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<sup>1</sup> Editor’s Note: Former Article VIII entitled “Traffic Safety Board” was repealed by Ord. No. 1309 dated 2-1-88.

<sup>2</sup> Editor’s Note: Former Article X entitled “Cable Television Commission” was repealed by Ord. No. 1994 dated 3-3-08.

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**[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4-5-76 as part of Ord. No. 614. Sections 15.10.1,,2,,3,4,,5 and .6 and 15.12.2.2, 15.12.2.3.1, 15.12.2.3.2, 15.12.2.3.3, 15.12.2.4.1, 15.12.2.4.4, 15.12.2.4.5, 15.12.2.6.1, 15.12.2.6.2, 15.12.2.7.1 and 15.12.3 amended at time of adoption of Code; see Ch. 1, Adoption of Township Code. Other amendments noted where applicable.]**

### GENERAL REFERENCES

**Definitions and rules of interpretation - See Ch. 3.**

**Government organization - See Ch. 13.**

**Board of Commissioners - See Ch. 19.**

**Departments of government - See Ch. 21.**

**Code of Ethics - See Ch. 23.**

### Part 1 Administrative Boards

#### ARTICLE 1 General Provisions

**§ 15.1. Purpose.**

The administrative boards specified in this Administrative Code have been or are hereby established for the proper and efficient conduct of municipal affairs. The purpose of these boards is to perform duties of a continuing nature in specific areas as designated by this Administrative Code, the Home Rule Charter or other ordinances of the township.

**§ 15.2. Establishment of administrative boards; authority.**

15.2.1. The boards designated in the following Articles have been previously established by ordinance or are established by this Administrative Code. Additional boards shall, from time to time, be established by ordinance as deemed necessary by the Board of Commissioners. However, no additional boards may be created until the Board of Commissioners has determined that the functions of the proposed board cannot be feasibly performed by one (1) or more of the existing boards.

15.2.2. Those boards specified as being administrative boards in this Administrative Code have been or are hereby established within the requirements of the statutes of the Commonwealth of Pennsylvania and the laws of the Township of Upper St. Clair. Those boards designated as administrative boards shall have authority only in the specific areas of responsibility granted to such boards by the statutes of the Commonwealth of Pennsylvania, by this Administrative Code, by the Home Rule Charter or by other ordinances of the township.

**§ 15.3. Expenditure of public funds; contracts.<sup>3</sup>**

No administrative board shall have the authority to spend township funds unless provided for in the budget, specifically approved by the Board of Commissioners and subsequently approved by the Township Manager or a member of the administrative staff authorized so to do by the Manager. The Manager shall assign employees of the township to serve as liaison to and provide staff services to the boards. No administrative board shall have the power to enter into contracts unless otherwise provided by this Administrative Code.

**§ 15.4. Appointment, vacancies, removal and compensation of members; indemnification.**

15.4.1. Appointment. The Board of Commissioners shall appoint the members of administrative boards. Appointments to fill vacancies shall be only for the unexpired portion of the term.

15.4.2. Removal. Any member of an administrative board may be removed prior to the expiration of his appointed term by a majority vote of the Board of Commissioners or in accordance with the laws of the commonwealth applicable to such board.

15.4.3. Compensation. No member of any administrative board shall be compensated for his duties.

15.4.4. Indemnification. **[Added 2-1-82 by Ord. No. 986]**

15.4.4.1. Each member shall be indemnified against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with any adverse action by reason of the fact that he is or was a member if the member acted in good faith and in a manner he reasonably believed to be in the best interests of the township and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the member did not act in good faith and

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<sup>3</sup> Editor's Note: For provisions pertaining to the budget and contracts generally, see Arts. IX and X of the Home Rule Charter and Ch. 25, Fiscal Affairs.

in a manner which he reasonably believed to be in the best interests of the township and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

15.4.4.2. To the extent that the member has been successful on the merits or otherwise in defense of any adverse action, he shall be indemnified against expenses (including attorney's fees) actually and reasonably incurred by him in connection therewith as of right. In all other instances, indemnification should be made by the township only as authorized in a specific case upon a determination that the indemnification of the member is proper in the circumstances because he has met the applicable standard of conduct set forth above. Such determination shall be made by the Board of Commissioners.

15.4.4.3. Expenses incurred in defending a civil or criminal action, suit or proceeding shall be paid by the township in advance of the final disposition of such action, suit or proceeding as authorized by the Board of Commissioners in a specific case upon receipt of an undertaking by or on behalf of the member to repay such an amount unless it shall ultimately be determined that he is entitled to be indemnified by the township as provided herein.

15.4.4.4. The indemnification provided by this subsection shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled by any contract or as a matter of law.

15.4.4.5. The indemnification shall continue as to such person who has ceased to be a member and shall inure to the benefit of the heirs, executors and administrators of such person.

