18/1896, Art. 1, § 2]**

Special meetings may be called by the President of the Council whenever he may deem it expedient. In the absence of the President, or upon his refusal to do so, the Secretary shall upon the written request of the members, call special meetings. At all special meetings of Council, the business for which it has been called together shall be taken up immediately at which special meeting no other business shall be transacted except that for which the Council was convened.

**§ 1-103. Adjourned Session. [Ord. 20, 8/18/1896, Art. 1, § 3]**

The Council may adjourn a session at any time agreed upon by a majority of the members, a quorum being present at which adjourned session all business can be transacted.

**§ 1-104. Organization Meeting; Election of President. [Ord. 20, 8/18/1896, Art. 2, § 1; as amended by Ord. 187, 6/1/1914, § 1; by Ord. 386, 1/30/1953; and by Ord. 957, 10/13/1986]**

On the first Monday of January following the municipal election, the Councilmen elect and those holding over shall meet for organization. At such meeting, a President of Council shall be elected viva voce.

**§ 1-105. Election of Other Officers. [Ord. 20, 8/18/1896, Art. 2, § 2; as amended by Ord. 386, 1/30/1953; and by Ord. 957, 10/13/1986]**

The Council shall then proceed to elect by a viva voce vote the following, all of which officers shall take an oath or affirmation to discharge their duties with zeal and fidelity, such oath to be taken within 10 days of the date of their appointment:

- 1st. Secretary
- 2nd. Solicitor
- 3rd. Chief of Police
- 4th. Policemen
- 5th. Engineer
- 6th. Street Foreman
- 7th. Treasurer

8th. Zoning Solicitor

**§ 1-106. Standing Committee. [Ord. 20, 8/18/1896, Art. 2, § 3; as amended by Ord. 187, 6/1/1914; by Ord. 349, 1/5/1942, § 1; and by Ord. of 7/13/1982, § 1]**

Within 15 days after the organization of Council, the President of Council shall announce the Standing Committees, each of which committee shall consist of at least two members, the first thereof named to act as Chairman, and in his absence or inability to act, the second member shall act as Chairman. The Standing Committee shall be as follows: viz, General Government, Protection, and Public Services.

**§ 1-107. Special Committees. [Ord. 20, 8/18/1896, Art. 2, § 4]**

Special committees may be appointed as occasion may require, by the President or as the Council may direct.

**§ 1-108. Duties of Committees. [Ord. 20, 8/18/1896, Art. 2, § 5]**

Each committee shall duly consider such matters as may be referred to it, and report to Council as early as practicable, but in any event not later than the next regular meeting after the reference of such matter; and all reports requiring action on the part of Council shall be made in writing and signed by all the members agreeing thereto, and accompanied by resolution or ordinance expressive of the decision of the committee; and any committee may report to Council on any matter or subject pertaining to their duties without the same having been specially referred to them.

**§ 1-109. Introduction and Reference of Ordinance and Other General Laws. [Ord. 20, 8/18/1896, Art. 3, § 1]**

Every enactment, regulation, ordinance, resolution or other general law, shall be presented to the Council by a member thereof in his proper place, and the title to the same shall be read by such member and shall be referred immediately by the President of Council to the proper committee.

**§ 1-110. Form of Petition, Complaint, etc. [Ord. 20, 8/18/1896, Art. 3, § 2; as amended by Ord. 957, 10/13/1986]**

Every petition, complaint or other matter requiring the action of Council shall be accompanied by a proper motion, resolution, or ordinance.

**§ 1-111. Consideration of Committee Report; the Question. [Ord. 20, 8/18/1896, Art. 3, § 3]**

Upon the receipt of the report of the action of any committee concerning any enactment, regulation, ordinance, resolution or other general law, the same shall be read by the Secretary of the Council, when it shall be the subject of amendment, debate, recommittal, postponement or adoption. If final action is taken, the President of Council shall put the question: "Shall the ordinance (enactment, regulation, resolution) pass?"

**§ 1-112. Procedure After Final Passage of Ordinance or Other Enactment.**  
[Ord. 20, 8/18/1896, Art. 3, § 4]

After the final passage of every such enactment, regulation, ordinance, resolution or general law, it shall be signed by the President of Council and attested by the Secretary, whereupon it shall be submitted to the Mayor by the Secretary for the approval or disapproval of the said Mayor.

**§ 1-113. Reconsideration of Vetoed Ordinance or Resolution.** [Ord. 20, 8/18/1896, Art. 3, § 5; as amended by Ord. 957, 10/13/1986]

In case of the disapproval of any ordinance or resolution by the Mayor, he shall return it with his objections to the Council at its next regular meeting occurring at least 10 days after the meeting at which such ordinance or resolution was passed by the Council, when the objections shall be entered upon the minutes and the Council shall proceed to a reconsideration thereof either at the meeting at which the vetoed ordinance or resolution was returned or at any other regular, special or adjourned meeting held not later than 10 days thereafter. If, after such reconsideration, 2/3 of all the members elected to said Council, or a majority of Council plus one shall vote to pass such ordinance or resolution, it shall become of as full force and effect as if it had received the approval of the Mayor; but in such case the vote shall be determined by yeas and nays, and the names and votes of the members shall be entered on the minutes. If any such ordinance or resolution shall not be returned by the Mayor at the regular meeting of the Council occurring at least 10 days next succeeding its presentation to him, it shall likewise have as full force as if it had been approved. A veto of the annual tax ordinance of the Borough, referred to in Section 1301 of the Borough Code, may be overridden by a vote of 2/3 of all the members of Council, and thereafter such ordinance shall become of as full force and effect as if it had received the approval of the Mayor.

The enactment of an ordinance shall be the date when the Mayor shall approve it or the date of passage by the Council over the veto of the Mayor, or in the case of any ordinance not returned by the Mayor at the regular meeting of Council, occurring at least 10 days after the meeting at which such ordinance was passed by the Council, the date of enactment shall be the date of such succeeding regular meeting of Council.

**§ 1-114. Bills for Money Due the Borough.** [Ord. 20, 8/18/1896, Art. 4, § 1; as amended by Ord. 386, 1/30/1953, § 5]

All bills for money due by the Borough shall be presented to the Council at a regular or adjourned meeting thereof, whereupon a vote shall be taken upon allowing or disallowing the same. Upon the request of any three members, the bill or bills shall be referred to the proper committee for investigation, who shall report thereon at the next subsequent meeting, and a vote shall then be taken immediately upon the granting or refusal of an order therefor.

**§ 1-115. Signing of Orders. [Ord. 20, 8/18/1896, Art. 4, § 2; as amended by Ord. 386, 1/30/1953, § 3]**

All expenditures, when approved by the Council and authorized by the Borough Treasurer, shall be paid on order of the Borough. All orders granted shall be signed by the President of Council and the Secretary.

**§ 1-116. Quorum. [Ord. 20, 8/18/1896, Art. 5, § 1]**

A majority of all the members of the Borough Council shall constitute a quorum for the transaction of business.

**§ 1-117. Suspension of Rules. [Ord. 20, 8/18/1896, Art. 6, § 1; as amended by Ord. 386, 1/30/1953, § 4]**

Rules of Council may be suspended by assent of 2/3 of the members present, excepting any of the provisions of §§ 1-109 to 1-113 hereof, which may be suspended only by the unanimous consent of all the members present; and all votes for the suspension of rules shall be without debate. Provided: In no case may any rule be suspended where such suspension would result in a violation of or a conflict with any provision of the Constitution or laws of the Commonwealth of Pennsylvania.

**§ 1-118. Adoption and Repeal of Additional Rules. [Ord. 20, 8/18/1896, Art. 7, § 1]**

Such further rules as may be deemed necessary from time to time may be adopted by a two-thirds vote of all the members of Council; but these rules shall not be repealed or amended unless the proposition to repeal or amend be submitted to Council one meeting previous to action thereon, when, if 2/3 of a full Council vote for the proposition, it shall be adopted.

**§ 1-119. President to Preserve Order. [Ord. 20, 8/18/1896, Art. 8, § 1]**

The President shall preserve order and announce the decision of the Council on all subjects. He shall decide questions of order without debate, subject to appeal to the Council by any three members, which appeal shall be reduced to writing, and no member shall speak more than once, the President speaking last. The question before Council shall be, "Shall the decision of the chair stand as the judgment of the Council?" which question shall be put by the Secretary.

**§ 1-120. Manner of Addressing Council. [Ord. 20, 8/18/1896, Art. 8, § 2]**

Any member desiring to speak shall arise to his feet and respectfully address the President, and, being recognized by that officer, shall confine himself to the subject under debate, avoid all personalities, indecorous or offensive language; and no member shall be referred to in debate by name, unless for a violation of order, and then only by the President.



**§ 1-121. Motions. [Ord. 20, 8/18/1896, Art. 8, § 3]**

Any member making a motion shall arise, and no motion shall be considered in debate until it shall have been stated by the President, and, when demanded by any three members, shall be reduced to writing and read before the same shall be debatable.

**§ 1-122. Limitations Affecting Addresses. [Ord. 20, 8/18/1896, Art. 8, § 4]**

No member shall speak more than twice upon the same motion in the same evening nor for more than 10 minutes at one time, without leave granted by the Council.

**§ 1-123. Interruptions; Call to Order. [Ord. 20, 8/18/1896, Art. 8, § 5]**

No member shall be interrupted while speaking, except it be to call to order, or for the purpose of explanation. If called to order, he shall take his seat until the question of order is decided, when, if permitted he may proceed.

**§ 1-124. The Floor. [Ord. 20, 8/18/1896, Art. 8, § 6]**

If two or more members rise to speak at the same time, the President shall decide who is entitled to the floor.

**§ 1-125. Precedence of Motions. [Ord. 20, 8/18/1896, Art. 8, § 7]**

When a motion is before the Council, no motion shall be in order except to adjourn to lay upon the table, for the previous question, to postpone indefinitely, all of which shall be decided without debate; to postpone to a stated time, to commit or to amend; which motions shall severally have precedence in the order herein named.

