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

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

(*Ord. 624, 1/19/2010*)

§1-102. Citation of Code of Ordinances.

The Borough of Mount Pleasant 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. 624, 1/19/2010*)

§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 identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified by small Roman numerals.

(*Ord. 624, 1/19/2010*)

§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. 624, 1/19/2010)

§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. 624, 1/19/2010)

§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, 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 (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.

(Ord. 624, 1/19/2010)

§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. 624, 1/19/2010)

§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 units, 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. 624, 1/19/2010)

§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. 624, 1/19/2010)

§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. 624, 1/19/2010)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough any act is prohibited or is declared to be unlawful, or whenever in this

Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

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 shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

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.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinance adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

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. 624, 1/19/2010*)

Part 2**Elected Officials****A. Compensation of Mayor and Council Persons****§1-201. Salary of Mayor.**

The compensation of the Mayor of the Borough of Mount Pleasant shall be \$750 per annum, payable in monthly installments.

(*Ord. 395*, 12/4/1967, §2; as amended by *Ord. 456*, 1/6/1975; and by *Ord. 624*, 1/19/2010)

§1-202. Compensation of Councilmen.

The compensation of each of the Councilmen of the Borough of Mount Pleasant is hereby fixed at \$500 per annum, payable monthly, from the general funds of the Borough, the said Borough having at the present time a population of 5,895 therein, provided that no compensation shall be paid in any month to any Councilman who has missed two regular monthly meetings in succession.

(*Ord. 395*, 12/4/1967, §2; as amended by *Ord. 456*, 1/6/1975; and by *Ord. 624*, 1/19/2010)

Part 3**Appointed Officials****A. Establishment of Offices****§1-301. Establishment of Offices.**

The following offices of the Borough of Mount Pleasant are hereby established:

- A. Solicitor.
- B. Engineer.
- C. Code Enforcement Officer.

(*Ord. 456*, 1/6/1975, §2-2001; as amended by *Ord. 598*, 2/23/2004; and by *Ord. 624*, 1/19/2010)

B. Borough Manager**§1-311. Creation of Office.**

The office of Borough Manager is hereby created by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

(Ord. 598, 2/23/2004, §1)

§1-312. Appointment and Removal.

The Manager shall be appointed for an indefinite term by a majority of all members of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania. The Manager shall serve at the pleasure of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and he or she 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 Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, shall furnish the Manager with a written statement setting forth its intention to remove him or her.

(Ord. 598, 2/23/2004, §2)

§1-313. Qualifications.

The Manager shall be chosen solely on the basis of his or her executive and administrative abilities, with special reference to the duties of the office as herein outlined. The Manager need not be a resident of the Borough of Mount Pleasant or of the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office he or she may reside outside the Borough of Mount Pleasant only with the approval of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania. If the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, fails within a reasonable time, not to exceed 60 days after the appointment, to approve the Manager's residence outside the Borough of Mount Pleasant, he or she must immediately become, and during his or her tenure remain, a resident of the Borough of Mount Pleasant.

(Ord. 598, 2/23/2004, §3)

§1-314. Bond.

Before entering upon his or her duties, the Manager shall give a bond, in the sum established annually pursuant to a resolution of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, with a bonding company as surety, to be approved by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, conditioned upon the faithful performance of his or her duties, the premium for said bond to be paid by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

(Ord. 598, 2/23/2004, §4)

§1-315. Manager's Compensation.

The salary of the Borough Manager shall be fixed from time to time by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

(Ord. 598, 2/23/2004, §5)

§1-316. Powers and Duties.

1. The Manager shall be the chief administrative officer of the Borough of Mount Pleasant and shall be responsible to the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, as a whole for the proper and efficient administration of the affairs of the Borough of Mount Pleasant placed in his or her charge. The powers and duties for administration of all Borough of Mount Pleasant business shall be vested in the Manager, unless expressly imposed or conferred by statute or ordinance upon other Borough of Mount Pleasant officers.

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

A. Supervise and be responsible for the activities of all municipal departments.

B. Fix wages and salaries of all personnel under his or her supervision, within a range previously determined by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

C. Prepare and submit to the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, a budget for the next fiscal year and an explanatory budget message, in such a timely fashion as will enable the Borough Council of the Borough of Mount Pleasant to consider and adopt the budget and related tax ordinances according to the requirements of law. In preparing the budget, the Manager, or an officer designated by him or her, 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 is required. The Manager shall review such estimates and may revise them before submitting the budget to the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

D. Be responsible for the administration of the budget after its adoption by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

E. Develop, in conjunction with the preparation of the budget, long-range fiscal plans for the Borough of Mount Pleasant, such plans to be presented annually to the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, for its review and adoption.

F. Hold such other Borough offices and head such Borough departments as the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, may from time to time direct.

G. Attend all meetings of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and its committees with the right to take part in the discussions. The Manager shall receive notice of all special meetings of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and its committees.

H. Prepare the agenda for each meeting of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and supply facts

pertinent thereto.