## **§ 15.5. Officers; duties of officers.**

### 15.5.1. Officers.

15.5.1.1. Chairman and vice chairman. A chairman and a vice chairman of each administrative board shall be elected by the members of each board in January of each year. Each such officer shall serve a one-year term.

15.5.1.2. Secretary. The members of each administrative board may elect one (1) of their own members or appoint an employee of the township (to be designated by the Township Manager) to act as secretary. The secretary, if elected from the membership, shall serve a one-year term. If an appointed township employee, the secretary shall serve at the pleasure of the board.

### 15.5.2. Duties of officers.

15.5.2.1. Chairman and vice chairman. The chairman or, in his absence, the vice chairman shall preside at all meetings and hearings of an administrative board, decide all

points of order or procedure and perform any other duties required by the statutes of the Commonwealth of Pennsylvania or by the ordinances of the township.

15.5.2.2. Secretary. The secretary or his designee shall conduct, at the direction of the administrative board, all official correspondence of the board; shall send out all notices required by law; shall keep a record of each meeting, examination or other official action of the administrative board; and shall perform all other duties required by the board, by this Administrative Code, by the laws of the Commonwealth of Pennsylvania or by the ordinances of the township.

**§ 15.6. Meetings; procedures for meetings.**

15.6.1. All meetings and hearings of administrative boards shall be open to the public, unless otherwise permitted by law.

15.6.2. Regular meetings of administrative boards shall be held on a designated day as established at annual organizational meetings. The first regular meeting in January of each year shall constitute the annual organizational meeting of administrative boards.

15.6.3. Special meetings may be held as needed upon the call of the chairman or vice chairman, provided that appropriate notice of each meeting is given to each member and to the public in accordance with the statutes of the Commonwealth of Pennsylvania.

15.6.4. A quorum shall consist of at least a majority of all members of the board.

15.6.5. The chairman or, in his absence, the vice chairman shall administer oaths and may compel the attendance of witnesses when required by law, in accordance with the provisions of the laws of the commonwealth.

15.6.6. The secretary or his designee shall keep minutes of the administrative board proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

15.6.7. A file of all materials and decisions relating to each case shall be kept by the secretary or his designee as part of the records of each board.<sup>4</sup>

15.6.8. All records of administrative boards shall be public records, unless otherwise permitted by law.<sup>5</sup>

15.6.9. All meetings of administrative boards shall be conducted in an orderly fashion and in accordance with the rules delineated in Robert's Rules of Order.

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<sup>4</sup> Editor's Note: For provisions pertaining to the preservation of records, see Ch. 11, Administrative General Provisions, § 11.7.

<sup>5</sup> Editor's Note: For additional provisions pertaining to public access to records, see Ch. 11, Administrative General Provisions, § 11.6.

## ARTICLE II Zoning Hearing Board

### § 15.7. Continuance of Board.

There shall be in and for the Township of Upper St. Clair a Zoning Hearing Board as previously created by the Township Zoning Ordinance<sup>6</sup> pursuant to the Municipalities Planning Code of the Commonwealth of Pennsylvania.<sup>7</sup>

### § 15.8. Powers and duties.

The powers and duties of the Zoning Hearing Board shall be only as prescribed in Article IX of the Municipalities Planning Code of the Commonwealth of Pennsylvania.<sup>8</sup>

### § 15.9. Employees; appropriations.

The Zoning Hearing Board may, within the limit of funds appropriated by the Board of Commissioners, employ or contract for secretaries, clerks, legal counsel other than the Township Attorney, consultants and other technical and clerical services.<sup>9</sup>

## ARTICLE III Civil Service Board

### § 15.10. Establishment and purposes.

There shall be in and for the Township of Upper St. Clair a Civil Service Board which is hereby established for the following purposes:

15.10.1. To advise the Township Manager in the hiring of all personnel in police officer positions, except Chief of Police, in the Police Department of the Township of Upper St. Clair. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607]**

15.10.2. To administer or designate any recognized examining agency to administer examinations to all applicants for any police officer position, including the Chief of Police, in the Police Department of the Township of Upper St. Clair. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

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<sup>6</sup> Editor's Note: See Ch. 130, Zoning § 130.41.

<sup>7</sup> Editor's Note: Act 247 of 1968 (53 P.S. § 10101 et seq.)

<sup>8</sup> Editor's Note: See 53 P.S. § 10901 et seq.

<sup>9</sup> Editor's Note: For functions of the various departments of township government with respect to staff assistance to the Zoning Hearing Board, see Ch. 21, Departments of Government.

15.10.3. To enforce the rules and regulations pertaining to the examinations for appointment to a police officer position, including the Chief of Police, in the Police Department of the Township of Upper St. Clair. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.10.4. To hear appeals pertaining to suspensions, dismissals or reductions in rank of any police officer, including the Chief of Police, in the Police Department of the Township of Upper St. Clair. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.10.5. To conduct all hearings demanded by any Upper St. Clair police officer, including the Chief of Police, who has been suspended, dismissed or reduced in rank. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.10.6. To issue decisions pertaining to all hearings demanded by any Upper St. Clair police officer, including the Chief of Police, who has been suspended, dismissed or reduced in rank. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.10.7. To create and amend as necessary the rules and regulations for the organization and procedure of the Civil Service Board of the Township. Such rules and regulations shall be consistent with the ordinances of the Township of Upper St. Clair, this Administrative Code and the statutes of the Commonwealth of Pennsylvania. Furthermore, such rules and regulations shall be approved by the Board of Commissioners.