**§ 1-126. The Question. [Ord. 20, 8/18/1896, Art. 8, § 8]**

On a call of three members in the Council, the previous question shall be put in this form: "Shall the main question be put?" and, until it is decided, shall preclude all amendment or debate. If decided in the affirmative, the vote will then be taken on the amendments, if any, in their order, and then on the main question.

**§ 1-127. Division of a Question. [Ord. 20, 8/18/1896, Art. 8, § 9]**

Any member may demand the division of a question when the sense will admit of it.

**§ 1-128. Vote on the Question. [Ord. 20, 8/18/1896, Art. 8, § 10]**

Before putting any question, the President shall ask: "Is the Council ready for the question?" If no member rise to speak, he shall rise and put the question, and declare the result. If the yeas and nays are called for, the roll shall be called by the Secretary, who shall hand the result of the vote to the President, and he shall announce the same to the Council.

**§ 1-129. When Yeas and Nays to be Taken. [Ord. 20, 8/18/1896, Art. 8, § 11]**

The yeas and nays shall not be taken unless demanded by at least two members. When the question is decided by yeas and nays the names of the members shall be called in alphabetical order, except the President, who shall be called last, and each member shall vote, which vote shall be recorded in full on the minutes.

**§ 1-130. Question When Blank is to be Filled. [Ord. 20, 8/18/1896, Art. 8, § 12]**

When a blank is to be filled, the question shall be first taken on the highest sum or number, and the longest or latest time proposed.

**§ 1-131. Motion for Reconsideration. [Ord. 20, 8/18/1896, Art. 8, § 13]**

No motion for reconsideration shall be entertained, unless made by a member voting with the prevailing side in the first instance, and shall not be in order unless made on the day, or at the first subsequent meeting after the vote to be reconsidered was taken, and before final action shall have placed the matter beyond recall,

**§ 1-132. Name of Introducer Recorded; Withdrawal of Motion. [Ord. 20, 8/18/1896, Art. 8, § 14]**

The name of any member presenting any petition, letter, memorial, remonstrances or making any motion shall be recorded in the minutes, and any motion may be withdrawn by the mover, with the unanimous consent of the Council, before amendment or decision.

**§ 1-133. Roberts Rules of Order to Govern Council. [Ord. 20, 8/18/1896, Art. 8, § 15; as amended by Ord. 957, 10/13/1986]**

The rules of parliamentary practice comprised in Roberts Rules of Order, Revised shall govern the Borough Council in all cases in which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Council.

**§ 1-134. Order of Business. [Ord. 20, 8/18/1896, Art. 9, § 1; as amended by Ord. 349, 1/5/1942, § 2; and by Ord. of 7/13/1982, § 2]**

Business shall be taken up in the following order, which shall be announced by the President:

1. Calling roll of members.
2. Reading of minutes.
3. Presentation of bills, petitions, remonstrances, communications, memorials, etc.
4. Report of Borough Order.
5. Report of General Government Committee.

6. Report of Protection Committee.
7. Report of Public Services Committee.
8. Reports of Special Committees in the order of their appointments.
9. Unfinished business of previous meetings.
10. New business.
11. Adjournment.



PART 2

MAYOR

[53 P.S. § 46024(5)]

**§ 1-201. Salary. [Ord. 517, 2/21/1971, § 1; as amended by Ord. 957, 10/13/1986]**

The per annum salary of the Mayor of the Borough of Scottdale is hereby fixed at \$1,400 per annum.

**§ 1-202. Payment Procedures. [Ord. 517, 2/21/1971, § 2; as amended by Ord. 957, 10/13/1986]**

The aforesaid per annum salary of the said Mayor shall be paid to the Mayor in accordance with current payroll procedures.

C

C

C

## PART 3

## APPOINTED OFFICERS

**A. Borough Manager.**  
[53 P.S. § 46141 et seq.]**§ 1-301. Creation of Office. [Ord. 957, 10/13/1986]**

The office of Borough Manager is hereby created by the Borough Council.

**§ 1-302. Appointment and Removal. [Ord. 957, 10/13/1986]**

The Manager shall be appointed for an indefinite term by a majority of all members of the Borough Council. The Manager shall serve at the pleasure of the Borough Council, and he may be removed at any time by a majority vote of all its members. At least 30 days before such removal is to become effective, the Borough Council shall furnish the Manager with a written statement setting forth its intention to remove him and the reasons therefor.

**§ 1-303. Qualifications. [Ord. 957, 10/13/1986]**

The Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to the duties of the office as herein outlined. The Manager need not be a resident of the Borough of Scottsdale or of the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office he may reside outside the Borough only with the approval of the Borough Council. If the Borough Council fails within a reasonable time, not to exceed 60 days after the appointment, to approve the Manager's residence outside the Borough, he must immediately become, and during his tenure remain, a resident of the Borough of Scottsdale.

**§ 1-304. Bond. [Ord. 957, 10/13/1986]**

Before entering upon his duties, the Manager shall give a bond, in the sum of \$50,000 to the Borough of Scottsdale with a bonding company as surety, to be approved by the Borough Council, conditioned upon the faithful performance of his duties, the premium for said bond to be paid by the Borough.

**§ 1-305. Manager's Compensation. [Ord. 957, 10/13/1986]**

The salary of the Borough Manager shall be fixed from time to time by the Borough Council.

**§ 1-306. Powers and Duties. [Ord. 957, 10/13/1986]**

The Manager shall be the Chief Administrative Officer of the Borough and shall be responsible to the Borough Council as a whole for the proper and efficient administration of the affairs of the Borough placed in his charge. The powers and duties for administration of all Borough business shall be vested in the Manager,

unless expressly imposed or conferred by statute or ordinance upon other Borough officers.

1. Supervise and be responsible for the activities of all municipal departments;
2. Exercise significant influence in the appointment, suspension or discharge any employee under his supervision, provided that persons covered by the civil service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions, and provided further that the Manager shall report, at the next meeting thereafter of the Borough Council, any action taken by authority of this subsection;
3. Fix wages and salaries of all personnel under his supervision, within a range previously determined by the Borough Council;
4. Prepare and submit to the Borough Council a budget for the next fiscal year and an explanatory budget message, in such a timely fashion as will enable the Borough Council to consider and adopt the budget and related tax ordinances according to the requirements of law. In preparing the budget, the Manager, or an officer designated by him, shall obtain from the head of each department, agency or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required. The Manager shall review such estimates and may revise them before submitting the budget to the Borough Council;
5. Be responsible for the administration of the budget after its adoption by the Borough Council;
6. Develop, in conjunction with the preparation of the budget, long-range fiscal plans for the Borough of Scottsdale, such plans to be presented annually to the Council for its review and adoption;
7. Hold such other Borough offices and head such Borough departments as the Borough Council may from time to time direct;
8. Attend all meetings of the Borough Council and its committees with the right to take part in the discussions. The Manager shall receive notice of all special meetings of the Borough Council and its committees;
9. Prepare the agenda for each meeting of the Borough Council and supply facts pertinent thereto;
10. Keep the Borough Council informed as to the conduct of Borough affairs; submit periodic reports on the condition of the Borough finances and such other reports as the Borough Council requests; and make such recommendations to the Borough Council as deemed advisable;
11. Submit to the Borough Council, as soon as possible after the close of the fiscal year, a complete report on the finances and the administrative activities of the Borough for the preceding year;



12. See that the provisions of all franchises, leases, permits and privileges granted by the Borough Council are observed;
13. Employ, by and with the approval of the Borough Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough;
14. Attend to the letting of contracts in due form of law. The Manager shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed by statute upon some other Borough officer;
15. Be responsible for all accounts payable and receivable;
16. Serve as Purchasing Officer of the Borough of Scottsdale and purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the agencies, boards, departments and other offices of the Borough. The Manager shall keep an account of all purchases and shall, from time to time or when directed by the Borough Council, make a full written report thereof. He shall also issue rules and regulations, subject to the approval of the Borough Council, governing the procurement of all municipal supplies and equipment;
17. Investigate and dispose of, or designate an officer to investigate and dispose of, all complaints regarding Borough services and personnel, and to report to the Council thereon. All complaints regarding Borough services shall be referred to the Office of Manager;
18. Enforce the ordinances and regulations of the Borough.

**§ 1-307. Procedural Limitations on Borough Council. [Ord. 957, 10/13/1986]**

Other than for the purposes of inquiry, the Borough Council or any of its members shall deal with the administrative service solely through the Manager, and neither the Borough Council nor any of its members, the Borough committees or its members shall not give orders, publicly or privately, to any subordinate of the Manager.

**§ 1-308. Disability or Absence of the Manager. [Ord. 957, 10/13/1986]**

If the Manager becomes ill or needs to be absent from the Borough, he shall designate one qualified member of his staff to perform the duties of the Manager during his absence or disability. The person so designated shall not perform these duties for a period longer than two weeks without the approval of the Borough Council.

