

BRADDOCK BOROUGH ADMINISTRATIVE CODE

Adopted
February 9, 2021

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PURPOSE

The adoption of an Administrative Code by Braddock Borough Council is mandated by PA Act 62 of 1972 – The Home Rule Charter and Optional Plans Law and acts as a complement to the Home Rule Charter adopted by the citizenry on November 5, 2019. Together, the Home Rule Charter, Administrative Code and Administrative Manual will provide for the structure and functions of government, the general management and administration of the Borough and guide the day-to-day operations and processes conducted by municipal officials, employees and contractors. All form the basis for a fair and equitable local government for all residents and support the Borough’s efforts to recover from financial distress and develop a foundation for long term viability and financial self-sufficiency.

ARTICLE I ESTABLISHMENT; INTERPRETATION

Section 1.1 Establishment of Administrative Code

There is hereby established an Administrative Code for the government of the Borough of Braddock, Pennsylvania, a home rule municipality, pursuant to its Home Rule Charter and the laws of the Commonwealth of Pennsylvania. This Code shall become a part of the code of the Borough of Braddock and shall be known and referred to as the “Code” or “Administrative Code.” Said Code defines the responsibilities of such municipal departments, offices and agencies as the Borough Council deems necessary for the proper and efficient conduct of municipal affairs.

Section 1.2 Continuation of Existing Provisions; Continuity of Authority and Responsibilities

A. The provisions of this Administrative Code, insofar as they are substantially the same as existing provisions of ordinances of the Borough of Braddock relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

B. The performance of functions pursuant to the provisions of this Administrative Code shall be deemed and held to constitute a continuation of the performance of previous functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Administrative Code may be conducted and completed by the Borough officer or administrative unit responsible therefore under the Home Rule Charter or this Administrative Code.

Section 1.3 Construction of Provisions

The provisions of this Administrative Code shall be construed broadly in favor of the Borough of Braddock within the limitations of its Home Rule Charter and the laws of the Commonwealth of Pennsylvania. Any specific mention of particular functions, authorities, powers and duties in this

Administrative Code shall not be construed in any way as limiting the general powers of the Borough Council, Mayor, or the Borough Manager as set forth in the Home Rule Charter in providing for the most efficient and beneficial administration of government for the Borough of Braddock.

ARTICLE II

SHORT TITLE AND DEFINITIONS

Section 2.1 Short Title

This document shall be known and may be cited as the “Braddock Borough Administrative Code.”

Section 2.2 Definitions

The following words, when used in this Ordinance, shall, unless the context clearly indicates otherwise, mean or indicate as follows:

“Administrative Code” establishes the Borough’s local administrative organization by defining the administrative functions or services to be performed and an organizational structure to perform them. The Administrative Code acts as a link between the Home Rule Charter and Administrative Manual.

“Administrative Manual” shall mean those documents specifying operational matters of municipal units, including, but not necessarily limited to, descriptions of the duties and responsibilities of subordinate units, rules and regulations, and appropriate administrative procedures, records and reports.

“Administrative Service” shall mean all personnel in those units of the Borough which are under the authority of the Borough Manager.

“Borough” and “Municipality” shall mean the Borough of Braddock, Allegheny County, Pennsylvania.

“Charter” shall mean the Home Rule Charter of the Borough of Braddock, Allegheny County, Pennsylvania as adopted and/or amended by the electorate.

“Chief Administrative Officer” is the Borough Manager of the Borough of Braddock, Allegheny, Pennsylvania.

“Citizen” shall mean a resident of the Borough of Braddock, Allegheny County, Pennsylvania.

“Council” or “Borough Council” shall mean the Council of the Borough of Braddock, Allegheny County, Pennsylvania.

“Law” shall mean all applicable laws of the United States of America and the Commonwealth of Pennsylvania.

“Ordinance” shall mean all ordinances of the Borough of Braddock, including this Administrative Code.

“Person” shall mean any individual, partnership, association, or corporation.

“Presiding Officer” shall mean the President of Borough Council.

“Publish” shall mean to print in a paid newspaper of general circulation within the Borough, including but not limited to: the *Valley Mirror* or *New Pittsburgh Courier*. The entire document or a brief summary thereof with a listing of places where complete copies of documents have been filed and times when they are available for public inspection shall be included in the notice.

“Public Notice” shall conform to the provisions of the Pennsylvania Sunshine Act (Open Meeting Law) governing advertisements to inform the citizenry of meetings, public hearings and the proposed adoption of ordinances and resolutions, as appropriate. Such notice shall include the date, time and location of the meeting or hearing, shall state the purpose of the meeting and must be printed in a paid newspaper of general circulation within the Borough, including but not limited to: the *Valley Mirror* or *New Pittsburgh Courier*. A notice must also be posted in a conspicuous location where the meetings will take place.

“Residence” shall mean the domicile in which an officer or employee permanently resides.

“Taxpayer” is a person who pays a tax to the Borough of Braddock.

“Unit” shall mean all governmental entities of the Borough.

In this Administrative Code, the singular shall include the plural and the plural shall include the singular.

ARTICLE III

CITIZEN RIGHT TO ACCESS PUBLIC RECORDS

Section 3.1 Purpose

The Borough of Braddock shall adopt policies and procedures in conformance with Pennsylvania Act 3 of 2008, known as the “Right-to-Know Law,” to provide for public access to public information that is not exempt from disclosure under Section 708 of the Pennsylvania Right to Know Law, not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree or not protected by a privilege; and to designate an Open-Records Officer to implement the policy and procedures.

ARTICLE IV

GOVERNMENT ORGANIZATION

Section 4.1 Basic Form and Structure

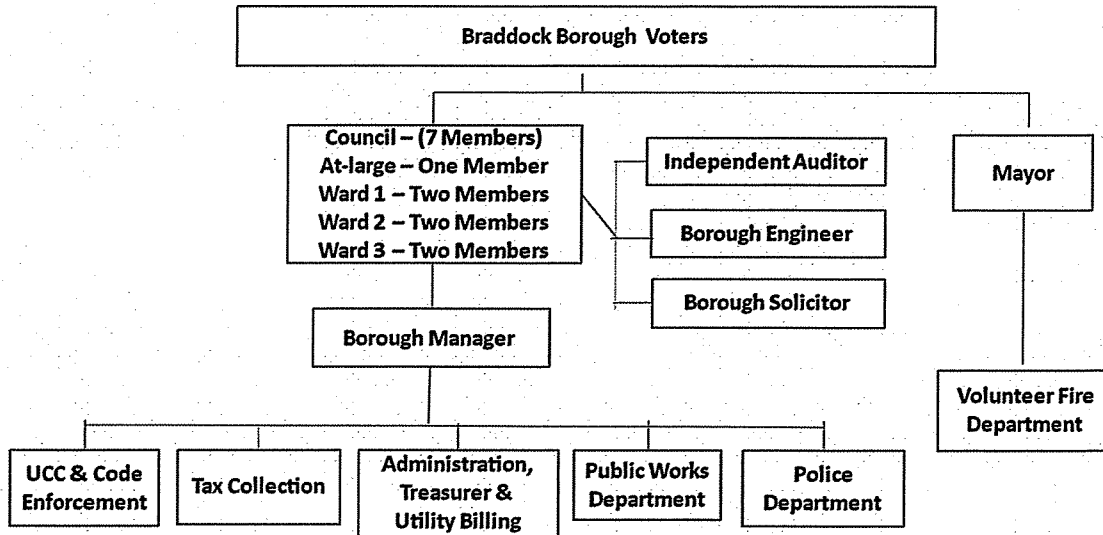
The basic form and structure of government provided in the Home Rule Charter is the Council-Manager form of government with a Mayor who holds powers as stipulated in Article V of the Home Rule Charter. As more fully described in the Home Rule Charter and this Administrative Code, the legislative powers and functions of the Borough government shall be vested in and exercised by the Borough Council. The Borough Manager shall be the Chief Administrative Officer of the Borough, and as such shall be responsible for all administrative or non-legislative and non-judicial duties and responsibilities on behalf of the Borough. The Mayor and Borough Manager shall work administratively in coordination to the benefit of the Borough. The Mayor may delegate any of the duties and responsibilities vested in the Mayor’s position by the Home Rule Charter or Administrative Code to the Borough Manager. Members of boards and commissions appointed by Borough Council perform advisory or administrative duties of a continuing nature in specific areas as designated by this Administrative Code.

Section 4.2 Flow of Information

The flow of information, policy direction and activity coordination shall, in the case of administrative matters, be directed to and/or through the Borough Manager. The flow of information in the establishment of policy shall always emanate from the Borough Council to the Borough Manager and administrative and advisory boards, when applicable.

Section 4.3 Chart of Government Organization

The chart of government organization shall be as follows:



BRADDOCK BOROUGH ORGANIZATIONAL CHART

ARTICLE V COUNCIL ORGANIZATION AND PROCEDURE

Section 5.1 General

The number of Borough Council members, their terms, election and qualifications and the filling of Borough Council vacancies shall be as provided in “Article II – Borough Council” and “Article III – Election, Operation and Procedures of Borough Council” of the Home Rule Charter.

Section 5.2 Organizational Meeting—Presiding Officer of Council

A. The day, time, and place of the organizational meeting of the council shall be as provided in Article III, Section 302 of the Home Rule Charter.

B. The order of business for the organization meeting shall be:

- (1) Administration of the Oath(s) of Office
- (2) Election of the President of Council by at least four (4) members of Council. Members shall vote by voice vote with a record made of how each member voted.
- (3) Election of the Vice President of Council in the same manner as the President.
- (4) Election of the President Pro Tempore in the same manner as the President.

- (5) Election or appointment of other officers or officials deemed necessary for the conduct of the affairs of the Borough.
- (6) Adjournment to a definite date.

