

CODIFIED ORDINANCES OF JEANNETTE

PART ONE - ADMINISTRATIVE CODE

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CODIFIED ORDINANCES OF JEANNETTE

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions  
Art. 101. Codified Ordinances.

ARTICLE 101  
Codified Ordinances

- 101.01 Codification adopted; procedure.
- 101.02 Component codes; short title; citation.
- 101.03 Amendments and supplements; numbering.
- 101.04 Interpretation.
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- 101.06 Exceptions.
- 101.99 General penalty; default; costs.

EDITOR'S NOTE: The provisions of this Article 101 will be incorporated in the ordinance which adopts the Codified Ordinances of Jeannette, Pennsylvania, 1977.

CROSS REFERENCES

Codification of ordinances - see 3rd Class §1014.1 (53 P.S. §36014.1)

101.01 CODIFICATION ADOPTED; PROCEDURE.

(a) The ordinances of a general and permanent nature of the City of Jeannette, Pennsylvania, consolidated and codified with minor nonsubstantive changes into looseleaf book form are attached hereto and made a part hereof (Exhibit A), are ordained as the general body of ordinances of the City revised to 1977, and are hereby approved, adopted and enacted as the "Codified Ordinances of Jeannette, Pennsylvania, 1977."

(b) This ordinance shall be introduced in Council, notice of introduction shall be published, and legal advertisement of the contents of the Codified Ordinances shall be made in conformity with subsections 1014.1(b) and (c) of the Act of June 23, 1931 (P.L. 932) as amended by the Act of July 10, 1957 (P.L. 631), 53 P.S. §36014.1.  
(Adopting Ordinance)

#### 101.02 COMPONENT CODES; SHORT TITLE; CITATION.

The Codified Ordinances of Jeannette, Pennsylvania, 1977, hereby adopted, shall be comprised of the following component parts:

- Part Ohio - Administrative Code
- Part Three - Business Regulation and Taxation Code
- Part Five - Traffic Code
- Part Seven - General Offenses Code
- Part Nine - Streets, Utilities and Public Services Code
- Part Eleven - Health and Sanitation Code
- Part Thirteen - Planning and Zoning Code
- Part Fifteen - Fire Prevention Code
- Part Seventeen - Building and Housing Code.

The Codified Ordinances of Jeannette, Pennsylvania, may be referred to as the "Codified Ordinances," any component code of the Codified Ordinances may be referred to by its name, such as the "Traffic Code," and sections of the Codified Ordinances may be cited by their number, such as Section 101.01. (Adopting Ordinance)

#### 101.03 AMENDMENTS AND SUPPLEMENTS; NUMBERING.

(a) The Codified Ordinances of Jeannette, Pennsylvania, 1977, may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of Jeannette, Pennsylvania, 1977, and any or all amendments and supplements thereto.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each code shall be subdivided into titles, each title shall be subdivided into articles, and each article shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections except the penalty sections, shall be consecutive within each article commencing with the first section of Article 101, which shall be numbered 101.01, the first "1" signifying Code 1, the two figures "01" before the decimal signifying the article within the Code, and the two figures "01" after the decimal signifying the first section in Article 101 of the Code. Penalty sections shall be designated ".99" and shall be the last section of the article. (Adopting Ordinance)

#### 101.04 INTERPRETATION.

In the construction of the Codified Ordinances the following rules shall control, excepting those inconsistent with the manifest intent of Council as disclosed in a particular provision, section or article:

- (a) "Adopting Ordinance" means the ordinance of the City adopting the Codified Ordinances of Jeannette, Pennsylvania, 1977, in conformity with the Third Class City Code of Pennsylvania, and this Article 101.

- (b) "Authority" as given to an officer or requiring an act to be performed, shall be construed to permit exercise by such officer and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- (c) Calendar; Computation of Time. "Month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, except if the last is Sunday, it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.
- (d) "City" and "Municipality" mean the City of Jeannette, Pennsylvania.
- (e) Conjunctions. "And" includes "or" and "or" includes "and" if the sense so requires.
- (f) "Council" means the Council of the City of Jeannette, Pennsylvania.
- (g) "County" means the County of Westmoreland, Pennsylvania.
- (h) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- (i) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- (j) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (k) "Keeper" or "proprietor" includes persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (l) "Land" or "real estate" includes rights and easements of incorporeal nature.
- (m) Number. Words in the plural include the singular and in the singular include the plural number.
- (n) "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples to taking an oath. An affirmation has the same force and effect as an oath.
- (o) "Owner" when applied to property, includes a part owner, joint owner or tenant in common, of the whole or any part of such property.
- (p) "Person" includes associations, clubs, corporations, firms, partnerships and bodies politic, as well as individuals.
- (q) "Premises", when used as applicable to property, includes land and buildings.
- (r) "Property" includes real and personal, and any mixed or lesser estates or interests therein. "Personal property" includes every kind of property except real property. "Real property" includes lands, tenements and hereditaments.
- (s) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a "reasonable time," it means such time only as may be reasonably necessary for the prompt performance of such act or giving of such notice.



