

PART I

**ADMINISTRATIVE
LEGISLATION**

Chapter 1
GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[An ordinance adopting the Code of the Borough of West Kittanning and making certain substantive changes to existing ordinances of the Borough is presently proposed before the Borough Council. Upon final adoption, it will be included here as Article I of this chapter.]

Chapter 1

GENERAL PROVISIONS

ARTICLE I Adoption of Code

- | | |
|--|--|
| <p>§ 1-1. Approval, adoption and enactment of Code.</p> <p>§ 1-2. Effect of Code on previous provisions.</p> <p>§ 1-3. Inconsistent ordinances repealed.</p> <p>§ 1-4. Ordinances saved from repeal; matters not affected by repeal.</p> <p>§ 1-5. Inclusion of new legislation prior to adoption of Code.</p> <p>§ 1-6. Changes and revisions in previously adopted ordinances.</p> | <p>§ 1-7. Interpretation of provisions.</p> <p>§ 1-8. Titles and headings; editor's notes.</p> <p>§ 1-9. Filing of copy of Code.</p> <p>§ 1-10. Amendments to Code.</p> <p>§ 1-11. Code books to be kept up-to-date.</p> <p>§ 1-12. Publication of notices.</p> <p>§ 1-13. Altering or tampering with Code; penalties for violation.</p> <p>§ 1-14. Severability.</p> <p>§ 1-15. Effective date.</p> |
|--|--|

[HISTORY: Adopted by the Borough Council of the Borough of West Kittanning as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Adoption of Code

[Adopted 5-4-2010 by Ord. No. 10-1]

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1008(b) of the Borough Code [53 P.S. § 46008(b)], the codification of a complete body of legislation for the Borough of West Kittanning, County of Armstrong, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 200, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Borough of West Kittanning, which shall be known and is hereby designated as the "Code of the Borough of West Kittanning," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Borough Council of the Borough of West Kittanning, and it is the intention of said Borough Council that each such provision contained within the

Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of West Kittanning which is not in conflict with the provisions of the Code shall be deemed to remain in full force.

§ 1-4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to 12-4-2002.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough or other instruments or evidence of the Borough's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

- J. Any ordinance annexing land to the Borough.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.
- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted ordinances.

- A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A' attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council, and it is the intent of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature.
- (1) References to "Town Council" are revised to read "Borough Council."
 - (2) References to "Burgess" are revised to read "Mayor."
 - (3) References to "Justice of the Peace" are revised to read "Magisterial District Judge."
 - (4) References to "Department of Environmental Resources" or "DER" are revised to read "Department of Environmental Protection" or "DEP."

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

1. Editor's Note: In accordance with § 1-6B, the chapters, parts and sections which were added, amended, adopted or deleted by this ordinance are indicated throughout the Code by a footnote referring to Chapter 1, General Provisions, Article I. During routine supplementation, footnotes indicating amendments, additions or deletions will be replaced with the following history: "Amended (added, deleted) 5-4-2010 by Ord. No. 10-1." Schedule A, which contains a complete description of all changes, is on file in the Borough offices.

§ 1-9. Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Borough Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Borough Secretary for the use of the public. All changes in said Code and all ordinances and resolutions adopted by the Borough Council subsequent to the effective date of this codification which the Borough Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances or resolutions are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of a copy or copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the Borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$600, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 30 days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after May 4, 2010.

Chapter 5

AUTHORITIES, MUNICIPAL

ARTICLE I
West Hills Area Water Pollution Control
Authority

§ 5-1. Use of streets for sanitary sewer
system.

§ 5-2. Specifications for sanitary sewer
lines.

§ 5-3. Guarding, barriers and lights.

§ 5-4. Filling of excavations.

§ 5-5. Right to correct work.

[HISTORY: Adopted by the Borough Council of the Borough of West Kittanning as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers and sewage disposal — See Ch. 149.
Streets and sidewalks — See Ch. 164.

Utility facilities — See Ch. 181.