B. Until the election of the President and Vice President of Council is accomplished, the Mayor shall preside.

C. In the absence of the President, the Vice-President shall exercise the duties of the President. In the absence of both the President and the Vice-President, the President *pro tempore* who shall have all the powers of the President.

Section 5.3 Meetings

A. Public Notice: Provisions governing public notice of meetings shall be provided in accordance with Pennsylvania's Sunshine Act (Open Meetings Law). Such notice shall state the date, time, location of the meeting, the purpose of the meeting and must be printed in a paid newspaper of general circulation within the Borough, including but not limited to: the *Valley Mirror* or *New Pittsburgh Courier*. A notice must also be posted at the location where the meetings will take place.

B. Regular Meetings: It shall be the duty of the Borough Council to meet statedly at least once per month or at more frequent regular intervals as the Borough Council may from time to time designate. The Council may adjourn to a stated time for general business or for special business. If no quorum is present at a stated monthly or adjourned meeting, a majority of those who do meet may agree upon another date for a meeting and may continue to do so until the meeting is held.

C. Special Meetings: The Borough Council may hold and take action at a special meeting or an emergency meeting in addition to a regularly scheduled meeting at any time. Such special or emergency meetings may be called by the Chief Administrative Officer or by any member of the council provided that: (1) a quorum is present as provided in the charter; and (2) a majority of the Borough Council determine that the holding of such meeting and the taking of action at that time is necessary to protect or promote the public health and safety of the Borough. Public notice must be given at least 24 hours prior to any special meeting in a newspaper of paid general circulation within the Borough such as the *Valley Mirror* or *New Pittsburgh Courier*.

D. Work or Agenda Setting Sessions: The Borough Council may hold work or agenda setting sessions in addition to its regularly scheduled business meeting to discuss matters and set agenda items. No official action shall be taken by the Borough Council on any matter during such meetings. Work or agenda setting sessions must be advertised and open to the public in accordance with the Pennsylvania Sunshine Act (Open Meetings Law).

Section 5.31 Council Attendance at Meetings

At any regular, adjourned, or special meeting of the Borough Council at which a quorum is not present, those members present shall instruct the Borough Manager to notify in writing those members absent from said meeting of the time and place of the next scheduled meeting of the Borough Council. (Article III, Section 304, Home Rule Charter.)

When a Borough Council Member is absent from the physical location of a meeting, but wishes to participate in the meeting, Borough Council may authorize such participation by a telecommunication device for one or more of the following reasons:

- A. illness or disability of the member of Borough Council;
- B. care for the ill or newborn in the member's immediate family;
- C. the death of someone in the member's immediate family;
- D. emergency; and
- E. family or business travel.

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

Section 5.4 Meetings to be Open to the Public

All meetings of the Borough Council shall be open to the public as provided by the Pennsylvania Sunshine Act (Opening Meetings Law).

Section 5.5 Agenda

A. The proposed agenda for any meeting of the Borough Council shall be prepared by the Borough Manager in consultation with the President of Council.

B. The proposed agenda for any advertised meeting shall be forwarded to all members of the Borough Council and be available to the public at least 24 hours prior to the advertised monthly meeting. In addition, the agenda for advertised monthly meetings, adjourned monthly meetings, special meetings, and when possible, emergency meetings, shall be posted in a conspicuous location on the entrance door of the Borough Building and on the Borough's official website, <http://braddockborough.com/>.

C. The title of any ordinance or resolution to be considered shall be published as part of the agenda.

D. Supporting materials, including the full text of any ordinances or resolutions to be considered, should be available in the office of the Borough Manager to the public and all members of the Borough Council prior to a meeting where action will be taken.

E. The published agenda may be amended at the meeting by a majority of the members present. No matters other than those on the agenda as amended shall be acted upon by the Borough Council.

Section 5.6 Conduct of Business

A. Borough Council, during its organization meeting, shall affirm its commitment to follow rules of procedure for the orderly conduct of its meetings and prescribed in accordance with Article III, Section 306 of the Home Rule Charter and this Administrative Code. Such rules permit everyone to be heard and for Borough Council to make decisions without confusion. The Borough Solicitor shall be responsible for advising the President of the Borough Council on the application and interpretation of the rules of procedure. The presiding officer shall announce all decisions of the Borough Council and shall decide all questions of order without debate, subject, however, to an appeal by any Borough Council Member. Any ruling by the presiding officer may be overruled by a majority of the members present.

B. Call Meeting to Order - At the time appointed for any meeting of the Borough Council, the President shall take the chair and call the meeting to order. If a quorum is present, as provided in the Home Rule Charter, the President shall proceed with the order of business prescribed for the meeting. If, upon the call of the roll, a quorum is not present, the President shall order a recess for a period of 15 minutes, and if a quorum has not developed by that time, the President shall declare the meeting adjourned.

C. Order of Business - Unless a majority of the Borough Council votes otherwise, the order of business for each regular meeting shall be fixed to include the following items:

- (1) Call to Order - Roll Call
- (2) Invocation & Pledge of Allegiance
- (3) Public Participation on Agenda Items
- (4) Approval of Prior Meeting Minutes
- (5) Correspondence
- (6) Finance Report
- (7) Approval - Payment of Monthly Bills
- (8) Reports of municipal officials (Mayor, Solicitor, Manager, Police Chief), committees, or special advisory groups
- (9) Unfinished/Old Business
- (10) New Business

(11) General Public Comments

(12) Adjournment

D. Public Participation - The President of the Borough Council, with the approval of the majority of members, may impose a time limit of 3 minutes on public comments. If there is an item of obvious controversy or of wide public concern that has brought an overflow crowd to the meeting, the President of Borough Council may alter the order of items on the agenda to deal with the matter in an efficient and effective manner.

Section 5.7 Rules of Procedure

A. Orderly Conduct of Business - The presiding officer shall be responsible for the orderly conduct of business at each Borough Council meeting and shall preserve order and decorum during such meetings.

B. Recognition - Members of Borough Council wishing to speak shall make their intentions known by respectfully addressing the President of Borough Council. When two or more members request the floor at the same time, the presiding officer shall name the one entitled to the floor. Upon recognition by the presiding officer, members shall direct their comments to the President of Council and confine their comments to the question under discussion. No member shall speak more than 15 minutes upon the same motion in the same meeting, nor for more than 5 minutes at a time, without the consent of the majority of Borough Council members present. Members shall avoid all indecorous language or conduct.

C. Interruptions - A member of the Borough Council, once recognized, shall not be interrupted when speaking unless it is for the purpose of explanation or calling the member to order. No member shall be interrupted while speaking, except to be called to order. If called to order, the member shall cease speaking until the question of order be decided, when, if permitted, may proceed.

D. Terminating Debate - Any member desirous of terminating the debate may move the previous question, in which event the presiding officer shall announce the question as "shall the main question now be put?" If a two-thirds majority of the members present vote in the affirmative, the main question shall be taken without further debate, its effect being to put an end to all debate and bring the Borough Council to a direct vote, first upon any pending amendments, and then upon the main question.

E. Actions - When a question is under discussion, no action shall be in order except to lay on the table, move the previous question, to postpone to a certain day, to refer to a committee, to amend or to postpone indefinitely. These motions shall have precedence in the order listed.

F. Voting - Any member may request a roll call vote at any time. A majority vote of any quorum present in favor of a proposed ordinance, motion, resolution or appointment shall be necessary for

passage or approval, unless a larger number is required by statute. The roll of members shall be called by rotating the alphabetical order of the roll-call, except for the Council President, who shall vote last. Borough Council members who are present at a meeting are expected to vote unless the members have identified and acknowledged a conflict of interest or believe they do not have sufficient information about a matter to properly render a decision.

G. Reconsideration - It is permissible for any member voting in the majority to move for a reconsideration of the vote of any question at the meeting when the vote occurs. A motion to reconsider, being put and lost, shall not be renewed at the same meeting.

H. Suspension of Rules – These rules or any part thereof may be temporarily suspended with a two-thirds vote of members present. All motions for suspension of the rules shall be without debate.

Section 5.8 Public Participation Process

Article XII of the Home Rule Charter provides for public participation in the local legislative policymaking process. The section specifies the process for public participation.

A. Citizens and taxpayers interested in having a community concern placed on Borough Council's agenda for public discussion at a duly advertised meeting shall make their request known by providing written notice to the Borough Manager about the issue or concern at least 24 hours prior to the stated meeting. Such advance notice provides members of Council an opportunity to adequately prepare a response.

B. Citizens or taxpayers in attendance at a duly advertised meeting shall be provided the opportunity to address the Borough Council on any agenda item without written notice. The presiding officer shall limit the time each person shall speak to 3 minutes and shall give equal time to all. Such discussion shall occur prior to the vote on the agenda item.

C. When a group of persons wishes to address the Borough Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and to limit the number of persons addressing the Council on the same matter so as to avoid unnecessary repetition.

D. Citizens are permitted by the Pennsylvania Sunshine Act to record meetings with an audio or video recorder. Borough Council may issue reasonable rules concerning the use of recording devices in order to avoid disruption of meetings.

E. Any person making offensive, insulting, threatening, insolent, slanderous, or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security while in the Borough Council chamber shall be forthwith barred by the presiding officer

from further audience at the meeting unless permission to continue is granted by the majority vote of the Borough Council members in attendance. A police officer on duty during a meeting of Borough Council shall be designated as *ex officio* Sergeant-At-Arms of the Borough Council to carry out instructions given by the presiding officer for the purpose of maintaining order and decorum in the Borough Council chamber.

Section 5.9 Committees of Council

The Borough Council may, at any time, provide for standing, special and *ad hoc* committees to assist with the carrying out of its function to develop public policy and provide oversight of municipal administration in areas such as finance, personnel, public works, recreation, and public safety. The presiding officer shall appoint the chairperson for each committee. Committees shall be comprised of no more than three members. All Borough Council Members shall serve on at least one standing committee. Borough The presiding officer shall be the chair when Borough Council meets as the Committee-of-the-Whole.