- (t) "Sidewalk" means any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- (u) "State" or "Commonwealth" means the Commonwealth of Pennsylvania.
- (v) "Street" includes alleys, avenues, boulevards, lanes, roads, streets and other public ways in the City.
- (w) "Tenant" or "occupant", as applied to building or land, includes any person holding a written or oral lease of or who occupies the whole or any part of a building or land, alone or with others.
- (x) Tenses. The use of any verb in the present tense includes the future.
- (y) "The Third Class City Code" means the Pennsylvania Act of June 28, 1951, P.L. 662, as amended.
- (z) "Written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise. (Adopting Ordinance)

#### 101.05 SEPARABILITY OF PROVISIONS.

Each section and each part of each section and each provision of the Codified Ordinances is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, Council hereby declares it to be the controlling legislative intent that if any such section, part or provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections, parts or provisions and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the Codified Ordinances would have been adopted independently of such sections, parts or provisions so held to be invalid.  
(Adopting Ordinance)

#### 101.06 EXCEPTIONS.

Unless otherwise specifically provided herein, the adoption of the Codified Ordinances shall not affect:

- (a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the adoption of these Codified Ordinances.
- (b) Any ordinance or resolution promising or guaranteeing the payment of money by or to the City, or authorizing the issuance of any bonds of the City, or any evidence of the City's indebtedness, or any contract or obligation assumed by the City.
- (c) The administrative ordinances or resolutions of Council not in conflict or inconsistent with the provisions of the Codified Ordinances.
- (d) Any right, license or franchise conferred by any ordinance or resolution of Council on any person or corporation.
- (e) Any ordinance establishing, naming, relocating or vacating any street or public way.
- (f) Any ordinance or part thereof providing for the establishment of positions, for salaries or compensation.
- (g) Any prosecution, suit or other proceeding pending, or any judgment rendered on or prior to the adoption of these Codified Ordinances.
- (h) Any ordinance levying or imposing taxes or assessments.

- (i) Any ordinance establishing or changing the boundaries of the City.
- (j) Any ordinance or resolution adopted by Council after December 14, 1977.  
(Adopting Ordinance)

101.99 GENERAL PENALTY; DEFAULT; COSTS.

(a) Whenever in the Codified Ordinances or in any ordinance of the City of Jeannette any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Codified Ordinances or in any ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such provision or any ordinance shall be fined not more than three hundred dollars (\$300.00). Each day's continued violation shall constitute a separate offense.

(b) Whenever there is a default in the payment of a fine imposed under any penalty provision contained in the Codified Ordinances by a nonindigent defendant, such person may be imprisoned for a number of days equal to one day for each ten dollars (\$10.00) of the unpaid balance of the fine and costs.

(c) Any person convicted of an offense under the Codified Ordinances shall, in addition to the fine imposed, be sentenced to pay such costs as provided by law.  
(Adopting Ordinance)

TITLE THREE - Legislative

Art. 111. Council.

Art. 113. Ordinances and Resolutions.

ARTICLE 111

Council

111.01 Salary of members generally.

111.02 Salary of Director of Streets and Public Improvements.

CROSS REFERENCES

Election and term - see 3rd Class §701 (53 P.S. §35701)

City council - see 3rd Class §1001 et seq. (53 P.S. §36001 et seq.)

Vacancies - see 3rd Class §801 (53 P.S. §35801)

Powers as to officers and employees - see 3rd Class §901 et seq. (53 P.S. §35901 et seq.)

Council to serve as board of health - see 3rd Class §2301 (53 P.S. §37301)

Corporate powers - see 3rd Class §2401 et seq. (53 P.S. §37401 et seq.)

Open meeting law - see 65 P.S. §261 et seq.

111.01 SALARY OF MEMBERS GENERALLY.

The annual salary of each City Councilman shall be one thousand one hundred twenty-five dollars (\$1,125) per year, paid in monthly installments of ninety-three dollars and seventy-five cents (\$93.75). (Ord. 47. Passed 7-24-39.)

111.02 SALARY OF DIRECTOR OF STREETS AND PUBLIC IMPROVEMENTS.

The annual salary of the Director of Streets and Public Improvements shall be eighteen hundred dollars (\$1,800), payable at the rate of one hundred fifty dollars (\$150.00) per month. (Ord. 268. Passed 10-30-51.)

ARTICLE 113  
Ordinances and Resolutions

113.01 Continuation of Borough ordinances.

CROSS REFERENCES

Ordinances and resolutions generally - see 3rd Class §1006 et seq.

(53 P.S. §36006 et seq.)

Initiative and referendum - see 3rd Class §1030 et seq. (53 P.S.

§36030 et seq.)

Zoning ordinances - see 53 P.S. §10603 et seq.

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113.01 CONTINUATION OF BOROUGH ORDINANCES.

The ordinances of the Borough of Jeannette are hereby continued in full force and effect, except where the same are inconsistent with Acts of Assembly pertaining to cities of the Third Class. (Ord. 1. Passed 1-3-38.)

TITLE FIVE - Offices and Departments

- Art. 121. Executive Departments.
- Art. 123. Mayor.
- Art. 125. Clerk.
- Art. 127. Treasurer.
- Art. 129. Engineer.
- Art. 131. Solicitor.
- Art. 133. Controller.
- Art. 135. Police Department.
- Art. 137. Fire Department.
- Art. 139. General Employment Provisions.

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ARTICLE 121  
Executive Departments

EDITOR'S NOTE: Ordinances 9, 12, 13, 60 and 198 pertaining to the powers, authorities and duties of the Executive Departments provided under Section 1101 of the Third Class City Code and establishing a Purchasing Department are not codified herein since they are presently being revised. This article has been established to provide a place for cross references and the inclusion of the revised ordinances at a later date.

CROSS REFERENCES

Executive departments - see 3rd Class §1101 et seq.  
(53 P.S. §36101 et seq.)

