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**Part 1****Preliminary Provisions****A. General****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for Forest Hills Borough shall be the "Forest Hills Borough Code of Ordinances."

(*Ord. 976, 1/16/2008*)

**§1-102. Citation of Code of Ordinances.**

The Forest Hills Borough Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

(*Ord. 976, 1/16/2008*)

**§1-103. Arrangement of Code.**

1. This Code is divided into Chapters which are subdivided as follows:
  - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
  - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
  - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
  - A. Subsections, identified by Arabic numerals.
  - B. Paragraphs, identified by capital letters.
  - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
  - D. Clauses, identified by lower case letters enclosed within parentheses.
  - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
  - F. Items, identified by lower case letters followed by a parenthesis.
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(*Ord. 976, 1/16/2008*)

**§1-104. Headings.**

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any

part of said Section, Subsection or other division unless expressly so provided.

(Ord. 976, 1/16/2008)

### **§1-105. Tenses, Gender and Number.**

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 976, 1/16/2008)

### **§1-106. Construction.**

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations of the Forest Hills Borough, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council of the Forest Hills Borough (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, at the time of their passage by the Borough Council. Such "resolutions" are included herein for ease of reference and the Borough Council does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Borough Council that such actions of the Borough Council that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

5. *Definitions.*

A. As used in this Code, the term “Borough Manger” or “Manager” shall mean that individual appointed as Manager of the Borough pursuant to *Ord. 475, 8/24/1966*; as amended by *Ord. 830, 3/18/1992* [Chapter 1, Part 2A], or successor ordinance, or such officer’s designee or other designee of Council for the purpose provided.

B. As used in this Code, the term “Code Official” shall refer to and include the Zoning Officer (or such officer’s designee), the Code Enforcement Officer (or such officer’s designee), the Building Inspector (or such officer’s designee), the Chief of Police (or such officer’s designee), the Fire Marshall (or such officer’s designee) or such other individual or officer as may be designated from time to time by the Borough Manager and/or the Borough Council.

(*Ord. 976, 1/16/2008*)

**§1-107. Normal Numbering.**

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.

2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.

3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.

4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, “§1-101” designates Chapter 1, Part 1, Section 1. Similarly, “§27-305” designates Chapter 27, Part 3, Section 5.

5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.

A. Paragraph.

(1) Subparagraph.

(a) Clause.

1) Subclause.

a) Item.

i. Subitem

(*Ord. 976, 1/16/2008*)

**§1-108. Special Numbering Problems.**

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter

suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, “§5A-101.” If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, “§5-5A01.” A new Section introduced between existing Sections 5 and 6 would be “§5-105A.” When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.

2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.

3. If it becomes necessary to introduce a unit smaller than a Subsection between existing unites, the entire Subsection shall be revised and renumbered.

4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: “[Reserved].”

(Ord. 976, 1/16/2008)

### **§1-109. Amending Code.**

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Borough Council.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended (revised) to read as follows . . . .” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended by the addition of the following . . . .” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby repealed in its entirety.”

3. It is the intention of the Borough Council that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Borough Council that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Borough Council hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the

renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

*(Ord. 976, 1/16/2008)*

**§1-110. Altering Code.**

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Borough Council.

*(Ord. 976, 1/16/2008)*



**B. Enforcement of Ordinances; Penalties****§1-121. Penalties.**

1. *Penalty Where No Penalty Provided.* Unless otherwise prescribed by a general law of the Commonwealth of Pennsylvania, any violation or failure to comply with any provision of this Code or any other ordinance of Forest Hills Borough shall constitute a summary offense and prosecution of every such offense shall be in the manner provided for the enforcement of summary offenses under the laws of the Commonwealth and the Pennsylvania Rules of Criminal Procedure, Pa.R.Crim.P., 42 Pa.C.S.A., and the Pennsylvania Rules for Magisterial District Judges, Pa.R.M.J.D., 42 Pa.C.S.A., both as adopted by the Pennsylvania Supreme Court.

A. *Violations of Health, Safety and Welfare Provisions.* For violations of ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who violates a provision of the ordinance, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with this Chapter 1 of this Code.

(2) A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of the ordinance found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

(3) The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of the ordinance.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, "Motor Vehicles and Traffic" (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, should provide, generally:

(1) Any person, firm or corporation who violates a provision of the ordinance, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$600 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

(2) A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of the ordinance found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

(3) The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of the ordinance.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

*(Ord. 976, 1/16/2008)*

**§1-122. Determination of Violation.**

The initial determination of a violation of this Code or other Borough ordinance and the service of a notice of violation, where required, are hereby delegated to the Borough Manager, the Police Chief, the Code Official/Building Inspector, the Zoning Officer, the Code Enforcement Officer and their designees and to any other officer or agent that the Borough Manager or the Borough Council deems appropriate.

*(Ord. 976, 1/16/2008)*

**Part 2****Borough Officials****A. Borough Manager****§1-201. Office of Borough Manager Created.**

The office of Borough Manager is hereby created by the Forest Hills Borough.  
(*Ord. 475, 8/24/1966, §1*)

**§1-202. Appointment of Manager; Indefinite Tenure; Removal.**

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

(*Ord. 475, 8/24/1966, §2*)

**§1-203. Qualifications of Manager; Residence During Tenure.**

The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to the duties of his office as herein outlined. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania at the time of his appointment, but during the tenure of his office he may reside outside the Borough only with the approval of Council. The office of Borough Manager and Borough Secretary may be held by the same person.

(*Ord. 475, 8/24/1966, §3; as amended by Ord. 976, 1/16/2008*)

**§1-204. Bond Required.**

Before taking office, and each year thereafter, the Borough Manager shall furnish a fidelity bond in an amount as set from time to time by resolution of the Borough Council, conditioned upon the faithful performance of his/her duties. This fidelity bond shall be in a form acceptable to the Borough Solicitor and shall be issued by a corporation licensed to do business as a surety in the Commonwealth of Pennsylvania. The cost of such bond shall be paid from the general revenue of the Borough.

(*Ord. 475, 8/24/1966, §4; as amended by Ord. 830, 3/18/1992; and by Ord. 976, 1/16/2008*)

**§1-205. Manager's Salary.**

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

(*Ord. 475, 8/24/1966, §5; as amended by Ord. 976, 1/16/2008*)

**§1-206. Manager's Powers and Duties.**

1. The Manager shall be the chief administrative officer of the Forest Hills

Borough, and he shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough. The powers and duties of administration of all Borough business shall be vested in the Manager, unless expressly imposed or conferred by statute upon other Borough officers.

2. Subject to recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:

A. He shall supervise and be responsible for the activities of all municipal departments, except the Police and Fire Departments.

B. He shall hire, and when necessary for the good of the service, shall discipline including but not limited to communications to suspend or discharge any employee under his supervision; provided, that persons covered by the civil service provisions of the Borough Code shall be hired, suspended, or discharged in accordance with such provisions, and provided further that the Manager shall report at the next meeting thereafter of Council, any action taken by authority of this paragraph.