I. Keep the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, informed as to the conduct of Borough affairs; submit monthly reports on the condition of the Borough finances and such other reports as the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, requests; and make such recommendations to the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, as deemed advisable.

J. Submit to the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, as soon as possible after the close of the fiscal year, a complete report on the finances and administrative activities of the Borough of Mount Pleasant for the preceding year.

K. See that the provisions of all franchises, leases, permits, and privileges granted by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, are observed.

L. Employ, by and with the approval of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, experts and consultants to perform work and to advise.

M. Attend to the letting of contracts in due form of law. The Manager 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.

O. Be responsible for all accounts payable and receivable.

P. Serve as purchasing officer of the Borough of Mount Pleasant and purchase, in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, all supplies and equipment for the agencies, boards, departments, and other offices of the Borough of Mount Pleasant. The Manager shall keep an account of all purchases and shall, from time to time or when directed by the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, make a full written report thereof. He or she shall also issue rules and regulations, subject to the approval of the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, governing the procurement of all municipal supplies and equipment.

Q. Investigate and dispose of, or designate an officer to investigate and dispose of, all complaints regarding Borough of Mount Pleasant services and personnel, and to report to the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, thereon. All complaints regarding Borough services shall be referred to the Office of Manager.

R. Enforce the ordinances and regulations of the Borough of Mount Pleasant. (*Ord. 598, 2/23/2004, §6*)

§1-317. Procedural Limitations on the Borough Council.

The Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, its members, and its committees shall not dictate, or influence, or attempt to dictate or influence the operation of the administrative service of the Borough of Mount Pleasant except through the Borough Manager. Other than for the

purposes of inquiry, the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, or any of its members or any of the Borough committees or its members shall deal with the administrative service solely through the Manager, and the Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, or any of its members, the Borough committees or its members shall not give orders, publicly or privately, to any employee or agent of the Borough except through the Borough Manager.

(Ord. 598, 2/23/2004, §7)

§1-318. Disability or Absence of the Manager.

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

(Ord. 598, 2/23/2004, §8)

C. Independent Auditor**§1-321. Appointment.**

The Borough Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, shall, by resolution adopted annually before the commencement of a fiscal year, appoint an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants to audit, for such fiscal year, the accounts, records, and all other evidences of financial transactions of the Borough of Mount Pleasant and file a report thereof with the Mount Pleasant Borough Council. The independent auditor shall perform all other duties and exercise such powers as required of or conferred upon such independent auditor, by law.

(Ord. 573, 11/1/1999, §1)

§1-322. Office Abolished.

Upon appointment of an independent auditor as provided for in §1-321 of this Part, the office of elected auditor is hereby abolished; however, the elected auditors now in office shall continue to hold such office for the term for which elected and shall perform the duties of this office except that they shall not audit, settle, or adjust accounts audited by such independent auditor.

(Ord. 573, 11/1/1999, §2)

§1-323. Compensation.

The resolution appointing an independent auditor shall state the compensation to be paid from Borough funds for said services.

(Ord. 573, 11/1/1999, §3)

§1-324. Right to Abolish Office Reserved.

The Mount Pleasant Borough Council hereby reserves the right at any time to repeal this Part, thereupon abolishing the office of appointed auditor, and to reestablish the office of elected auditor.

(Ord. 573, 11/1/1999, §4)

Part 4**Associations, Authorities, and Commissions****A. Mount Pleasant Library Association****§1-401. Designation as Legal Agent of Borough.**

The Mount Pleasant Library Association is designated to act as the legal agent of the Borough of Mount Pleasant to provide library service to the residents and taxpayers of the Borough.

(*Ord. 378, 12/16/1965, §1*)

§1-402. Borough to Assist in Maintenance of Mount Pleasant Library.

The Borough agrees to assist in the maintenance of the Mount Pleasant Public Library in accord with the provisions of §401 of the Library Code, the Act of June 14, 1961, P.L. 324, 24 P.S. §4401, at a level of financial support that will ensure that the library will have an annual income from local sources of not less than \$7,500 per annum for the population of the Borough so that it will be able to qualify for State aid in accord with §303.1 of the Library Code, 24 P.S. §4303.1.

(*Ord. 378, 12/16/1965, §2; as amended by Ord. 394, 11/6/1967, §1; and by Ord. 624, 1/19/2010*)

§1-403. Council Representation on Board of Directors.

The Borough Council shall appoint two individuals to serve as its representatives on the Board of Directors of the Mount Pleasant Library Association, each representative to serve 3 years. Subsequent appointments to fill these two positions shall be made by the Borough Council as the terms expire, the individuals resign or the positions become vacant.

(*Ord. 378, 12/16/1965, §3*)

§1-404. Bond of Treasurer.

On or after January 1 of each year, the Treasurer of the Mount Pleasant Library Association shall give bond to the Borough Council, with satisfactory surety, in such amount as the Library Association and the Borough Council shall determine.

(*Ord. 378, 12/16/1965, §4*)

§1-405. Annual Audit.