ARTICLE 123  
Mayor

123.01 Salary.

CROSS REFERENCES

Election and term - see 3rd Class §701 (53 P.S. §35701)  
Vacancy - see 3rd Class §801 (53 P.S. §35801)  
President of council - see 3rd Class §1003 (53 P.S. §36003)  
Calling special council meetings - see 3rd Class §1005 (53 P.S. §36005)  
To sign ordinances and resolutions - see 3rd Class §1010 (53 P.S. §36010)  
Issuance of subpoenas - see 3rd Class §1015 (53 P.S. §36015); §1205 (53 P.S. §36205)  
Director of department of public affairs - see 3rd Class §1103 (53 P.S. §36103)  
Mayor - see 3rd Class §1201 et seq. (53 P.S. §36201 et seq.)  
Appointment of fire marshal - see 3rd Class §2104 (53 P.S. §37104)  
Designation of police chief and other officers - see 3rd Class §2002 (53 P.S. §37002)  
Member of firemen's pension fund board - see 3rd Class §4320 (53 P.S. §39320)  
Member of pension board - see 3rd Class §4341 (53 P.S. §39341)  
Approval of civil service commission rules - see 53 P.S. §39862

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123.01 SALARY.

The salary of the Mayor shall be one thousand two hundred dollars (\$1,200) per year, to be paid in monthly installments of one hundred dollars (\$100.00).  
(Ord. 47. Passed 7-24-39.)



ARTICLE 125  
Clerk

EDITOR'S NOTE: There are no sections in Article 125. This article has been established to provide a place for cross references and future legislation.

CROSS REFERENCES

- To administer councilman's oath - see 3rd Class §1004 (53 P.S. §36004)
- To sign ordinances and resolutions - see 3rd Class §1010 (53 P.S. §36010)
- Public inspection of bills - see 3rd Class §1012 (53 P.S. §36012)
- Power to administer oaths - see 3rd Class §1015 (53 P.S. §36015); §1302 (53 P.S. §36302)
- Duties concerning initiative petitions - see 3rd Class §1031 et seq. (53 P.S. §36031 et seq.)
- Duties concerning referendum petitions - see 3rd Class §1052 et seq. (53 P.S. §36052 et seq.)
- City clerk - see 3rd Class §1301 et seq. (53 P.S. §36301 et seq.)
- Notice of proposed amended budget - see 3rd Class §1810 (53 P.S. §36810)
- Treasurer's oath as tax collector filed with - see 3rd Class §2533 (53 P.S. §37533)
- Real property bids filed with - see 3rd Class §2561 (53 P.S. §37561)
- Bills relating to location of public buildings - see 3rd Class §4002 (53 P.S. §39002)
- Bond - see ADM. 139.02

ARTICLE 127  
Treasurer

127.01 Salary.

CROSS REFERENCES

Election and term - see 3rd Class §701 (53 P.S. §35701)  
Vacancy - see 3rd Class §802 (53 P.S. §35802)  
City treasurer - see 3rd Class §1401 et seq. (53 P.S. §36401 et seq.)  
Taxation - see 3rd Class §2501 et seq. (53 P.S. §37501 et seq.)  
Expiration of term as tax collector - see 72 P.S. 5511.28  
Compensation and expenses shared - see 72 P.S. §5511.33  
Bond - see ADM. 139.02

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127.01 SALARY.

The City Treasurer shall receive a salary of two thousand four hundred dollars (\$2,400) per year. (Ord. 76-2. Passed 2-4-76.)

ARTICLE 129  
Engineer

129.01 Real estate registry.

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CROSS REFERENCES

City engineer - see 3rd Class §1501 et seq. (53 P.S. §36501 et seq.)  
Bidding on public works prohibited - see 3rd Class §1912 (53 P.S. §36912)  
Civil service - see 3rd Class §4401 et seq. (53 P.S. §39401 et seq.)  
Bond - see ADM. 139.02

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129.01 REAL ESTATE REGISTRY.

A registry of the ownership of all real estate situated within the City liable to municipal taxation or assessments is hereby established in accordance with the provisions of Section 1515 of the Third Class City Code.

The City Engineer is authorized, empowered and directed to prepare the necessary books and papers to register all such real estate and maintain and keep the same in his office in accordance with the terms, conditions and provisions of Sections 1516 through 1521 of the Third Class City Code. (Boro. Ord. 348. Passed 10-19-37; Ord. 18. Passed 3-15-38.)

ARTICLE 131  
Solicitor

EDITOR'S NOTE: There are no sections in Article 131. This article has been established to provide a place for cross references and future legislation.

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CROSS REFERENCES

City solicitor - see 3rd Class §1601 et seq. (53 §36601 et seq.)  
Certification of unpaid taxes to - see 3rd Class §2538 (53 P.S. §37538)  
Bond - see ADM. 139.02

ARTICLE 133  
Controller

133.01 Salary.

CROSS REFERENCES

Election; term - see 3rd Class §701 (53 P.S. §35701)

Vacancy in office - see 3rd Class §802 (53 P.S. §35802)

To countersign warrants; receive duplicate receipts - see 3rd Class §1403  
(53 P.S. §36403)

City controller - see 3rd Class §1701 et seq. (53 P.S. §36701 et seq.)

Approval of public accounts annual report - see 3rd Class §1812 (53 P.S. §36812)

Member of firemen's pension fund board - see 3rd Class §4320 (53 P.S. §39320)

Member of pension board - see 3rd Class §4341 (53 P.S. §39341)

Bond - see ADM. 139.02

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133.01 SALARY.