C. He shall have the power to fix wages and salaries of all personnel under his supervision, within a range previously determined by Council.

D. He shall prepare and submit to Council, before the close of each fiscal year, a budget for the next fiscal year and an explanatory budget message. In preparing the budget, the Manager, or an officer designated by him, shall obtain from the head of each department, agency, or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as he requires. The Manager shall review such estimates and may revise them before submitting the budget to the Council.

E. He shall be responsible for the administration of the budget after its adoption by the Council.

F. He shall, in conjunction with the preparation of the yearly budget, develop long-range fiscal plans for the Borough, such plans to be presented annually to the Council for its review and adoption.

G. He shall hold such other Borough offices and head such Borough departments as the Council may from time to time direct.

H. He shall attend all meetings of Council and its committees with the right to take part in the discussions, and he shall receive notice of all special meetings of Council and its committees.

I. He shall keep the Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of the Borough finances and such other reports as the Council requests, and make such recommendations to the Council as he deems advisable.

J. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report of the finances and the administrative activities of the Borough for the preceding year.

K. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.

L. He may employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions

of the Borough.

M. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same, except insofar as such duties are expressly imposed by statute upon some other Borough officer.

N. He shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.

O. He shall be the purchasing officer of the Borough, and he shall purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the agencies, boards, departments, and other offices of the Borough. He shall keep an account of all purchases and shall, from time to time or when directed by Council, make a full written report thereof. He shall also issue rules and regulations, subject to the approval of Council, governing the procurement of all Borough supplies and equipment.

P. All complaints regarding Borough services shall be referred to the office of the Manager. He, or an officer designated by him, shall investigate and dispose of such complaints, and the Manager shall report thereon to Council.

*(Ord. 475, 8/24/1966, §6; as amended by Ord. 830, 3/18/1992)*

#### **§1-207. Mayor May Delegate Certain Powers and Duties to Manager.**

The Mayor is hereby authorized to delegate to the Borough Manager, subject to revocation by written notification at any time, any of his nonlegislative and nonjudicial powers and duties with the consent of Council.

*(Ord. 475, 8/24/1966, §7; as amended by Ord. 830, 3/18/1992)*

#### **§1-208. Relationship Between Council and Manager.**

Neither the Council, its members, nor its committees shall dictate or influence or attempt to dictate or influence the hiring of any person to, or his discharge from, Borough employment by the Manager, or in any manner take part in the hiring, suspending, or discharging of employees in the administrative service of the Borough, except as required by the civil service provisions of the Borough Code. Other than for the purposes of inquiry, the Council or any of its members, or any of Council's committees or its members, shall deal with the administrative service solely through the Borough Manager, and neither the Council nor any of its members, nor any of Council's committees or its members, shall give orders, publicly or privately, to any subordinate of the Manager.

*(Ord. 475, 8/24/1966, §8)*

#### **§1-209. Designation of Person to Serve During Absence or Disability of Manager.**

If the Manager becomes ill, or needs to be absent from the Borough, he shall designate one qualified member of his staff to perform the duties of the Manager during his absence or disability. The person so designated shall not perform these duties for a period longer than 2 weeks without the approval of Council.

*(Ord. 475, 8/24/1966, §9)*



**B. Borough Secretary****§1-211. Creation of Office.**

The office of Secretary is hereby created for Forest Hills Borough.

(*Ord. 976, 1/16/2008*)

**§1-212. Duties.**

The duties of the Secretary shall be as follows:

A. Attend all meetings of the Borough Council and keep full minutes of their proceedings.

B. Transcribe the bylaws, rules, regulations and ordinances adopted into a book kept for that purpose, and when signed by the presiding officer attest the same.

C. Preserve the records and documents of the Borough and have custody of the corporate seal.

D. Certify copies of any book, paper, record, bylaw, rule, regulation, ordinance or proceeding of the Borough under the seal thereof, which copies so certified shall be admitted in evidence in any court of the Commonwealth.

E. Attest the execution of all instruments, record the publication of all enactments, and attest the same by his signature.

F. File or record the proof of service of all notices required by law, and the certificate thereof shall be good evidence of such notice.

G. Deliver to a successor the seal and all books, papers and other things belonging to the Borough.

(*Ord. 976, 1/16/2008*)



**C. Mayor****§1-221. Salary of Mayor.**

The compensation of the Mayor of Forest Hills Borough is hereby fixed at \$150 per month, payable monthly from the general funds of the Borough beginning January 1, 1990.

(*Ord. 672, 12/28/1977; as amended by Ord. 815, 12/20/1989*)



**D. Councilpersons****§1-231. Compensation of Council Members.**

The compensation of Council members of the Forest Hills Borough is hereby fixed at \$150 per month payable monthly from the general funds of the Borough beginning January 1, 1990.

(*Ord. 673, 12/28/1977; as amended by Ord. 814, 12/20/1989*)



**E. Tax Collector****§1-241. Compensation.**

The per annum compensation of the Tax Collector of Forest Hills Borough for the collection of taxes commencing calendar year 2002 shall be \$9,000; provided, however, said salary paid shall not exceed 5 percent of the amount of taxes collected in any calendar year.

(*Ord. 909, 1/24/2001, §1*)

**§1-242. Costs and Expenses.**

The following costs and expenses associated with the Tax Collector's collection of Borough taxes shall be paid by the Forest Hills Borough:

- A. Tax Collector's bond.
- B. Tax bills and tax duplicates.
- C. Postage.
- D. Four hundred dollars towards the cost of mileage, association dues, conferences, and related items.

(*Ord. 909, 1/24/2001, §2*)

**§1-243. Office Furniture and Supplies.**

The Forest Hills Borough will provide office space in the municipal building to the Borough Tax Collector. If the Borough Tax Collector accepts such office space and maintains regular office hours at the municipal building, then the Borough will also provide use of the following Borough property:

- A. Office furniture similar to that of the Borough staff.
- B. Computer system (only to be used and stored in the municipal building).
- C. Telephone and connection to the Borough telephone system.
- D. Minor office supplies (pens, paper, clips, etc.), or reimbursement for reasonable office expenses, at the discretion of the Borough Manager and as limited by the funds budgeted for such expenses.

(*Ord. 909, 1/24/2001, §3*)



**Part 3****Police Department****A. Establishment of Police Department****§1-301. Establishment.**

The Police Department of Forest Hills Borough is hereby established.

(Ord. 976, 1/16/2008)

**§1-302. Duties and Powers of the Mayor and Chief of Police.**

The Mayor of Forest Hills shall be the official head of the Police Department. The Chief of Police shall supervise the day-to-day activities of the Police Department and all police officers and Department employees, subject to the direction of the Mayor. The Chief shall exercise all the powers and authorities granted by the laws of the Commonwealth and the ordinances of the Borough.

(Ord. 976, 1/16/2008)

**§1-303. Appointment; Qualifications of the Chief of Police.**

*Appointment.* The Chief of Police shall be appointed by the Borough Council and shall serve unless suspended or removed by Council. Before appointing, suspending or removing the Chief, Council shall seek the recommendations of the Mayor.