Section 5.10 Minutes

Consistent with Article III, Section 305 of the Home Rule Charter and the Pennsylvania Sunshine Act, minutes of all voting meetings of the Borough Council and committees of the Borough Council shall be kept. Minutes shall record the time, date and place of the meeting, the names of the members present, the substance of all official action taken during the meetings, and a record of how each individual voted. The minutes also must list all members of the public who participated in the meeting and a summary of their comments. Minutes shall not contain a verbatim record of any proceeding, except a public hearing where testimony is taken under oath required by the Home Rule Charter or state or federal laws.

Section 5.11 Official Actions of the Council

Official actions of the Borough Council shall be taken by ordinance, resolution, or motion, as provided in Article III, Section 309 of the Home Rule Charter.

Section 5.111 Motions

Members making a motion shall indicate their intention, and no motion shall be considered in debate until it shall have been stated by the President and when demanded by a majority of the members of Borough Council present, shall be reduced to writing and read before the same shall be debatable.

Section 5.112 Ordinances

A. Actions Requiring an Ordinance: Acts of the Borough Council shall be by ordinance in accordance with Article IV, Section 404 of the Borough of Braddock Home Rule Charter. All votes on ordinances shall be by roll call.

B. Ordinance Form and Procedure:

(1) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Borough of Braddock, ordains...." Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections, or sub-sections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics.

(2) An ordinance may be introduced by any member of Borough Council at any stated monthly or special meeting of the Council. At the time of its introduction, the member of the Borough Council introducing the ordinance, or anyone who may be designated to do so, shall give a brief description of the purpose and content of the ordinance. Upon introduction of any ordinance, a copy shall be distributed to each council member and to the Borough Manager, and a reasonable number of copies shall be filed in such other public places as the Borough Council may designate.

C. Ordinance Requiring Prior Public Notice and Hearing: No final action shall be taken on the following types of ordinances and/or amendments thereto without public hearing thereon and at least 10 but not more than 30 days following published public notice, unless otherwise specified by state or federal law. (Article IV, Section 408 of the Home Rule Charter.)

- (1) Zoning ordinance and amendments thereto;
- (2) Adoption of the zoning map and amendments thereto;
- (3) Sub-division regulations;
- (4) Land development and land use regulations;
- (5) New taxes, service charges and permit fees, or increases in the rate of these revenue sources.
- (6) Establishing new public services to be provided by the Borough;
- (7) Granting, renewing, amending, or extending of any franchise by the Borough;
- (8) Creation, alteration, or abolition of any unit within the Borough; and
- (9) the adoption or amendment of the Administrative Code.

D. Copies of Ordinances: Copies of ordinances shall be available to all persons requesting them upon payment of a reasonable reproduction charge as established by Borough Council.

E. Codes of Technical Regulations: The Borough Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(1) The requirements of this Section for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as the adopting ordinance, and

(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded.

F. Veto; Authentication and Recording; Codification:

(1) Veto: the provisions governing the veto of an ordinance shall be as provided in Article V, Section 506 of the Home Rule Charter.

(2) Authentication: for the purposes of authentication and enactment, ordinances must be duly approved and signed by the President of Borough Council and Mayor and attested by Borough Manager.

(3) Recording: The Borough Manager shall record and index all ordinances and resolutions adopted by the Borough Council and, at the end of each year, with the advice of the Borough Solicitor, shall compile, bind, and index the same or copies thereof.

Section 5.113 Resolutions

A. Resolutions – Generally

Borough Council shall adopt resolutions for any purpose, including, but not limited to, the following:

(1) Ceremonial or congratulatory expressions of the good will of the Borough Council.

(2) Statements of public policy of the Borough Council.

(3) Approval of formal agreements of the Borough, except for agreements arising under an established purchasing system of the Borough.

(4) Approval, if required, of administrative rules, regulations and bylaws arising under State statutes or Borough ordinances.

(5) The filling of Borough-appointed positions and of vacancies of elected officials.

B. Resolutions - Emergency Declarations

To respond to a public emergency affecting life, health, property, or the public peace, the Borough Council may adopt one or more emergency resolutions within 7 days of a declaration of emergency issued by the Mayor, which may be adopted without prior notice and may be made effective immediately. An emergency resolution shall be introduced in the form and manner prescribed for resolution generally, except that it shall be plainly designated as an emergency resolution and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. After its adoption the resolution shall be published and printed as prescribed for other legislative actions. It shall become effective upon adoption or at such later time as it may specify. Every emergency resolution shall automatically stand repealed as of the expiration of 90 days following the date on which it was adopted, but this shall not prevent re-enactment of the resolution in the manner specified in this sub-section if the emergency still exists. An emergency resolution may also be repealed by adoption of a repealing resolution in the same manner as specified for the adoption of an emergency resolution.

Section 5.12 Independent Audit

A. The Borough Council shall provide for an independent post-audit as provided for in Article VIII, Section 815 of the Home Rule Charter. The Council may designate such accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no longer than 30 days after the beginning of such fiscal year.

B. The Borough Council shall, within 30 days after completion of the audit, publish a concise financial statement in a newspaper of general circulation setting forth the Borough's financial condition and the date the independent auditor's report was filed with the Borough Council.

Section 5.13 Compensation and Expenses

Provisions as to salary and expense reimbursement shall be as provided in Article II, Section 204 of the Home Rule Charter or as allowed by law.

ARTICLE VI MAYOR

Section 6.1 Powers and Duties

A. The Mayor shall have the powers and duties prescribed by Article V, Sections 505 and 506 of the Home Rule Charter.

B. The Mayor shall act as the Borough's liaison with the Rivers Edge Volunteer Fire Department that serves the Boroughs of Braddock, East Pittsburgh and Rankin, or such other successor entity providing fire prevention and protective services for the Borough.

C. The Mayor shall serve as an official spokesperson for the Borough during a public safety emergency.

ARTICLE VII BOROUGH MANAGER

Section 7.1 Powers and Duties

The Borough Manager shall be the Chief Administrative Officer of the Borough and shall be responsible for the administration and management of all Borough departments. Borough Council shall appoint the Borough Manager based on demonstrated executive, managerial and administrative qualifications, education and experience. As the Chief Administrative Officer, the Borough Manager shall have the powers and duties specified in Article VI, Section 604 of the Home Rule Charter related to personnel management, operating and capital budget development and implementation, legislative policy recommendations and reporting to Borough Council on a continuing basis, procurement and contracting processes, the administration and enforcement of laws, and investigation and resolution of complaints and inquiries and any other responsibilities prescribed by local ordinances or accorded by Borough Council. The Borough Manager, through the Administrative Code, also has including the power and duty to:

A. Authorize a department head or other officer responsible to the Chief Administrative Officer to appoint and remove subordinates serving under that department head or officer;

B. Designate an officer or employee to perform the duties of any office or position in the administrative service under the control of the Chief Administrative Officer which is vacant or which lacks administration due to the absence or disability of the incumbent;

C. Prescribe such rules and regulations as shall be deemed necessary or expedient for the conduct and operation of administrative departments and revoke, suspend, or amend any rule or regulation of the administrative service by whomever prescribed unless contained in an ordinance or resolution adopted by the Borough Council;

D. Investigate or inquire either personally or through a person designated by the Chief Administrative Officer into the operations of any department and, subject to the approval and authorization of the Borough Council, employ consultants and professional counsel to aid in such investigations or inquiries;

E. Over-rule or set aside any action taken by a department head and assume the duties of that department;

F. Establish committees within the administrative service and appoint officers and employees as shall be necessary for the purpose of considering and resolving administrative problems;

G. Assign any employee of the administrative service to any department requiring the services of that employee, provided, however, that such assignment is appropriate to and consistent with the personnel system's classification of the employee and applicable personnel rules and regulations;

H. Appoint, within the limits of the annual budget, administrative and secretarial personnel to assist in the performance of the duties of the office. Such administrative personnel shall be exempt from provisions of the personnel system and shall serve at the pleasure of the Chief Administrative Officer; and

I. Where no separate department exists to provide a service such as planning and development and parks and recreation, the functions shall be considered duties and responsibilities of the Chief Administrative Officer to perform or assign to other Borough personnel or designated representatives.

Section 7.2 Terms and Conditions of Employment

Borough Council, by an employment agreement, may establish the terms and conditions of employment as well as the compensation, benefits and severance arrangements for the Borough Manager. The agreement may extend for 2 years and is generally approved at the time of Borough Council's biennial reorganization process. If an agreement is made after a reorganization meeting has occurred, the agreement may only be for the period prior to the next reorganization meeting.

Section 7.3 Removal

The Borough Council, by majority vote of all its members, may remove the Borough Manager at any time with or without cause. Any such removal shall not take effect until after the expiration of thirty (30) days from the date of the removal action, during which time Borough Council may suspend the Manager from the position, reinstate the Borough Manager to the position, or take any other action it deems necessary.

ARTICLE VIII BOROUGH SOLICITOR

Section 8.1 Powers and Duties

The Borough Solicitor shall be responsible for advising the Council, its committees, and the Chief Administrative Officer upon all legal questions arising in the conduct of municipal business. The Solicitor's interactions and communications with department supervisors shall be coordinated through the Borough Manager's Office.

The duties of the Solicitor, in addition to those specified in Article VII, Section 702 of the charter, shall be to:

- A. Attend all Council meetings;
- B. Litigate all legal actions and claims brought by or against the Borough except in those cases in which outside legal counsel is retained; and
- C. Advise Council and the Chief Administrative Officer concerning state legislative enactments or judicial decisions which may necessitate the review and amendment of the Braddock Home Rule Charter and/or the Administrative Code or Administrative Manual and related policies and procedures.