The annual salary of the Controller shall be one thousand one hundred twenty-five dollars (\$1,125) to be paid in equal monthly installments and he shall furnish bond as provided in Section 139.02 for the faithful performance of the duties of his office as required by law. (Ord. 4. Passed 1-3-38.)

ARTICLE 135  
Police Department

135.01 Composition.

135.03 Police pension plan.

135.02 Temporary policemen.

CROSS REFERENCES

Compensation provisions - see 53 P.S. §636 et seq.

Auxiliary police - see 53 P.S. §732 et seq.

Emergency assistance from other municipalities - see 53 P.S. §736

Integration of police and fire personnel prohibited - see 3rd Class §918 (53 P.S. §35918)

Police bureau - see 3rd Class §2001 et seq. (53 P.S. §37001 et seq.)

Power to establish - see 3rd Class §2403(21) (53 P.S. §37403(21)).

Police protection - see 3rd Class §2403(22) (53 P.S. §37403(22)).

Pension fund - see 3rd Class §4301 et seq. (53 P.S. §39301 et seq.)

Civil service - see 3rd Class §4401 et seq. (53 P.S. §39401 et seq.)

135.01 COMPOSITION.

The police force of the City shall consist of the following number of members and grades:

One Chief of Police

One Captain

Three Lieutenants

Two Sergeants

Thirteen Patrolmen.

(Ord. 76-3. Passed 3-24-76.)

135.02 TEMPORARY POLICEMEN.

In addition to the full time police force provided for in Section 135.01, there shall be extra or temporary police, as needed and determined by Council, not to exceed ten in number, who shall perform the duties of policemen on a part-time basis under the control of and at the call of the Chief and who shall be compensated for their services at a rate as provided by ordinance. The temporary or extra police shall be subject to civil service qualifications and shall not participate in the Police Pension Fund or other benefits provided by law for full-time policemen. (Ord. 71-6. Passed 3-25-71.)



### 135.03 POLICE PENSION PLAN.

(a) Plan Established. Pursuant to an actuarial evaluation prepared at the request of Council for the purpose of determining the past service liability and the future service cost of a Police Pension Plan, the City hereby establishes the City of Jeannette Police Pension Plan, hereinafter referred to as the Plan. The Plan is to be maintained by a charge against each permanent employee of the Police Department of the City, and by annual appropriations made from the General Fund of the City, and partly by appropriations made from the Commonwealth. (Ord. 59-22. Passed 12-17-59.)

(b) Board Members; Trustees. The Plan shall be operated as a self-administered plan under the direction of a Police Pension Board consisting of three members of Council appointed by the Mayor, the City Controller and three members of the Police Department to be selected by the members of the Department. The Police Pension Board members shall be appointed for two year terms; such terms to begin during the first month of each even numbered year under the terms of a trust indenture to be entered into wherein the duly appointed trustees shall act as manager of and custodian for the moneys.

The trustees shall be a member of City Council appointed by the Mayor, the City Controller and a member of the Police Department selected by the members of the Department. (Ord. 68-3. Passed 5-15-68.)

(c) Eligibility. Each person, twenty-one years of age or older, who is a permanent employee of the City Police Department shall be required to become a participant in the Plan as of December 2, 1959. Each participant shall authorize each monthly deduction from the compensation paid him for his services in the Police Department, as is specifically provided in subsection (g) of this section.

Each person who becomes a permanent employee after December 2, 1959, shall become a participant in the Plan as of the last day of the month coinciding with or next following his date of employment. (Ord. 59-22. Passed 12-17-59.)

(d) Retirement Eligibility. Any member of the Police Department who, on or after December 2, 1959, has a minimum period of total service of not less than an aggregate of twenty-two years of permanent service with the Police Department and has attained or passed the age of fifty-seven years, and who has received an honorable discharge from the Police Department shall be eligible to retire, all in accordance with the requirements of the Third Class City Code. (Ord. 70-4. Passed 2-25-70.)

(e) Disability and Survivorship Benefits. In the case of the retirement of a participant in the Plan by reason of his becoming totally and permanently disabled from performing his duties as a policeman, regardless of how this total and permanent disability occurred, he shall be entitled to a monthly pension for life in an amount equal to one-half the rate of the monthly pay of the participant at the date of his retirement as determined by the Board, or one-half of the highest average annual monthly salary which the member received during any five years of service preceding the date of his retirement as determined by the Board, which ever is higher.



In order for a participant to be eligible to retire under this disability clause, he must first apply to the Board in writing, requesting such retirement and setting forth his reasons for this request. Upon receipt of this application, the Board, at its own expense, will select and appoint two medical doctors who are to examine the applicant in conjunction with a medical doctor to be selected and appointed by the applicant at his own expense, and the medical findings and reports of these three medical doctors are to be submitted in writing to the Board in order that the Board may make a determination as to the eligibility of the participant to retire because of his disability. In the event that the Board determines that the participant is eligible to retire because of his disability, the Board reserves the right to have the participant re-examined at any future time it so desires in order to be sure that the participant's disability is still total and permanent.

In the event of the death of a participant, payment of benefits shall be made as set forth in subsection (h) hereof relating to death benefits and subsection (i) hereof relating to termination of employment, unless specifically provided otherwise by resolution of Council. In no event shall payment of benefits be less than the amount provided in subsections (h) or (i) hereof, which ever is applicable.