**B. Code Enforcement Officers.**

**[53 P.S. § 46202(24)]****§ 1-311. Establishment of Office of Code Enforcement. [Ord. 573, 9/12/1977, § 1]**

1. Creation of Office of Code Enforcement. There is hereby created by the Council of the Municipality an office of the Municipality to be known as the "Office of Code Enforcement." Said office shall have the joint responsibility with the "Building Official" designated by various ordinances for administering and enforcing the provisions of this ordinance and of those other codes and/or ordinances of the Municipality (herein referred to as the "applicable codes and ordinances") which designated the "Building Official" and/or the Office of Code Enforcement as their Official Administration and Enforcement Agency.
2. Appointment of Code Enforcement Officer. There shall be appointed by the Council of the Municipality, a Code Enforcement Officer who shall be in charge of the Office of Code Enforcement of the Municipality. The Code Enforcement Officer shall supervise such other employees or assistants as shall be necessary for the administration and execution of the responsibilities of said office, as appointed and approved by the Council of the Municipality. Said Code Enforcement Officer and other personnel may consist of employees directly hired and compensated by the Municipality.
3. Fire Chief. In accordance with the Fire Prevention Code of the Municipality, the Fire Chief of the Municipality has been established as the authorized representative of the Office of Code Enforcement of the Municipality having all of the duties for enforcement of the Fire Prevention Code of the Municipality provided for in this Part 3B. The Fire Chief shall continue to serve in this capacity until such time as Council declares otherwise.
4. Building Official. Various ordinances of the Municipality appoint the Borough Engineer as the "Building Official" who is empowered to enforce the provisions of those ordinances. It is the express intent of this Part to continue that authority in the Borough Engineer as well as to expand his authority as set forth in this Part and to create the position of Code Enforcement Officer who shall receive the powers herein set forth. The term "Code Enforcement Officer" as used herein shall be interpreted to include the "Building Official" (Borough Engineer), and all powers, rights, obligation, etc., given to the Code Enforcement Officer are hereby also given to the "Building Official" (Borough Engineer).
5. Relief from Personal Liability. The Code Enforcement Officer or other official or employees shall not, while acting for the Municipality, render himself liable personally because of any act or omission as required or permitted in the discharge of his official duties. Any suit instituted against such Code Enforcement Officer, official, or employee, because of any act performed by him in the lawful discharge of his duties, shall be defended by the Solicitor of

the Municipality and in no case will said officer, official, or employee be liable for costs in any action, suit or proceeding.

6. Official Record. An official record shall be kept of all business and activities of the Office of Code Enforcement and all such records shall be open to the public for inspection at all appropriate times, except that no individual, owner, operator, occupant, or other person shall be subject to unwarranted invasion of privacy and except that all evidence or information obtained in any course of any inspection shall be considered privileged information and shall be kept confidential. Such evidence or information shall not be disclosed except as may be necessary in the judgment of the Code Enforcement Officer for the proper and effective administration and enforcement of the provisions of this Part 3B and shall not otherwise be made public without the consent of the owner, occupant, operator, or other person in charge of the unit, structure or premises inspected.

**§ 1-312. Duties and Powers of Code Enforcement Officer. [Ord. 57, 9/12/1977, § 2]**

1. Enforcement of Code Enforcement Officer. The Code Enforcement Officer shall enforce and administer all of the provisions of this Part and of those other applicable Codes and Ordinances which establish the office of Code Enforcement as their Official Administration and Enforcement Agency.
2. Duties of Code Enforcement Officer. The duties of the Code Enforcement Officer shall include the notices, certificates and orders, the making of inspections to determine conformance with applicable codes and ordinances, the undertaking of systematic inspection programs, the undertaking of research and investigations, the keeping of records, the issuance of written annual reports and such other activities as may be required.
3. Right-of-Entry. In the discharge of his duties, the Code Enforcement Officer or his authorized representative, upon showing proper identification where requested, is hereby authorized to enter and inspect, between the hours of 9:00 a.m. and 4:00 p.m., any structure or premise in the Municipality other than a private residence occupied by the owner, or any portion of a private residence occupied by the owner thereof, to enforce the provisions of this ordinance and of those other applicable codes and ordinances. The assistance and cooperation of all other Municipality officials, including police and fire departments, shall be available to the Code Enforcement Officer to assist in the performance of his duties and in securing right-of-entry.
4. The Code Enforcement Officer and the owner, operator or occupant or other person in charge of any structure or premises subject to the provisions of this Part may agree to an inspection by appointment at a mutually convenient time.
5. The owner, operator or occupant or other person in charge of any structure or premises shall give the Code Enforcement Officer entry and free access

thereto and to every part of the structure or to the premises surrounding the structure.

6. If any owner, operator or occupant or other person in charge fails or refuses to permit entry and free access to the structure or premises under his control, or to any part thereof, with respect to any authorized inspection, the Code Enforcement Officer may, upon a showing that probable cause exists for the inspection may file a complaint and may petition for and obtain an order directing compliance with the inspection requirements of this Part from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

**§ 1-313. Permits, Certificates and Fees. [Ord. 57, 9/12/1977, § 3; as amended by Ord. 1115, 6/10/2002]**

1. **Permit Required.** An application for a permit shall be required in accordance with the provisions of those applicable codes and ordinances.
2. **Action on Application.** The Code Enforcement Officer shall examine said application to determine compliance with those other applicable codes and ordinances of the Municipality and shall, within 30 days after filing, either approve or reject said application. If said application is rejected, the Code Enforcement Officer shall inform the applicant in writing, stating the reasons for such rejection. If he approves the application, he shall forward it to the Borough Manager who will collect the requisite fee and issue the permit.
3. **Required Fees.** Applicants for permits required by any of the applicable Codes and Ordinances shall pay, at the time of application to the Borough Manager for use by the Borough, a permit fee as established from time to time by resolution of Council, and said fees shall apply to all permits, whether for building, mechanical, electrical or plumbing, except as set forth in Subsection 4 of this Section.
4. Notwithstanding the above, it is hereby established that the building permit fees addressed herein or addressed by separate resolution shall not apply to building permits issued with respect to the erection of flagpoles in the Borough. Flagpoles will still require a building permit application and cannot be erected unless and until the application is granted, and the applicant must meet all zoning and other Borough laws and other applicable laws prior to the issuance of a permit. The fees for all other permits, whether for building, mechanical, electrical or plumbing, after the estimated cost of the project has been determined by the Borough, shall be as established from time to time by resolution of Council.
5. All permits granted under any of the above applicable codes and ordinances shall be good for a period of six months provided that extensions may be requested in writing and such extensions may be granted by the Code

Enforcement Officer for good reason; except that any permit granted for demolition activities shall be valid for six months only and if such demolition work is not completed within that time, any bond posted by the applicant shall be forfeited.

6. Certificates. The following certificates shall be required in accordance with the provisions of those other applicable codes or ordinances which the Office of Code Enforcement has the responsibility to administer. Said certificates may be issued separately or combined in the form of a single certificate.
  - A. Certificate of Use and Occupancy. In accordance with § 119.0 of the BOCA Basic Building Code, a Certificate of Use and Occupancy shall be required, and no new building or portion of an existing building which is enlarged or altered, shall be used or occupied in whole or in part, until such a Certificate of Use and Occupancy shall have been issued by the Code Enforcement Officer.
  - B. Certificate of Approval. A Certificate of Approval shall be required for any electrical or plumbing work completed under the provisions of the applicable codes and ordinances. All applicants shall apply to the Office of Code Enforcement for such a Certificate of Approval within 30 days of the completion of the building, structure, work or premises.
  - C. Other Certificates. Any other permits, certificates or licenses, as required by the applicable codes and ordinances shall be obtained by the applicant in accordance with the provisions of said applicable codes and ordinances. Application for such permits, certificates, or licenses shall be made to the Code Enforcement Officer.

**§ 1-314. Violations and Penalties. [Ord. 573, 9/12/1977, § 4; as amended by Ord. 6/11/1984; and by Ord. 957, 10/13/1986]**

1. Procedure in Case of Violations. Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, or of the other applicable codes and ordinances, or of any rules and regulations adopted pursuant thereto, he shall proceed as follows:
  - A. Serve notice in writing of the alleged violation, which shall be signed by the Code Enforcement Officer or his authorized representative. Said notice shall be served personally to the responsible owner, occupant, operator or other person in charge; or served by registered mail with a return receipt requested; or where such responsible person in charge cannot be found, service may be made by posting a notice in or about the structure or premises or by publishing such notice in a newspaper of general circulation for a period of three consecutive days; or served by any other method authorized under the laws of the Commonwealth of Pennsylvania.

- B. Said notice shall include a statement of the reasons why the notice is being issued, the sections of the Code and/or ordinances which have been violated, and the remedial actions required.
  - C. Said notice shall allow a reasonable time not to exceed 60 days, for the initiation and correction of the violation alleged or of the remedial actions required except where emergency conditions exist which require immediate corrective action.
  - D. Said notice shall contain a statement indicating that the notice will become an order if no request and no approval for an extension of time is made to the Code Enforcement Officer or if no petition for an appearance at a hearing is requested before the Zoning Hearing Board within 15 days from the receipt of said notice.
  - E. The Code Enforcement Officer may grant a petitioner a reasonable extension of time where he has evidence to believe that the responsible person is attempting to remove the alleged violation. However, no such extension of time may exceed a period of 90 days unless authorized by the Zoning Hearing Board upon appeal of the responsible owner, operator, occupant or other person in charge.
2. Any person, firm or corporation who shall violate any provision of this Part 3B shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 3B continues shall constitute a separate offense. The imposition of the penalties, herein prescribed shall not preclude the Solicitor representing the Municipality from initiating, and he is hereby ordered to initiate appropriate actions or proceedings at law, or in equity, to effect the purpose of this Part.
3. Dangerous and Unsafe Conditions and Structures and Dwellings Unfit for Human Habitation. Structures which contain dwellings which are unfit for human habitation, or structures which are dangerous or unsafe and structures which contain dangerous conditions or materials, as defined by the applicable codes and ordinances of the Municipality are hereby declared to be a public nuisance.
- A. General Procedure. The Code Enforcement Officer shall order the responsible owner, operator, occupant, or person in charge of the structure or premises which are dangerous, unsafe or unfit for human habitation to vacate, repair and/or demolish said structure and to remove the public nuisance as provided for in this Part and in the applicable codes and ordinances of the Municipality in accordance with the laws of the Commonwealth of Pennsylvania.
  - B. Failure to Comply. Whenever an order to vacate, repair, and/or demolish a structure which is a public nuisance because it is unsafe, dangerous or unfit for human habitation has not been complied with,

the Code Enforcement Officer may, in accordance with the laws of the Commonwealth of Pennsylvania, proceed to cause the structure to be vacated, repaired, and/or demolished to take such other action as is necessary to abate the nuisance. Abatement under this section shall not commence until at least 10 days after the service of the order, except that the Code Enforcement Officer may determine that more immediate action is required because of the special emergency or dangerous conditions which exist.