On or after January 1 of each year, the Mount Pleasant Library Association shall present a financial report to the Borough Council, and the Borough shall arrange to have the accounts of the Treasurer of said Library Association audited annually, as in the case of other municipal expenditures.

(*Ord. 378, 12/16/1965, §5*)

§1-406. Reports.

On or after January 1 of each year, the Mount Pleasant Library Association shall prepare and present to the Borough Council such reports as are required by §414 of the Library Code, 24 P.S. §4414, and shall give free library service to the residents and taxpayers as provided in §415 of the Library Code, 24 P.S. §4415.

(Ord. 378, 12/16/1965, §6)

B. Mount Pleasant Municipal Authority

§1-411. Intent to Organize Authority.

The Council of the Borough of Mount Pleasant, County of Westmoreland and Commonwealth of Pennsylvania, desires and hereby signifies its intention to organize a municipal authority under the Municipality Authorities Act of 1945, the Act of May 2, 1945, P.L. 382, as amended, 53 P.S. §301 *et seq.*

(*Ord. 361, 11/19/1964, §1*)

§1-412. Articles of Incorporation.

Pursuant to said desire and intention and in conformity with the terms and provisions of said Municipal Authorities Act, 53 P.S. §301 *et seq.*, and its amendments, proposed articles of incorporation of the proposed municipal authority are hereby approved as hereinafter set forth at length:

**Articles of Incorporation
of
Mount Pleasant Municipal Authority**

To the Secretary of the Commonwealth, Harrisburg, PA

In compliance with the requirements of the Municipality Authorities Act of 1945, the Act of May 2, 1945, P.L. 382, as amended, and pursuant to an ordinance duly ordained and enacted by the municipal authorities of the Borough of Mount Pleasant, County of Westmoreland and Commonwealth of Pennsylvania, providing, *inter alia*, that a municipal authority be organized in accordance with the provisions of said Act, the municipal authorities of said Borough, desiring that a municipal authority be organized and established and that a certificate of incorporation be issued to said Authority, do hereby certify:

(1) The name of the Authority shall be “Mount Pleasant Municipal Authority.”

(2) Said Authority is formed under the Municipality Authorities Act of 1945, the Act of May 2, 1945, P.L. 382, as amended.

(3) No other Authority organized under said Municipality Authorities Act of 1945, as amended, or under the Act, approved June 28, 1935, P.L. 463, is in existence in or for the incorporating municipality.

(4) The name of the incorporating municipality is “Borough of Mount Pleasant.” The names and addresses of the municipal authorities of said incorporating municipality are as follows:

[Here followed the names and addresses of the Borough officers at the time of enactment.]

(5) The names, addresses, and terms of office of the first members of the Board of said Authority are as follows:

[Here followed the names, addresses and terms of office of the first members of the Authority Board at the time of enactment.]

(6) The members of the Board of said Authority shall be five in number

and residents in and citizens of the Borough of Mount Pleasant, County of Westmoreland and Commonwealth of Pennsylvania.

In Witness Whereof, the Borough of Mount Pleasant has caused its Seal to be affixed to these Articles of Incorporation by the hand of the President of its Council and the same to be duly attested by the Secretary of its Council, this 19th day of November, A.D. 1964.

[Here followed the signatures of appropriate Borough authorities.]

(Ord. 361, 11/19/1964, §2)

C. Parking Authority of the Borough of Mount Pleasant

§1-421. Intent to Organize Authority.

It is the desire of the Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and said Council hereby signifies its intention to organize a Parking Authority under the Parking Authority Law of June 5, 1947, P.L. 458, as amended.

(*Ord. 426, 8/3/1970, §1*)

§1-422. Articles of Incorporation.

In pursuance of said desire and intention, and in conformity with the terms and provisions of said Parking Authority Law, the proposed Articles of Incorporation are hereby set forth in full as follows:

Articles of Incorporation
of
The Parking Authority of the Borough
of
Mount Pleasant

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

In compliance with the requirements of the Parking Authority Law of 1947, P.L. 458, as amended, and pursuant to ordinance, adopted by the Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, that a parking authority be established and that a certificate of incorporation be issued to said Authority, does hereby certify:

(1) The name of the Authority shall be "Parking Authority of the Borough of Mount Pleasant."

(2) The Authority is formed under the Act of June 5, 1947, P.L. 458, as amended, known as the Parking Authority Law.

(3) No other Authority has been organized under the provisions of this Act.

(4) The names and address of municipal officials are as follows:

[Here followed the names and addresses of the Borough officers at the time of enactment.]

(5) The members of the Authority shall be five in number. The names, addresses, and terms of office of the first members of the Authority are as follows:

[Here followed the names, addresses and terms of office of the first members of the Authority Board at the time of enactment.]

Witness the hands and seal of the President of Council and the Secretary of the Borough Council and the seal of said Borough.

[Here followed the signatures of appropriate Borough authorities.]

(*Ord. 426, 8/3/1970, §2*)

§1-423. Authorized Projects.