ARTICLE IX BOROUGH ENGINEER

Section 9.1 Powers and Duties

The Borough Engineer shall be appointed by Borough Council and is responsible for advising the Council, its committees, and the Chief Administrative Officer upon all projects, procedures and any other matters that in the course of municipal activity require engineering expertise. The

Engineer's interactions and communications with department supervisors shall be coordinated through the Borough Manager's Office.

The Borough Engineer is responsible for all activities relating but not limited to the following functions:

- A. Engineering matters of the Borough as referred, such as land development and subdivision review, or other consultation assistance.
- B. Staff assistance to the Public Works and Code Enforcement Departments and Planning Commission.
- C. All other responsibilities and obligations that the Borough Council and Borough Manager may from time to time assign consistent with the Home Rule Charter and this Administrative Code.

ARTICLE X

ADMINISTRATIVE ORGANIZATION

Section 10.1 Administrative Organization

Operational departments shall be created, changed and abolished by Borough Council in accordance with Article VI of the Home Rule Charter. The administration and management of the Borough shall be under the direction of the Chief Administrative Officer and comprised of the following areas of responsibility and their respective supervisors:

Administration	Borough Manager
Finance	Treasurer
Law	Borough Solicitor
Police	Police Chief
Code Enforcement	Third Party Provider
Public Works	Supervisor

Departments, their management, duties and responsibilities as well as the addition of departments from time to time should be reviewed and adjustments undertaken by vCouncil to best serve the needs of the Borough and its citizens. Those changes will occur through amendment of the Administrative Code.

Not all services within the Borough are provided by municipal employees. Instead, various public and private entities provide the services through agreements and contracts. Interactions with the

providers are coordinated through the Chief Administrative Officer. Where such arrangements exist, the provider and service will be noted.

Section 10.2 Supervision

All department supervisors shall be appointed by the Chief Administrative Officer with concurrence by Council and chosen solely on the basis of executive, administrative, and technical qualifications as are pertinent to the function, duties, and operations of their respective departments and/or as are prescribed by law. The Chief Administrative Officer is also responsible for the promotion, suspension and/or removal of department supervisors. All supervisory employees shall be accorded an opportunity to exercise their right to a public hearing as permitted under Pennsylvania's "Local Agency Law" (1968, P.L., 1133, as amended) in response to personnel actions.

Section 10.3 Flow of Information

Administratively, the flow of information from department supervisors concerning policy recommendations and implementation and operational or service-related activity shall be coordinated through the Borough Manager's Office. The Chief Administrative Officer or a designee shall act as the Borough's liaison with the Borough's advisory boards and commissions.

Section 10.4 Duties

All department supervisors, under the direction of the Chief Administrative Officer, shall exercise the following duties and responsibilities:

- A. Manage personally and through subordinates the performance of all functions, duties, and operations assigned to and required of the departments by state or federal laws, the Home Rule Charter or local ordinances and other such activities as may be prescribed by the Chief Administrative Officer which are not in conflict with state or federal law, the Home Rule Charter and/or local ordinances;
- B. Develop and specify the internal organization of the department, subject to the approval of the Chief Administrative Officer, and in accordance with applicable provisions of state and federal laws, the Home Rule Charter and/or local ordinances;
- C. Assign duties and responsibilities to personnel within the department and modify those assignments consistent with and in response to the changing needs for the service, subject to the approval of the Chief Administrative Officer;

- D. Develop, in written form, an Administrative Manual for the department subject to the approval of the Chief Administrative Officer and adopted by Borough Council;
- E. Prepare and submit departmental budget requests in accordance with schedules, forms, and policies indicated by the Chief Administrative Officer and in accordance with the Home Rule Charter and Administrative Code;
- F. Prepare and submit reports in response to requests made by the Chief Administrative Officer;
- G. Cooperate with and provide to departments or units within the Borough, information, labor, material, and equipment that may be necessary to perform local government functions;
- H. Keep informed of and coordinate the activities of the department with appropriate area-wide, regional, and intergovernmental programs, as appropriate; keep the Chief Administrative Officer informed of the activities and policies of such programs as they affect the department or the Borough; and provide recommendations with supporting documentation regarding such activities and policies, when appropriate;
- I. Administer and evaluate intergovernmental contracts and agreements as these relate to departmental functions;
- J. Develop and maintain internal administrative and budgetary controls and performance goals with the assistance of a PA Department of Community & Economic Development peer consultant to assure maximum levels of quality and quantity of service within budgetary limitations;
- K. Keep informed of developments in administrative policies, management techniques and technological advancements related to departmental responsibilities and operations and make recommendations to the Chief Administrative Officer concerning Council action or administrative considerations for the utilization of those policies, techniques, and technologies deemed to be in the best interests of the department and the Borough;
- L. Keep current with all state and federal laws and local ordinances and administrative regulations relating to the functions of the department;
- M. Serve as a member of any committee or provide staff services to any board, or commission to which the department head may be assigned by the Chief Administrative Officer;
- N. Develop personnel planning and employee development policies for the department, including the planning and implementation of training and education programs, as appropriate;

O. Establish and enforce rules and regulations for the use of municipal facilities and services and issue such licenses and permits as may be required by ordinance, as necessary and appropriate;

P. Advise the Chief Administrative Officer regarding rate structures for services supported by user fees, as appropriate; and

Q. Attend meetings of Borough Council and its committees, as necessary and appropriate.

ARTICLE XI ADMINISTRATION

Section 11.1 Function

Administration shall be responsible for performing staff functions under the direction of the Chief Administrative Officer and assisting departments and other units of the Borough in carrying out their duties.

Section 11.2 Supervision

Administration shall be under the supervision of the Chief Administrative Officer for the performance of the functions and duties of the department.

Section 11.3 Duties

In addition to the duties stipulated in Article VI, Section 604 of the Home Rule Charter, the Chief Administrative Officer shall be responsible for:

A. The management of human resources subject to the provisions of state and federal law, the Home Rule Charter or local ordinances including:

1. The recruitment, selection, promotion and discipline of non-uniformed personnel for Borough employment.
2. The development and maintenance of employee staffing, position classification system and compensation plans.
3. Participation in and administration of labor relations responsibilities including conducting contract negotiations, contract administration, and related programs.

4. The development and maintenance, with the assistance of a peer consultant from the Pennsylvania Department of Community & Economic Development, of the Borough's employee policies, procedures and practices.

5. Assisting departments in the development and conduct of employee training and education programs.

6. The maintenance of the Borough's personnel records in a complete and secure manner; and assisting the Civil Service Commission in the fulfillment of its responsibilities.

B. The development and administration of the Borough's annual operating budgets, long-term capital improvement programs, cash management and investment practices, debt issuance and interim budgetary reporting in accordance with Article VIII of the Home Rule Charter including, but not limited to:

1. The development of a budget calendar, forms, and procedures subject to the provisions of state and federal law, the Home Rule Charter or local ordinances.

2. Participation in budget analyses and Council hearings relative to budget requests, amendments and allocations.

3. Maintenance of budget expenditure control during the course of the fiscal year and monitoring the progress of plans, policies, and programs as they relate to the budget.

C. Review, analyze and recommend improvements in the organization and procedures across the Borough's administrative structure.

D. Assist departments and other units of the Borough in the development of Administrative Manuals to document procedures and practices and in the solution of administrative and organizational problems.

E. Perform such research and studies, as appropriate, to support the deliberations and actions of Borough Council.

F. Maintenance and custody of all records of the Borough, except to the extent that the responsibility for certain records is expressly charged to any other unit of the Borough by state or federal law, the Home Rule Charter or local ordinance, with annual actions to comply with the retention and disposition schedule provisions of the Municipal Records Act of January 18, 1968, as amended.

G. Administration of all insurance policies and fidelity bonds as prescribed by state and federal law, the Home Rule Charter, and local ordinance, and with the approval of Borough Council retain consultants to advise on insurance matters.

H. As the Borough's Corporate Secretary, the Chief Administrative Officer shall attend all meetings of the Borough Council and keep full minutes of its proceedings; transcribe the bylaws, rules, regulations, ordinances and resolutions adopted by the Council into a book or books kept for that purpose; preserve and maintain all records and documents of the Borough; have custody of the corporate seal of the Borough and deliver the same to his or her successor along with all books, papers and other records and things belonging to the Borough; certify copies of any book, paper, record, bylaw, rule, regulation, resolution, ordinance or proceeding of the Borough under the seal thereof; attest, by signature, the execution of all instruments and ordinances of the Borough; file or record proof of service of all notices required by state and federal law and by the Home Rule Charter; and receive and dispatch all official Borough correspondence.

I. Oversight of the protection of persons and property in the Borough through the enforcement of the Zoning Ordinance, the Uniform Construction Code (UCC), fire, land use and structural codes and ordinances.

ARTICLE XII

FINANCE

Section 12.1 Function

Finance shall be responsible for the implementation of the duties and responsibilities pertaining to the receipt, expenditure, accounting and interim reporting, investment, custody, and control of municipal funds and assets, the management of debt, except to the extent that such activities are expressly delegated by law, the Home Rule Charter, or ordinance to another Borough official.

Section 12.2 Administration

Finance shall be under the direct responsibility of the Chief Administrative Officer to manage and administer the Borough's finances in accordance with Article VIII of the Home Rule Charter and provisions of this Administrative Code, but essentially conducted on a daily basis by the Borough Treasurer and associated support personnel. Duties detailed in the job description for Treasurer dated April 5, 2011 further define the conduct of this function.