(Ord. 976, 1/16/2008)

**§1-304. Police Department Organization.**

The Police Department shall consist of the number of sworn police officers and employees, who are not sworn police officers, as may be authorized by Council from time to time. Council may establish a personnel classification system for officers and employees, but all personnel shall be subordinate to the Chief of Police. Council shall fix the total weekly hours of employment that shall apply to police officers and employees.

(Ord. 976, 1/16/2008)

**§1-305. Appointment; Qualifications; Compensation of Police Officers and Departmental Employees.**

1. *Appointment.* Police officers shall be appointed by Borough Council, subject to the civil service provisions of the Pennsylvania Borough Code.

2. *Qualifications.* Qualifications for all ranks and positions in the Police Department shall be determined by the Chief of Police, Mayor and Civil Service Commission and shall be stated in the Department's Manual of Rules and Regulations.

3. *Compensation.* Council shall fix the compensation for all police officers and employees.

(Ord. 976, 1/16/2008)

**§1-306. Suspension; Reduction in Rank; Discharge of Police Officers.**

1. Borough Council, subject to civil service requirements, may suspend, reduce in rank or discharge any member of the Police Department.

2. In addition to Council's powers, the Mayor may, for cause and without pay, suspend a police officer until the next regular meeting of Borough Council. At that time Council may, subject to civil service requirements, suspend, discharge, reduce in rank or reinstate with pay the police officer.

3. Any police officer suspended by the Mayor may not be reinstated by Council at a date earlier than 10 working days from the date fixed by the Mayor for the suspension to commence. In any case where the Council has reinstated a police officer, after having been suspended by the Mayor, the Mayor shall not thereafter suspend such police officer for reasons arising from the same act for which the first suspension was made, or for reasons that the Council, in reinstating such police officer, shall have determined not to be grounds for suspension.

*(Ord. 976, 1/16/2008)*

**§1-307. Operations of Police Department; Conduct of Officers and Employees.**

The operation of the Police Department and the conduct of all police officers and employees shall be in accordance with the current "Police Department Manual of Rules and Procedures." The Chief of Police shall be responsible for promulgating, revising, modifying and maintaining the Police Department Manual of Rules and Procedures, subject to approval by the Borough Council.

*(Ord. 976, 1/16/2008)*

**§1-308. Duties of Police During Fire Alarms.**

Upon an alarm of fire, the Chief of the Forest Hills Fire Department shall become the supreme police officer of the Borough for the subject scene of a fire and/or alarm, and shall continue in such capacity until the fire is extinguished and/or the alarm cancelled. It shall be the duty of the police officer(s) of the Borough on duty to report immediately to the Fire Chief or other officer or member of the Fire Department in charge at the scene of a fire and/or alarm and to act under his/her direction. The said police officers shall not absent themselves temporarily or permanently from the scene of a fire and/or alarm without permission from the Fire Chief or other officer or member of the Fire Department acting in the Chief's absence.

*(Ord. 976, 1/16/2008)*

**§1-309. Appointment of Special Police by Mayor.**

The Mayor may, in accordance with the provisions of the Pennsylvania Borough Code, appoint special police who shall serve temporarily during an emergency in which the safety and welfare of the Borough and public are endangered. Compensation for special police officers shall be determined by Council.

*(Ord. 976, 1/16/2008)*

**§1-310. Appointment of Special School Police.**

Borough Council may appoint special school police who shall have the duty of

controlling and directing traffic at or near schools. The appointment, duties, compensation of such officers shall be as provided by the Pennsylvania Borough Code, 53 P.S. §65101 *et seq.*, as amended. Special school police shall be under the direction and supervision of the Mayor and Chief of Police.

*(Ord. 976, 1/16/2008)*



**B. Police Pension****§1-311. Police Pension Plan Established.**

The appropriate officials of the Borough are authorized and directed to establish and maintain a pension plan for the police employees of the Borough which shall comply with the laws of the Commonwealth of Pennsylvania and the United States of America.

*(Ord. 974, 11/21/2007, §1)*



**Part 4****Nonuniformed Employees****A. Sick Leave and Disability Benefits****§1-401. Definitions.**

For the purpose of interpreting the provisions of this Part, the following words will have the meaning or meanings hereby ascribed to them, viz:

*Permanent disability* - any disability which renders an employee unable to perform his duties and which on the basis of reliable medical opinion is permanent or which has rendered an employee unable to perform his duties for an uninterrupted period of 12 calendar months from the first day of disability.

*Sick leave* - any absence caused by nonoccupational illness or injury suffered by an employee or pregnancy rendering the employee unable to perform his/her duties.

*Temporary disability leave* - any absence caused by occupational illness or injury including, but not limited to, injuries caused by accident within the meaning of the Workmen's Compensation Act of the Commonwealth of Pennsylvania, illness caused by diseases within the scope of the Occupational Disease Act and, as to policemen, disabilities or incapacity incurred in the performance of duties and subject to §1 of the Act of June 28, 1935, P.L. 477 as amended.

(*Ord. 576*, 6/21/1971, §1; as amended by *Ord. 647*, 1/30/1976, §1; and by *Ord. 830*, 3/18/1992)

**§1-402. Sick Leave Allowed.**

Sick leave shall be earned at the rate of 1 working day for each full calendar month of service performed by an employee. Any sick leave not actually used during any period of such employee's service may be carried forward and accumulated as a credit for future use, subject to a limitation of 132 days maximum for policemen and 124 days maximum for other Borough employees. During the calendar year 1987, the maximum accumulated sick leave that may be carried forward by Borough employees shall be 128 days. For the calendar year 1988, the maximum accumulated sick leave that may be carried forward by Borough employees shall be 132 days. Sick leave may be advanced, subject to a maximum limitation of 5 days. If an employee leaves the service of the Borough after having sick leave advanced to him or her and before accruing credit sufficient to offset the advance, any excess of sick leave advanced to him or her shall be deducted from his or her terminal paycheck. Employees who were in the Borough service on June 9, 1971, shall be entitled to credit for service prior to June 9, 1971, for accrued sick leave, on the basis of 6 days for each year of past service, up to an aggregate of 60 days accrued sick leave. The increased maximum number of accumulated sick days for police officers from 120 days to 132 days, authorized as of January 1, 1985, may only be accumulated based upon service subsequent to January 1, 1985.

(*Ord. 576*, 6/21/1971, §2; as amended by *Ord. 753*, 1/16/1985; and by *Ord. 775*, 2/19/1986)

**§1-403. Validation of Illness.**

The Borough may require any evidence reasonable under the circumstances to validate claimed sick leave and also to establish the fitness of an employee to return to duty. Such evidence may include a certification by a physician and also as to fitness to return to duty, an examination by a physician selected by the Borough.

(Ord. 576, 6/21/1971, §3)

**§1-404. Temporary Disability.**

1. *Temporary Disability for Policemen and Firemen.* Temporary disability suffered by a policeman or fireman coming within the scope of the Act of 1935, June 28, P.L. 477, as amended shall entitle such temporarily disabled policeman or fireman to the benefits provided for in said Act.