This Authority shall be authorized to act under the provisions of the Parking Authority Law of 1947, P.L. 458, and as such may acquire, hold, construct, alter, enlarge, repair, and remodel real estate for use as parking facilities within the limits of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and to arrange all financing necessary to complete said projects.

(*Ord. 426, 8/3/1970, §4*)

D. Borough of Mount Pleasant Business District Authority**§1-431. Statutory Authority.**

It is the desire of the Council of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and the said Council hereby signifies its intention to organize a Mount Pleasant Borough Business District Authority under the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

(*Ord. 508, 10/3/1983, §I*)

§1-432. Findings; District Designated; Approval of Plans by Council.

1. The Council of the Borough of Mount Pleasant hereby finds and determines that improvement of the business climate in said Borough will be brought about by the creation of the Mount Pleasant Borough Business District Authority and that it is desirable for the entire Borough of Mount Pleasant that the Business District, for the purpose contemplated by this Part, shall include the present areas of the Borough designated by the Borough Zoning Ordinance [Chapter 27], as either B-1, H-1, H-2, I-1, or E-1 or which are changed to said designations in the future, and further that any portion of the residential areas which receive a special exemption for the operation of a business shall also fall within the definition of the business district. It is further determined that all one- and two-family dwelling units, which may be located in the area designated as the Business District, shall be exempted from the authority of the Business District Authority and shall not be subject to assessment as long as they remain one- or two-family dwellings. [*Ord. 562*]

2. It is specified that Borough Council retains the right existing under the Act to approve any plan of the Authority.

(*Ord. 508, 10/3/1983, §II; as amended by Ord. 562, 2/5/1996, §1*)

§1-433. Name.

The name of the proposed Authority shall be "Mount Pleasant Borough Business District Authority."

(*Ord. 508, 10/3/1983, §III*)

§1-434. Number of Members; First Appointed Members.

1. The Board of the Mount Pleasant Business District Authority shall consist of nine members.

2. The following persons are hereby appointed members of the Board of the Mount Pleasant Borough Business District Authority for the terms of office indicated.

[Here followed the names, addresses, and terms (as amended 11/28/1983) of the first appointed members at the time of enactment.]

(*Ord. 508, 10/3/1983, §IV*)

§1-435. Articles of Incorporation.

Pursuant to said desire and intention of the Council of the Borough of Mount Pleasant and in conformance with the terms and provisions of said Municipality Authorities Act of 1945 and its amendments, the proposed Articles of Incorporation are

hereby set forth in full, as follows:

**Articles of Incorporation of
the Borough of Mount Pleasant
Business District Authority**

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

In compliance with the requirement of the Municipality Authorities Act of 1945, approved the 2nd day of May 1945, P.L. 382, as amended, and pursuant to an ordinance adopted by the Borough of Mount Pleasant, in the County of Westmoreland and Commonwealth of Pennsylvania, providing, inter alia, that a municipal authority be established and that a certificate of incorporation be issued to said authority, does hereby certify:

(a) The name of the Authority shall be “Borough of Mount Pleasant Business District Authority.”

(b) The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended, as the Municipal Authorities Act of 1945.

(c) The only other Authorities organized under the provisions of the Act, or the Act approved the 28th day of June 1935, P.L. 463, and still in existence within said Borough of Mount Pleasant is the Municipal Authority of the Borough of Mount Pleasant.

(d) The name of the incorporating municipality is “Borough of Mount Pleasant,” in the County of Westmoreland and Commonwealth of Pennsylvania, and its officers are.

[Here followed the names and addresses of the Borough officers at the time of enactment.]

(e) The purpose or purposes for which the Authority is organized and the powers thereto are as provided for in said Municipal Authorities Act of 1945, as amended; provided, however, that all plans for the use of said powers of the Authority are approved by Borough Council.

(f) The names and addresses and terms of office of the first members of the Board of said Authority are listed in §1-434.2 of this Part.

All of whom are either taxpayers in, maintain a business in, or are citizens of the Borough of Mount Pleasant, County of Westmoreland, Pennsylvania.

Witness the hands of the President of Council and Secretary of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania, and the Seal of the Borough of Mount Pleasant, Westmoreland County, Pennsylvania.

[Here followed the signatures of appropriate Borough authorities.]

(Ord. 508, 10/3/1983, §V)

§1-436. Execution and Filing of Articles of Incorporation

The proposed Articles of Incorporation of the Borough of Mount Pleasant Business District Authority shall be executed by and on behalf of the Borough of Mount Pleasant

by the President of Council and filed with the Secretary of the Commonwealth. The Borough Solicitor is hereby authorized and directed to cause to be published the notice of intention to file the Articles of Incorporation with the Secretary of the Commonwealth as required by the aforementioned act.

(Ord. 508, 10/3/1983, §VI)

E. Planning Commission**§1-441. Borough Planning Commission Established.**

A Borough Planning Commission, composed of five members, appointed in the manner provided by law, is hereby created and established in and for the Borough. The Borough Planning Commission shall perform all of the duties and may exercise any and all of the powers vested by law in planning agencies in boroughs, provided that the persons constituting the Borough Planning Commission now functioning in the Borough shall constitute the Planning Commission hereby created, and nothing in this Part shall affect the tenure of the said present Borough Planning Commission. All vacancies hereafter occurring in the said Planning Commission, regardless of the cause thereof, shall be filled in accordance with the provisions of the law governing planning agencies in boroughs at the time of the occurrences of the said vacancy.