- C. **Recovery of Expenses.** The expenses incurred pursuant to § 1-314, Subsection 3B, of this Part and of the other applicable codes and ordinances shall be paid by the responsible owner, operator, or occupant or by the persons who caused or maintained such a public nuisance. The Code Enforcement Officer shall file on his records an affidavit stating with fairness and accuracy the items and date of the expenses incurred. The Council of the Municipality may institute a suit to recover such expenses to be charged against the property as a lien.

**C. Chief of Police.**  
[53 P.S. § 46121]

**§ 1-321. Office Created. [Ord. 535, 6/21/1973, § 1]**

The Office of Chief of Police of the Scottdale Borough Police Force shall be and is hereby created.

**§ 1-322. Duties. [Ord. 535, 6/21/1973, § 2]**

The person appointed to fill the said Office of Chief of Police shall have all of the duties, powers, obligations and responsibilities set forth in the several sections of the Borough Code and in all other pertinent acts and statutes of the General Assembly of the Commonwealth of Pennsylvania as they relate to the Office of Chief of Police.

**§ 1-323. Compensation. [Ord. 535, 6/21/1973, § 4; as amended by Ord. 957, 10/13/1986]**

The compensation to be paid to said Chief of Police shall be set by the Borough Council.

**D. Solicitor.**  
[53 P.S. § 46117]

**§ 1-331. Collection of Claims, Accounts and Debts. [Ord. 57, 8/18/1896, § 2]**

The collection of all claims, accounts and debts due to the Borough shall be referred to the Solicitor for adjustment; he shall keep a register of the same and proceed to

procure their proper and speedy adjudication and collection; and make report and return of all money collected by him, as provided by law in case of other Borough officers: Provided, that nothing in this Section shall be construed to change the mode now provided for collecting taxes.

**E. Treasurer.**  
**[53 P.S. § 46005]**

**§ 1-341. Treasurer to Keep Accounts. [Ord. 49, 8/18/1896, § 3]**

The Treasurer shall cause the accounts of his office to be kept in an intelligible manner, wherein the receipts and expenditures shall be exhibited, and the particulars of each item of charge and discharge shall correctly appear, and said accounts shall at all times during office hours, be open to the inspection of the Mayor or any member of Council.

**§ 1-342. Granting of Licenses and Permits. [Ord. 49, 8/18/1896, § 4; as amended by Ord. 397, 10/19/1953, § 1]**

The Treasurer shall have power and is hereby authorized to grant licenses and permits in accordance with the ordinances of the Borough, to all such persons as may apply and pay for the same. He shall keep a correct account of all permits granted, and the revenue derived from them, in a separate book for the purpose.

**§ 1-343. Audits and Reports. [Ord. 49, 8/18/1896, § 6]**

He shall when required to do so by the Borough Auditors, produce his books, papers, accounts and vouchers, and aid the said Auditors in making a settlement of the Borough accounts. He shall also assist the Borough Secretary in making out his annual report of the financial condition of the Borough.

**§ 1-344. Monthly and Annual Reports. [Ord. 49, 8/18/1896, § 7; as amended by Ord. 397, 10/9/1953, § 2]**

It shall be the duty of the Borough Treasurer to report to Council at each and every regular monthly meeting the amount of money on hand at last statement, the amount received up until the last day of the preceding month, the source from which received, the amount paid by him, and on what account paid during the said period. At the regular February meeting of Council, in each and every year, he shall submit to Council an annual statement, closing with the last day of the previous fiscal year, giving a clear and detailed statement of all moneys received by him during the preceding year, stating from whom or what source received, the amount paid by him, classifying the kind or character of order, coupon or other evidence of indebtedness paid by him, also the amount of funds in the treasury.

**F. Independent Auditor.**



**[53 P.S. § 46005]****§ 1-351. Office of Independent Auditor Created. [Ord. 909, 3/9/1981, § 1]**

Under the power conferred upon Borough Council by Section 1005(7) of the Borough Code, there is created the Office of Independent Auditor.

**§ 1-352. Office of Elected Auditor Abolished. [Ord. 909, 3/9/1981, § 2]**

The Office of Elected Borough Auditor is hereby abolished.

**§ 1-353. Appointment. [Ord. 909, 3/9/1981, § 3]**

Before the close of the current fiscal year and before the close of each following fiscal year thereafter, an Independent Auditor shall be appointed annually by resolution.

**§ 1-354. Qualifications. [Ord. 909, 3/9/1981, § 4]**

The Independent Auditor shall be a Certified Public Accountant registered in Pennsylvania, a firm of Certified Public Accountants so registered or a competent Public Accountant or a competent firm of Public Accountants.

**§ 1-355. Powers and Duties. [Ord. 909, 3/9/1981, § 5]**

The Auditor shall make an independent examination of the accounting records of the Borough for each fiscal year and perform all other duties and exercise all other powers as authorized by the Borough Code, Act of February 1, 1966, P.L. (1965) 1656, No. 581.

**G. Regulations Affecting Borough Officers in General.****[53 P.S. § 46103]****§ 1-361. Officers to Pay Collected Moneys to Treasurer and to Make Monthly Financial Report to Council. [Ord. 60, 8/18/1896, § 1; as amended by Ord. 400, 10/19/1953, § 1]**

It shall be the duty of all appointed officers of the Borough, acting under the authority of the Borough, who may receive into their hands, from whatever source derived, any moneys due or belonging to the Borough, to pay to the Borough Treasurer, on or before the fifth day of each and every month, the full amount received or collected by them respectively, during the last preceding month, with the statement from what source derived. All such officers and, in addition, all officers of Borough government elected by the people, shall also report to Council at every regular monthly meeting the amount of money received or collected during the last preceding month, the source from which received, and upon what account paid, together with a statement of what amount, if any, yet is due the Borough, from whom and on what account due.

**§ 1-362. Bills and Accounts Certified to Council. [Ord. 58, 8/8/1896, § 1; as amended by Ord. 399, 10/19/1953, § 1; as amended by Ord. 957, 10/13/1986]**

It shall be the duty of the Mayor, Police, members of Council, or any person, officer or committee acting under the authority of the same, who shall employ any person or contract any debt in behalf of the Borough for materials, labor, professional service, or any other purpose or cause whatever, to certify and report the same to the Borough Council on or before the first Monday in every month, stating the amount and character of service rendered with amount due therefore. No such bill, claim or account shall be paid until it shall have been certified as herein required.

**§ 1-363. Official's Bonds. [Ord. 321, 2/8/1932, § 1; as amended by Ord. 957, 10/13/1986]**

The following Borough officers and employees shall furnish bonds secured by corporate sureties, amounts to be set annually by the Borough Council, to secure the faithful performance of their duties:

Borough Manager  
Borough Secretary  
Assistant Borough Secretary  
Treasurer  
Assistant Treasurer  
Solicitor  
Emergency Dispatch Officer  
Meter Persons  
Tax Collector  
Clerk Typist

**§ 1-364. Borough to Pay Bond Premiums. [Ord. 321, 2/8/1932, § 2]**

The premiums on the aforesaid bonds shall be paid from Borough funds.

## PART 4

## DEPARTMENTS AND AGENCIES

**A. Police.**  
**[53 P.S. § 46121]****§ 1-401. Duties of Police. [Ord. 61, 8/18/1896, § 1; as amended by Ord. 401, 10/19/1953]**

It shall be the duty of the Borough Police Officers to enforce all the Borough laws, ordinances and resolutions, to make or cause to be made complaint to the Mayor of every infraction of said laws, ordinances and regulations which shall come to their knowledge, and procure the necessary proof thereof, and, in subordination of the Mayor, it shall be the duty of the Borough Police Officers to preserve the peace and quiet of the Borough, and to quell all tumults, riots and other disturbances.

**§ 1-402. Auxiliary Police Force. [Res. of 8/13/1962]**

There is hereby created a body or organization which shall be known and designated as the "Scottdale Auxiliary Police Force", which shall be utilized at the discretion of the Mayor of the Borough of Scottdale under his supervision and direction at any time in the future to further the safety and welfare of the Borough of Scottdale.

Said Auxiliary Police Force shall be limited to 17 members, and preference shall be given to residents of the Borough of Scottdale with respect to new members.

The Mayor of the Borough of Scottdale shall make recommendations to the Borough Council for members to said Auxiliary Police Force and the Borough Council shall, from time to time, by motion, appoint or remove members to said Force.

**B. Educational Service Agency.**  
**[53 P.S. § 802.1]****§ 1-411. Created. [Ord. 903, 7/14/1980, § 1]**

By authority vested in boroughs by 43 P.S. § 802.1, the Borough of Scottdale establishes an Educational Service Agency.

**§ 1-412. Composition. [Ord. 903, 7/14/1980, § 2]**

The Educational Service Agency shall be composed of three individuals: The Mayor of Scottdale, the Chief of Police of Scottdale, and the Borough Manager of Scottdale.

**§ 1-413. Vacancies. [Ord. 903, 7/14/1980, § 3]**

Vacancies in the Educational Service Agency occurring for any reason shall be filled by appointment by the Borough Council.

**§ 1-414. Function. [Ord. 903, 7/14/1980, § 4]**

The function of the Educational Service Agency shall be to employ and supervise school crossing guards, also referred to as special school police, to direct traffic at or near schools. In order to enable the Educational Service Agency to perform that function, the Borough delegates to the Educational Service Agency the authority to appoint and supervise crossing guards or special school police as set out in the Borough Code.