#### **§ 15.11. Membership.**

15.11.1. The Civil Service Board shall consist of three (3) members each of whom shall be a full-time resident and qualified elector of the Township and be appointed by the Board of Commissioners for a three-year term.

15.11.2. Members of the Civil Service Board shall hold no other office in the Township of Upper St. Clair or hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania, or any other political subdivision of the Commonwealth. **[Amended 12-6-93 by Ord. No. 1607]**

15.11.3. Before entering upon the discharge of the duties of his office, each member of the Civil Service Board shall take an oath or affirmation to perform his official duties with fidelity and to support the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania.

15.11.4. The term of not more than one (1) member shall expire every year. Therefore, unless a vacancy occurs, the Board of Commissioners shall annually appoint one (1) member to the Civil Service Board.

15.11.5. Should a vacancy occur, the Board of Commissioners shall appoint a member to fill the vacancy only for the unexpired portion of the term. Such appointments shall be made within a period of sixty (60) days after such vacancy occurs.

**§ 15.12. Authority; powers and duties.**

15.12.1. The Civil Service Board shall be an administrative board and, as such, it shall have authority only in the specific areas of responsibility granted by the following provisions of this Administrative Code, by the statutes of the Commonwealth of Pennsylvania or by the ordinances of the Township.

15.12.2. The powers and duties of the Civil Service Board shall include but not be limited to the following:

15.12.2.1. Rules and regulations.

15.12.2.1.1. To make and alter such rules and regulations for its own organization and procedure as are necessary and are consistent with the ordinances of the Township, this Administrative Code and the statutes of the Commonwealth of Pennsylvania. Such rules and regulations shall be approved by the Board of Commissioners.

15.12.2.2. Applications. **[Amended 8-2-76 by Ord. No. 632]**

15.12.2.2.1. To require a sworn application, giving such information as the Board may require, before any person shall be admitted to an examination for a position of police officer, including the Chief of Police, in the Police Department of the Township. **[Amended 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.12.2.2.2. To prescribe the official form of application on which all required information must be stated before any person shall be admitted to an examination for a position of police officer, including the Chief of Police, in the Police Department of the Township. **[Amended 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.12.2.2.3. To prescribe penalties for willful misstatement, falsification or concealment of facts on civil service applications.

15.12.2.3. Applicant qualifications.

15.12.2.3.1. To waive the maximum age permissible for an applicant for any police officer position, including the Chief of Police, in the Police Department, provided that such applicant is a former police officer or employee and provided that such action appears to be in the best interest of the Township. **[Amended 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.12.2.3.2. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]** To determine, within the general personnel policies of the Township, if each applicant for any police officer position, including the Chief of Police, in the Police Department:

15.12.2.3.2.1. Is a citizen of the United States or a naturalized citizen of the United States.

15.12.2.3.2.2. Has graduated from an accredited high school or has an equivalent education.

15.12.2.3.2.3. Is medically fit for the performance of the duties of a police officer.

15.12.2.3.2.4. Is of good moral character.

15.12.2.3.2.5. Is licensed to operate a motor vehicle in the Commonwealth of Pennsylvania.

15.12.2.3.2.6. Meets any other officially established job related requirements.

15.12.2.3.3. To determine if each applicant for the position of a supervisory police officer, including the Chief of Police, has satisfactorily completed an in-service training program for police officers; has graduated from a recognized police academy or school; possesses a working knowledge of police science and administration; and meets all other requirements officially established henceforth. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.12.2.3.4. To request as necessary an investigation of the character and reputation of any applicant. Such investigation shall be conducted by the Police Department and may include reports of investigations from other recognized agencies.

15.12.2.4. Examinations.

15.12.2.4.1. To fix the dates for the ability, written and oral examination of applicants for any police officer position, including the Chief of Police, in the Police Department; to fix the dates and times by which applications must be received; and to designate the offices and officers that shall receive such applications. All examinations shall be job-related. **[Amended 8-2-76 by Ord. No. 632; 11-1-82 by Ord. No. 1011; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.12.2.4.2. To examine any applicant who lacks any of the prescribed qualifications if, in the judgment of the Civil Service Board, it can be reasonably presumed that

the applicant will acquire the necessary qualifications prior to the date of a possible certification from the list of eligibles produced as a result of examination.

15.12.2.4.3. To give public notice, in a newspaper of general circulation, of the time and place of every entrance-level police officer examination, together with information as to the position to be filled. The public notice shall be published and posted in accordance with the rules and regulations established by the Civil Service Board. Additional public notice may be given at any time at the discretion of the Civil Service Board.