(Ord. 456, 1/6/1975, §2-4031)

F. Civil Service Commission**§1-451. Appointment.**

The Borough Council shall appoint a Civil Service Commission, the membership, composition, manner of appointment and duties thereof to be as provided by resolution duly adopted by majority vote of the Council in accordance with the applicable provisions of the Borough Code, 53 P.S. §45101 *et seq.*

(*Ord. 456, 1/6/1975, §2-4041*)

Part 5**Fire Department****A. Established****§1-501. Fire Department Established.**

A Fire Department is hereby established in and for the Borough which shall consist of such fire companies as now exist or as may hereafter be created. The Fire Department shall be composed of a Fire Chief, and Assistant Fire Chief and such other officers, and firemen as the Borough Council may from time to time determine. Said department shall be known as the "Mount Pleasant Volunteer Fire Department."

(Ord. 456, 1/6/1975, §10-1011)

§1-502. Supervision and Control.

Subject to the direction of the Mayor and Borough Council, the supervision and control of the Fire Department is vested in the Fire Chief and Assistant Fire Chief. The Fire Chief and Assistant Fire Chief shall be residents of the Borough at the time each takes office and shall remain residents during their tenure in office.

(Ord. 456, 1/6/1975, §10-1012; as amended by Ord. 624, 1/19/2010)

§1-503. Rules and Regulations Authorized.

The Fire Department of the Borough is hereby empowered to draw up appropriate rules and regulations for the conduct of said Fire Department, and submit the same for approval to the Borough Council. Said rules and regulations shall be conspicuously displayed in the Fire Department Building. The Fire Chief and Assistant Fire Chief shall comply with all Federal and State mandates.

(Ord. 456, 1/6/1975, §10-1013; as amended by Ord. 624, 1/19/2010)

§1-504. Authority at Fires.

The Fire Chief, or in his absence, the Assistant Fire Chief shall have full control over all fire apparatus of the members of the Fire Department in service at any fire or fires. It shall be the duty of the Fire Chief, or the Assistant Fire Chief while serving as such, to superintend the Fire Department while performing such public duty in fighting a fire; to give general and specific directions as to the manner of fighting fires, the use of hose and apparatus, and the specific duties and assignments of the various members of the Fire Department in attendance at a fire or fires. He may suspend any member of the Fire Department for insubordination at any fire.

(Ord. 456, 1/6/1975, §10-1014)

§1-505. Scope of Control at Fires.

The Fire Chief and his assistant shall, in all cases of fire and fire alarms, have full control and occupy sufficient ground or space necessary for the operation of all fire companies at said fire, and for the protection of life and property, and shall be protected

in the discharge of their duties by the police officers of the Borough.

(*Ord. 456, 1/6/1975, §10-1015*)

§1-506. Obstruction of or Tampering with Fire Hydrants and Apparatus Prohibited.

1. No person shall place ashes, cinders, dirt, rubbish, building material, or any other material of any kind whatsoever, around or in close proximity to any fire hydrant in the Borough, so as to cause hindrance or delay in access thereto, or prevent the free use thereof by the Fire Department of the Borough. No person shall, in any way, interfere with or tamper with any fire hydrant or attempt to take water therefrom without special authority from the Fire Chief or the person acting as such.

2. Without the consent of the Fire Chief or the Assistant Fire Chief, no person not an active member of the Fire Department of the Borough shall at any time ride upon any of the fire apparatus of the Fire Department, nor shall any person make use of any fire apparatus, hose, or other equipment of the Fire Department, other than for the purpose for which the same was intended, without the consent of the Fire Chief.

(*Ord. 456, 1/6/1975, §10-1016*)

§1-507. Unlawful Entrance to Buildings Where Fire Is Being Fought.

No person, not actually engaged in the extinguishment of a fire, or the saving of property endangered thereby, shall enter any building in which a fire is being fought by the Fire Department, either during or after such fire, without the express consent of the owner or occupant of such building.

(*Ord. 456, 1/6/1975, §10-1017*)

§1-508. Certain Acts Interfering with Firefighting Activities.

No person, except an active member or members of the Fire Department, shall at any time enter within the territory in the vicinity of any fire, when the same may be roped off, or access within said limits be denied by the Borough Police, or interfere with, or attempt to operate any of the apparatus or equipment of the Fire Department, or any fire hydrant, or interfere by giving orders to any individual, unless requested so to do by the Fire Chief or the person acting as such. Provided, however, that the Mayor or any member of Borough Council of the Borough, or any policeman of the Borough, or any other law enforcement officer, or the owner or occupant of said property within said limits, and such other persons as may be specifically authorized by the Fire Chief or the person acting as such, may enter such restricted lines.

