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PART 1

COMPENSATION OF OFFICIALS

§101. COMPENSATION OF MAYOR.

The salary of the Mayor of the Borough of East Conemaugh shall be \$400 per year.

(Ord. 111, 11/5/1945, §1; as amended by Ord. 189, 3/18/1974, §1)

§102. COMPENSATION OF TAX COLLECTOR.

The commission of the Tax Collector of the Borough for the collection of such Borough taxes as shall be collected by him shall be 5% of the taxes collected.

(Ord. 193, 3/18/1974)

PART 2

MUNICIPAL AUTHORITY

§201. INTENTION AND DESIRE TO INCORPORATE.

It is the desire of the Council of the Borough of East Conemaugh, in the County of Cambria, and Commonwealth of Pennsylvania and the said Council hereby signifies its intention to organize an Authority under the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

(Res. 143, 10/14/1961, §1)

§202. ARTICLES OF INCORPORATION.

In pursuance of said desire and intention, and in conformity with the terms and provisions of said Municipality Authorities Act and its amendments, the proposed articles of incorporation are hereby set forth in full, as follows:

**Articles of Incorporation of
East Conemaugh Borough Municipal Authority**

To the Secretary of the
Commonwealth of Pennsylvania,
Harrisburg, Pennsylvania:

In compliance with the requirements of the Municipal Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended, and pursuant to a resolution adopted by the municipal authority of the Borough of East Conemaugh, in the County of Cambria, and Commonwealth of Pennsylvania, that a Municipal Authority be established under the provisions of the aforementioned law, the Borough of East Conemaugh, desiring that a Municipal Authority be established and that a certificate of incorporation be issued to the said Authority, does hereby certify:

- A. The name of the Authority shall be "Borough of East Conemaugh Municipal Authority."
- B. The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.
- C. No other Authority has been organized under the provisions of this Act or the Act approved June 28, 1935, P.L. 463, and is in existence within said Borough.
- D. The name of the incorporating municipality is "Borough of East Conemaugh, in the County of Cambria, and Commonwealth of Pennsylvania."

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- E. The names and addresses of the members of the Council of the Borough of East Conemaugh are as follows: [Here followed the names and addresses of the Council in office at the time of adoption of this resolution.]
- F. The names and addresses and terms of office of the first members of the Board of said Authority are as follows: [Here followed the names, addresses and terms of office of the first Board of the Authority.]

(Res. 143, 10/14/1961, §2)

§203. MONTHLY COMPENSATION OF MEMBERS OF THE AUTHORITY.

Each member of the East Conemaugh Borough Municipal Authority shall receive monthly, beginning the next calendar month following the adoption of this Part, the sum of \$15 per month.

(Ord. 159, 3/12/1965, §1)

§204. CONDITIONS FOR PAYMENT OF COMPENSATION TO AUTHORITY BOARD MEMBERS.

No compensation shall be paid in any month to a member of the Borough Municipal Authority who has failed to attend at least one regular meeting of the Authority during the month.

(Ord. 159, 3/12/1965, §2)

PART 3
POLICE DEPARTMENT

§301. POLICE DEPARTMENT ESTABLISHED; CHIEF OF POLICE.

A Police Department is hereby established in and for the Borough of East Conemaugh. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers and duties and authority.

(Ord. 194, 3/18/1974, §1)

§302. CLASSIFICATIONS AND COMPENSATION.

Subordinate to the Chief of Police in the Police Department, the classification of patrolman is hereby established. The number of persons to serve as patrolmen, on a full-time and/or part-time basis, and the compensation of each, shall be determined by the Borough Council from time to time.

(Ord. 194, 3/18/1974, §2)

§303. SPECIAL APPOINTMENTS.

Nothing herein contained shall affect the authority of the Mayor to appoint special policemen during emergencies.

(Ord. 194, 3/18/1974, §3)

PART 4

POLICE PENSION FUND

§401. POLICE PENSION FUND CREATED.

In order to secure the benefits of foreign casualty insurance tax payments, and in order to create a fund in accordance with the laws of the Commonwealth providing for the payment of the aforesaid funds to the Borough, the Borough of East Conemaugh does hereby create a fund, known as the police pension fund, where all moneys received shall be deposited; and be it further resolved that the Borough shall purchase for the benefit of its police, annuity contracts from appropriate insurance carriers, in such amounts as is warranted by the funds available; all the said insurance contracts to be carried in the name of the officer insured and the Borough of East Conemaugh.

(Res. 125, 9/11/1953)

PART 5
FIRE DEPARTMENT

A. Recognition of Independence Volunteer Fire Department.

§501. AUTHORIZED FIREFIGHTING ACTIVITIES.