15.12.2.4.4. To appoint from time to time one (1) or more medical examiners to make all required medical examinations of all applicants selected from the certified eligible list for appointment to any position in the Police Department, except Chief of Police. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607]**

15.12.2.4.5. To establish the minimum medical requirements for all applicants, selected from the certified eligible list for appointment to any position in the Police Department, except Chief of Police. A statement of the established medical requirements shall appear on the official application form, and a copy of such statement of medical requirements shall be filed in the office of each medical examiner. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607]**

15.12.2.4.6. To furnish each medical examiner with forms upon which the medical examiner shall state the physical and mental condition of each applicant selected from the certified eligible list for appointment to any position in the Police Department, except Chief of Police. **[Amended 12-6-93 by Ord. No. 1607]**

15.12.2.4.7. To require any police officer, including the Chief of Police, to inform the Board of any illness or injuries requiring the attendance of a physician or requiring hospitalization and of any surgical operations that shall have occurred after the original medical examination. **[Amended 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.12.2.4.8. To designate a recognized examining agency to act as examiner for the written examination.

15.12.2.4.9. To accept or reject, in whole or in part, the recommendations of the regularly appointed examining agency.

15.12.2.4.10. To administer and evaluate the oral examination of any applicant, and to designate, as necessary, qualified persons to assist in the administration and evaluation of oral examining procedures and techniques.

15.12.2.4.11. To prepare a statement of instructions and rules for the conduct of written examinations, which the regularly appointed examiner shall be responsible for enforcing.

## 15.12.2.5. Evaluations.

15.12.2.5.1. To evaluate the service or performance record of any applicant, and to designate, as necessary, qualified persons to assist in the evaluation of performance or service records.

## 15.12.2.6. Eligible and furlough lists.

15.12.2.6.1. To void at any time, at the request of the Board of Commissioners, an eligible list. In no case shall any eligible list remain in effect for a period of more than one and one-half (1 1/2) years from the date of its certification. **[Amended 8-2-76 by Ord. No. 632]**

15.12.2.6.2. To prepare, at the request of the Board of Commissioners, a certified eligible list for each existing vacancy of the names of the three persons who have received the highest average examinations score, except the Chief of Police. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607]**

15.12.2.6.3. To prepare and maintain a list of all furloughed officers whenever the Board of Commissioners causes a reduction in the number of police officers. The names of each furloughed officer on the furlough list shall be arranged in the order of length of service, from the longest to the shortest. The furlough list shall also include the position held by each such officer at the time of furlough.

15.12.2.6.4. To certify, upon request from the Board of Commissioners, the names of those eligibles who were furloughed because of a reduction in force. Such certifications shall be made in accordance with the rules and regulations established by the Civil Service Board.

15.12.2.6.5. To certify, upon request from the Board of Commissioners, for each existing vacancy, the names of the three persons who have received the highest average examination score, if no furlough list exists or if the total number of vacancies cannot be filled from the available names on the furlough list. Such certifications shall be made in accordance with the rules and regulations established by the Civil Service Board. **[Amended 12-6-93 by Ord. No. 1607]**

15.12.2.6.6. To remove the name of any person appearing on a furlough list or on an eligible list for any just cause so designated in the rules and regulations established by the Civil Service Board.

## 15.12.2.7. Hearings.

15.12.2.7.1. To grant a hearing to any accused police officer, including the Chief of Police, who has been suspended, dismissed or reduced in rank. Such a hearing shall be timely granted if such accused person complies with the provisions pertaining to demand for

hearings in the rules and regulations established by the Civil Service Board. A stenographic record of the hearing shall be taken and filed with the Board, which record shall be sealed and not be available for public record if the charges are dismissed. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

15.12.2.7.2. To establish the date, time and place for each hearing and give notice of such hearing in accordance with the rules and regulations established by the Civil Service Board.

15.12.2.7.3. To issue a decision within thirty (30) calendar days after each hearing.

15.12.2.7.3.1. Such decisions shall be issued in the form of a written order approved by at least two (2) members of the Civil Service Board. The written order shall include all findings of fact. If, during the hearing, opposing facts are presented, the Board shall include in its written order its decision as to the correct facts. **[Amended 12-6-93 by Ord. No. 1607]**

15.12.2.7.3.2. The findings and decision of the Board shall be certified to any person making charges, to the accused officer, to the Township Manager and to the Board of Commissioners.

15.12.2.7.3.3. The decisions of the Civil Service Board shall have final administrative and executive authority. Appeals of such decisions may be made in accordance with the laws of the Commonwealth of Pennsylvania.