(f) Retirement Benefits. The amount of monthly retirement benefits for each participant in the Plan who retires from the Police Department, and who meets the requirements of retirement eligibility as set forth in subsection (d) hereof shall be equal to one-half the rate of the monthly pay of the participant at the date of retirement or one-half of the highest average annual monthly salary which the member received during any five years of service preceding his retirement, whichever is the higher. Any participant in the Plan before retiring shall be promoted to the next higher grade in rank for a period of at least one month immediately prior to his retirement and the next higher grade in rank shall be at least that of a lieutenant. (Ord. 66-9. Passed 3-15-66.)

(g) Payments into the Plan. Each participant in the Plan shall contribute monthly an amount equal to not less than three percent of total earnings paid the participant for service in the Police Department. The percentage of contributions made shall be the same for each participant in the Plan and shall be determined annually by action of Council. The remainder of the needed annual cost of the Plan, as determined annually by the actuary, shall be the contribution of the City, payable annually.

The payments made by the Treasurer of the Commonwealth to the City from taxes paid upon premiums by foreign casualty insurance companies for the purpose of pension benefits or disability benefits for policemen shall be used as follows: First, to reduce an unfunded liability in the Plan; Second, after such liability has been funded, to reduce the annual contribution of the City; Third, any remainder to reduce the contributions required of the participants in the Plan.

Unless specifically provided otherwise, moneys payable to the Plan from any other source shall be applied one-half toward the reduction of the contributions of participants in the Plan and one-half toward the reduction of the contribution of the City.

(h) Death Benefits. In the event a participant in the Plan dies prior to retirement, and while still in the service of the Police Department, a monthly pension for life, or

until her remarriage, shall be paid to his surviving widow. The amount of such pension shall be equal to one-half of the average monthly salary of such participant during the sixty months of employment last preceding the date of death. Upon the death of a participant subsequent to normal retirement or disability retirement, a monthly pension in the amount equal to his monthly pension shall be paid to his widow for life or until her remarriage. In the event of the remarriage or death of the participant's widow, and if, at the time of such remarriage or death, there is an unmarried child or unmarried children of the participant and his widow, under eighteen years of age, then the monthly pension shall continue and shall be paid to such child or distributed among such children, until such child, unmarried, or all of such children, unmarried, have attained the age of eighteen years at which time all pension benefits hereunder shall cease.

(i) Termination of Employment. A participant in the Plan whose employment with the Police Department is terminated for any reason other than that of death or disability of the participant, and who is not receiving benefits from the Plan, shall have no further interest whatsoever in amounts credited to his account from employer contributions and shall be entitled only to a return of contributions made by him. If, however, the participant has attained fifty years of age and has completed twenty years of service as an employee of the Police Department, he may elect not to withdraw his contributions and to receive in lieu of a monthly pension commencing at the time when he would have completed the requirements for retirement if his employment had not been terminated. The amount of such pension shall be two percent of his average monthly salary for the last five years preceding termination for each full year of service as an employee of the Police Department.

(j) Attachment of Funds. The pension payments herein provided for shall not be subject to attachment, execution by garnishment or other legal process, and shall be payable only to the participant or his designated beneficiary.  
(Ord. 59-22. Passed 12-19-59.)



ARTICLE 137  
Fire Department

EDITOR'S NOTE: Ordinance 65-5 pertaining to the establishment of a Firemen's Pension Fund for the fulltime paid firemen of the City is not codified herein since it is presently being revised.

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| 137.01 Paid department; Council supervises. | 137.08 Officers.           |
| 137.02 Composition; oath.                   | 137.09 Compensation.       |
| 137.03 General provisions.                  | 137.10 Fire Marshal.       |
| 137.04 Purchasing of equipment.             | 137.11 Relief association. |
| 137.05 Alarm system.                        | 137.12 Junior Auxiliary.   |
| 137.06 Number of firemen and call men.      |                            |
| 137.07 Age at original appointment.         |                            |

CROSS REFERENCES

Replacing paid fire force with volunteers - see 53 P.S. §751

Integration of fire and police personnel prohibited - see 3rd Class §918 (53 P.S. §35918)

Volunteer Firemen's Relief Association Act - see 53 P.S. § 8501 et seq.

Fire bureau - see 3rd Class §2101 et seq. (53 P.S. §37101 et seq.)

Firemen's pension fund - see 3rd Class §4320 et seq. (53 P.S. §39320 et seq.)

Civil service - see 53 P.S. §39861 et seq.

137.01 PAID DEPARTMENT; COUNCIL SUPERVISES.

The Fire Department shall be a paid department, the Chief and every member of which shall be at all times under the control and supervision of Council, or such committee or members of Council as that body delegates.

(Boro. Ord. 170. Passed 3-3-24.)

137.02 COMPOSITION; OATH.

The Fire Department shall consist of a Chief and as many other members as Council from time to time elects, all or any of whom shall serve until removed by Council at its discretion with just cause. Council shall have the power to increase or decrease the number of paid firemen or call men at any time that it decides to do so.

The Chief, firemen and call men shall, before entering upon their duties, subscribe on oath or affirmation to uphold and observe faithfully the laws of the Commonwealth, the ordinances of the City and the rules and regulations for the government of the Fire Department as adopted by Council, the Director of Public Safety or the Fire Chief, well and faithfully, to the best of their ability. (Boro. Ord. 231. Passed 10-1-28.)