The purpose and objective of this Part is to recognize the Independence Volunteer Fire Company of East Conemaugh as a duly recognized volunteer fire company for East Conemaugh Borough and to designate those duties and activities which the Borough shall authorize either by approval under formal governing procedures or by approval following application by the fire company to the Borough for written approval, in accordance with terms hereof, of the ancillary activities and duties which the fire company desires to perform. These duties and activities are as follows:

- A. The volunteer fire company recognized by the Borough is authorized to actively engage in firefighting within the boundaries of the Borough and to respond to out-of-jurisdiction calls only to the authorization of a written mutual aid agreement or a written agreement for first call service approved by the Borough.
- B. A volunteer firefighter may engage in those acts which are recognized as firefighting activities. Such acts are limited to the following activities of a firefighter while actually engaged as a firefighter:
 - (1) The firefighter's act of going to and/or returning from any fire which the fire company of which they are a member shall have attended.
 - (2) The firefighter's participation in the firefighting instruction and fire drills which the fire company of which they are a member shall have attended.
 - (3) The firefighter's participation in repair and or other work on fire apparatus, buildings and grounds of the fire company or fire department, which work is specifically authorized by the chief of the fire company or fire department.
 - (4) The firefighter's performance in responding to any emergency call for any purpose, or while riding upon the fire apparatus owned or used by the fire company of which they are a member.

(Res. 101-95, 1/10/1995, §1)

§502. ANCILLARY ACTIVITIES AND DUTIES OF FIRE COMPANY.

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A duly authorized volunteer fire company may only participate in certain ancillary activities or duties after obtaining the separate written approval of the Borough following official action by the Borough Council granting such approval.

(Res. 101-95, 1/10/1995, §2)

B. Volunteer Firemen's Relief Association.

§511. RECOGNITION OF FIREMEN'S RELIEF ASSOCIATION.

1. The following association *[is/are]* hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough:

[List Volunteer Firemen's Relief Associations if any]

[List name of Fire Pension Fund if any]

The above named association has been formed for the benefit of *[its/their]* members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named association of the Borough *[is/are]* designated the proper association(s) 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.

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§512. CERTIFICATION TO AUDITOR GENERAL.

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.

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§513. ANNUAL APPROPRIATION.

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 the Act of December 18, 1984, 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.

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PART 6

BOARDS, COMMISSIONS AND COMMITTEE

A. Planning Committee.

§601. ESTABLISHING COMMITTEE.

The members of East Conemaugh Borough Council desire to form a Borough Planning Committee to assist in the preparation of municipal plans and other related documents.

(Res. 104-95, 1/25/1995)

§602. AUTHORITY TO ESTABLISH COMMITTEE.

The Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, as reenacted and amended by Act 170 of December 21, 1988, P.L. 1329, permits the creation of a municipal planning committee.

(Res. 104-95, 1/25/1995)

§603. APPOINTMENT OF MEMBERS TO THE COMMITTEE.

The Borough Planning Committee shall consist of three members appointed from Borough Council.

(Res. 104-95, 1/25/1995)

§604. MEMBERS OF THE COMMITTEE.

The following Council members are appointed to the Borough Planning Committee: [Here followed the names and addresses of the first members of the Borough Planning Committee.]

(Res. 104-95, 1/25/1995)

B. Administrative Board of Appeals.

§611. CREATION OF BOARD.

There is hereby established an East Conemaugh Borough Administrative Board of Appeals.

(Ord. 106-88, 3/8/1988, §1)

§612. FUNCTION OF THE BOARD.

The owner of a building or structure, officer or agency of the Borough, or any other person aggrieved, may appeal to the East Conemaugh Borough Administrative Board of Appeals any decision, or interpretation, of the respective Codes Enforcement Officer, or his duly appointed representative, of the provisions or of the rules and regulations adopted pursuant thereto, of the BOCA codes, as amended, now or hereafter adopted by East Conemaugh Borough, or that the provisions of the respective BOCA Codes do not fully apply, or an equally good or better form of construction can be used.

(Ord. 106-88, 3/8/1988, §2)

§603. MEMBERSHIP OF THE BOARD.

The East Conemaugh Borough Administrative Board of Appeals shall, unless otherwise appointed by the Council of East Conemaugh Borough, by resolution, consist of the members of the East Conemaugh Borough Zoning Board of Appeals. The East Conemaugh Borough Council may, by resolution, appoint five other individuals to the Administrative Board of Appeals who shall serve as follows: one member to be appointed for 5 years, one member to be appointed for 4 years, one member to be appointed for 3 years, one member to be appointed for 2 years and one member to be appointed for 1 year; and, thereafter, each new member to serve for 5 years or until his successor has been appointed.

(Ord. 106-88, 3/8/1988, §3)

§614. QUALIFICATIONS OF MEMBERSHIP.

Each board member must be a resident of the Borough of East Conemaugh.