**§ 1-415. Authority of Agency. [Ord. 903, 7/14/1980, § 5]**

The Educational Service Agency shall have the following authority, and it shall be its duty to:

1. Prepare annually, and, on or before the first day of November of each year, submit to the Borough Council for approval a budget showing its contemplated income and its proposed expenditures for the succeeding year.
2. Annually adopt the budget as submitted under § 1-415, Subsection 1, as modified by the Borough.
3. From time to time employ and/or discharge and fix the compensation of crossing guards or special school police to serve in the Borough.
4. Exercise supervision and control over the crossing guards or special school police by:
  - A. Establishing, administering and enforcing rules and regulations for the work and conduct of the crossing guards or special school police;
  - B. Establishing work schedules and designating the locations where and the time when the various individuals are to be on duty;
  - C. Establishing position classifications if deemed necessary, and designating the individuals to serve in each classification;
  - D. Providing for supervision as necessary;
  - E. Exercising any and all other prerogatives normally associated with personnel management.
5. From monies budgeted and available, make all payments for the services of crossing guards or special school police and make all other expenditures as prescribed by law or superior body or agency, or as otherwise deemed necessary or appropriate.
6. Receive, in addition to payments by the Borough, any payments by the school district or any other gift, grant, devise or bequest.

7. Establish a system of accounts for all monies under its control, and establish one or more separate bank accounts into which all income shall be deposited and from which all expenditures shall be made.

**§ 1-416. Finances. [Ord. 903, 7/14/1980, § 6]**

The Borough shall transfer and pay over to the Educational Service Agency the monies that the Borough is required to pay as compensation to special school police under the Borough Code, or other agreement executed with the school district, as provided in the Borough Code, as well as other monies as necessary to cover expenditures budgeted, for the Educational Service Agency as provided in § 1-415 of this Part.

**§ 1-417. Tenure. [Ord. 903, 7/14/1980, § 7]**

The Educational Service Agency hereby recognized and formally established shall continue until changed or abolished by action of the Borough or until the suspension of Act 108 of 1979, as adopted by the legislature of the Commonwealth of Pennsylvania in accord with the terms thereof.

C

C

C

## PART 5

## BOARDS AND COMMISSIONS

**A. Zoning Hearing Board.**  
**[53 P.S. § 46005]****§ 1-501. Zoning Hearing Board Established. [Ord. 573, 9/12/1977, § 5.1; as amended by Ord. 6/11/1984]**

There is hereby established a Zoning Hearing Board, appointed by the Council of the Municipality consisting of not less than three members nor more than five members, who shall serve without compensation but may be reimbursed for necessary and reasonable expenses. Their term of office shall be for three years, except for those first appointed, so fixed that the term of office of at least one member shall expire each year. Appointments to fill vacancies shall be only for the unexpired portion of the term.

**§ 1-502. Powers of the Zoning Hearing Board. [Ord. 573, 9/12/1977, § 5.2; as amended by Ord. 6/11/1984]**

The Zoning Hearing Board shall have the following powers and duties:

1. Interpretation. On appeal from a determination of the Code Enforcement Officer or on request of any municipal official, the Zoning Hearing Board shall decide any questions involving the interpretation of any provision of this ordinance or of those other applicable codes and ordinances.
2. Variances. The Zoning Hearing Board may grant a variance from the strict application of this Part or of those other applicable codes. Such variances may be granted only in those cases which would result in practical difficulty or unnecessary hardship and where the public health and safety shall not be jeopardized.
3. Decide Appeals. The Zoning Hearing Board shall hear all appeals made to it, and, depending on its findings, shall decide whether such appeals shall be granted.

**§ 1-503. Requests for Appeals or Variances. [Ord. 573, 9/12/1977, § 5.3]**

Any person requesting a variance or aggrieved by a decision of the Code Enforcement Officer or by any other employee or official charged with the administration and enforcement of this Part and of those other applicable codes or ordinances, may take an appeal to the Zoning Hearing Board. All appeals shall be made in writing stating the grounds upon which the appeal is based and shall be transmitted to the Office of Code Enforcement. An appeal must be taken within 15 days of the action or of the receipt of written notice of any decision or ruling which is being appealed.

**§ 1-504. Appeals and Variance Procedure. [Ord. 573, 9/12/1977, § 5.4; as amended by Ord. 6/11/1984]**

1. **Public Hearing.** The Zoning Hearing Board shall meet and conduct a hearing within 30 days of the receipt of an appeal or a request for a variance. All hearings shall be public and all persons whose interest may be affected shall be given an opportunity to be heard. A record shall be kept of all evidence and testimony presented at the hearing.
2. **Decision of the Board.** All decisions of the Board shall be in writing and a copy of each decision shall be sent to the applicant and to the Code Enforcement Officer. The Zoning Hearing Board shall also retain in its files a copy of each decision, which files shall be available for inspection by the public. Each decision shall set forth fully the reasons for the decision of the Zoning Hearing Board and the findings of fact on which the decision was based. The Zoning Hearing Board shall make an order on its decision and the Code Enforcement Officer shall take immediate action to carry out said order.

**§ 1-505. Appeals From the Decision of the Zoning Hearing Board. [Ord. 573, 9/12/1977, § 5.5; as amended by Ord. 6/11/1984]**

Any person or persons aggrieved by any final order or decision of the Zoning Hearing Board may appeal such order or decision within 30 days, to the Court of Common Pleas in accordance with, as far as practicable, the Rules of Civil Procedure of the Supreme Court regarding appeals from administrative agencies.

**§ 1-506. Reports by the Zoning Hearing Board. [Ord. 573, 9/12/1977, § 5.6; as amended by Ord. 6/11/1984]**

The Zoning Hearing Board shall report to the Council of the Municipality periodically, at intervals of not later than 12 minutes. The report shall summarize all applications and appeals made to it since the last report and shall contain a summary of the Board's decision on each case. A copy of the report shall be filed with the Code Enforcement Officer. The Zoning Hearing Board may also submit to the Council of the Municipality advisory reports recommending changes and modifications in this Part or in those other applicable codes or ordinances.

**B. Planning Commission.  
[53 P.S. § 10101: 53 P.S. § 46202(74)]**

**§ 1-511. Planning Commission Created. [Ord. 352, 11/8/1943, § 1; as amended by Ord. 957, 10/13/1986]**

A department of the Borough of Scottsdale is hereby created, to be known as the Department of Borough Planning, which shall be administered by a commission to be known as the Borough Planning Commission, having, for the purposes of such administration, all of the rights and exercising all of the powers and performing all of the duties conferred upon it by the Pennsylvania Municipalities Planning Code,



Act 247 of 1968, amended, and such other rights and powers and duties as are now or may hereafter be conferred and provided by law.

**§ 1-512. Membership of Planning Commission; Vacancies. [Ord. 352, 11/8/1943, § 2; as amended by Ord. 12/10/1984]**

The Planning Commission shall consist of five members, whose terms of office shall begin as of the day of the passage and approval of this Part and continue, and be computed, from the first day of January, 1944, for one year, two years, three years, four years and five years and, thereafter, for four years. Successors to the Commissioners shall, from time to time be appointed and vacancies on the Commission filled, in conformity to the provisions of the Act of Assembly in such cases made and provided.

**C. Recreation and Park Commission.  
[53 P.S. § 47708 et seq.]**

**§ 1-521. Commission Created. [Res. 84-1, 2/13/1984]**

[There is] hereby created a commission which shall be known as the "Scottdale Parks and Recreation Commission", which said Commission shall be composed of nine members who shall be appointed by the Council of this Borough and who shall serve for terms of five years or until their successors are appointed, except that the members of such Commission first appointed, shall be appointed for such terms that the term of one member shall expire annually thereafter and, further provided, that two of the members of said Commission shall at all times be a member of the Borough Council of the Borough of Scottdale, who shall be appointed at the organization meeting of the Borough Council, and who shall serve for a term of two years. Vacancies in said Commission occurring otherwise than by expiration of time shall be filled for the unexpired term in the same manner as original appointments.

**§ 1-522. Appointments. [Res. 84-1, 2/13/1984]**

The Borough Council shall from time to time by motion, appoint members of this Commission.

**§ 1-523. Duties. [Res. 84-1, 2/13/1984]**

The Parks and Recreation Commission shall have all of the powers, duties and obligations which are granted to it under the Borough Code for this Commonwealth.

**§ 1-524. Special Fund Account. [Ord. 964, 1/12/1987, § 1]**

A fund is hereby created as the Borough of Scottdale Parks and Recreation Commission Special Fund Account, said fund to be used for anticipated expenditures in regard to the various Parks and Recreation facilities in the Borough of Scottdale, at the discretion of the Council of the Borough of Scottdale.

**§ 1-525. Use of All Funds. [Ord. 964, 1/12/1987, § 2]**

The monies in the fund shall be used from time to time for and on account of maintenance, repair, improvements, capital acquisitions, or for any legitimate purpose determined by the Borough Council, for the improvement and maintenance of the Borough's Parks and any of its programs.

**§ 1-526. Depositing Funds. [Ord. 964, 1/12/1987, § 3]**

Monies to said fund shall be those monies which are from time to time allotted from the Borough of Scottsdale's General Fund, those monies collected by the Borough of Scottsdale Parks and Recreation Commission's various fund raising projects and any monies collected from any other source other than the user fee charged for the use of certain facilities located in the Borough Parks in accordance with Ordinance 957 of October 13, 1986. Any monies in said fund shall be deposited in an account at a proper depository chosen by the Council of the Borough of Scottsdale.

**§ 1-527. Disbursement of Funds. [Ord. 964, 1/12/1987, § 4]**

Monies to said fund shall be placed in said account in a manner such that disbursement of said monies from the account shall require the signatures of at least three of the following offices:

- A. Chairman of the Parks and Recreation Commission.
- B. President of Borough Council.
- C. Vice-President of Borough Council.
- D. Borough Secretary/Manager.

## PART 6

## RETIREMENT SYSTEMS FOR EMPLOYEES

**A. Social Security.**  
**[65 P.S. § 206]****§ 1-601. Authorized Social Security Coverage. [Ord. 394, 10/19/1953, § 1]**

The said Borough of Scottdale, by its proper officers, is hereby authorized and directed to submit for approval to the State Agency, a plan or plans and agreement, required under Section 6 of Enabling Act No. 491 and under Section 218 of Public Law 734, to extend the coverage of the Social Security System to employees and officers of the Borough of Scottdale and do all other necessary things to effectuate coverage of said employees and officers under the Old Age and Survivors Insurance System.