### 137.03 GENERAL PROVISIONS.

The members of the Fire Department shall be as follows:

- (a) The Chief of the Fire Department shall be a uniformed officer of the City and at fires, shall have sole command over all members of the Fire Department, all employees of the City, and the entire police force of the City, whose duty it shall be to be present at all fires, and he shall take such measures and adopt such means, as he deems proper for the protection of property, preservation of order, and the observance of the City Ordinances and all rules and regulations of Council, the Director of Public Safety or the Fire Chief respecting fires.
- (b) All members of the Fire Department shall be uniformed officers of the City and shall be on duty at all times, subject to the orders and control of the Chief of the Fire Department, and the rules and regulations as adopted by Council or the Director of Public Safety.
- (c) All call members of the Fire Department shall be known as volunteer or extra men, and shall report at all fires for which a general alarm is blown.

The records of the Fire Chief, whose duty it shall be to keep same as to the time when an alarm of fire was given, and the time when the apparatus and men returned to the fire engine house, shall be conclusive and final in determining amounts or sums due volunteer or extra men as members of the Fire Department.

(Boro. Ord. 170. Passed 3-3-24.)

### 137.04 PURCHASING OF EQUIPMENT.

Council shall purchase at such times as it deems necessary for the use of the Fire Department such apparatus and supplies as it deems necessary to put the Fire Department in position to give the City protection from fire.

(Boro. Ord. 170. Passed 3-3-24.)

### 137.05 ALARM SYSTEM.

Council shall procure, have installed and maintain an electric fire alarm system, with fire alarm boxes at such places in the City as the Department of Public Safety deems most advantageous. The fire alarm boxes shall be in direct connection with an alarm in the engine house, in which engine house the firemen shall be housed and the fire trucks kept. (Boro. Ord. 170. Passed 3-3-24.)

### 137.06 NUMBER OF FIREMEN AND CALL MEN.

The Fire Department shall consist of seven firemen, or as many as Council shall appoint, and forty call men, or as many as Council shall appoint.

(Ord. 68-11. Passed 10-23-68.)

### 137.07 AGE AT ORIGINAL APPOINTMENT.

Firemen and call men shall be elected and appointed by Council in the manner provided by law; however, firemen shall have a minimum age of twenty-one years and call men shall have a minimum age of eighteen years.

(Ord. 76-7. Passed 4-21-76.)

### 137.08 OFFICERS.

Council shall designate or elect one fireman to act as Chief, one as Captain and two as Head of Shift. (Ord. 76-7. Passed 4-21-76.)

### 137.09 COMPENSATION.

The monthly salary of the Chief, the Captains, and firemen shall be as Council may, from time to time, fix by ordinance, and the call men shall receive such compensation as Council may, from time to time, fix by ordinance.  
(Ord. 56-8. Passed 6-19-56.)

### 137.10 FIRE MARSHAL.

The office of Fire Marshal is hereby created, and the Fire Chief is hereby made ex-officio Fire Marshal. The Fire Chief shall receive no additional compensation by virtue of such office. (Ord. 56-8. Passed 6-19-56.)

### 137.11 RELIEF ASSOCIATION.

(a) The Jeannette, Pennsylvania, Fire Department Relief Association is hereby officially recognized by Council as an organization formed for the purpose of maintaining an association for beneficial and protective purposes, to its members and their families, in case of death, sickness, temporary or permanent disability or accident, from the funds collected therein.

(b) The Fire Department Relief Association is hereby designated by Council as the proper association to receive such funds as are due and payable to the City Treasury by the Treasurer of the State from the two percent tax on premiums from foreign fire insurance companies.

(c) There is hereby annually appropriated from the City Treasury all such sums of money that may hereafter be paid into the City Treasury by the Treasurer of the State on account of taxes paid on premiums by foreign fire insurance companies in pursuance to an Act of Assembly in such case made and provided.  
(Boro. Ord. 277. Passed 1931.)

### 137.12 JUNIOR AUXILIARY.

(a) There is hereby established the Jeannette Junior Auxiliary Firemen's Association.

(b) The Junior Auxiliary Firemen's Association shall be at all times under the direction, control and supervision of the Fire Chief.

(c) The Fire Chief shall establish requirements, rules, regulations, offices and by-laws for the operation, direction and supervision of the Jeannette Junior Auxiliary Firemen's Association, subject, to the promise that the establishment or amendment of such requirements, rules, regulations, offices and by-laws shall be subject to the approval of the Director of the Department of Public Safety and to the approval of Council. Such requirements, rules, regulations, offices and by-laws shall be in accordance with the following:



- (1) That the age requirement established shall not be less than sixteen years of age nor more than twenty-one years of age.
- (2) That the Junior Auxiliary Firemen's Association shall not participate in any manner in the fighting of fires nor perform any other duty of a fireman outside of the fire station.
- (3) That the members of the Junior Auxiliary Firemen's Association shall receive no compensation for their services.
- (4) That the Junior Auxiliary Firemen's Association shall provide suitable insurance coverage against injuries received by its members.  
(Ord. 74-12. Passed 8-21-74.)

ARTICLE 139  
General Employment Provisions

EDITOR'S NOTE: Compensatory legislation is not included in the Codified Ordinances since it is subject to frequent change.

139.01 Social security.

139.02 Bonds.

CROSS REFERENCES

Accumulation of sick leave - see 53 P.S. §632 et seq.

Pennsylvania Municipal Retirement Law - see 53 P.S. §881.101 et seq.

General provisions - see 3rd Class §901 et seq. (53 P.S. §35901 et seq.)

Power to hire employees - see 3rd Class §2403(2) (53 P.S. §37403(2)).