15.12.3. The Civil Service Board shall have no power pertaining to areas not related to the hiring, firing, promotion and demotion of officers of the Upper St. Clair Police Department, including the Chief of Police, or to similar areas specifically designated in the above subsections of this Administrative Code, the statutes of the Commonwealth of Pennsylvania, the rules and regulations of the Civil Service Board or the ordinances of the Township. **[Amended 8-2-76 by Ord. No. 632; 12-6-93 by Ord. No. 1607; 11-3-97 by Ord. No. 1752]**

#### **ARTICLE IV**

#### **Building and Fire Codes Appeals and Advisory Board**

#### **§ 15.13. Establishment and purposes.**

There shall be in and for the Township of Upper St. Clair a Building and Fire Codes Appeals and Advisory Board, which is hereby established in accordance with the ordinances of the Township of Upper St. Clair for the following purposes:

15.13.1. To conduct public hearings concerning any appeal from a decision or interpretation made under the provisions of the Upper St. Clair Township Building Code.<sup>10</sup>

15.13.2. To conduct public hearings concerning any appeal from a decision or interpretation made under the provisions of the Upper St. Clair Township Fire Prevention Code.<sup>11</sup>

15.13.3. To determine the suitability of alternate materials and types of construction and to interpret provisions of the Upper St. Clair Fire Prevention and Building Codes.<sup>12</sup>

15.13.4. To review the Upper St. Clair Building and Fire Prevention Codes in force; to review proposed revisions to said codes; to review the present and projected policies and procedures of enforcement of said codes; to submit advice and recommendations to the Board of Commissioners in connection therewith; and to advise the Township Manager in any other way concerning the enforcement and administration of the Upper St. Clair Building and Fire Prevention Codes.

#### **§ 15.14. Membership.**

15.14.1. The Building and Fire Codes Appeals and Advisory Board shall consist of five (5) members, each of whom shall be a full-time resident and qualified elector of the Township of Upper St. Clair and be appointed by the Board of Commissioners to serve for a three-year term. [Amended 4-7-03 by Ord. No. 1884]

15.14.2. Members of the Building and Fire Codes Appeals and Advisory Board shall hold no other office in the township.

15.14.3. The term of not more than one (1) member shall expire each year. Therefore, unless a vacancy occurs, the Board of Commissioners shall annually appoint one (1) or two (2) members depending on term expiration. [Amended 4-7-0-3 by Ord. No. 1884]

#### **§ 15.15. Authority; powers and duties.**

15.15.1. The Building and Fire Codes Appeals and Advisory Board shall be an administrative board, and, as such, it shall have authority in the specific areas of responsibility granted by the following subsections of this Administrative Code or by the ordinances of the township.

15.15.2. The powers and duties of the Building and Fire Codes Appeals and Advisory Board shall include but not be limited to the following:

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<sup>10</sup> Editor's Note: See Ch. 51, Building Construction.

<sup>11</sup> Editor's Note: See Ch. 61, Fire Prevention.

<sup>12</sup> Editor's Note: See Ch. 51, Building Construction, and Ch. 61, Fire Prevention.

15.15.2.1. To conduct public hearings concerning any appeal from a decision or interpretation of a township administrative officer refusing to grant a modification to provisions of the Upper St. Clair Township Building Code<sup>13</sup> covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. All hearings shall be public and the appellant, his representative, the appropriate township official and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

15.15.2.2. To conduct public hearings concerning any appeal from a decision or interpretation made under the provisions of the Upper St. Clair Township Fire Prevention Code<sup>14</sup> by a township administrative officer. All hearings shall be public, and the appellant, his representative, the official having jurisdiction and any other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

15.15.2.3. To affirm, modify or reverse the decision of a township administrative officer by a concurring vote of three (3) members. Any person aggrieved by a decision of the Building and Fire Codes Appeals and Advisory Board may appeal within thirty (30) days to the courts of the Commonwealth of Pennsylvania in accordance with the laws of the Commonwealth of Pennsylvania. **[Amended 4-7-03 by Ord. No. 1884]**

15.15.2.4. To determine the suitability of alternate materials and types of construction.

15.15.2.5. To interpret the provisions of the Upper St. Clair Building and Fire Prevention Codes.<sup>15</sup>

15.15.2.6. To review the Upper St. Clair Building and Fire Prevention Codes in force; to review proposed revisions to said codes; to review the present and projected policies and procedures of enforcement of said codes; to submit advice and recommendations to the Board of Commissioners in connection therewith; and to advise the Township Manager in any other way concerning the enforcement and administration of the Upper St. Clair Building and Fire Prevention Codes.<sup>16</sup>

15.15.3. The Building and Fire Codes Appeals and Advisory Board shall have no power pertaining to matters which are unrelated to the Upper St. Clair Building and Fire Prevention Codes.

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<sup>13</sup> Editor's Note: See Ch. 51, Building Construction.

<sup>14</sup> Editor's Note: See Ch. 61, Fire Prevention.

<sup>15</sup> Editor's Note: See Ch. 51, Building Construction and Ch. 61, Fire Prevention.