2. *Temporary Disability for Other Employees.* Temporary disability suffered by any employee not coming within the scope of said Act of 1935, June 28, P.L. 477, as amended, shall entitle such temporarily disabled employee to continuation of his regular salary or wages during the period of such disability but not in excess of 60 working days.

3. *Workmen's Compensation Benefits.* If any such temporarily disabled employee is entitled to benefits under the Workmen's Compensation Act or the Occupational Disease Act as they are in force, such benefits shall be deducted from any salary or disability compensation to which such employee shall otherwise be entitled.

(Ord. 576, 6/21/1971, §4)

**§1-405. Permanent Disability.**

1. Any employee who becomes permanently disabled and is entitled to pension benefits either as a disability pension or for age and service shall be retired on such pension as affords him the larger benefits. The pension shall become payable as of the day following the day for which he last receives salary or wages from the Borough after becoming eligible for such pension benefits.

2. Any employee who becomes permanently disabled and is entitled to no pension benefits either for age and service or for disability shall be discharged forthwith from the service of the Borough.

(Ord. 576, 6/21/1971, §6)

**§1-406. Manager Empowered to Promulgate Suitable Regulations.**

The Manager is empowered hereby to promulgate by executive order suitable regulations for the administration and supplementation of this Part as it affects all employees except policemen, and by and with the concurrence of the Mayor to promulgate suitable regulations for such administration and implementation as it affects policemen. Such regulations shall cover, inter alia, the following:

A. Disciplinary measures to be taken in the event of abuse by an employee of the sick leave privilege provided for by this Part.

B. Forms and procedures for processing claims for sick leave, temporary disability, and permanent disability benefits as provided for or contemplated by this Part.

C. Procedures for the furnishing of physician costs, physical examinations and medical opinions required hereby or which facilitate the administration and enforcement hereof.

D. Such other regulations governing the implementation and administration of the provisions of this Part and not inconsistent herewith as he shall determine.

*(Ord. 576, 6/21/1971, §4)*

**§1-407. Interpretation.**

For the purpose of construing this Part, the use of the singular shall include the plural, and the plural the singular. Words used in the masculine gender shall include the feminine and the neuter. Words used in the present or past tense shall include the future.

*(Ord. 576, 6/21/1971, §8)*

**§1-408. Effect on Collective Bargaining Agreements.**

If the provisions of this Part become inconsistent or in conflict with the provisions of any collective bargaining agreement hereafter entered into applying to some or all of the municipal employees of the Borough, which collective bargaining agreement is duly authorized by an ordinance, such ordinance authorizing such collective bargaining agreement shall be deemed to amend this Part to the extent of such conflict or inconsistency.

*(Ord. 576, 6/21/1971, §9)*



**B. Nonuniformed Employee Pension****§1-411. Short Title.**

This Part shall be known and will be cited as the “Employees Pension Ordinance of Forest Hills.”

(Ord. 805, 12/28/1988, §1)

**§1-412. Definitions.**

For the purposes of interpreting the provisions of this Part, the following words shall have the meanings herein ascribed to them, viz.:

*Actuarial equivalent* - a benefit of equivalent current value to the benefit otherwise payable to the member as a single life annuity commencing at normal retirement age. The actuarial equivalent benefit shall be calculated using the following actuarial assumptions:

Mortality: UP4984 Unisex Mortality (Pre-Retirement and Post-Retirement)

Interest: 7.5 percent (Pre-Retirement and Post-Retirement)

[Ord. 850]

*Borough* - the Forest Hills Borough.

*Continuous service* - uninterrupted employment with the Forest Hills Borough by a member until he is entitled to receive pension payments immediately upon termination in accordance with this Part. Absences from employment authorized by Borough policy or collective bargaining agreements will not interrupt employment.

*Council* - the Borough Council of the Forest Hills Borough.

*Early retirement pension* - a pension payable to a member who retires at an age not less than 62 and less than 65 years.

*Full pension* - a pension equal to 50 percent of the member’s mean average monthly compensation from the Borough during the last 36 months of his/her employment. [Ord. 860]

*Fund* - the Forest Hills Borough Employees Pension Fund.

*Member* - an employee of the Borough who is employed for a regular, normal work week of 40 hours, except as follows:

(1) An employee entitled to coverage under the Police Pension Fund.

(2) Employees not subject to a collective bargaining agreement who have elected to participate in another pension or deferred compensation/pension plan which complies with the provisions of §457 of the Internal Revenue Code of 1954, as amended.

*Minimum pension* - a monthly pension equal to the retired member’s accumulated mandatory employee contributions with interest paid in 36 level monthly installments. If member so desires, he may elect to receive the minimum pension in a form of payment that is the actuarial equivalent to his minimum pension. [Ord. 850]

*Primary social insurance award* - the old age retirement benefit to which a member is entitled, not including any derivative rights to which his spouse may be or become entitled by reason of a member's employment, under the Federal Social Security laws in effect on the date that the member's right to a pension becomes vested.

*Social Security primary insurance award* - the estimated monthly amount payable to the member at his Social Security retirement date under Title II of the Social Security Act, determined as of the January 1 in which occurs the member's normal retirement date or earlier termination of employment. If a member's employment terminates prior to his normal retirement date, his Social Security primary insurance award is determined by assuming no further compensation until his Normal retirement date. Furthermore, a member's Social Security primary insurance award shall be determined by taking his annual compensation at the time of his employment with the Borough and applying a salary scale of 6 percent per annum backwards to no earlier than the calendar year in which the member attains age 62. In determining a member's monthly retirement benefit or deferred vested benefits under the plan, the offset required on account of his Social Security primary insurance award shall be made even though at the time such determination is made, the member is not receiving or is eligible to receive the Social Security primary insurance award on which such offset is based. In no event will a member's plan benefits be reduced on account of any increase in the benefit levels payable under Title II of the Social Security Act if such increase occurs after the earlier of the date of first receipt of such benefits or the date of the member's termination of employment with the Borough. If payment of a member's monthly retirement benefit or deferred vested benefit is to commence prior to the member's Social Security retirement age, the Social Security primary insurance award shall be reduced by  $\frac{1}{15}^{\text{th}}$  for each of the first 5 years and  $\frac{1}{30}^{\text{th}}$  for each of the next 5 years by which commencement of his benefits precedes his Social Security retirement age. A member may provide the Borough's Chief Administrative Officer with appropriate documentation of his actual salary history prior to the time of his employment within 180 days after the later of:

- (1) The member's separation from service by retirement or otherwise, or
- (2) The time when the member is notified of the retirement benefit to which he is entitled from the plan.

[Ord. 850]

*Social Security retirement age* - age 65 for those members born before January 1, 1938; age 66 for those born between January 1, 1938, and December 31, 1954; and age 67 for those born after December 31, 1954. [Ord. 850]

*Superannuation retirement* - retirement from active service as an employee by reason of age and total service.