Pension fund - see 3rd Class §4340 et seq. (53 P.S. §39340 et seq.)

Optional retirement system - see 3rd Class §4371 et seq. (53 P.S. §39371 et seq.)

Civil service - see 3rd Class §4401 et seq. (53 P.S. §39401 et seq.)

Social security - see 65 P.S. §201 et seq.

139.01 SOCIAL SECURITY.

(a) The City is hereby authorized to execute and deliver to the "State Agency" a plan, or plans, and agreement, required under Section 6 of the Enabling Act and the Social Security Act, to extend coverage to employees and officers of the City, excluding members of the Police Department, and to do all other things necessary to effectuate coverage of employees and officers under the Old Age and Survivors Insurance System.

(b) The City Clerk is hereby authorized to establish a system of payroll deductions to be matched by payments by the City to be paid into the Contribution Fund of the Social Security Act through the office of the State Agency, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees of the City. Such payments are to be made in accordance with the provisions of the law and regulations promulgated by the State Agency and the Federal Security Administrator. Such payments which are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made.

(Ord. 52-14. Passed 6-18-52.)

## 139.02 BONDS.

(a) The following officers of the City shall be bonded in the specified amounts:

City Controller	\$1,000
City Solicitor	\$1,000
City Engineer	\$1,000
Director of Accounts and Finance	\$1,000
City Clerk	\$50,000
City Treasurer (as Treasurer)	\$50,000

(b) The bond for the City Treasurer in his capacity as Tax Collector shall be set by the County, School District and City in accordance with the Local Tax Collection Law.

(c) A blanket bond shall be secured to cover all employees in the offices of the City Clerk and City Treasurer in the amount of ten thousand dollars (\$10,000) each.

TITLE SEVEN - Authorities, Boards and Commissions

- Art. 151. Planning Commission.
- Art. 153. Recreation Board.
- Art. 155. Shade Tree Commission.
- Art. 157. Municipal Authorities.
- Art. 159. Board of Health.

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ARTICLE 151  
Planning Commission

- 151.01 Creation.
- 151.02 Membership; term.
- 151.03 Powers.

CROSS REFERENCES

- Authority to establish - see Pennsylvania Municipalities Planning Code §201 (53 P.S. §10201)
- General provisions - see Pennsylvania Municipalities Planning Code §202 et seq. (53 P.S. §10202 et seq.)
- Powers and duties - see Pennsylvania Municipalities Planning Code §209.1 (53 P.S. §10209.1)
- Subdivision and land development ordinance recommendations - see Municipalities Planning Code §504 et seq. (53 P.S. §10504 et seq.)
- Plat approval - see Municipalities Planning Code §508 (53 P.S. §10508)
- Preparation of zoning ordinance - see Municipalities Planning Code §607 (53 P.S. §10607)
- Zoning ordinance amendment recommendations - see Municipalities Planning Code §609 (53 P.S. §10609)

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151.01 CREATION.

In accordance with the provisions of Act 247 of the General Assembly of the Commonwealth approved July 31, 1968, Council hereby creates the City Planning Commission. (Ord. 71-20. Passed 12-15-71.)

151.02 MEMBERSHIP; TERM.

The Planning Commission shall consist of seven members who shall be appointed by Council for four year terms. (Ord. 71-20. Passed 12-15-71.)

151.03 POWERS.

The Planning Commission shall have such powers as are conferred by the Pennsylvania Municipalities Planning Code and shall be subject to all the rules and regulations as set forth in the Pennsylvania Municipalities Planning Code.  
(Ord. 71-20. Passed 12-15-71.)



ARTICLE 153  
Recreation Board

153.01 Creation.	153.05 Powers.
153.02 Appointment of members; term.	153.06 Funds.
153.03 Noncompensatory.	
153.04 Organization.	

CROSS REFERENCE

Recreation board - see 3rd Class §3704 et seq. (53 P.S. §38704 et seq.)

153.01 CREATION.

Pursuant to the terms and provisions of Article XXXVII of the Third Class City Code, its supplements and amendments, Council hereby creates a Recreation Board, consisting of seven persons, two of whom shall be members of the School Board of the City and three of whom shall be members of Council. (Ord. 77-5. Passed 4-27-77.)

153.02 APPOINTMENT OF MEMBERS; TERM.

The two members of the Recreation Board who shall be members of the School Board shall be appointed by the School Board. The five remaining members of the Recreation Board shall be appointed by the Mayor with the approval of Council. The Board members shall serve for terms of five years, or until their successors are appointed, except that the members of the Board first appointed shall be appointed for terms of one, two, three, four and five years respectively so that the terms of the members shall expire annually thereafter. Vacancies in the Recreation Board, occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as original appointments. Women shall be eligible for appointments. A vacancy shall occur on the Board upon the expiration of a member's term of office as a School Board member or Councilman. (Ord. 77-5. Passed 4-27-77.)

153.03 NONCOMPENSATORY.

The Recreation Board shall be known as the Recreation Board for the City of Jeannette, and members shall serve without pay. (Ord. 182. Passed 5-17-48.)

153.04 ORGANIZATION.

Members of the Recreation Board shall, immediately following their appointment, meet and elect their own chairman and secretary and adopt such regulations for the conduct of the business of the Board as the members deem proper. The chairman and secretary so



selected shall serve for a period of one year, and the Board shall meet annually thereafter for the purpose of selecting a chairman and secretary to serve for the ensuing year. (Ord. 182. Passed 5-17-48.)