**§ 1-602. Officials to Execute Agreement. [Ord. 394, 10/19/1953, § 2]**

Said plan and agreement shall be executed in behalf of the Borough by the President of Council and the Borough Secretary and shall provide that the said coverage and the participation of the Borough of Scottdale shall be made retroactive as from January 1, 1951.

**§ 1-603. Those Covered. [Ord. 394, 10/19/1953, § 3]**

Said plan or agreement shall include and cover all services rendered to the Borough except those services required to be excluded from coverage in order to conform to the requirements of said Section 218 of Public Law 734 and the following additionally excluded services, viz:

1. Services in positions the compensation for which is on a fee basis.
2. Services rendered by any elected official.

**§ 1-604. Payments to be Made. [Ord. 394, 10/19/1953, § 4]**

The Borough Secretary is hereby authorized to establish a system of payroll deductions from the wages and salaries payable to officers and employees, to be matched by payments by the Social Security Act through the office of the State Agency and to make charges of such payments to the fund or funds from which wage or salary payments are issued to employees and officers of the Borough of Scottdale. Such payments shall be made in accordance with the provisions of the law and of the regulations promulgated by the State Agency and the Federal State Agency and the Federal Security Administrator. Such payments as may be delinquent shall bear interest at the rate of 1/2 of 1% per month until such time as payment thereof shall be made.

**§ 1-605. Borough Appropriations. [Ord. 394, 10/19/1953, § 5]**

Appropriation is hereby made from the proper fund or funds of the Borough of Scottsdale in the necessary amount to pay into the contribution fund as provided in Section 4 of said Enabling Act No. 491 and in accordance with the plan or plans and agreement which shall be entered into with the State Agency.

**B. (Reserved)<sup>1</sup>**

---

<sup>1</sup>Editor's Note: Former Subpart B, Police Pension Plan, was repealed by Ord. 1192, 8/14/2017.

## PART 7

## VOLUNTEER FIRE DEPARTMENT

**A. Approved Activities.****[53 P.S. § 751: 53 P.S. § 46302]****§ 1-701. Approved Activities. [Res. 3-73, 6/18/1973]**

1. Authorization is granted to the Scottdale Volunteer Fire Department to engage in fund raising activities such as fairs, carnivals, bingo, banquets, barbecues, donkey baseball, and other similar fund raising activities the Fire Company officers deem necessary for the efficient operation of the Company.
2. Authorization is also granted to the Fire Company to participate in firemen's training schools, conventions, meetings, hanging of Christmas decorations, drills, complaint investigations, removal, repair and replacement of alarm systems, general maintenance and repair of all buildings and equipment used by the Fire Department, committee meetings, Bicentennial celebration meetings, and other types of meetings and civic functions customarily attended by and participated in by the Scottdale Fire Department, Inc.

**B. Firemen's Relief Fund.****[53 P.S. § 8506: 53 P.S. § 46202(74)]****§ 1-711. Recognition of Firemen's Relief Association. [Ord. 148, 2/2/1909; as revised by Ord. 957, 10/13/1986]**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of Scottdale.

Volunteer Firemen's Relief Associations

2. The above named association has been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.
3. The above named Association of the Borough is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

**§ 1-712. Certification to Auditor General. [Ord. 148, 2/2/1909; as revised by Ord. 957, 10/13/1986]**

The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service

they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General.

**§ 1-713. Annual Appropriation. [Ord. 148, 2/2/1909; as revised by Ord. 957, 10/13/1986]**

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, § 701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

**C. Recovery of Service Fees**

**§ 1-721. Authority to Charge Fees. [Ord. 1191, 5/8/2017]**

1. Those Volunteer Fire Departments located within the geopolitical boundaries of Scottsdale Borough, Westmoreland County, Pennsylvania, are hereby permitted to formulate, initiate and charge service fees for the delivery of emergency or other services, personnel, supplies, and equipment at and in the following situations:
  - A. Motor vehicle accidents;
  - B. House fires;
  - C. Fires occurring during the course of construction;
  - D. Fires occurring during the course of excavation;
  - E. Fires caused by electrical supply malfunction;
  - F. Situations involving the lifting and/or transportation of patients and sick or other persons requiring assistance.
2. The rate of the service fees shall be equal to the usual, customary and reasonable costs (UCR) of supplying any service, personnel, supplies and equipment. Such costs may vary based on the actual costs of the services supplied for each incident.

**§ 1-722. Fees for Automobile Accident Responses. [Ord. 1191, 5/8/2017]**

The service fees for automobile accident responses shall be charged to the responsible or at-fault driver, and shall be initially submitted to such driver's

insurance carrier as an add-on-cost of any damage claim submitted to such carrier arising or otherwise resulting from its insured's operation of a covered vehicle. Other claims shall be charged against the person, corporation, company or firm deemed to be responsible for bringing about the need for the service or the person, corporation, company or firm whose circumstances or conditions necessitate the service. The claim costs shall be billed to the insurance company, the owner of a vehicle, owner of property, or other party the VFD deems to be responsible or who is determined to be responsible for bringing about same.

**§ 1-723. Third-Party Billing. [Ord. 1191, 5/8/2017]**

The VFD may make rules or regulations, and from time to time may amend, revoke or add rules and regulations, for third-party billing as it may deem necessary or expedient for the collection of fees permitted under this Part. This shall include the entry of agreements with third-party billing companies for the billing, collection and distribution of such fees.

**§ 1-724. Establishment of Fund. [Ord. 1191, 5/8/2017]**

All amounts collected as a result of this Part shall be placed into a fund as established by the VFD, to be used exclusively for personnel, supplies, and equipment for the VFD.





## PART 8

## MUNICIPAL AUTHORITY

[53 P.S. § 303: 53 § 46202(74)]

**§ 1-801. Legislative Authority. [Ord. 513, 8/10/1970, § 1]**

The Council of the Borough of Scottdale aforesaid hereby signifies its intention and desire to organize an Authority under the "Municipality Authorities Act" approved May 2, 1945, P.L. 382, as amended.

**§ 1-802. Execution of Articles. [Ord. 513, 8/10/1970, § 2]**

The President and the Secretary of Borough Council are hereby authorized and directed to execute on behalf of the Borough of Scottdale Articles of Incorporation for said Authority in substantially the following form:

## ARTICLES OF INCORPORATION

## TO THE SECRETARY OF THE COMMONWEALTH, COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, as amended, the Council of the Borough of Scottdale, a municipal corporation of the County of Westmoreland and Commonwealth of Pennsylvania, desiring to organize an Authority thereunder, does hereby certify:

1. The name of the Authority is "Scottdale Municipal Authority".
2. Said Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.
3. No other Authority organized under the said Act of May 2, 1945, as amended, or by any previous act of Assembly authorizing and regulating municipal authorities, is in existence in or for the incorporating municipality, the said Borough of Scottdale, County of Westmoreland and Commonwealth of Pennsylvania, except as follows:
  - A. Under the Act of June 28, 1935, P.L. 463, as amended, the Borough of Scottdale organized a municipal authority known as "The Municipal Authority of the Borough of Scottdale".
  - B. Under the Act of May 2, 1945, P.L. 382, as amended, the Borough of Scottdale, Westmoreland County, Pennsylvania, jointly with the Borough of Everson, Fayette County, Pennsylvania, organized a municipal authority known as the "Westmoreland-Fayette Municipal Sewage Authority". The Articles of Incorporation of said Authority were approved and filed in the Department of State of the Commonwealth of Pennsylvania, and the said Authority is still in existence.
4. The name of the incorporating municipality is the Borough of Scottdale, and the names and addresses of its municipal authorities are as follows: (Here followed the names and addresses of the original Borough Officials.)
5. The names, addresses and terms of office of the first members of the Board of said Authority are as follows: (Here followed the names and terms of the original Board members.)

6. With respect to all future appointments to this Board, the terms of office are to be computed from January 1st to December 31st of the appropriate calendar year.
7. The project or projects to be undertaken by said Authority shall be projects permitted and authorized by the Laws of the Commonwealth of Pennsylvania as the Borough of Scottsdale may from time to time by Resolution or Ordinance specify.

IN WITNESS WHEREOF, the undersigned have executed these Articles of Incorporation on behalf of the Borough of Scottsdale and have caused to be affixed hereto the common and corporate seal of the said Borough this 10th day of August, 1970.

BOROUGH OF SCOTTDALE

By: /s/ Woodrow Watson  
Vice President of Council

ATTEST:

/s/ Ronald J. Irwin  
Secretary of Scottsdale  
Borough Council

EXAMINED and APPROVED this 10th day of AUGUST, 1970

By: /s/ James B. Ellis  
Mayor of the Borough of Scottsdale

ATTEST:

/s/ Ronald J. Irwin  
Secretary of the Borough of Scottsdale

**§ 1-803. Publication of Notice. [Ord. 513, 8/10/1970, § 3]**

The Borough Secretary of the Borough of Scottsdale is directed to cause the publication of a Notice of this ordinance and the proposed filing of the Articles of Incorporation as required by Section 3 of the "Municipality Authorities Act of 1945".

**§ 1-804. Funding, and Filing with Commonwealth. [Ord. 513, 8/10/1970, § 4]**

The Borough Secretary, acting by and through the Solicitor of this Borough, is directed to file the Articles of Incorporation together with the necessary proofs of publication with the Secretary of the Commonwealth, and to do all other acts and things necessary and appropriate to effect the incorporation of the proposed Authority, and there is hereby appropriated out of the General Fund of the Borough of Scottsdale sufficient funds to pay all of the costs and expenses of securing the Charter of the said Scottsdale Municipal Authority, and said costs and expenses are to be reimbursed to the Borough of Scottsdale by the said Authority from the first funds available from said Authority after chartering, formation and organization of the same.