*Total service* - the aggregate of all periods of time creditable for retirement served by a member as an employee of the Borough.

(Ord. 805, 12/28/1988, §2; as amended by Ord. 819, 2/21/1990, §1; by Ord. 850, 12/21/1994, §§1, 2; and by Ord. 860, 11/15/1995, §2)

### §1-413. Fund Established.

The Borough hereby establishes a fund to be maintained as hereinafter provided by a charge against each member, by annual appropriation made by the Borough if required, and by gifts, grants, devises or bequests granted to such fund.

(*Ord. 805, 12/28/1988, §3*)

**§1-414. Direction and Purpose.**

The fund shall be under the direction of Council and shall be applied under such regulations as Council may, by ordinance or resolution, prescribe for the benefit of such members as shall be retired from the service of the Borough and shall have the requisite years of service and have attained the age for retirement as hereinafter set forth.

(*Ord. 805, 12/28/1988, §4*)

**§1-415. Gifts Authorized.**

The fund hereby is authorized to take by gifts, grants, devises or bequests, any money or property, real or personal, in trust for the benefit of the fund. The care, management, investment and disposal of such trust funds or property shall be vested in the person having the management of the fund under the direction of Council and such trust fund or property shall be governed thereby subject to such directions not inconsistent herewith as the donors of such funds and property may prescribe in the instrument or writing by which such trust is established.

(*Ord. 805, 12/28/1988, §5*)

**§1-416. Sources of Funds.**

The plan hereby established shall be financed and maintained from the following sources of funds:

- A. A charge of 2 percent against the gross compensation of each covered employee.
- B. By appropriations made by the Borough annually as required.
- C. By gifts, grants, devises and bequests granted to the trust created pursuant to this Part as provided for in §1-415 hereof.

(*Ord. 805, 12/28/1988, §6*)

**§1-417. Retirement Rights.**

1. Each member who is in the service of the Borough when he has attained 10 years service shall have a vested right to a pension upon reaching retirement age, whether or not he is in the service of the Borough at the later date.

2. Full pension shall be payable to each member who has achieved the following:
  - A. Vested rights as defined in §1-417 above.
  - B. An aggregate of 20 or more years of service for the Borough.

C. A member who reaches age normal retirement age with continuous service of less than 20 years shall receive a pension equal to 50 percent of the member's average monthly compensation, reduced from the full pension by that ratio by which the total service is short of 20 years, less 33 1/3 percent of the Social Security

primary insurance award. [*Ord. 902*]

D. Reached age 65.

3. Pensions less than full pension shall be payable to members with vested rights as follows:

A. If such member remains continuously in the service of the Borough until he reaches age 62, his pension shall be reduced by .35 percent per month for each month which must elapse between the effective date of the member's early retirement and his reaching age 65, but shall be not less than a minimum pension. [*Ord. 902*]

B. If such member leaves the service of the Borough before reaching age 62, his pension shall be a minimum pension calculated as of the date he leaves the service of the Borough and payable beginning on the date he reaches age 65.

C. A member who reaches age 65 with continuous service of less than 20 years shall receive a pension reduced from full pension by that ratio by which the total service is short of 20 years, but which shall be not less than a minimum pension.

D. A member who leaves the service of the Borough at age 62 after continuous service of less than 20 years shall receive a pension which shall be the greater of a minimum pension or a pension reduced from full pension according to the following formulation:

(1) The ratio of number of years of actual continuous years of service to 20 years; multiplied by full pension.

(2) The product of the computation of subsection .2.D(1) shall be reduced by 0.7 percent per month for each month which must elapse between the effective date of the member's early retirement and his reaching age 65.

E. In applying the provisions of §1-411.2.A through §1-417.2.D for reducing pensions for members electing early retirement and for those who reach age 65 with less than 20 years service, the following rule shall be observed: If the interval includes a fraction of a month larger than 15 days or less, the interval shall be computed as the actual number of whole months, disregarding the fraction.

F. If any retired member dies before receiving pension benefits equal to his contributions to the fund with a proportionate share of earnings of the fund attributable thereto accrued to the date of his death, the difference between his contributions and the proportionate share of earnings attributable thereto and the aggregate of pension benefits paid to him during his lifetime shall be paid to his designated beneficiary or in the absence of such designation to his estate.

(*Ord. 805, 12/28/1988, §7; as amended by Ord. 850, 12/21/1994, §5; and by Ord. 902, 5/19/2000, §1*)

#### **§1-418. Actuarial Calculations.**

1. An actuary shall be employed by the Borough. Said actuary shall determine the present value of the liability on account of pensions payable under §1-417 of this Part to original members for service prior to the date of the establishment of the fund, and shall offset the value of any assets transferred to the fund from the previous pension fund established by the Borough to determine the unfunded liability. The unfunded

liability shall be paid entirely by the Borough and hereby is funded over a period not to exceed 25 years. The actuary shall also determine the amount which shall be contributed annually into the fund for the service of members subsequent to the establishment of the fund (to be known as "future service cost"). Future actuarial calculations shall be made in accordance with the applicable State laws; the financial condition of the fund in respect of past service liability unfunded, if any, and future service cost. Financial reports shall be furnished semi-annually.

2. The actuary for the Forest Hills Borough Police Pension Fund shall also be the actuary for this Fund. It is the intent of this subsection that the administration of this fund and of said Forest Hills Borough Police Pension Fund shall be coordinated and unified as closely as possible consistent with the requirements of law, and the fact that the plans are not identical in their provisions.

(*Ord. 805, 12/28/1988, §8*)

#### **§1-419. Refund of Contributions to Members Leaving the Service.**

1. Any member who for any reason whatsoever shall be ineligible to receive a pension after having contributed any charges to the fund, or to the previous Forest Hills Borough Employees Pension Fund existing on the effective date of this Part, and supplanted by the Fund, shall be entitled to a refund of all such monies paid by him into such fund with interest upon discontinuance of his employment with the Borough as soon as feasible after separation. If such discontinuance is due to his death, there shall be paid to his designated beneficiary or in the absence thereof to his estate, the full amount of such monies paid by him into this fund with interest.

2. If a member who has vested pension rights leaves the service of the Borough before such pension becomes payable, he shall have an election to receive payment to him of his accumulated mandatory employee contributions with interest as of the date the member leaves the Borough's service. Upon reaching the age on which he would otherwise be entitled to a pension under the plan, that member will receive his vested accrued pension reduced by the accrued benefit attributable to the refund paid to the member. [*Ord 850*]

3. The interest rate payable on refunds of contributions to members leaving the service or otherwise withdrawing from the plan shall be 7.5 percent. From time-to-time this rate may be changed under the direction of Borough Council. [*Ord. 850*]

(*Ord. 805, 12/28/1988, §9; as amended by Ord. 850, 12/21/1994, §§3, 4*)

#### **§1-420. Pension Not Assignable.**

The pension payments herein provided for shall not be subject to attachment, execution, levy, garnishment, or other legal process, and shall be payable only to the member or his designated beneficiary and shall not be subject to assignment or transfer.