(*Ord. 456, 1/6/1975, §10-1018*)

§1-509. Obstruction of Fire Chief Prohibited.

1. No person shall, in any way, obstruct or prevent, or attempt to obstruct or prevent, the Fire Chief in the discharge of his duties, by denying or attempting to deny him access to any premises owned or occupied by said person, or by failing or refusing to furnish correct information requested by the Fire Chief in the investigation into the cause, origin or circumstances of any fire.

2. No person shall, in any way, obstruct or prevent, or attempt to obstruct or

prevent, the Fire Chief while inspecting any construction, building or premises in the Borough, to determine the existence of any possible fire hazard, nor shall any person deny access to the Fire Chief to any construction, building, or premises for inspection thereof.

(*Ord. 456, 1/6/1975, §10-1019*)

§1-510. Penalty for Violation of Certain Provisions.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 456, 1/6/1975, §10-1020; as amended by Ord. 624, 1/19/2010*)

B. Mount Pleasant Borough Rescue Squad**§1-511. Mount Pleasant Borough Rescue Squad.**

There is hereby created the Mount Pleasant Borough Rescue Squad which shall be a part of the organization of the Mount Pleasant Volunteer Fire Department and shall be subject to the jurisdiction and control of said Department. Said Rescue Squad shall be an agent of the Borough.

(Ord. 456, 1/6/1975, §10-3001)

C. Mount Pleasant Borough Emergency Medical Unit**§1-521. Establishment; Number of Members.**

There is hereby created the Mount Pleasant Borough Emergency Medical Unit which shall operate as a separate arm of the Borough and be composed of a maximum of 30 members.

(*Ord. 470, 4/4/1977, §1*)

§1-522. By-Laws; Amendments.

Said organization shall govern itself but shall be subject to the by-laws adopted by the Mount Pleasant Borough Council on March 7, 1977, and no change in said by-laws shall be effective until approved by Mount Pleasant Borough Council at a regular or special meeting called for that purpose. In the conduct of its business, Medic 10 shall report to and be responsible to the Public Safety Committee of Borough Council.

(*Ord. 470, 4/4/1977, §2; as amended by Ord. 624, 1/19/2010*)

§1-523. Designation as Agent of Borough.

The Mount Pleasant Borough Emergency Medical Unit shall be an agent of said Borough and subject to the jurisdiction and control of said Borough in accordance with the above referred to by-laws.

(*Ord. 470, 4/4/1977, §3*)

§1-524. Title to Equipment.

All equipment purchased by said Unit shall be titled in the name of Mount Pleasant Borough and shall revert to the ownership of Mount Pleasant Borough if said unit is ever disbanded.

(*Ord. 470, 4/4/1977, §4*)

§1-525. Employees.

Certain functions of the Mount Pleasant Borough Emergency Medical Unit may be performed by paid staff, as employees or independent contractors as approved by the Borough Council of the Borough of Mount Pleasant, and the hiring of such employees or independent contractors by Borough Council is hereby authorized. No hiring of employees or independent contractors is authorized under this provision unless said hiring is approved by Borough Council pursuant to its normal operation procedures for hiring employees and independent contractors.

(*Ord. 470, 4/4/1977; as added by Ord. 616, 1/22/2008*)

D. Volunteer Firefighters' Relief Association**§1-531. Volunteer Fire Department Relief Association Recognized.**

The Mount Pleasant Volunteer Firemen's Relief Association be and the same is hereby officially recognized as the relief fund association of all fire companies and fire associations of the Borough.

(Ord. 206, 2/6/1928)

§1-532. Moneys from Tax on Foreign Fire Insurance Premiums Payable to Association.

The Treasurer of the Borough is hereby authorized and directed to pay over to the Mount Pleasant Volunteer Firemen's Relief Association, after first deducting the amount of the premium of the compensation insurance of the Fire Department as the same becomes due and payable, the amounts received from time to time from the State Treasurer as a tax paid upon premiums of foreign fire insurance companies, provided that the Mount Pleasant Volunteer Firemen's Relief Association shall make no change in its constitution and by-laws without first securing the approval of the Council.

(Ord. 206, 2/6/1928, §1)

Part 6**Police Department****§1-601. Police Department Established; Classifications; Number of Members.**

A Police Department is hereby established in and for the Borough. The Police Department shall be composed of a Chief of Police, and such other officers of such ranks and as many patrolmen as the Borough Council shall from time to time determine.

(*Ord. 456, 1/6/1975, §10-2001*)

§1-602. Chief of Police.

1. The Chief of Police, under the direction of the Mayor, shall be in charge of the Police Department and shall have supervision over the members thereof, in the exercise of their powers, duties, and authority.

2. The Chief of Police shall become a resident of the Borough within 60 days of his appointment and during such tenure shall remain a resident of the Borough unless said requirement is waived or otherwise modified by Borough Council. [*Ord. 624*]

3. The Chief of Police shall comply with all Federal and State mandates. [*Ord. 624*]

(*Ord. 456, 1/6/1975, §10-2002; as amended by Ord. 624, 1/19/2010*)

§1-603. Status of Existing Police Force.