ARTICLE I
West Hills Area Water Pollution Control Authority
[Adopted 10-5-1981 by Ord. No. 133]

§ 5-1. Use of streets for sanitary sewer system.

The West Hills Area Water Pollution Control Authority is hereby granted the right, privilege, franchise and authority to lay, construct, maintain, repair and replace in the streets, roads, alleys and rights-of-ways of the said Borough of West Kittanning the necessary sanitary sewer lines and the required appurtenances thereto to complete the erection and construction of the sanitary sewer system pursuant to the plans and specifications and reports prepared by Duncan, Lagnese and Associates, Inc., Consulting Engineers, of Pittsburgh, Pennsylvania, and R.B. Shannon and Associates, Consulting Engineers, of Kittanning, Pennsylvania, jointly the consulting engineers for said Authority's proposed sewer system.

§ 5-2. Specifications for sanitary sewer lines.

All such sanitary sewer lines shall be laid and constructed at such depth beneath the surface of said streets, roads, alleys, and rights-of-way and in such manner as not to interfere with proper drainage and the occupancy of other utility facilities in said streets, roads, alleys, and rights-of-way.

§ 5-3. Guarding, barriers and lights.

It shall be the duty of the West Hills Area Water Pollution Control Authority to provide and maintain proper and adequate guards, barriers, and lights, and it shall assume all risks and be liable for all damages.

§ 5-4. Filling of excavations.

It shall be the duty of the West Hills Area Water Pollution Control Authority, after causing any opening or excavation to be made, to thoroughly and completely fill the same in accordance with the requirements of the applicable Borough ordinance,¹ or by puddling or tamping so as to prevent any settling thereafter, and replacing the surface of the thoroughfare as it was before the opening at the proper grade and with the same subsurface and surface covering as the part of the thoroughfare adjoining the opening, without ridges or depressions, and to maintain the surface replaced in as good condition as it was prior to the opening or excavation, at the established grade and with the same kind and density of material, until the said replacements have been approved by the Borough.

§ 5-5. Right to correct work.

If the work in opening or in filling or maintaining the surface of said streets, road, alleys and rights-of-way shall not be promptly or shall be unskillfully or improperly or incompletely done, the Borough reserves the right to cause the same to be done in the manner it deems proper and the expense thereof shall be charged to the West Hills Area Water Pollution Control Authority.

1. Editor's Note: See Ch. 164, Streets and Sidewalks, Art. IV, Openings and Excavations.

Chapter 13

INTERMUNICIPAL AGREEMENTS

ARTICLE I Armstrong County Task Force

- § 13-1. Participation in task force.
- § 13-2. Adoption of framework agreement.
- § 13-3. Duration of agreement.
- § 13-4. Purpose and objectives.

- § 13-5. Expenses.
- § 13-6. Organizational structure.
- § 13-7. Real and personal property.
- § 13-8. Responsibility for employees.
- § 13-9. Authority to enter into contracts.
- § 13-10. When effective.

[HISTORY: Adopted by the Borough Council of the Borough of West Kittanning as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Armstrong County Task Force [Adopted 10-7-1991 by Ord. No. 91-8]

§ 13-1. Participation in task force.

The Borough of West Kittanning has evidenced its intent to participate in the Armstrong County Task Force activities designed to combat the illegal possession and trafficking of narcotics and other illegal or controlled drugs within its municipal boundaries through cooperation with the Pennsylvania Office of Attorney General and other signatory municipalities.

§ 13-2. Adoption of framework agreement.

The Borough of West Kittanning hereby adopts the agreement which provides a framework for intergovernmental police cooperation with various signatory municipalities under the terms of which police officers of each such municipality shall be and are granted the authority to officially act as police officers in any other signatory municipality, subject to the terms and conditions of the agreement, a copy of which is attached hereto, made a part hereof and marked Exhibit "A."

§ 13-3. Duration of agreement.

The duration of the agreement shall be indefinite, subject to termination as provided in the agreement.