(*Ord. 805, 12/28/1988, §10*)

#### **§1-421. Cost of Administration.**

The expenses of the administration of this Part, including the compensation of the actuary and the custodian of the Fund, if any, other than the President of Council and the Secretary, who may hereafter be appointed by ordinance or resolution of the Council

shall be paid by the Fund.

(*Ord. 805, 12/28/1988, §11*)

**§1-422. Necessary Documents Authorized.**

The proper officers of the Borough are authorized and empowered to execute and deliver on behalf of the Borough such agreements, annuity contracts, trust and other documents or any of them as Council, with the approval of the Solicitor, shall determine to be necessary and proper to effectuate and implement the Fund hereby established. The Trust Agreement between Mellon Bank, N.A. and the Borough executed pursuant to Ordinance No. 608, ordained and approved February 14, 1973, hereby is deemed to remain valid and effective without re-execution after enactment of this Part. Said Agreement may be modified by Council pursuant to the authority and consistent with the terms contained herein.

(*Ord. 805, 12/28/1988, §12*)

**§1-423. Incorporation of Changes Required by Statute.**

If benefits hereafter are required to be provided for Borough employees by Act of the General Assembly greater in degree or different in kind from the benefits herein provided for, this Part shall be construed to provide for and authorize the minimum of such benefits so required to the same extent as if set forth herein at length.

(*Ord. 805, 12/28/1988, §13*)

**§1-424. Severability.**

The provisions of this Part are severable. If any word, sentence, clause, Section or other provision thereof is found by a court of competent jurisdiction to be unlawful and void, the remaining provisions shall nevertheless remain valid. It is declared to be the intention of the Forest Hills Borough that the Part would have been enacted if such unlawful and void provision had not been included therein.

(*Ord. 805, 12/28/1988, §14*)

**§1-425. Rules of Construction.**

For the purpose of construing this Part, the use of the singular shall include the plural, and the plural the singular. Words used in the masculine gender shall include the feminine and the neuter. Words used in the present and past tenses shall include the future.

(*Ord. 805, 12/28/1988, §15*)

**§1-426. Transfer of Assets.**

The assets of the Forest Hills Borough Employees Pension Fund established by *Ord. 608*, ordained and approved February 14, 1973, hereby are transferred to the Fund created herein; the proper officers of the Borough hereby are authorized and directed to make, execute, acknowledge and deliver such documents as may be necessary to effectuate this intention. *Ord. 608* hereby is repealed.

(*Ord. 805, 12/28/1988, §16*)

**§1-427. Alternative Options Available to Members.**

The election referred to in §1-412 (definition of “member”) shall be made upon or within three months of the employee’s starting date. Any employee not subject to a collective bargaining agreement who is currently participating in the “Employees Pension Ordinance of Forest Hills,” may at his or her option make the election referred to in §1-412 within 6 months of the date of enactment hereof.

*(Ord. 805, 12/28/1988, §11)*



**Part 5****Fiscal Affairs****A. Independent Auditor****§1-501. Office of Independent Auditor.**

The office of the Borough Independent Auditor is hereby created.

*(Ord. 976, 1/16/2008)*

**§1-502. Appointment of Independent Auditor; Qualifications.**

1. The Council of the Borough shall, by resolution adopted annually before the close of a fiscal year, appoint an independent auditor to make an independent examination of the accounting records of the Borough, for such fiscal year, and perform such other duties as set forth in §1-503, and who shall have one of the qualifications referenced in subsection .2 below.

2. The independent auditor so appointed shall be:

A. A certified public accountant registered in the Commonwealth of Pennsylvania; or

B. A firm of certified public accountants registered in the Commonwealth of Pennsylvania; or

C. A competent public accountant; or

D. A competent firm of public accountants.

*(Ord. 976, 1/16/2008)*

**§1-503. Powers and Duties of Independent Auditor.**

The independent auditor appointed pursuant to §1-502 shall have those powers and duties as set forth in §§1196 through 1199 of the Borough Code, 53 P.S. §§46196 through 46199, as amended, and such other powers and duties as required or conferred upon the independent auditor by law.

*(Ord. 976, 1/16/2008)*

**§1-504. Compensation of Independent Auditor.**

The compensation to be paid to the independent auditor appointed pursuant to §1-502 shall be fixed and established by the Council of the Borough.

*(Ord. 976, 1/16/2008)*



**B. Sinking Fund****§1-511. Sinking Fund Created.**

A sinking fund for the aggregate series of general obligation bonds and notes presently outstanding and hereafter issued, is hereby created subject to the terms of existing contracts with the holders of such bonds and notes.

(*Ord. 603, 11/11/1972, §1*)

**§1-512. Maintenance of Sinking Fund.**

Said sinking fund shall be maintained in such office of such bank and/or trust companies as Council shall by resolution from time to time appoint as sinking fund depository, insured by the appropriate Federal agency, and shall be maintained, operated and managed pursuant to the provisions and subject to the limitations of the Local Government Unit Debt Act, as amended and supplemented from time to time.

(*Ord. 603, 11/11/1972, §2; as amended by Ord. 830, 3/18/1992*)



**C. Firefighter's Relief Association****§1-521. Recognition of Firefighter's Relief Association.**

1. The Forest Hills Volunteer Fire Company No. 1 Relief Association is recognized as actively engaging in providing fire protection and/or emergency services in Forest Hills Borough. This Association has been formed and organized pursuant to the Volunteer Firemen's Relief Association Act, 53 P.S. §8501 *et seq.*, as amended, for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty. The Forest Hills Volunteer Fire Company No. 1 Relief Association is designated a proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the Commonwealth of Pennsylvania from the tax on premiums from foreign fire insurance companies and such other related Commonwealth taxes or fees.

2. This recognition of the Forest Hills Volunteer Fire Company No. 1 Relief Association shall continue as long as the Association is operated consistent with the requirements of the Volunteer Firemen's Relief Association Act, 53 P.S. §8501 *et seq.*, as amended.

(*Ord. 976, 1/16/2008*)

**§1-522. Certification to Auditor General.**

The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Forest Hills Borough. Such certification shall be on forms prescribed by the Auditor General.

(*Ord. 976, 1/16/2008*)



**D. Miscellaneous Account and Expenditure Collection Regulations****§1-531. Fees for Borough Services.**

The Borough Council may, by resolution adopted from time to time, establish a schedule of fees as shall be necessary to cover the costs associated with Borough services and the collection of Borough accounts and expenditures.

*(Ord. 924, 12/18/2002, §1)*



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**Part 6****Agencies, Boards, Commissions, Committees and Councils****A. Planning Commission****§1-601. Composition; Terms; Vacancy; Qualification; Compensation.**

There is hereby created a Borough Planning Commission consisting of seven persons to be appointed by Council. Each member of the Commission shall be appointed for a term of 4 years. An appointment to fill a vacancy shall be only for the unexpired portion of the term. All members of the Commission shall reside within the Borough, and no more than two members may be officers or employees of the Borough. All members shall serve without compensation.