The existing police force of the Borough is hereby established as the Police Department established by this Part.

(*Ord. 456, 1/6/1975, §10-2003*)

§1-604. Appointment of Special Policemen by Mayor.

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

(*Ord. 456, 1/6/1975, §10-2004*)

Part 7**Fire Insurance Proceeds Escrow****§1-701. Short Title.**

This Part shall be known as the “Borough of Mount Pleasant Fire Escrow Ordinance.”

(Ord. 594, 11/3/2003, §2)

§1-702. Purpose and Intention of Part.

This Part is adopted to manage fire-blighted properties, to discourage the abandonment of properties, to prevent urban blight and deterioration and to discourage arson and related crimes in the Borough of Mount Pleasant.

(Ord. 594, 11/3/2003, §4)

§1-703. Rules of Construction.

In the construction of this Part, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the singular shall include the plural, and the plural the singular.
- B. Words used in the present tense shall include the future tense.
- C. The word “shall” is always mandatory and not discretionary.
- D. The word “may” is permissive.

(Ord. 594, 11/3/2003, §5)

§1-704. Definitions.

Borough - the Borough of Mount Pleasant.

Borough Manager - the Manager and/or Secretary of the Borough of Mount Pleasant.

Borough Treasurer - the Treasurer of the Borough of Mount Pleasant.

Building inspector - the person authorized to act as the building official, or any assistant to such person, who enforces the provisions of the Borough Zoning Ordinance [Chapter 27].

Fire damage - shall include loss by explosion or lightning.

Insurance company - includes any company, association, or exchange authorized by the Insurance Commissioner to transact the business of insurance in the Commonwealth of Pennsylvania and empowered to issue policies of insurance against loss by the perils of fire or explosion.

Municipal certificate - the certificate furnished to a named insured by the Borough under this Part.

(Ord. 594, 11/3/2003, §6)

§1-705. Municipal Certification Required Prior to Payment of Fire Loss Claims.

1. *Compliance with Procedures.* No insurance company, association, or exchange doing business in this Commonwealth shall pay a claim of a named insured for fire damage to a structure located within the Borough of Mount Pleasant where the amount recoverable for the fire loss to the structure under all policies exceeds \$5,000 unless the insurance company, association, or exchange is furnished with a certificate pursuant to subsection .2 of this Section and unless there is compliance with the procedures set forth in subsections .3 and .4 of this Section.

2. *Written Request by Named Insured for Certificate.*

A. *Issuance of Certificate by Treasurer.* The Borough Treasurer shall, upon written request of the name insured specifying the tax description of the property and the date agreed upon by the insurance company, association, or exchange and the named insured as the date of the receipt of a proof of loss of the claim, furnish the named insured with either of the following certificates specified in subparagraphs .1 and .2, which shall then be supplied by the named insured to the company, association, or exchange:

(1) *No Delinquent Taxes or Assessments.* A certificate to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties, or user charges against the property and that, as of the date of the Treasurer's certificate, the Borough has not certified any amount as total costs incurred by the Borough for the removal, repair, or securing of a building or other structure on the property.

(2) *Delinquent Taxes or Assessments.* A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the Treasurer's certificate, the amount of the total costs, if any, certified to the Treasurer that have been incurred by the Borough for the removal, repair, or securing of a building or other structure on the property. For the purposes of this subsection, the Borough shall certify to the Treasurer the total amount, if any, of such costs.

(3) *Administrative Fee Must Accompany Written Request.* All written requests by a named insured for a certificate shall be accompanied with a fee in an amount as established from time to time by resolution of Borough Council to cover the direct and indirect costs incurred by the Borough in processing said request. [Ord. 624]

B. *Receipt of Certification by Insurance Company.*

(1) *Payment of Claim to Named Insured.* Upon the receipt of a certificate pursuant to paragraph .A.1, the insurance company, association or exchange shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured and the company, association or exchange equals or exceeds 40 percent of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insurance company, association or exchange, the insured property owner and the Borough shall follow the procedures set forth in subsections .3 and .4 of this Section.

(2) *Payment of Bill to Borough.* Upon the receipt of a certificate and bill pursuant to paragraph .A.2, the insurance company, association or exchange shall return the bill to the Treasurer and transfer to the Treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges, and costs as shown on the bill. The Borough shall receive the amount and apply or credit it to payment of the items shown in the bill.

3. *Procedure When Loss Equals or Exceeds 40 Percent of Aggregate Limits of Liability.*

A. *Payment to Designated Officer.* When the loss agreed to between the named insured and the company, association or exchange equals or exceeds 40 percent of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association, or exchange shall transfer from the insurance proceeds to the Treasurer of the Borough in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a claim, or, if at the time of proof of loss agreed to between the named insured and the insurance company, association or exchange the named insured has submitted a contractor's signed estimate or other structure, the insurance company, association, or exchange shall transfer from the insurance proceeds the amount specified in the estimate, subject to the condition that said amount may not be less than \$5,000. [Ord. 624]

B. *Designation of Officer to Receive Insurance Proceeds.* The Treasurer of Mount Pleasant Borough shall receive all insurance proceeds and manage all escrow funds received under this Part.