<sup>16</sup> Editor's Note: For functions of the Department of Planning and Community Development with respect to code enforcement and staff assistance to the Building and Fire Codes Appeals and Advisory Board, see Ch. 21, Departments of Government, § 21.10.

**ARTICLE V<sup>17</sup>**  
**(Reserved)**

**§ 15.16. (Reserved)**

**§ 15.17. (Reserved)**

**§ 15.18. (Reserved)**

**Part 2**  
**Advisory Boards and Commissions**

**ARTICLE VI**  
**General Provisions**

**§ 15.19. Purpose.**

The advisory boards and commissions specified in this Administrative Code have been or are hereby established for the proper and efficient conduct of municipal affairs. The purpose of these boards is to perform duties of a continuing nature in specific areas as designated by this Administrative Code, the Home Rule Charter or other ordinances of the township.

**§ 15.20. Establishment of advisory boards and commissions; authority.**

15.20.1. The boards and commissions designated in the following Articles have been previously established by ordinance or are established by this Administrative Code. Additional boards shall, from time to time, be established by ordinance as deemed necessary by the Board of Commissioners. However, no additional boards may be created until the Board of Commissioners has determined that the functions of the proposed board cannot be feasibly performed by one (1) or more of the existing boards.

15.20.2. The boards and commissions specified as being advisory boards or commissions in this Administrative Code have been or are hereby established within the requirements of the statutes of the Commonwealth of Pennsylvania and the laws of the Township of Upper St. Clair to provide advice, guidance and recommendations to the Township Manager and the Board of Commissioners. No board designated as an advisory board shall perform administrative duties or have executive authority.

**§ 15.21. Expenditure of public funds; contracts.<sup>18</sup>**

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<sup>17</sup> Editor's Note: Former Art. V. Library Board, was repealed 2-4-85 by Ord. No. 1123. For current provisions pertaining to the Library Board see Art. XII.

<sup>18</sup> Editor's Note: For provisions pertaining to the budget and contracts generally, see Arts. IX and X of the Home Rule Charter and Ch. 25, Fiscal Affairs.

No advisory board or commission shall have the authority to spend township funds unless provided for in the budget, specifically approved by the Board of Commissioners and subsequently approved by the Township Manager or a member of the administrative staff authorized so to do by the Manager. The Manager shall assign employees of the township to serve as liaison to and provide staff services to the boards and commissions. No advisory board or commission shall have the authority to enter into contracts of any nature.

**§ 15.22. Appointment, vacancies, removal, compensation and term of office of members.**

15.22.1. Appointment. The Board of Commissioners shall appoint the members of advisory boards and commissions. Appointments to fill vacancies shall be only for the unexpired portion of the term.

15.22.2. Removal. Any member of an advisory board or commission may be removed prior to the expiration of his appointed term by a majority vote of the Board of Commissioners or in accordance with the laws of the Commonwealth of Pennsylvania applicable to such board or commission.

15.22.3. Compensation. No member of any advisory board or commission shall be compensated for his duties.

**§ 15.23. Officers; duties of officers.**

15.23.1. Officers.

15.23.1.1. Chairman and vice chairman. A chairman and a vice chairman of each advisory board or commission shall be elected by the members of each board in January of each year. Each such officer shall serve a one-year term.

15.23.1.2. Secretary. The members of each advisory board and commission may elect one (1) of their own members or appoint an employee of the township (to be designated by the Township Manager) to act as the secretary. The secretary, if elected from the membership, shall serve a one-year term. If an appointed township employee, the secretary shall serve at the pleasure of the board or commission.

15.23.2. Duties of officers.

15.23.2.1. Chairman and vice chairman. The chairman or, in his absence, the vice chairman shall preside at all meetings of an advisory board or commission, decide all points of order or procedure and perform any other duties required by the statutes of the Commonwealth of Pennsylvania or by the ordinances of the township.

15.23.2.2. Secretary. The secretary or his designee shall conduct, at the direction of the advisory board or commission, all official correspondence of the board or

commission; shall keep a record of each meeting or other official action of the board or commission; and shall perform all other duties required by the board or commission, by this Administrative Code, by the statutes of the Commonwealth of Pennsylvania or by the ordinances of the township.

**§ 15.24. Meetings; procedures for meetings.**

15.24.1. All meetings and hearings of advisory boards and commissions shall be open to the public, unless otherwise permitted by law.

15.24.2. Regular meetings of advisory boards and commissions shall be held at least once each month on a designated day unless no matters are pending for consideration.

15.24.3. Special meetings may be held as needed upon the call of the chairman or vice chairman, provided that appropriate notice of each meeting is given to each member and the public in accordance with the statutes of the Commonwealth of Pennsylvania.