1. Editor's Note: The agreement is on file in the Borough offices.

§ 13-4. Purpose and objectives.

The purposes and objectives of the agreement are to foster increased cooperation among the various signatory municipalities, to improve drug law enforcement throughout the signatory municipalities, and to enhance the skill and professionalism of police officers from each of the signatory municipalities by, among other things, conferring authority upon police officers to exercise official duties in other municipalities thereby reducing the law enforcement problems relating to jurisdiction, territory or boundary issues.

§ 13-5. Expenses.

Each municipality shall be responsible for all expenses incurred by reason of action taken by its police officers pursuant to this agreement with the assistance of funds supplied by the Pennsylvania Office of Attorney General.

§ 13-6. Organizational structure.

The organizational structure necessary to implement the agreement, to the extent that it is not set forth in the agreement itself, shall be covered by directives, procedures and guidance from the Pennsylvania Office of Attorney General and other area police departments from municipalities which are signatories to said agreement.

§ 13-7. Real and personal property.

All property, real or personal, which may be acquired, managed, licensed or disposed of pursuant to this agreement shall be in accordance with both the terms of the agreement as well as the directives, procedures and guidance of the Pennsylvania Office of Attorney General.

§ 13-8. Responsibility for employees.

The municipality shall retain responsibility for the management, direction and control of its employees with assistance, financial or otherwise, from the Pennsylvania Office of Attorney General.

§ 13-9. Authority to enter into contracts.

The entity created by this article shall be empowered to enter into contracts for policies of group life insurance and employee benefits, including social security, for its employees.

§ 13-10. When effective.

This article shall become effective upon the execution of the agreement and enactment of ordinances by each of the municipalities who are or in the future may become parties to this agreement.

Chapter 22
OFFICERS AND EMPLOYEES

§ 22-1. Council meetings.

§ 22-3. Secretary.

§ 22-2. Duties of Mayor.

§ 22-4. Treasurer.

[HISTORY: Adopted by the Borough Council of the Borough of West Kittanning 8-15-1900 as Article X of the General Ordinance. Amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation — See Ch. 31.

§ 22-1. Council meetings.

The Borough Council of said Borough shall designate by resolutions or by bylaws the time and times of holding their stated monthly meetings, at either their first or second meeting in each Borough year, which said resolutions or bylaws shall remain in force until the same are either amended or repealed.

§ 22-2. Duties of Mayor.

The Mayor of said Borough, in addition to the duties herein before devolved upon him, shall promptly, impartially and faithfully discharge all the duties required by an act or acts of the General Assembly of the Commonwealth of Pennsylvania, keep a correct account of all the fines and moneys for all the licenses received by him for said Borough, make monthly itemized reports of said fines and licenses to the Borough Council of said Borough, which shall be entered on the minutes and filed among the papers of said Borough Council, and the said Mayor shall promptly pay over to the Treasurer of said Borough duly appointed by the Borough Council every month all the fines and moneys for all licenses received by him as Mayor as aforesaid. And on his refusing or neglecting so to do said Borough Council shall cause to be enforced against him the laws of said commonwealth in such cases made and provided.

§ 22-3. Secretary.

The Secretary of the Borough Council shall promptly, accurately and faithfully perform all the duties prescribed for such officer by the Acts of the General Assembly and by the Mayor and Borough Council.

§ 22-4. Treasurer.

The Treasurer, appointed by the said Borough Council, shall, before entering upon the discharge of his official duties, give bond to them in an amount designated by said Borough

Council, with sureties to be by it approved, and perform all the duties prescribed by the Acts of Assembly relating thereto, and shall receive for his services in full compensation therefor an amount or sum fixed by the Borough Council at the time of the acceptance of the said bond, and shall also take and subscribe an oath to faithfully perform the duties of his said office according to law.

Chapter 31
SALARIES AND COMPENSATION

[Current information regarding salaries and compensation of the Borough of West Kittanning officials is on file in the Borough offices.]

GENERAL REFERENCES

Officers and employees — See Ch. 22.