Section 12.3 Duties

The Treasurer, working in conjunction with the Chief Administrative Officer, shall:

- A. Collect and receive all revenue due to or receivable by the Borough and work with external collection agencies as prescribed by law;
- B. Maintain financial records in accordance with generally accepted principles of governmental accounting;
- C. Administer and/or coordinate with external agencies the collection of municipal tax claims and liens in accordance with law;
- D. Pre-audit, in accordance with generally accepted principles of governmental auditing, all of the fiscal transactions of the Borough and its constituent units to assure sufficient resources are available to fund budgeted expenditures prior to authorization of purchases or contracts for services;
- E. Disburse all payments for authorized expenditures;
- F. Deposit monies in depositories authorized by Council;
- G. Provide for the prudent investment of Borough funds;
- H. Take custody of the fidelity bonds of officers and employees, except the Treasurer's, which shall be in the custody of the Chief Administrative Officer, and maintain in a secure location all deeds, mortgages, contracts, judgments, notes, debts, securities, bonds, insurance policies, and other forms of negotiable instruments owned by the Borough;
- I. Assist the independent auditors with the annual financial audit;
- J. Provide administrative support on a timely basis to the Chief Administrative Officer during the annual budgetary process for the development, review and approval of the general, special and capital funds;
- K. Provide support to other department supervisors in the development and implementation of the departmental budgets;
- L. Inform and advise the Chief Administrative Officer on a timely basis of financial problems and issues and potential solutions; and
- M. Perform any duties and responsibilities that may be assigned from time-to-time by the Chief Administrative Officer.

ARTICLE XIII

CONTRACTS – BIDDING THRESHOLDS

Section 13.1 Requirements

The Home Rule Charter, Article IX, Section 902, stipulates that the Borough Council shall, by ordinance from time to time, set the threshold or base amount for the competitive bidding dollar amount. All contracts or purchases in excess of the base amount established by Council shall be awarded to lowest qualified and responsible bidder. Council may adjust the competitive bidding dollar amount in accordance with Borough Code Section 1402 (a.2) - Adjustments to base amounts, except as provided by the act of October 27, 1979 (P.L.241, No.78), entitled "An act authorizing political subdivisions, municipality authorities and transportation authorities to enter into contracts for the purchase of goods and the sale of real and personal property where no bids are received."

Section 13.2 Price Quotations

Written or telephonic price quotations from at least three qualified and responsible contractors must be requested for contracts in excess of the base amount fixed by Borough Council ordinance. In lieu of price quotations, a memorandum must be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations must be made and must contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work that was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda must be retained for a period of three years. Written price quotations as used throughout this section include electronic mail. Borough Council may adjust the threshold for price quotations in accordance with Borough Code Section 1402 (a.2) - Adjustments to base amounts subsection, and less than the amount requiring advertisement and competitive bidding.

Section 13.3 Sale of Personal Property

Sale of excess personal property shall be through the solicitation of competitive bids for individual or lots of items with an estimated fair market value greater than \$2000.00. For items or lots of items with an estimated fair market value of less than \$2000.00, Borough Council shall, by resolution, adopt a procedure for the sale of surplus personal property. The approval of council shall not be required for any individual sale that shall be made in conformity to the procedure. Borough Council may from time to time set the threshold for following this process for the sale of personal property.

ARTICLE XIV

PUBLIC SAFETY

The Public Safety functional area encompasses the Police Department, emergency management, fire and emergency medical services. Braddock Borough currently provides police protection through a paid Police Department; fire response through the Rivers Edge Volunteer Fire Department; emergency preparedness directed by an Emergency Management Coordinator; and emergency medical services through third party providers.

Section 14.1 Police Department

Section 14.11 Function

The Police Department shall be responsible for the protection of persons and property and enforcement of law within the Borough.

Section 14.12 Supervision

The Police Department shall be under the direct supervision of a Chief who shall be responsible to the Chief Administrative Officer for the performance of the function of the department.

Section 14.13 Duties and Responsibilities

The duties and responsibilities of the Police Chief shall be to plan, direct and coordinate all activities of the Braddock Borough police force in accordance with applicable laws of the Commonwealth of Pennsylvania and shall include but not be limited to:

- A. prevent crimes against persons and property;
- B. enforce all criminal laws and ordinances;
- C. detect and apprehend offenders and suspected persons;
- D. maintain records and files of crimes and criminals;
- E. operate facilities for the safekeeping of prisoners;
- F. develop and conduct community relations and education programs; and

G. effectively and efficiently cooperate and coordinate activities with other governmental agencies and inter-governmental partners, as necessary and appropriate.

Section 14.14 Civil Service

A. All applicants for any full-time position within the Police Department shall be subject to rules and regulations promulgated by the Borough in Ordinance No. 1199, adopted on May 12, 2020 and effective January 1, 2021. All civil service laws as they relate to police heretofore or hereafter enacted by the Commonwealth of Pennsylvania shall be continue in full force and effect.

B. The Civil Service Commission created by Ordinance No. 1199 shall be responsible for implementing the Civil Service Rules and Regulations as adopted and amended from time to time by Borough Council.

C. No full-time police officer shall, after the effective date of the Home Rule Charter, be suspended, removed or reduced in rank as a paid employee within the Police Department, except in accordance with the provisions of the applicable civil service laws. However, all other police, including, but not limited to, special police, special school police, part-time police, auxiliary police and the Chief of Police, shall serve at the pleasure of the appointing authority and may be suspended, removed or reduced in rank, with or without cause and without regard to the provisions of the civil service laws applicable to full-time police.

Section 14.15 School Crossing Guards

Braddock Borough employs part time school crossing guards during the school year and is reimbursed for a portion of the annual cost by the Woodland Hills School District.

Section 14.2 Fire Service

Section 14.21 Volunteer Fire Department

The Rivers Edge Volunteer Fire Department and its membership are hereby authorized to perform the following duties in addition to the normal fire-fighting, and rescue duties:

A. To engage in any and all public safety activities undertaken by the Rivers Edge Volunteer Fire Department to render care to the injured, prevent loss of life, provide comfort and security to victims and limit or prevent damage to or loss of property as circumstances may dictate.

B. Mutual aid:

1. To provide mutual aid to other communities requesting the Department's assistance in emergency situations which are beyond their ability to handle with their own equipment, personnel and facilities. This aid shall include, but shall not be limited to:

- a. fire-suppression activities;

- b. rescues and searches;
- c. hazardous materials incidents;
- d. evacuations;
- e. aid for natural disasters such as floods, storms, etc.; and
- f. command assistance.

2. The Rivers Edge Volunteer Fire Department may answer calls from other communities for mutual aid, provided such communities are within such reasonable travel distances and times as to enable the Rivers Edge Volunteer Fire Department to continue to provide an acceptable level of protection for the Borough at all times.

3. To render assistance to police officers where such aid is specifically requested;

D. To participate in drills, practices, training sessions and pre-fire planning activities authorized by the Rivers Edge Volunteer Fire Department;

E. To participate in community celebrations, ceremonial observances and funerals for deceased firefighters or other public figures where such attendance is deemed appropriate and is authorized by the Rivers Edge Volunteer Fire Department;

F. To prepare for and responsibly participate in parades;

G. To engage in any public service or function performed for the welfare of the Borough, provided that these activities are sanctioned by the Rivers Edge Volunteer Fire Department;

H. To participate in post-fire investigations, bomb searches and evacuation drills;

I. To participate in public fire prevention and education programs to promote the health, safety and welfare of the community, to enlist new members, to solicit community support and to conduct fund-raising activities;

J. To safely and responsibly perform maintenance and remodeling work on Rivers Edge Volunteer Fire Department vehicles, buildings, grounds and equipment; and

K. To perform such other duties as are necessary for the efficient operation of Rivers Edge Volunteer fire services that may, from time to time, be assigned by Borough Council, the Borough Manager or officers of the Volunteer Fire Company.

Section 14.22 Fire Marshal

The Borough of Braddock relies on the Allegheny County Fire Marshal for the investigation and determination of suspicious fires or fires of unknown origin within the community.

Section 14.3 Emergency Preparedness

The Borough in accordance with general statutory law, specifically the Emergency Management Services Code, Pennsylvania Statutes Title 35 Pa. C.S.A. Chapter 75, Health and Safety, Subchapter A, Sections 7501 – 7504, is required to establish an emergency management organization, designate an emergency management coordinator and adopt an emergency management plan to address effectively and efficiently plan for and provide response and recovery for emergencies within the community.

Section 14.31 Emergency Management Coordinator

In accordance with general statutory law, specifically Emergency Management Service Codes (35 Pa. C.S.A. §7501 et seq.), the Borough shall have an emergency management coordinator, professionally competent and capable of planning, effecting coordination among operating agencies of government and facilitating coordinated operations by local emergency preparedness forces. The coordinator, recommended by the Borough Council and appointed by the Governor, shall be subject to the direction and control of the Chief Administrative Officer.

Section 14.32 Emergency Operations Plan

Braddock Borough is responsible for demonstrating compliance with federal and state laws related to the planning and organization for the municipality's actions for response, recovery and mitigation of natural and manmade disasters. The Borough's emergency operations plan should conform to the provisions of Section 7503(1) of the Emergency Management Service Codes (35 Pa. C.S.A. §7501 et seq.) and the National Incident Management System (NIMS).

Section 14.33 Emergency Operations Duties and Responsibilities

The Borough shall, either individually or on an inter-municipal basis fulfill the following duties and responsibilities:

A. Prepare, maintain and keep current an emergency management plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery in conformance with the Pennsylvania Emergency Management Plan.

B. Establish, equip and staff an emergency operations center with integrated warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and activities assigned emergency functions.

C. Provide individual and organizational training programs to insure prompt, efficient and effective disaster emergency services.

D. Organize, prepare and coordinate all locally available manpower, materials, supplies, equipment, facilities and services necessary for emergency readiness, response and recovery.

E. Adopt and implement precautionary measures to mitigate the anticipated effects of disasters.

F. Execute and enforce such rules and orders as the agency shall adopt and promulgate under the authority of this part.

G. Cooperate and coordinate with any public and private agency or entity in achieving any purpose of this part.

H. Have available for inspection at its emergency operations center all emergency management plans, rules and orders issued by the Governor, the Pennsylvania Emergency Management Agency, the Allegheny County Emergency Management Agency and/or the Borough.