15.24.4. A quorum shall consist of at least a majority of all members of the board or commission.

15.24.5. The secretary or his designee shall keep minutes of the board's or commission's proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

15.24.6. A file of all materials and decisions relating to all official actions of the board or commission shall be kept as part of the records of each board or commission.<sup>19</sup>

15.24.7. All official records and files of each board and commission shall be kept in the office of the Township Manager and shall be public records unless otherwise provided by law or regulation.<sup>20</sup>

15.24.8. All meetings of advisory boards and commissions shall be conducted in an orderly fashion and in accordance with the rules delineated in Robert's Rules of Order.

**ARTICLE VII  
Planning Commission**

**§ 15.25. Continuance of Commission.**

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<sup>19</sup> Editor's Note: For provisions pertaining to the preservation of records, see Ch. 11, Administrative General Provisions, § 11.7.

<sup>20</sup> Editor's Note: For additional provisions pertaining to public access to records, see Ch. 11, Administrative General Provisions, § 11.6.

There shall be in and for the Township of Upper St. Clair a Planning Commission, as previously created by township ordinance,<sup>21</sup> pursuant to the Municipalities Planning Code of the Commonwealth of Pennsylvania.<sup>22</sup>

**§ 15.26. Powers and duties.**

The powers and duties of the Planning Commission shall be only as prescribed in the Township Subdivision and Zoning Ordinances<sup>23</sup> and in Article II of the Municipalities Planning Code of the Commonwealth of Pennsylvania.<sup>24</sup>

**§ 15.27. Membership.**

15.27.1. The Planning Commission shall consist of seven (7) members, all of whom shall be full-time residents and qualified electors of the township. Each will be appointed by the Board of Commissioners for a four-year term.

15.27.2. The terms of not more than two (2) members shall expire each year.

15.27.3. Should a vacancy occur, the Board of Commissioners shall appoint a member to fill the vacancy only for the unexpired portion of the term. Such appointments shall be made within a period of sixty (60) days after such vacancy occurs.

**ARTICLE VIII  
(Reserved)<sup>25</sup>**

**§ 15.28. (Reserved)**

**§ 15.29. (Reserved)**

**§ 15.30. (Reserved)**

**ARTICLE IX  
Parks and Recreation Board**

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<sup>21</sup> Editor’s Note: The Planning Commission was originally established 9-25-54 by Ord. No. 24 under the provisions of Sections 3201, 3202 and 3203 of the First Class Township Code, which have now been replaced by provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 (53 P.S. § 10101 et seq.).

<sup>22</sup> Editor’s Note: Act 247 of 1968 (53 P.S. § 10101 et seq.).

<sup>23</sup> Editor’s Note: See Ch. 114, Subdivision and Land Development, and Ch. 130, Zoning. For functions of the Department of Planning and Community Development and the Department of Engineering with respect to the powers and duties of the Planning Commission, see Ch. 21, Departments of Government, §§ 21.10 and 21.12.

<sup>24</sup> Editor’s Note: See 53 P.S. § 10201 et seq.

<sup>25</sup> Editor’s Note: Former Article VIII entitled “Traffic Safety Board” was repealed 2-1-88 by Ord. No.

**§ 15.31. Establishment and purposes.**

There shall be in and for the Township of Upper St. Clair a Parks and Recreation Board, which is hereby established in accordance with the ordinances of the township for the following purposes:

15.31.1. To make recommendations pertaining to forestry and the development, supervision, maintenance and regulation of public park and recreation areas and facilities located in the township.

15.31.2. To promote the planting of trees and shrubbery on private and public property.

**§ 15.32. Membership.**

15.32.1. The Parks and Recreation Board shall consist of seven (7) members, each of whom shall be a full-time resident and qualified elector of the township and be appointed by the Board of Commissioners for a three year term.

15.32.2. Members of the Parks and Recreation Board shall hold no other office in the township.

15.32.3. The terms of not more than three (3) members shall expire each year. Therefore, unless a vacancy occurs, the Board of Commissioners shall annually appoint no more than three (3) members to the Parks and Recreation Board.

15.32.4. Should a vacancy occur, the Board of Commissioners shall appoint a member to fill the vacancy only for the unexpired portion of the term.

**§ 15.33. Powers and duties.**

15.33.1. The Parks and Recreation Board shall be a regular advisory board and, as such, it shall be only advisory in nature and shall perform no administrative duties. Its duties shall include but not be limited to the following:<sup>26</sup>

15.33.1.1. To act in an advisory capacity to the Board of Commissioners in matters relating to parks, recreation and forestry.

15.33.1.2. To work with the Director of Parks and Leisure Services in reviewing and developing policy matters. [Amended 7-5-88 by Ord. No. 1336]<sup>27</sup>

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<sup>26</sup> Editor's Note: For functions of the Department of Parks, Recreation and Forestry and the Department of Engineering with respect to the powers and duties of the Parks and Recreation Boards, see Ch. 21, Departments of Government, §§ 21.7 and 21.12.

15.33.1.3. To cooperate with other governmental agencies and civic groups in the advancement of parks and recreation in the township.