*(Ord. 976, 1/16/2008)*

**§1-602. Conduct of Business; Annual Report.**

The Commission shall elect a chair and vice-chair and such other officers as it determines necessary. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter rules and regulations for its own organization and procedure, consistent with the ordinances of the Borough and the laws of the Commonwealth. The Commission shall make a report by March 1 of each year to the Council of its activities and transactions.

*(Ord. 976, 1/16/2008)*

**§1-603. Powers to Employ and Contract.**

The Commission may employ persons, whose salaries and wages and other necessary expenses of the Commission, are approved by Council. They may contract for professional services, the costs and expenses of which, when approved by Council, shall be provided for through proper appropriation by Council.

*(Ord. 976, 1/16/2008)*

**§1-604. Jurisdiction and Powers.**

The Borough Planning Commission shall have the powers and duties as provided by the current Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as if fully set forth herein, this Code, or other ordinances adopted by the Borough.

*(Ord. 976, 1/16/2008)*

**§1-605. Assignment of Additional Duties and Responsibilities.**

The Borough Planning Commission shall have such other duties and responsibilities as may be assigned to it from time to time by appropriate action of the General Assembly of the Commonwealth of Pennsylvania and/or Council of Forest Hills Borough.

*(Ord. 976, 1/16/2008)*



**B. Recreation Board****§1-611. Recreation Board.**

1. A Recreation Board is hereby established in and for the Forest Hills Borough, which shall possess all the powers and be subject to all the responsibilities provided for by law.

2. The Recreation Board shall be composed of 9 persons all of whom shall be residents of the Borough. A member of Council appointed by the President of Council shall serve as a liaison between the Board and Council.

3. The members of the Recreation Board shall be appointed by the Borough Council and shall serve no longer than five years and the terms of the members shall be staggered in such a manner that at least one expires annually.

(*Ord. 472, 3/9/1966, §1; as amended by Ord. 644, 11/19/1975, §1; by Ord. 864, 4/17/1996, §1; and by Ord. 976, 1/16/2008*)



**C. Environmental Advisory Council****§1-621. Environmental Advisory Council.**

1. An Environmental Advisory Council, to be known as the “Forest Hills Environmental Advisory Council,” is hereby established. The Environmental Advisory Council shall possess all the powers and be subject to all the responsibilities and duties provided by law.

2. The Environmental Advisory Council shall be composed of not less than three nor more than seven persons, all of whom shall be residents of the Borough. Appointments of the members of the Environmental Advisory Council shall be made by motion of the Borough Council for such terms as are fixed according to law. Members shall receive no compensation for their services.

3. The Environmental Advisory Council shall keep records of its meetings and activities and shall make a written report annually to the Borough Council at its regularly scheduled public meeting during September.

*(Ord. 645, 11/19/1975, §§1-5; as amended by Ord. 976, 1/16/2008)*



**D. Shade Tree and Shrub Committee****§1-631. Shade Tree and Shrub Committee.**

1. A committee, to be known as the “Forest Hills Borough Shade Tree and Shrub Committee,” is hereby authorized and established. The Committee shall be composed of five Borough residents. All members shall be appointed by Council and shall serve for terms of 5 years each with staggered terms such that one term expires every year. Vacancies during a term shall be filled for the unexpired term. [*Ord. 976*]

2. The Shade Tree and Shrub Committee is responsible, subject to the approval of Council, for the supervision and administration of the shade tree and decorative shrubbery program of the Borough on public streets and Borough property, including all parks, playgrounds, waiting stops, the municipal building and other Borough owned property.

3. The Shade Tree and Shrub Committee shall elect its officers annually from among its members. No person shall serve more than two successive annual terms in any office.

4. The Shade Tree and Shrub Committee may make reasonable rules and regulations for the administration of its business, which rules and regulations shall become effective upon approval thereof by resolution of Council.

5. The Shade Tree and Shrub Committee shall make a report annually to Council during November summarizing its activities for the preceding year, accounting for the expenditure of Borough funds, if any, made by it during the year and setting forth a recommended program and a proposed budget of expenditures for the current year.

(*Res. 509, 5/10/1972, §§2-5; as amended by Res. 559, 2/19/1975, §1; by Ord. 830, 3/18/1992; and by Ord. 976, 1/16/2008*)



**E. Forest Hills Cable-Television Advisory Committee****§1-641. Forest Hills Cable-Television Advisory Committee.**

1. A Committee to be known as the “Forest Hills Cable-Television Advisory Committee,” hereby is authorized and established.

2. The Committee shall be composed of seven persons, all of whom shall be residents of the Borough. The initial appointments of the members of the Committee shall be made by motion of Council for the following terms: three appointees shall serve for a term of two years; and two appointees shall serve for a term of one year. Thereafter, appointments shall be made by motion of Council for terms of three years. Vacancies during a term shall be filled for the unexpired term. Members of the Committee shall receive no compensation for their services.

3. The Forest Hills Cable-Television Advisory Committee shall elect its officers annually from among its members. A chairman and secretary of the Committee shall be elected.

4. The Forest Hills Cable-Television Advisory Committee may make reasonable rules and regulations for the administration of its business, which rules and regulations shall become effective upon approval thereof by resolution of Council.

5. The Forest Hills Cable-Television Advisory Committee shall meet at least monthly and shall keep records of its meetings and activities. The Committee shall make a written financial and activity report annually to Council at its regularly scheduled public meeting during the month of May.

6. The purpose of the Committee shall be to provide philosophical and technical advice and guidance to Borough Council in regard to the provision of cable-television services to the community. The Committee, in the short term, shall focus on the modernization and/or improvement of cable television services.

7. The Chairman of the Operations and Planning Committee of Council shall serve as liaison between the Forest Hills Cable-Television Advisory Committee and Council. If any vote of the Forest Hills Cable-Television Advisory Committee results in a tie, the Chairman of the Operations and Planning Committee shall then vote in such a manner as to resolve the deadlock.

8. The proper officers of the Borough are hereby authorized and directed to cooperate with the Forest Hills Cable-Television Advisory Committee to provide required stationary, materials, expenses and support normally provided to all Borough Committees.

*(Res. 781, 1/18/1989)*



**Part 7****Authorities****A. Wilkinsburg-Penn Joint Water Authority****§1-701. Intention to Join Authority.**

It is the desire and intention of the municipal authorities of the Forest Hills Borough, a municipality of the Commonwealth of Pennsylvania, situated in Allegheny County, to become a member of the Wilkinsburg-Penn Joint Water Authority, which was incorporated on the 4<sup>th</sup> day of October, 1945, by the Commonwealth of Pennsylvania, upon the application of the Borough of Wilkinsburg and the Township of Penn, both municipalities of the Commonwealth of Pennsylvania and both situated in Allegheny County, under the provisions of the Municipality Authorities Act of 1945, approved May 2, 1945, Act No. 164, said joinder being under the provisions of the aforesaid statute and the provisions of a Declaration of Trust dated December 21, 1945, which was executed by the Wilkinsburg-Penn Joint Water Authority, the Borough of Wilkinsburg and the Township of Penn and which is recorded in the office of the Recorder of Deeds of Allegheny County, Pennsylvania, in Deed Book Vol. 2880, page 20.