**§ 1-805. Appointment of Members. [Ord. 513, 8/10/1970, § 5]**

The persons named in the form of Articles of Incorporation set forth above, who are residents of the Borough of Scottdale, are hereby appointed members of the Board of the Authority for the terms provided in such form.



## PART 9

## FIRE INSURANCE PROCEEDS

**§ 1-901. Designated Officer. [Ord. 1021, 2/8/1993, § I]**

The Borough Manager or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

**§ 1-902. Municipal Certificate. [Ord. 1021, 2/8/1993, § II; as amended by Ord. 1041, 1/9/1995, § 1]**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of Scottsdale where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insuring agent is furnished by the Borough Treasurer with a municipal certificate pursuant to § 508(b) of Act 93 of 1994, and unless there is compliance with § 508(c) and (d) of Act 93 of 1994 and the provisions of this Part.

**§ 1-903. Procedures. [Ord. 1021, 2/8/1993, § III; as amended by Ord. 1041, 1/19/1995, § 1]**

Where pursuant to § 508(b)(I)(i) of Act 93 of 1994, the Borough Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured; providing, however, that if the loss agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limit of liability on all fire policies covering the building structure, the following procedures must be followed:

- A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Borough in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, this Section to be applied such that if the claim is \$15,000 or less, the amount transferred to the Borough shall be \$2,000.
- B. If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Borough from the insurance proceeds the amount specified in the estimate.
- C. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- D. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of funds transferred to the Borough in excess of the estimate to the named insured, if

the Borough has not commence to remove, repair or secure the building or other structure.

E. Upon receipt of proceeds under this Section, the Borough shall do the following:

- (1) The designated officer shall place the proceeds in a separate fund to be used solely as security against the cost of removing, repairing or securing the building or structure which are incurred by the Borough. Such cost shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing of the building or any proceedings related thereto; or
- (2) It is the obligation of the insuring agent when transferring the proceeds to provide the Borough with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this subsection shall be followed; and
- (3) When repairs, removal or security of a building or other structure have been completed in accordance with all applicable regulations and orders of the Borough and the required proof of such completion received by the designated officer, and if the Borough has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Borough has incurred cost for repairs, removal or securing of the building or other structure, the cost shall be paid from the fund and if excess funds remain, the Borough shall transfer the remaining funds to the named insured; and
- (4) To the extent that interest is earned on the proceeds held by the Borough pursuant to this Section, and not returned to the named insured, such interest shall belong to the Borough. To the extent that the proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
- (5) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

**§ 1-904. Fees. [Ord. 1021, 2/8/1993, § IV; as amended by Ord. 1041, 1/9/1995, § 1]**

The Borough may, by resolution, adopt procedures and regulations to implement Act 93 of 1994 and this Part and may, by resolution, fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 93 of 1994 and this Part including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

**§ 1-905. Penalty. [Ord. 1021, 2/8/1993, § V]**

Any owner of property, any named insured or any insuring agent who violates this Part shall be subject to a penalty up to \$1,000 per violation.

C

C

C



## PART 10

## WARRANTLESS ARRESTS

**§ 1-1001. Warrantless Arrests. [Res. 98-06, 7/13/1998]**

Prior to making a warrantless arrest under 42 Pa.C.S.A. § 8902, the officer shall ensure that the following requirements contained in the said statutes<sup>2</sup> are satisfied:

- A. The officer has probable cause to believe that one of the four offenses listed in the said statute, as relisted above, is involved; and
- B. The defendant's conduct is ongoing; and
- C. The conduct constituting the offense is upon the officer's view; and
- D. The conduct imperils the personal security of any person or endangers public or private property.

After making a warrantless arrest pursuant to 42 Pa.C.S.A. § 8902, the officer shall follow Rule 71 procedures for Arrest Without Warrant as set forth in the Pennsylvania Rules of Criminal Procedure.

---

<sup>2</sup>Editor's Note: The statutes listed in the prefatory material of Res. 98-06, 7/13/1998, are:

- 1. 18 Pa.C.S.A. § 5503 - Disorderly Conduct.
- 2. 18 Pa.C.S.A. § 5505 - Public Drunkenness.
- 3. 18 Pa.C.S.A. § 5507 - Obstruction of Highways and Other Public Passages.
- 4. 18 Pa.C.S.A. § 6308 - Purchase, Consumption, Possession or Transportation of Liquor or Malt or Brewed Beverages.

C

C

C

## PART 11

**SEXUAL HARASSMENT POLICY****§ 1-1101. Prohibited Activity. [Res. 00-18, 8/14/2000]**

1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
2. Employees shall not make offensive or derogatory comments based on race, color, sex, religion or national origin directly or indirectly to another person. Such harassment is considered misconduct subject to disciplinary action by the Council of the Borough of Scottdale.
3. Quid pro quo behavior or harassment will not be permitted or tolerated. Quid pro quo behavior or harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - A. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
  - B. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.
  - C. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.
  - D. Specifically, no supervisor nor other employee shall threaten or insinuate, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's wages, advancement, assigned duties, work schedule or any other condition of employment.
4. Also, the Borough's policy provides that hostile environment sexual harassment is a violation of law and that such unwelcome behavior, whether verbal and/or physical in nature, is prohibited. This includes, but is not limited to:
  - A. Repeated offensive or unwelcome sexual flirtations, advances or propositions.
  - B. Continual or repeated verbal abuse of a sexual nature.
  - C. Graphic verbal communications about an individual's body or sexually degrading words used to describe an individual.
  - D. The display in the workplace of sexually suggestive objects or pictures.

Sexual harassment in the workplace by an employee will result in disciplinary action up to and including termination of employment and may lead to personal, legal and financial liability.

Employees are encouraged to contact their supervisor, or if their supervisor is the harasser, to contact the Borough Manager, a member of Council or the Mayor, if they feel that they are being sexually harassed. Such internal complaint will be investigated promptly and corrective action will be taken where allegations are verified. All such complaints will be handled confidentially and no employee will suffer retaliation or intimidation as a result of using this internal complaint process.

**§ 1-1102. Responsibilities. [Res. 00-18, 8/14/2000]**

1. The Borough shall be responsible for preventing acts of harassment. This responsibility includes:
  - A. Monitoring the work environment on a continuing basis for signs that harassment may be occurring. Specifically, each supervisor has a responsibility to maintain the work place free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment.
  - B. Counseling all employees on the types of behavior prohibited and the Borough of Scottsdale's procedures for reporting and resolving complaints of harassment.
  - C. Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees request it.
  - D. Taking immediate action to limit the work contact between the two employees where there has been a complaint of harassment, pending investigation.
  - E. It is the responsibility of the Borough Manager to:
    - (1) Provide information to managers and supervisors regarding this policy specifically and sexual harassment generally; the gravity of such behavior; and the procedure to be employed in the event a complaint of sexual harassment is made or conduct amounting to sexual harassment is observed.
    - (2) Provide necessary training to managers and supervisors in order to reduce the likelihood of sexual harassment in the work place.
    - (3) Ensure that all employees are aware of the procedure for reporting harassment.

2. The Borough has the responsibility to assist any employee of the Borough of Scottsdale who comes to the Borough Manager, a member of Council or the Mayor with a complaint of harassment in documenting and filing a complaint with the employee's supervisor or with the Borough Manager.
3. Each employee of the Borough of Scottsdale is responsible for assisting in the prevention of harassment through the following acts:
  - A. Refraining from participation in, or encouragement of, actions that could be perceived as harassment such as aggressive behavior or language.
  - B. Reporting acts of harassment to their supervisor, the Borough Manager, Borough Council or Mayor.
  - C. Encouraging any employee, who confides they are being harassed, to report these acts to their supervisor, the Borough Manager, a member of Borough Council or the Mayor.

**§ 1-1103. Complaint Procedures. [Res. 00-18, 8/14/2000]**

1. Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any employee who believes that they are being harassed shall report the incident(s) to their immediate supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the employee may instead file a complaint with the Borough Manager, a member of Borough Council or the Mayor with the knowledge that said complaint will be held in strict confidence.
3. The Borough Manager shall:
  - A. Be responsible for reviewing with the employee the policy for investigating complaints of harassment, which includes:
    - (1) When the investigation of the complaint will begin.
    - (2) Assuring the charging employee that the investigation will be done privately to the fullest extent possible.
    - (3) The type of information that will be provided to the charging party at the conclusion of the investigation.
    - (4) What will be done with the investigation information such as notifying the Westmoreland County District Attorney's Office if the complaint contains evidence of criminal activity such as assault, rape or attempted rape.

- B. Determine whether other employees are being harassed by the person; whether other department members participated in or encouraged the harassment.
  - C. Inform the parties involved of the outcome of the investigation.
  - D. Maintain a file of harassment complaints in a secure place and prepare an annual summary of these complaints, if any.
4. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying or participating in the investigation of such a complaint.
  5. Complainants or employees accused of harassment may file an appeal in accordance with Pennsylvania Local Agency Law, 2 Pa.C.S.A. § 551 et seq, and 2 Pa.C.S.A. § 751 et seq, when they disagree with the investigation or disposition of a harassment claim.

PART 12

RIGHT-TO-KNOW LAW

**§ 1-1201. Adoption of Policy. [Res. 03-01, 12/10/2003]**

The Borough hereby adopts the following Policy implementing the amended Right-to-Know law, and further authorizes the use of the forms referenced in and attached to said Policy, as follows:<sup>3</sup>

---

<sup>3</sup>Editor's note: The amended Policy and referenced forms are on file in the Borough office.