#### 153.05 POWERS.

(a) The Recreation Board is hereby authorized and empowered to supervise and maintain parks, playgrounds, playfields, gymnasiums, public baths, swimming pools and indoor or outdoor recreation centers and facilities, and in connection with such, authority is given to employ play-leaders, recreation directors, supervisors, superintendents or any other officer or employee the Board may deem proper.

(b) It is the intent and purpose of Council to place in such Recreation Board all of the powers and duties which Council may properly place in such Board under the Third Class City Code. (Ord. 182. Passed 5-17-48.)

#### 153.06 FUNDS.

The Recreation Board is authorized and empowered to receive and expend such sums as may from time to time be appropriated to it by the City, the City School District and the State, or any of its departments or agencies, and to receive and use for the purpose for which it is created any sum of money or any property which may come to it from any source whatsoever. (Ord 182. Passed 5-17-48.)

ARTICLE 155  
Shade Tree Commission

155.01 Creation.

155.04 Powers and duties.

155.02 Members.

155.03 Terms.

CROSS REFERENCE

Shade tree commission - see 3rd Class §3801 et seq. (53 P.S. §38801 et seq.)

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155.01 CREATION.

There is hereby established a Shade Tree Commission for the City.  
(Ord. 75-1. Passed 3-19-75.)

155.02 MEMBERS.

The Shade Tree Commission shall be composed of three residents of the City, one of whom may be a member of Council and shall be appointed by the Mayor.  
(Ord. 75-1. Passed 3-19-75.)

155.03 TERMS.

The members of the Shade Tree Commission shall be appointed to serve for terms of five years.

The initial members of the Shade Tree Commission shall be appointed for terms of three years, four years and five years respectively.  
(Ord. 75-1. Passed 3-19-75.)

155.04 POWERS AND DUTIES.

The Shade Tree Commission shall possess all the powers and perform the duties as set forth in Article XXXVIII of the Third Class City Code, except that the Commission shall not possess the power nor authority to assess the cost of any work done against abutting property owners. (Ord. 75-1. Passed 3-19-75.)

ARTICLE 157  
Municipal Authorities

EDITOR'S NOTE: This article has been established to provide a synopsis of existing City legislation relative to authorities.

The City of Jeannette Municipal Authority was formed and organized pursuant to Ordinance 232, passed March 23, 1950, under the provisions of the Municipal Authorities Act of May 2, 1945 (P. L. 382), as amended for the purpose of "acquiring, holding, constructing, improving, maintaining, operating, owning, leasing, either in the capacity of lessor or lessee.

- A. Sewers, sewer systems or parts thereof, sewage treatment works, including works for treating and disposing of industrial waste.
- B. Such other projects as the City of Jeannette may from time to time, by resolution, specify."

Subsequent legislation concerning the Authority is listed below:

<u>Ord. No.</u>	<u>Date</u>	<u>Subject</u>
60-12	6-18-60	Granting Authority the right to construct and maintain sanitary sewer lines.
60-13	6-18-60	Leasing of sanitary sewage system from Authority.
63-4	3-19-63	Leasing of sanitary sewage system from Authority.
68-8	6-10-68	Providing sewage treatment service to the "Grapeville Project" in Hempfield Township.
74-10	6-27-74	Sale of certain sanitary sewerage facilities to Authority.

The Parking Authority of the City of Jeannette was formed and organized pursuant to Ordinance 54-8, passed March 23, 1954, under the provisions of the Parking Authority Law, Act of June 5, 1947, (P. L. 458), as amended, "for the purpose of conducting the necessary research activity, to maintain current data leading to efficient operation of off-street parking facilities, for the fulfillment of public needs in relation to parking, establishing a permanent coordinated system of parking facilities, planning, designing, locating, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, land and facilities to be devoted to the parking of vehicles of any kind." Ordinances 55-13, passed July 12, 1955, and 55-16, passed August 9, 1955, provided for the leasing of the off-street parking system by the City and the establishment of the off-street parking revenue fund respectively.

The Jeannette Solid Waste Authority was formed and organized pursuant to Ordinance 75-8, passed November 19, 1975, under the provisions of the

Municipal Authorities Act of May 2, 1945 (P. L. 382), as amended, for the purposes set forth in such Act.

The Redevelopment Authority of the City of Jeannette was formed and organized pursuant to Ordinance 76-5, passed March 24, 1976, under the provisions of the Urban Redevelopment Law, Act of May 24, 1945 (P.L. 991), as amended, for the purposes set forth in such Act.

See the Tables of Special Legislation in the Preliminary Unit of the Codified Ordinances for information concerning easements, leases and the acquisition and disposal of real property, etc.

#### CROSS REFERENCES

Municipal Authorities Act - see 53 P.S. §301 et seq.

Parking Authorities Law - see 53 P.S. §341 et seq.

Housing Authorities Law - see 35 P.S. §1541 et seq.

Urban Redevelopment Law - see 35 P.S. §1701 et seq.



ARTICLE 159  
Board of Health

159.01 Council to act as Board.

CROSS REFERENCES

Board of health - see 3rd Class §2301 et seq. (53 P.S. §37301 et seq.)

General health powers - see 3rd Class §2403 (53 P.S. §37403)

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159.01 COUNCIL TO ACT AS BOARD.

Council is hereby designated to be the Board of Health for the City pursuant to the authority granted under Section 2301 of the Third Class City Code (53 P.S. §37301). (Ord. 66-24. Passed 12-14-66.)