C. *Pro Rata Transfer of Proceeds.* Transfer of proceeds shall be on a pro rata basis by all companies, associations, or exchanges insuring the building or other structure.

D. *Policy Proceeds Remaining.* Policy proceeds remaining after the transfer to the Borough shall be on a pro rate basis by all companies, associations, or exchanges insuring the building or other structure.

E. *Disbursement of Excess Funds.* Policy proceeds remaining after the transfer to the Borough shall be disbursed in accordance with the policy terms.

F. *Contractor's Estimate of Repairs or Removal.* The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the Treasurer shall return the amount of the fund in excess of the estimate to the named insured if the Borough has not commenced to remove, repair, or secure the building or other structure.

4. *Receipt of Proceeds by Borough.*

A. *Establishment of Separate Escrow Funds.* The Borough Treasurer shall establish separate escrow funds to be held by the Borough to carry out the purposes of this Part.

B. *Receipt of Proceeds by the Borough.* Upon receipt of proceeds by the Borough as authorized by this Section, the Treasurer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Borough.

C. *Transferring of Funds.* When transferring the funds as required in subsection .3 of this Section, an insurance company, association, or exchange shall provide the Borough with the name and address of the named insured, whereupon the Borough shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this subsection shall be followed.

D. *Inspection of Property.* After the named insured repairs, demolishes, or secures the property, the Building Inspector shall inspect the property prior to the Borough releasing any escrow funds. If the named insured properly repairs, demolishes or secures the property, the Building Inspector shall notify the Treasurer of such completion. If the named insured fails to properly repair, demolish or secure the property, the Borough may choose to do so and the funds escrowed shall be applied to the Borough Costs incurred.

E. *Completion of Repairs or Removal Without Cost to the Borough.* The funds shall be returned to the named insured when repairs, removal, or securing of the building or other structure have been completed and the required proof received by the Treasurer if the Borough has not incurred any costs for repairs, removal, or securing.

F. *Payment of Costs to Borough From Fund When Borough Has Incurred Costs.* If the Borough has incurred costs for repairs, removal, or securing of the building or other structure, the costs shall be paid from the fund, and, if excess funds remain, the Borough shall transfer the remaining funds to the named insured.

G. *Insufficient Funds to Pay Borough Costs.* Nothing in this Part shall be construed to limit the ability of the Borough to recover any deficiency.

H. *Other Reasonable Dispositions Permitted.* Nothing in this subsection shall be construed to prohibit the Borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

5. *Discharge of Insurance Obligation.* Proof of payment by the insurance company, association, or exchange of proceeds under a policy in accordance with subsection .3 of this Section is conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of the payment and of compliance by the company, association, or exchange with subsection .3 of this Section.

6. *No Additional Obligations Created.* Nothing in this Part shall be construed to make an insurance company, association, or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make the Borough or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

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

8. *Liberal Construction.* This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the

abandonment of property and to prevent urban blight and deterioration.

(*Ord. 594*, 11/3/2003, §7; as amended by *Ord. 624*, 1/19/2010)

§1-706. Penalty and Remedies.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 594*, 11/3/2003, §8; as amended by *Ord. 624*, 1/19/2010)

Part 8**Budgetary Reserve Account****§1-801. Budgetary Reserve Account Created.**

A fund is hereby created as the Budgetary Reserve Account of the Borough of Mount Pleasant, said fund to be used for anticipated capital expenditures at the discretion of the Council of the Borough of Mount Pleasant.

(*Ord. 624, 1/19/2010*)

§1-802. Purpose of Budgetary Reserve Account.

The monies in the account shall be used from time to time for and on account of construction, purchase or replacement of or addition to Borough buildings, equipment, machinery, motor vehicles or other legal capital assets of the Borough of Mount Pleasant.

(*Ord. 624, 1/19/2010*)

§1-803. Appropriations to Budgetary Reserve Account.

Monies to said fund shall be appropriated from the General Fund of the Borough of Mount Pleasant (or from any other source authorized by the Borough Code, 53 P.S. §45101 *et seq.*, or other applicable law pertaining to same) and any monies in said account may be invested and when invested shall be invested in securities as prescribed by law as legal investments for sinking funds for said Borough.

(*Ord. 624, 1/19/2010*)

§1-804. Budgetary Reserve Account Budget.

The Manager for the Borough of Mount Pleasant shall cause to be prepared a Budgetary Reserve Account Budget consisting of anticipated revenues and/or capital improvement appropriations and shall cause the same to be presented to the Council of the Borough of Mount Pleasant for approval.

(*Ord. 624, 1/19/2010*)

§1-805. Majority Vote of Council Required to Deposit or Withdraw Funds.

A majority of Council must vote to approve any deposits and withdrawals of the Budgetary Reserve Account.

(*Ord. 624, 1/19/2010*)