## PART 13

**JUNIOR COUNCIL PERSON****§ 1-1301. Position Created; Requirements. [Res. 07-05, 6/11/2007]**

1. The Council of the Borough of Scottdale hereby creates the position of Junior Council Person.
2. The term of office shall be during the school year, from September through May.
3. Candidates for the office shall submit a written application to Borough Council with a one-page cover letter highlighting the applicant's interest in the position. After considering all submissions, the Borough Council shall appoint a student at a regularly scheduled meeting.
4. The Junior Council Person shall be a resident of Scottdale Borough and a student in his/her junior or senior year of high school.
5. The Junior Council Person shall be sworn in upon appointment and take an oath of office.
6. The Junior Council Person shall not receive compensation.
7. The Junior Council person shall be permitted to attend all meetings of Council and all committee meetings and shall be permitted to participate fully in those proceedings, except that he/she shall not be afforded the right to vote and shall not be permitted to attend executive sessions.

C

C

C

## PART 14

**ATTORNEY FEES; COLLECTION OF DELINQUENT ACCOUNTS****§ 1-1401. Short Title. [Ord. No. 2104A, 10/14/2019]**

This Part shall be known as the "Borough of Scottdale Debt Collection Ordinance."

**§ 1-1402. Definitions. [Ord. No. 2104A, 10/14/2019]**

1. The following terms, when used in this Part, shall have the meanings set forth hereafter:

**CHARGES, EXPENSES, AND FEES** — Shall include all sums paid or incurred by the Borough to file, preserve and collect unpaid taxes, tax claims, tax liens, municipal claims and municipal liens, including, but not limited to, prothonotary and Sheriff fees, postage expenses, and title search expenses. These terms shall also include the charges, expenses, commissions and fees of third-party collectors retained by the Borough, as approved by ordinance or resolution of the Borough which levies the unpaid taxes, tax claims, tax liens, municipal claims and municipal liens.

**CLAIMANT** — The Borough of Scottdale, in whose favor the claim is filed as a lien.

**MUNICIPAL CLAIM** — Unless specifically indicated otherwise, shall mean and include:

- A. Any claim arising out of, or resulting from, a tax assessed, service supplied, work done, or improvement authorized and undertaken by the Borough, although the amount thereof be not at the time definitely ascertained by the Borough, and a lien therefor be not filed, but becomes fileable, consistent with the laws of the Commonwealth of Pennsylvania;
- B. Any claim filed to recover for the grading, guttering, macadamizing, or otherwise improving the cartways of any public highway; for grading, curbing, recurbing, paving, repaving, constructing or repairing the footways thereof; for laying water pipes, gas pipes, culverts, sanitary sewers, branch sewers, or sewer connections or the continuing use and maintenance of same; for assessments for benefits in the opening, widening or vacation thereof; or in the changing of watercourses or the construction of sewers through private lands; or in the acquisition of sewers and drains constructed and owned by individuals or corporations, and of rights in and to use the same; for the removal of nuisances; or for water rates, lighting rates, or sewer rates; and
- C. Any claim filed to recover for work, material, and services rendered or furnished in the construction, improvement, maintenance, and

operation of a project or projects of the Borough, including but not limited to the construction and maintenance of sanitary sewer lines. A municipal claim shall be together with, and shall include, all penalties, interest, costs, fines, charges, expenses and fees, including reasonable attorney fees, as allowed by this Part and all other applicable laws.

**OWNER** — The person or persons in whose name the property is registered, if registered according to law, and, in all other cases, means any person or persons in open, peaceable and notorious possession of the property, as the apparent owner or owners thereof, if any, or the reputed owner or owners thereof in the neighborhood of such property.

**PROPERTY** — The real estate subject to the lien and against which the claim is filed as a lien.

**§ 1-1403. Purpose. [Ord. No. 2104A, 10/14/2019]**

It is not the intent of this Part to require owners to pay, or the Borough to sanction, inappropriate or unreasonable attorney fees, charges or expenses for routine functions. Attorney fees incurred in the collection of any delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, shall be in an amount sufficient to compensate the attorney's undertaking collection and representation of the Borough or its assignee in any actions in law or equity involving claims arising under this Part. The Borough, by enactment of this Part, hereby adopts the Schedule of Attorney Fees for the Collection of Municipal Debt attached hereto as Exhibit "A."<sup>4</sup> The fees approved in Exhibit "A" may be modified by resolution of Council approved and adopted at a duly advertised public meeting.

**§ 1-1404. Right to challenge. [Ord. No. 2104A, 10/14/2019]**

1. Where attorney fees are sought to be collected in connection with the collection of a delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, the owner may petition the court of common pleas in the county where the property subject to the municipal claim and lien, tax claim and lien or taxes is located to adjudicate the reasonableness of the attorney fees imposed. In the event that there is a challenge to the reasonableness of the attorney fees imposed in accordance with this section, the court shall consider, but not be limited to, the following:
  - A. The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to properly undertake collection and representation of a municipality;
  - B. The customary charges of the members of the bar for similar services;

---

4. Editor's Note: Said exhibit is included as an attachment to this chapter.

- C. The amount of the delinquent account collected and the benefit to the municipality from the services;
- D. The contingency or the certainty of the compensation;
- E. Any time attorney fees are awarded pursuant to any provision of law, the municipality shall not be entitled to duplicate recovery of attorney fees under this section.

**§ 1-1405. Procedure For Assessing Attorney's Fees. [Ord. No. 2104A, 10/14/2019]**

1. In order to collect attorney's fees hereunder, the Borough shall follow the following procedure:
  - A. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, the Borough shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner the notice required by this section. The costs of the certified mailing shall be included in the notice and shall be recoverable along with the outstanding amount and any penalty or interest imposed by ordinance for same.
  - B. If within 30 days of mailing the notice in accordance with Subsection 1A, the certified mail is refused or unclaimed or the return receipt is not received, then at least 10 days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Borough shall, by United States first-class mail, mail to the owner the notice required by this section.
  - C. The notice required by this section shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the Borough and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the Borough to determine the owner's last post office address known to said collector and county assessment office.
  - D. Each notice as described above shall include the following:
    - (1) The type of charge, the date it became due and the amount owed, including penalty and interest;
    - (2) A statement of the Borough's intent to impose or assess attorney's fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice;
    - (3) The manner in which the assessment or imposition of attorney's fees may be avoided by the payment of the account; and

(4) The place of payment for the accounts and the name and telephone number of the Borough official designated as responsible for the collection of same.

E. A writ of execution may issue directly without prosecution to judgment of a writ of scire facias. Any property sold in execution shall be sold in compliance with the laws of the Commonwealth of Pennsylvania regulating same.

**§ 1-1406. Actions in Assumpsit. [Ord. No. 2104A, 10/14/2019]**

In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, including but not limited to water rates, sewer rates and other fees or assessments, and the removal of nuisances, the Borough may proceed for the recovery and collection of all of the foregoing claims by an action in assumpsit against the person or persons who were the owner or owners of the property at the time of the completion of the improvement, or at the time the water or sewer rates or fees and assessments came due, or the cost of the removal of nuisances first became payable, notwithstanding that there was a failure on the part of the Borough to enter any such municipal claim as a lien against the property assessed for the improvement, or for the furnishing of water or sewer services and other charges and fees associated with same, and for the removal of nuisances and for the recovery of which the action in assumpsit was brought. Any such action in assumpsit shall be commenced either within six years after the completion of the improvement from which said claim arises or within six years after the water or sewer rates, other related fees and assessments, or the cost of abating a nuisance first became payable. Unless otherwise provided in another ordinance, attorney's fees shall be collectible by the Borough at the hourly rate approved by the Borough for its Municipal Solicitor.

**§ 1-1407. Interest Charges. [Ord. No. 2104A, 10/14/2019]**

Unless the provisions of any other act relating to the collection of municipal claims or charges set forth herein or provided for under the Municipal Claims Act establishes a different rate of interest for such claims or municipal liens, a maximum rate of interest of 10% per annum shall be applied and added to any municipal claim or lien collected herein; provided, however, where any municipal claim is filed arising out of a municipal project which requires the Borough to issue bonds to finance the project, interest shall be collectible on such claims at the rate of interest of the bond issue or at the rate of 12% per annum, whichever is less.

**§ 1-1408. Cumulative Remedies. [Ord. No. 2104A, 10/14/2019]**

The remedies set forth herein are cumulative and are not intended to be exclusive. Nothing in this Part shall be deemed or construed to prevent the Borough from taking any other action, at law or in equity, to enforce any ordinance or collect any debt, through any action at law or in equity, and to seek the imposition of attorney's fees, costs, expenses, and other relief the court may allow through any such ordinance and those proceedings initiated under same.

ADMINISTRATION AND GOVERNMENT

*1 Attachment 1*

Borough of Scottdale

**EXHIBIT "A"**

**Schedule of Attorney Fees for the Collection of Municipal Debt**

- A. The Borough hereby approves the following Schedule of Attorney's Fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act"):

<b>Legal Services:</b>	<b>Fees for Services</b>
1. Initial review, opening file and preparing Municipal Claim	\$150
2. Preparation of Amended Municipal Claim	\$100
3. Prepare Writ of Scire Facias and Service Documents	\$150
4. Obtain re-issued Writ	\$75
5. Prepare and mail letter pursuant to Pa. R.C.P. 237.1 (Notice of Praecipe for Entry of Judgment of Non Pros or Default)	\$50
6. Prepare Motion for Alternate Service	\$150
7. Prepare Motion for Summary Judgment and related judgments	\$250
8. Prepare Writ of Execution	\$250
9. Attendance at Sheriff Sale; review Schedule of Distribution and resolve Distribution issues, attendance at presentation and argument on Petitions and Motions, Preparation of Briefs; attendance at hearings and other services not set forth specifically above	Hourly amount equal to Solicitor's regular hourly rate charged to the Borough

- B. There shall be added to the above amounts the reasonable out-of-pocket expenses and court costs advanced or incurred by counsel in connection with each of these services, as itemized in the applicable counsel's bills which shall be deemed to be a part of the fees collected or to be collected.
- C. The amount of fees determined as set forth above shall be added to the Borough's claim in each account.

C

C

C