15.33.1.4. To recommend policies pertaining to all municipal park and recreation matters within the township.<sup>28</sup>

15.33.1.5. To review and make recommendations, with the Director of Parks Recreation and Forestry, the Township Manager and Board of Commissioners, concerning problems of development of recreation areas, facilities, programs and improved recreation services.

15.33.1.6. To make recommendations concerning a comprehensive system of recreation and park areas, facilities and programs to meet the needs of township residents.

15.33.1.7. To define the objectives of public park and recreation services and to recommend plans and general policies harmonizing with them.

15.33.1.8. To interpret the importance and need of recreation services for the general public.

15.33.1.9. To inform the Board of Commissioners as to the status and progress of recreation and park services.

15.33.1.10. To promote stability and continuity of park and recreation services.

15.33.1.11. To evaluate annually the park and recreation system in the community in relation to its objectives.

15.33.1.12. To recommend policy and set standards relating to conservation and beautification programs within the township.

15.33.1.13. To submit an annual report to the Board of Commissioners as deemed necessary.

15.33.1.14. To promote the planting of trees, shrubbery, etc., on private and public property in the township.

15.33.2. The Parks and Recreation Board shall have no power pertaining to matters not related to parks and recreation.

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<sup>27</sup> Editor's Note: Former § 21.8 entitled "Department of Parks, Recreation and Forestry" was deleted in its entirety by Ord. No. 1336 dated 7-5-88 and new § 21.8 entitled "Department of Parks and Leisure Services" was added by Ord. No. 1336 dated 7-5-88

<sup>28</sup> Editor's Note: For regulations pertaining to the use of township parks and playgrounds, see Ch. 93, Parks and Playgrounds.

**ARTICLE X  
(Reserved)<sup>29</sup>**

§ 15.34. (Reserved)

§ 15.35. (Reserved)

§ 15.36. (Reserved)

**ARTICLE XI  
Ad Hoc Boards<sup>30</sup>  
[Added 8-2-82 by Ord. No. 1001]**

§ 15.37. **Establishment and purposes.**

Ad hoc boards may be established as deemed necessary by the Board of Commissioners in accordance with the requirements of the ordinances of the township and this Administrative Code. Such boards shall be created only for specific and temporary purposes. The exact purpose of such boards shall be specified at the time each ad hoc board is created.

§ 15.38. **Powers and duties.**

All ad hoc boards shall be advisory boards and, as such, they shall be advisory in nature and shall perform no administrative duties. Ad hoc boards shall have the authority and responsibility to seek findings of fact, express opinions or make recommendations in the specific areas of responsibility granted to such boards at the time of their establishment.

**Article XII  
Library Board  
[Added 2-4-85 by Ord. No. 1123]**

§ 15.39. **Establishment and purposes.**

There shall be in and for the Township of Upper St. Clair a Library Board, which is hereby established in accordance with the township ordinances for the following purposes:

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<sup>29</sup>Editor's Note: Former Article X entitled Cable Television Commission was added 8-2-82 by Ord. No. 1001 and repealed 3-3-08 by Ordinance No. 1994.

<sup>30</sup> Editor's Note: Provisions pertaining to ad hoc boards formerly appeared as Art. X, Ad Hoc Boards. The intent of Ord. No. 1001 was to renumber the former provisions of Art. X as Art. XI in order to accommodate the addition of a new Art. X, Cable Television Commission.

15.39.1. To serve as Trustees for the Library Trust as established in § 15.42.  
[Amended 7-5-88 by Ord. No. 1334<sup>31</sup> ]

**§ 15.40. Membership. [Amended 2-3-86 by Ord. No. 1186; 7-5-88 by Ord. No. 1334]**

15.40.1. The Library Board shall consist of three (3) regular members, each of whom shall be a full-time resident and qualified elector of the township and be appointed by the Board of Commissioners for a three-year term.

15.40.2. Regular members of the Library Board shall hold no other office in the township.

15.40.3. The terms of not more than one (1) regular member shall expire each year. Therefore, unless a vacancy occurs, the Board of Commissioners shall annually appoint no more than one (1) regular member to the Library Board.

15.40.4. Should a vacancy occur, the Board of Commissioners shall appoint a member to fill the vacancy only for the unexpired portion of the term.

**§ 15.41. Powers and duties. [Amended 7-5-88 by Ord. No. 1334]**

The Library Board shall have only those duties set forth in § 15.42 relating to the Library Trust.

**§ 15.42. Library Trust.**

15.42.1. There is hereby established the Upper St. Clair Library Trust, which shall operate in accordance with the Library Trust Agreement attached hereto and incorporated herein as a part of this Article.<sup>32</sup>

15.42.2. The members of the Library Board as appointed under § 15.40. of this Article shall serve as the trustees of the Upper St. Clair Library Trust.

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<sup>31</sup> Editor's Note: Former § 15.39.2 was deleted by Ord. No. 1334 dated 7-5-88.

<sup>32</sup> Editor's Note: The Library Trust Agreement is on file in the Township Manager's office and is available for inspection during regular business hours.