(Ord. 106-88, 3/8/1988, §4)

§615. ORGANIZATION AND OPERATION OF THE BOARD.

1. The Board shall elect its own chairman, vice chairman and secretary, who shall serve for 1 year.

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2. The Board shall adopt such rules and regulations as it may deem necessary to effect the provisions of the respective BOCA codes adopted by East Conemaugh Borough and this Part.
3. The Board may employ secretaries, counsel and other personnel within the limits of funds appropriated by the Borough Council.
4. The members of the Board shall not receive compensation for their services unless the Supervisors fix a rate of compensation, by resolution.

(Ord. 106-88, 3/8/1988, §5)

§616. POWERS OF THE BOARD.

1. The Board shall have the power to hear and decide all appeal made pursuant to §612.
2. In exercising the above power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and such order, requirement, decision or determination as ought to be made and to that end shall have all powers of the respective Codes Enforcement Officer from whom the appeal was taken. Every change granted or denied by the Board shall be accompanied by written findings of fact, based on sworn testimony and evidence specifying the reason for granting or denying the appeal and/or variation from the respective BOCA code requirement.
3. The concurring vote of the majority of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of the respective Codes Enforcement Officer or to decide in favor of the appellant to grant a variation from the respective BOCA code requirement.

(Ord. 106-88, 3/8/1988, §6)

§617. PROCEDURE OF BOARD.

1. The Board may make, alter and rescind rules and forms for its procedures.
2. The applicant shall file his appeal to the Board and the respective Codes Enforcement Officer on the approved form within 30 days from the decision or action of the respective Codes Enforcement Officer specifying the reasons for the appeal and pay the appropriate appeal fee. The appeal fee shall be established by the Borough Council, by resolution.
3. Upon filing of an appeal and payment of the appeal fee, the Board shall fix a reasonable time and place for a public hearing within 30 days of the receipt of the appeal application. Notice of said public hearing shall be given by mailing notice to the applicant and the respective Codes Enforcement Officer, by publication in a newspaper of general circulation in the Borough, and by posting a copy of the notice

prominently at the Borough Municipal Building. Public notice of the hearing shall be given at least 3 days prior to the time of the first hearing and at least 24 hours in the case of a rescheduled or continued hearing.

4. Notice of the written decision of the Board shall be given the applicant, the respective Codes Enforcement Officer or any party requesting same, mailed not later than the day following its date.
5. Unless agreed to by the applicant in writing, if the Board fails to reschedule a hearing and render a decision within 30 days of the date of the receipt of the appeal application, it shall be deemed that the Board decided in favor of the applicant.

(Ord. 106-88, 3/8/1988, §7)

§618. APPEALS FROM ACTION OF THE BOARD.

Any party before the Board or any officer or agency of the Borough may appeal the decision of the Board to the Cambria County Court of Common Pleas within 30 days after the date of the mailing of the decision pursuant to the Pennsylvania Judicial Code, 42 Pa.C.S.A. §5571 *et seq.*

(Ord. 106-88, 3/8/1988, §8)

PART 7

FIRE INSURANCE PROCEEDS

§701. USE OF FIRE INSURANCE PROCEEDS.

1. No insurance company, association or exchange (hereinafter "insurer") 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 where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to §508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedures set forth in §508(c) and (d) of the Act.
2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the President of Council of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:
 - A. Stating that there are no unpaid municipal claims or municipal expenses against the property; or,
 - B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to subsection (A) of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection (3) hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection (2) of this Section, or where the Treasurer has issued a certificate described in subsection (2)(A) indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

ADMINISTRATION AND GOVERNMENT

- A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.
- B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.
- C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:
 - (1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto; and,
 - (2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.
 - (3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the [Municipality] has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.
 - (4) Pay to the President of Council, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.
 - (5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the President of Council that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.
 - (6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this ordinance, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with

regard to such other disposition of the proceeds as the Borough may deem responsible.

(Ord. 103-92, 10/13/1992; as revised by A.O.

§702 LIMITS OF LIABILITY.

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(Ord. 103-92, 10/13/1992; as revised by A.O.

§703. INSURANCE COMPANY RIGHTS RESERVED.

An insurance company, association or exchange making payment of policy proceeds under this ordinance for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 103-92, 10/13/1992; as revised by A.O.

§704. CONSTRUCTION.

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

(Ord. 103-92, 10/13/1992; as revised by A.O.

§705 NOTIFICATION OF PENNSYLVANIA DEPARTMENT OF COMMUNITY AFFAIRS.

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community Affairs.

(Ord. 103-92, 10/13/1992; as revised by A.O.

§706. PENALTY.

ADMINISTRATION AND GOVERNMENT

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which an offense shall continue shall be deemed a separate offense.

(Ord. 103-92, 10/13/1992; as revised by A.O.