I. Provide prompt and accurate information regarding local emergencies to appropriate Commonwealth and local officials and agencies and the general public.

J. Participate in all tests, drills and exercises, including remedial drills and exercises, scheduled by the Allegheny County Emergency Management Agency, Pennsylvania Emergency Management Agency or by the Federal Emergency Management Agency.

K. Participate in the program of the Commonwealth of Pennsylvania's integrated flood warning system.

Section 14.4 Emergency Medical Services

The Borough, consistent with the laws of the Commonwealth of Pennsylvania, recognizes emergency medical services as an essential public service and believes in the public interest to assure that there are high quality and coordinated emergency and urgent medical services readily available to the residents to prevent premature death and reduce suffering and disability which arise from severe illness and injury. To that end, third party providers dispatched by the Allegheny County 911 emergency communications center are relied on 24/7 for quick basic and advanced life support medical care, non-emergency transport services and special operations response in the event of man-made or natural disaster or hostage situations to residents and visitors to Braddock Borough. The third-party providers operate in accordance with Title 35 Pa. C.S., Chapter 81, as amended, and under the guidance provided by the Pennsylvania Department of Health.

ARTICLE XV CODE ENFORCEMENT

Section 15.1 Function

Code Enforcement is responsible for the protection of persons and property within the Borough through the enforcement of zoning, sub-division, building, and related structural and land use codes.

Section 15.2 Staffing

The Borough contracts with Building Inspection Underwriters, a third-party organization, to perform the functions associated with this service. The Chief Administrative Officer is responsible for management and administration of the contract and oversight of code and ordinance enforcement activities.

Section 15.3 Duties

The duties and responsibilities of the third-party agency shall be to:

- A. Enforce zoning, subdivision, housing, demolition and such other related property maintenance, structural and land use codes as may be enacted by general statutory law or local ordinance;
- B. Issue permits as may be required by general statutory law or local ordinance; and
- D. Provide technical and staff assistance to the Zoning Hearing Board and Planning Commission.

Section 15.4 Uniform Construction Code (P.L. 491, No. 45 of 1999)

- A. The Borough of Braddock hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§ 7210.101 through 7210.1103, as amended from time to time, and its regulations.
- B. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of Braddock Borough. (Ordinance No. 1161, dated April 10, 2012.)
- C. Administration and enforcement of the code within the Borough shall be undertaken in any of the following ways, as determined by Borough Council from time to time by resolution:

1. By the designation of an employee of the Borough to serve as the municipal code official to act on behalf of the Borough;
2. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough;
3. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement, excepting that enforcement of the health and sanitation (plumbing) provisions of the code may continue to be enforced by the Allegheny County Health Department without the need for an intermunicipal agreement;
4. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Borough; or
5. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

Section 15.41 Conflict of Laws

- A. All building code ordinances or portions of ordinances which were adopted by the Borough on or before July 1, 1999, and which equal or exceed the requirements of the code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time.
- B. All building code ordinances or portions of ordinance which are in effect as of the effective date of this article and whose requirements are less than the minimum requirements of the code are hereby amended to conform with the comparable provisions of the code.
- C. All relevant ordinances, regulations and policies of the Borough not governed by the code shall remain in full force and effect.

Section 15.42 Fees

Fees assessable by the Borough for the administration and enforcement undertaken pursuant to this article and the uniform code shall be initially established by ordinance by the governing body and amended by resolution from time to time.

ARTICLE XVI PUBLIC WORKS

Section 16.1 Function

In January, 2021, Braddock Borough will re-constitute an in-house public works function. The Public Works Department shall be responsible for the operation and maintenance of those physical structures and facilities that are owned and maintained by the Borough.

Section 16.2 Department Supervision

The Public Works Department shall be headed by a Supervisor who shall be responsible to the Chief Administrative Officer for the performance of the function of the department.

Section 16.3 Duties

The duties and responsibilities of the Supervisor shall be to:

- A. maintenance of the streets, bridges, curbs and gutters of the Borough;
- B. street cleaning, snow removal, and ice control;
- C. maintenance of storm sewers and compliance with National Pollutant Discharge Elimination System (NPDES) program standards and maintenance of sanitary sewer structures and appurtenances;
- D. maintenance of Borough equipment, facilities and grounds;
- E. maintenance of parks and recreational facilities;
- F. public works materials and supplies inventory control;
- G. maintenance and custodial services for all Borough buildings and Borough-owned public facilities;
- H. performance of inspection and related procedures to ensure proper maintenance and repair of sidewalks in accordance with law and local ordinances;
- I. repair and maintenance of all Borough vehicles, which maintenance may be performed by private persons, as directed by the Manager or by need in case of emergency;
- J. planting and maintenance of trees and other vegetation along municipal rights-of-way and other property of the Borough;
- K. control of rodents and other pests in the Borough; and

L. maintenance of traffic control devices and signs, street name signs and parking meters.

ARTICLE XVII OTHER PUBLIC SERVICES

Section 17.1 Functions and Coordination

Solid waste management, water and sanitary sewage treatment and disposal services are provided by outside agencies on behalf of the Borough. The Borough's Chief Administrative Officer is responsible for administration and management of the interactions associated with the Braddock Water Authority, the Allegheny County Sanitary Authority and the Borough's garbage and trash contractor(s).

Section 17.2 Solid Waste Management

Garbage and refuse collection and disposal services are provided in the Borough through a private contractor. The cost of collection is partially funded by fees paid by Borough residents.

Section 17.3 Waste Water Treatment

Waste water treatment and disposal services in Braddock are provided by ALCOSAN (the Allegheny County Sanitary Authority). The Borough is one of ALCOSAN's 83 municipal customers. Current fees for sewage treatment are billed and collected by the Borough.

Maintenance of the collection system is under the responsibility of the Borough's Public Works Department.

Section 17.4 Potable Water/Fire Suppression

Public drinking water and water for fire suppression are supplied to Borough residents and property owners by the Braddock Water Authority. Water for distribution by the authority is purchased from the Wilkesburg-Penn Joint Water Authority. Current fees for water service are billed and collected by the Braddock Water Authority. The water distribution system is maintained by water authority employees.

ARTICLE XVIII

PARKS AND RECREATION

Section 18.1 Function

The Borough's Parks and Recreation activity relates to the maintenance and operation of the parks and the development, conduct, and supervision of recreation programs.

Section 18.2 Responsibility

The Parks and Recreation function shall be under the responsibility of the Chief Administrative Officer. Performance of this function shall be allocated to the department and personnel depending on the nature of the task or program.

Section 18.3 Duties

As feasible and appropriate, the duties related to the Parks and Recreation function shall be to:

- A. Plan, develop, design, and administer park and recreation facilities owned, acquired, or designated by the Borough;
- B. Organize, equip, and conduct recreation programs for all citizens of the Borough;
- C. In conjunction with other governmental and private agencies, carry on such recreational programs as may be provided for by the Commonwealth of Pennsylvania or by agreement with other agencies and municipalities.
- D. Make recommendations to Borough Council on rules and regulations concerning the utilization of programs and facilities, a schedule of fees for programs and facilities, and the operation of concessions at park and recreational facilities.
- E. Make recommendations for the maintenance, improvement and operation of Borough park and recreation facilities.
- F. Solicit citizen support, either informally or through the formation of a committee, board or commission, for recreation programs conducted by the Borough as opportunities arise.
- G. Cooperate with the Braddock Carnegie Library Association in the provision of programs and activities for local children and adults.

ARTICLE XIX

PLANNING, ZONING AND DEVELOPMENT

Section 19.1 Purpose

The Planning, Zoning and Development function is responsible for administration of the short- and long-range planning and community development programs for the Borough in accordance with the Pennsylvania Municipalities Planning Code (1968, P.L. 805, No. 247, as amended) and works in conjunction with the Borough's Planning Commission and Zoning Hearing Board. As of the end of 2020, the Borough is participating in a joint municipal planning effort undertaken by Braddock, North Braddock and East Pittsburgh to develop an implementable comprehensive plan.

Section 19.2 Responsibility

Performance of this function shall be under the responsibility of the Chief Administrative Officer who may utilize independent planning and development consultants, the Planning Commission and/or rely on county, state and federal governmental, intergovernmental or non-profit agencies to assist in the completion of various tasks and responsibilities.

Section 19.3 Duties

The duties of this function shall be to:

- A. Perform the various duties and exercise the powers as prescribed by the "Pennsylvania Municipalities Planning Code" including, but not limited to, conducting zoning studies; preparation and periodic comprehensive revisions of the zoning regulations and map; preparation of subdivision standards and regulations and conducting periodic reviews and suggesting revisions; conducting renewal studies and community renewal programs; identifying renewal areas; determining development standards; and recommending use changes.
- B. Prepare, review, and maintain plans for human services including health care, education, employment, recreation, and other social services and coordinate such plans with the plans for the physical and economic development of the Borough;
- C. Prepare, review, maintain and implement the comprehensive plan of the Borough including data collection, mapping, and analyses;

D. Assist the Chief Administrative Officer in the development of long-range fiscal plans and preparation of proposals for the acquisition of federal, state, and other funding for capital improvements; and

E. The Chief Administrative Officer or a designee may provide administrative support to the Planning Commission by recording minutes of meetings, maintaining files, handling correspondence, and related duties.

ARTICLE XX

BOARDS, COMMISSIONS AND COMMITTEES

Section 20.1 Creation

A. The following boards, commissions and committees are hereby recognized and shall continue in effect until Council otherwise takes action:

Civil Service Commission

Building Code of Appeals Board

Planning Commission

Zoning Hearing Board

Shade Tree Commission

Ad Hoc Boards and Commissions

B. Except where otherwise provided by law, the Home Rule Charter or ordinance, boards, commissions and committees shall be advisory in nature.