*(Ord. 268, 4/11/1947, §1)*

**§1-702. Organization and Functions of Wilkinsburg-Penn Joint Water Authority.**

The Wilkinsburg-Penn Joint Water Authority has been organized as stated in §1-701 and has acquired the water properties of the Pennsylvania Water Company with the permission of the Pennsylvania Public Utilities Commission in proceedings before the Commission at Application Docket No. 65, 840 of 1945, and is now engaged in supplying water to a number of communities in the County of Allegheny, Pennsylvania, including the Forest Hills Borough.

*(Ord. 268, 4/11/1947, §2)*

**§1-703. Conditions for Membership of Borough in Authority.**

The Wilkinsburg-Penn Joint Water Authority and the Borough of Wilkinsburg and the Township of Penn, which created the said Water Authority, executed a Declaration of Trust dated December 21, 1945, and recorded in the office of the Recorder of Deeds of Allegheny County, Pennsylvania, in Deed Book Vol. 2880, page 20, which authorizes the admission to membership in the said Authority of the Forest Hills Borough; provided, that said Borough by proper municipal action express its desire to become a member of the Authority, take all steps necessary to provide for its admittance thereto, and by proper municipal action join in the aforesaid Declaration of Trust and agree to be bound by all the obligations therein imposed upon the Borough of Wilkinsburg and the Township of Penn. Upon such admission, the Forest Hills Borough shall be entitled to management. Since the incorporation of the said Wilkinsburg-Penn Joint Water Authority, the Borough of East Pittsburgh has joined and become a member of said Authority.

(*Ord. 268, 4/11/1947, §3*)

**§1-704. Actions to Effectuate Membership Authorized.**

The proper municipal officers of the Forest Hills Borough are hereby authorized to take whatever action is required by the provisions of the Municipality Authorities Act of 1945 and the aforesaid Declaration of Trust to obtain the admission of the Forest Hills Borough to membership in the Wilkinsburg-Penn Joint Water Authority and to designate from time to time a resident of the Forest Hills Borough as a member of the Board of said Authority representing the Forest Hills Borough.

(*Ord. 268, 4/11/1947, §4; as amended by Ord. 830, 3/18/1992*)

**§1-705. Term of Existence.**

The term of existence of the Wilkinsburg-Penn Joint Water Authority is increased to 50 years from the date of approval of this Section.

(*Ord. 268, 4/11/1947; as added by Ord. 698, 9/17/1980, §1*)

**B. Parking Authority****§1-721. Purpose of Parking Authority.**

The Borough is predominantly a residential community and it is the desire of most residents that it should remain so. The business district contains a relatively small area, concentrated on both sides of Ardmore Boulevard. In this area, many of the existing buildings are old or aging and do not have adequate off-street parking facilities to accommodate the present requirements of the business occupants thereof, or the requirements for any additional growth or expansion, notwithstanding the fact that the land is not utilized at its optimum intensity for business use. Appropriate optimum utilization of the land would increase the tax revenues produced by the business district and would aid in maintaining the necessary municipal services to continue the Borough as predominantly a community of homes. In order to make optimum utilization of the available land in the business district, the first requirement is to provide for adequate off-street parking facilities. To this end, Council deems that the creation of a Parking Authority for the Borough is in the public interest to exercise all the powers and responsibilities provided for by law.

(*Ord. 635, 2/19/1975, §1*)

**§1-722. Articles of Incorporation.**

The articles of incorporation of the Parking Authority to be filed with the Secretary of the Commonwealth shall be substantially in the following form:

- A. The name of the Authority is the Forest Hills Parking Authority.
- B. The Authority is formed under the provisions of the Act of June 5, 1947, P.L. 458, as amended (the Parking Authority Law).
- C. The name of the Borough forming the Authority is the Forest Hills Borough, and the names and addresses of the members of its Council are as follows:  
[Here followed the names and addresses of Council members]
- D. The names, addresses and terms of office of the first members of the Board of such Authority are:  
[Here followed names, terms and addresses of first members]

(*Ord. 635, 2/19/1975, §2*)

**§1-723. Authorization to Execute Articles.**

The articles of incorporation of the Parking Authority shall be executed on behalf of the Borough and the corporate seal of the Borough shall be affixed thereto by the President of Council and the Mayor, which acts shall be attested by the Borough Secretary, who shall thereupon give notice by publication, in accordance with the provisions of the Act, of the intention to file the articles of incorporation. The proper officers are hereby authorized to take such other actions as may be proper and necessary to effectuate the intent of §§1-721 through 1-723 of this Part, including specifically, but without limitation, the filing of the articles of incorporation of the Authority.

(*Ord. 635, 2/19/1975, §3*)



**Part 8****Financial Security****§1-801. Applicability.**

All financial security required by this Code including, but not limited to, surety bonds, corporate bonds and letters of credit shall comply with the regulations of this Part.

(Ord. 976, 1/16/2008)

**§1-802. Surety Bonds.**

The following requirements shall apply to any surety bond provided to the Borough under the requirements of this Code:

A. The bond shall be obtained from a surety incorporated in the United States and authorized to do business in the Commonwealth of Pennsylvania.

B. The surety shall have a current A.M. Best's rating of no less than "A" and an underwriting capacity as stated in Best's equal to or greater than the amount of the bond written by that surety or, in the alternative, be listed on the current United States Department of the Treasury's annual list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in the Federal Register and have an underwriting capacity in said list equal to or greater than the amount of the bond written by that surety.

(Ord. 976, 1/16/2008)

**§1-803. Letters of Credit.**

The following requirements shall apply to any letter of credit provided to the Borough under the requirements of this Code:

A. The letter of credit shall be issued by a Federal or Commonwealth chartered lending institution having an office located within 30 miles of the boundaries of Forest Hills Borough at which a draft on site can be presented during regular business hours.

B. The letter of credit shall have an expiration date of no earlier than 90 days after the required completion date of any improvements or other secured work, function, permit or matter. The Borough, at its discretion, may accept a letter of credit having an earlier expiration date, provided the letter of credit states that it will automatically be renewed for a period of at least 1 year from any present or future expiration date unless the Borough receives notice in writing from the issuer at least 60 days prior to the expiration date that the issuer elects to not further extend the letter of credit, and that if such notices are given the Borough may draw on the letter of credit up to the amount of its unused balance on or before the relevant expiration date.

C. Multiple draws on the letter of credit shall be permitted.

D. Draws shall be permitted at sight at the issuer's office in a location as set

forth in paragraph .A, or by overnight mail.

*(Ord. 976, 1/16/2008)*

**§1-804. Review and Approval by Borough Solicitor.**

All financial security provided to the Borough by an applicant or other person pursuant to the requirements of this Code shall be subject to review and approval by the Borough Solicitor with respect to the form, source and sufficiency of the same.

*(Ord. 976, 1/16/2008)*