C. At the time of their creation, Borough Council shall identify the purpose and performance expectations of each board, commission or committee.

Section 20.2 Membership

A. The appointment of members of all boards, commissions and committees shall be as provided in the Home Rule Charter.

B. A member of any board, commission or committee may be removed by the appointing authority in accordance with prevailing statutory law.

C. All boards, commissions and committees shall consist of an odd number of members with terms of membership specified at the time of appointment or as otherwise provided for in law, the Home Rule Charter, or ordinance.

D. The terms of no more than a simple majority of the membership shall expire during the same calendar year.

E. Any vacancy on a board, commission or committee shall be filled by the appointing authority for the remainder of the unexpired term. Such members shall be appointed within 45 days from the date the vacancy occurs.

F. The members of any board, commission or committee shall serve without compensation, except as otherwise provided by law, the Home Rule Charter, or ordinance. Members may be reimbursed for any reasonable expenses incurred in the performance of their duties.

G. All members of boards, commissions and committees shall be residents of the Borough unless Council is seeking expertise not available within the Borough.

Section 20.3 Organization

A. Each board, commission or committee shall provide for rules and regulations governing its operation. Such rules and regulations shall provide for the keeping of records pertaining to its duties, the conduct of meetings and public hearings, and a periodic reporting to the residents of the Borough and the Chief Administrative Officer. All such rules and regulations shall be approved by the Chief Administrative Officer. The Borough Council, at the time of the creation of a board, commission, or committee may establish requirements to report to Borough Council on a periodic basis.

B. The Chief Administrative Officer shall identify for each board, commission or committee who will provide staff support, liaison with the Borough, and administrative assistance.

C. All boards, commissions and committees shall submit periodic reports, annually or as often as Borough Council shall stipulate, of their activities to Borough Council and the Chief Administrative Officer.

D. All boards, commissions and committees shall submit annual general fund budget requests per the specifications set by the Chief Administrative Officer.

E. All boards, commissions and committees shall only obtain the services of consultants and other professionals with special expertise with the concurrence of Borough Council and the Chief Administrative Officer.

Section 20.4 Civil Service Commission

Borough Council, pursuant to Chapter 10, Subchapter J of the Borough Code, established a Civil Service Commission in and for the Borough by enactment of Ordinance No. 1199 on May 12, 2020.

Section 20.41 Composition; Terms; Vacancies

The Civil Service Commission shall be composed of three members, all of whom shall be qualified electors of the Borough, appointed by Council. Of the first three members of the Commission, one shall serve a term of two years, one a term of four years and one a term of six years. As these terms expire, members shall be appointed for terms of six years. A vacancy occurring in the Commission shall be filled by Council for the unexpired term within a period of 30 days after such vacancy occurs.

Section 20.42 Powers and Duties

The Civil Service Commission shall organize and operate in conformance with the rules and regulations prescribed by Ordinance No. 1199, conduct examinations of applicants and have such other powers and duties as are prescribed by the Borough Code and by ordinances adopted by Borough Council.

Section 20.5 Building Code Appeals Board

Section 20.51 Functions

The Building Code Appeals Board, administered by the Turtle Creek Valley Council of Governments, shall be responsible for the review of building standards ordinances for the purpose of recommending changes, for advisement of the Chief Administrative Officer, the Council, and the Code Enforcement Officer on the need for additional regulations and for serving as a board of appeals for appeals arising under the provisions of any such building standards ordinance.

Section 20.52 Duties

The duties of the Code of Appeals Board shall be to:

A. Review periodically all building or structural ordinances of the Borough;

B. Advise the Chief Administrative Officer, the Borough Council, and the Code Enforcement Officer on projected and proposed policies and procedures for the enforcement of building standards and structural ordinances; and

C. Hear appeals brought before it under the provisions of building standards and structural ordinances adopted by the Borough in accordance with law.

Section 20.6 Parks and Recreation Commission– Reserved for future use.

Section 20.61 Function

The Parks and Recreation Commission, appointed by Borough Council, shall be responsible for the periodic review of parks and recreation programs for the purpose of recommending changes and for advising the Chief Administrative Officer and Borough Council on recreation needs, use of facilities and programs, and the structures relating thereto.

Section 20.62 Duties

The duties of the Parks and Recreation Commission shall be to:

A. Receive complaints dealing with parks and recreation programs or facilities and make recommendations pursuant to them;

B. Make recommendations to the Chief Administrative Officer and the Borough Council on rules and regulations and practices concerning the utilization of programs and facilities, schedule of fees for programs and facilities, and operation of concessions at parks and recreation facilities; and

C. Advise the Chief Administrative Officer and the Borough Council on needed facilities and programs.

Section 20.7 Planning Commission

Section 20.71 Establishment; Function

The Borough, pursuant to Article II of the Pennsylvania Municipalities Planning Code, PA Act 247 of 1968, as re-enacted and amended, created through the adoption of Ordinance 1044 on

August 13, 1997, a 5-member Planning Commission with each member serving a 4-year term unless a member is appointed to fill an unexpired vacancy. The Commission shall organize and operate in accordance with the provisions of the Municipalities Planning Code. The Planning Commission shall advise the Chief Administrative Officer and the Council upon all plans related to development in the Borough. It shall function as the planning agency for the Borough in all matters prescribed by the Municipalities Planning Code.

Section 20.72 Powers and Duties

The duties of the Planning Commission shall be those granted and established by the Municipalities Planning Code including:

- A. Promoting public interest in, and understanding of, the comprehensive plan, community development, and planning and shall hold public meetings to this end;
- B. Reviewing and making recommendations to the Borough Council and Chief Administrative Officer concerning the comprehensive plan, the official map, the zoning ordinance, subdivision and land development plans, building standards regulations for the Borough, and all other plans for community development prepared by the Borough or other governmental or inter-governmental agency; and
- C. Holding public hearings when reviewing plans prepared by municipal units identified in subsection B.

Section 20.8 Zoning Hearing Board

Section 20.81 Establishment; Function

The Borough, pursuant to the Pennsylvania Municipalities Planning Code, PA Act 247 of 1968, as re-enacted and amended, created a 3- member Zoning Hearing Board. The Board is organized and operates in accordance with the provisions of the Municipalities Planning Code.

Section 20.82 Duties

The Zoning Hearing Board shall perform the duties as prescribed by Section 909.1 of the Municipalities Planning Code, including:

- A. Conducting hearings and render decisions on appeals from the Zoning Officer;
- B. Hearing challenges to the validity of any ordinance or map;

C. Hearing requests for variances and rendering decisions thereon; attaching such reasonable conditions and safeguards as it may deem necessary to implement the purposes of law, the charter, or ordinance; and

D. Hearing and deciding upon requests for special exceptions pursuant to criteria and standards adopted by the Borough Council.

Section 20.83 Terms of Office; Alternate Members; Vacancies; Removal

A. Terms - The terms of office for Zoning Hearing Board members shall be three years and shall be so fixed that the term of office of one member shall expire each year.

B. Vacancies - The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other elected or appointed office in the Borough nor shall any member be an employee of the Borough.

C. Alternate Members - The Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When alternate members are appointed pursuant to the provisions of Section 906 of the Municipalities Planning Code, they may be called on to function as board member(s) to establish a quorum in the absence or disqualification of a board member(s). As such, any alternate member of the board shall continue to serve on the board in all proceedings involving the matter or case for which the alternate was initially appointed until the board has made a final decision on the matter or case. Alternates shall hold no other elected or appointed office in the Borough, including service as a member of the Planning Commission or as a Zoning Officer, nor shall any alternate be an employee of the Borough.

D. Removal - Members of the Zoning Hearing Board are removable by Council in accordance with Section 905 of the Municipalities Planning Code. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Borough Council after the member has received 15 days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 20.84 Organization of Board

A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf

and the parties may waive further action by the board as provided in Section 908 of the Municipalities Planning Code.

B. The Zoning Hearing Board shall adopt rules to govern its procedure consistent with Section 908 of the Municipalities Planning Code. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson or, in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. The Board shall keep records of its examinations and other official actions, all of which shall be immediately filed within the Borough Office and kept as a public record.

Section 20.85 Appeals

A. Any person aggrieved by any action or decision of the Zoning Officer involving administration of the provisions of this chapter may appeal to the Zoning Hearing Board. Notice of such appeal shall be filed, in writing, within 30 days after the decision or action of the Zoning Officer.

B. Upon receipt of such appeal, the Board shall conduct a hearing on the appeal and render a decision on such appeal in accordance with the applicable provisions of the Municipalities Planning Code.

C. Zoning appeals to court shall be taken to the Court of Common Pleas of the County in accordance with the procedures prescribed in the Municipalities Planning Code.

Section 20.9 Shade Tree Commission

Section 20.91 Establishment; Membership; Terms; Vacancies

A. Establishment - Council, by ordinance, may establish a Shade Tree Commission and delegate to the Shade Tree Commission the exclusive care, custody and control of shade trees and authorization to plant, transplant, remove, maintain and protect shade trees on the streets and highways in the Borough.

B. Members, Terms, Vacancies - The Shade Tree Commission shall be composed of three residents of the Borough who shall be appointed by the Borough Council to serve terms of three years and shall serve without compensation. Should a vacancy occur, Borough Council shall appoint a member to fill the unexpired term of office.

Section 20.92 Personnel; Rules and Regulations

A. Personnel - The Commission may recommend to the Borough Council and Chief Administrative Officer, the procurement of the professional services of engineers, foresters, arborists or others with special expertise to assist the Commission in the performance of its duties.

B. Rules and Regulations – The Commission shall require and may make, publish and enforce regulations for the care and protection of the shade trees within the Borough. No such rule or regulation shall be in force until it has been approved by Borough Council and has been published at least twice in a newspaper of general circulation within the Borough.

Section 20.93 Annual Budget

The Shade Tree Commission shall annually prepare and submit an operating budget request to Borough Council and Chief Administrative Officer by October 1 of the calendar year enumerating the proposed work with the prospective cost to complete the work for the next fiscal year.

Section 20.94 Annual Report to Borough Council

The Shade Tree Commission shall submit an annual report to Borough Council during the first quarter of the calendar year containing a compilation of its expenses and transactions for the preceding year.

Section 20.95 Public Notice Prior to Actions

If the Shade Tree Commission proposes to plant, transplant or remove shade trees on any street, notice of the time and place of the meeting at which the work is to be considered shall be given by the shade tree commission in accordance with the Pennsylvania “Sunshine Law.”

Section 20.100 Ad Hoc Boards and Commissions

Borough Council may appoint ad hoc boards or commissions to advise Council on legislative or policy issues and problems or the Chief Administrative Officer on the administration and management of specific matters in accordance with Article XI of the Home Rule Charter.

A. Membership

1. Members of ad hoc boards or commissions should be appointed with consideration for the expertise and familiarity with the issue or problem to be addressed.

2. At the completion of its responsibilities, any ad hoc board or commission shall dissolve, and the terms of its members shall expire unless the Borough Council recreated the board or commission and its members are reappointed.

3. The members of ad hoc boards or commissions need not be residents of the Borough.

ARTICLE XXI GENERAL PROVISIONS

Section 21.1 Oath of Office

All Members of Borough Council, the Mayor, Borough Manager and department heads, before commencing their official duties, shall take and sign an oath of office as stipulated in Article I, Section 111 of the Home Rule Charter.

Section 21.2 Code of Ethics

All Members of Borough Council, the Mayor, Borough Manager and department heads shall adhere to the Pennsylvania Public Official and Employee Ethics Act, Act 170 of 1978, as amended.

Section 21.3 Interference with Administration

Except as otherwise provided in this Administrative Code, and for the purpose of inquiries and investigations, the Borough Council or its members shall deal with employees in the administrative service solely through the Borough Manager, and neither the Council or its members shall give orders to such employees either publicly or privately.

Section 21.4 Disclosure of Financial Interests

Elected and appointed officials of the Borough shall, on or before May 1 of every year during their terms of office, file a Statement of Financial Interest as prescribed by The Pennsylvania Public Official and Employee Ethics Act, Act 170 of 1978, as amended. The reporting date shall be January 1 of that year. Forms shall be filed with the Borough Manager and shall be available for public inspection.

Section 21.5 Campaign Contributions and Expenses

In connection with every election to municipal office, each candidate for nomination or election, and every treasurer of a political committee or person acting as treasurer, shall comply with the Commonwealth's Campaign Finance Reporting Law, Section 1621 (25 P.S. § 3241).

Section 21.6 Prohibitions

A. General Provisions

1. No candidate for election, appointment, or promotion with respect to any municipal position shall, directly or indirectly, give or promise, render, or pay any money, service, or other valuable thing to any person for the purpose of influencing or obtaining the support, aid, or vote for or in connection with the individual's election, appointment, or promotion.
2. No elected official or employee shall, in any manner, receive benefit from the profits or emoluments of any contract, job, or service for the Borough or accept any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally, from any person dealing with the Borough.
3. No elected official or employee shall solicit or receive any compensation, gratuity, or other thing of value for any act done in the course of public service, except compensation for the position or employment held in the Borough.
4. No elected official or employee shall compel another employee to contribute to any fund other than required by law or ordinance.
5. No individual shall be appointed to or removed from or in any way favored or discriminated against with respect to any municipal employment or appointive office because of race, sex, political or religious opinions or affiliations.
6. No individual shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of the Borough, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions.

B. Elected Officials: No Braddock Borough elected official shall hold any other compensated position in the Borough.

C. Employees:

1. Employees are prohibited from engaging in partisan political activity during working hours and at all times in municipal offices and facilities.

2. Employees shall not hold an elected Braddock Borough office or be appointed to a Braddock Borough board, commission or committee unless a leave of absence is taken without pay.

Section 21.7 Ineligibility to Hold Public Office

In accordance with Article II, Section 7 of the Pennsylvania Constitution, no person convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to hold any office of trust or profit in this Commonwealth.

Section 21.8 Surcharge Requirements

A. The amount of any balance or shortage, or any expenditure of a fund, made in a manner prohibited or unauthorized by law, which causes financial loss to the Borough, shall be a surcharge against any official or employee who, by malfeasance, misfeasance, or nonfeasance has permitted or approved such expenditure or shortage to occur.

B. Any shortage or illegal expenditure in any report filed by the independent auditor to the Borough Council against any official or employee shall constitute a surcharge, and unless appeal is taken, the Borough Council shall cause same to be entered in the Allegheny County Department of Court Records as a judgment against the one surcharged in favor of the Borough.

C. In those instances where the Borough Council finds that the shortage or expenditure, as aforesaid, was not caused by malfeasance, misfeasance, or nonfeasance of the official or employee responsible therefor, but occurred despite the good faith of such person, the shortage shall not be entered as a surcharge, but the Council shall issue a special report on the matter and shall hold a public hearing concerning the report within 30 days after the issuance thereof.

D. It shall be lawful for the Borough, or any resident thereof on its behalf, or any official or employee whose account is settled or audited, to appeal to the Court of Common Pleas of the County of Allegheny from the settlement or audit as shown on the report of the auditor to the Borough Council, not later than 30 days after public notice of the filing of the report.

E. Judgments caused to be entered by the Borough Council or by the Court after hearing on appeal shall be enforced by appropriate proceedings.

Section 21.9 Fidelity Bonds

A. The following municipal officials shall each, before entering upon the duties of their respective offices, provide a surety bond to the Borough, duly approved by the Borough Solicitor, and conditioned upon the faithful performance and discharge of their respective duties and for proper

application and payment of all money or property for which they are responsible by virtue of their offices, in the following amounts:

Borough Manager	\$ 60,000
Treasurer	\$ 90,000
Tax Collector	\$350,000
Administrative Assistant	\$ 60,000
Sewage Clerk (2)	\$ 60,000

B. The Council shall prescribe bonds for other individuals for whom it deems that coverage is necessary.

C. The expense for all fidelity bonds shall be borne by the Borough.

Section 21.10 Inquiries and Investigations

A. The Borough Council, the Building Codes Appeals Board, the Civil Service Commission, and the Zoning Hearing Board shall each have the power to conduct inquiries and investigations in aid of the exercise of their powers and performance of their duties.

B. The Borough Council, the Building Codes Appeals Board, the Civil Service Commission, and the Zoning Hearing Board shall have the power to compel the attendance of witnesses and the production of documents and other evidence at investigative hearings, and for that purpose may issue or cause to be issued subpoenas, signed by appropriate officials or commission members and served as provided by law.

C. The official presiding at any hearing shall have the power to administer oaths to witnesses.

D. If any person shall refuse or neglect to obey any subpoena, that person shall, upon conviction thereof at a summary proceeding, be sentenced to pay a fine as may be ordained, and in default of the payment of such fines and costs shall be imprisoned to the extent allowed by law.

E. If any person shall refuse or neglect to obey any subpoena, the official or board issuing same may, by petition, apply to the Court of Common Pleas of the County of Allegheny for its subpoena to compel the attendance of such person before the official, the commission, or the court. Under failure to attend, the Borough Solicitor shall request that such person be held in contempt of court and punished therefor.

F. No person subpoenaed, as aforesaid, shall be required to respond to the same until mileage and witness fees, equal to those then established by law or ordinance, shall have first been furnished to the witness.

Section 21.11 Police Powers

Police employed by the Borough shall be ex-officio constables of the Commonwealth and shall have the powers and prerogatives conferred on police officers by law. Police, when acting as constables, shall have the authority to serve and execute all criminal processes for the violation of municipal ordinances which may be issued, and the fees and costs collected in such capacity shall be paid directly into the Borough treasury.

Section 21.12 Antidiscrimination

No member of Borough Council, the Mayor, Borough employee or member of any Borough administrative board, commission or authority shall engage in discrimination or discriminatory acts against or with regard to any individual or group on the basis of actual or perceived race, color, sex, religion, ancestry, national origin, sexual orientation, gender identity or expression, familial status, marital status, age, mental or physical disability, use or guide or support animals and/or mechanical aids, regardless of whether the conduct occurs during the discharge of official business or otherwise.

Section 21.13 Sundays and Holidays

Whenever any time established by this ordinance for the taking of any action expires on a Sunday or on a legal holiday, such time shall not expire on said day but shall expire on the next week day.

Section 21.14 Equivalent Functions

Where law or ordinance prescribes certain functions to be performed by a designated department head under the former form of government, such function shall be performed by the equivalent department head to which the respective functions have been assigned by this Administrative Code.

Section 21.15 Separability

If any Section, sub-section, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

ARTICLE XXII

REPEALER AND EFFECTIVE DATE

Section 22.1 Repealer

A. All ordinances and parts of ordinances heretofore enacted which are inconsistent with any provision of this Administrative Code are, to the extent of such inconsistencies, hereby repealed.

B. The repeal of any ordinance or part thereof by this Administrative Code or by any other ordinance shall not revive any former ordinance or part thereof which may have been repealed by such repealed ordinance or part thereof.

Section 22.2 Review

This Administrative Code shall be reviewed by a committee of Borough Council and administrative staff every five years beginning in 2026 to identify revisions for adoption, as necessary and appropriate.

Section 22.3 Effective Date

This Administrative Code shall be effective immediately upon adoption.

ORDAINED AND ENACTED this 9th day of February, 2021, a full quorum being present.

ATTEST:

BOROUGH OF BRADDOCK:

DEBORAH BROWN, Borough Manager

ROBERT PARKER, Council President

Examined and Approved this ____ day of _____, 2021.

CHARDAE JONES, Mayor

