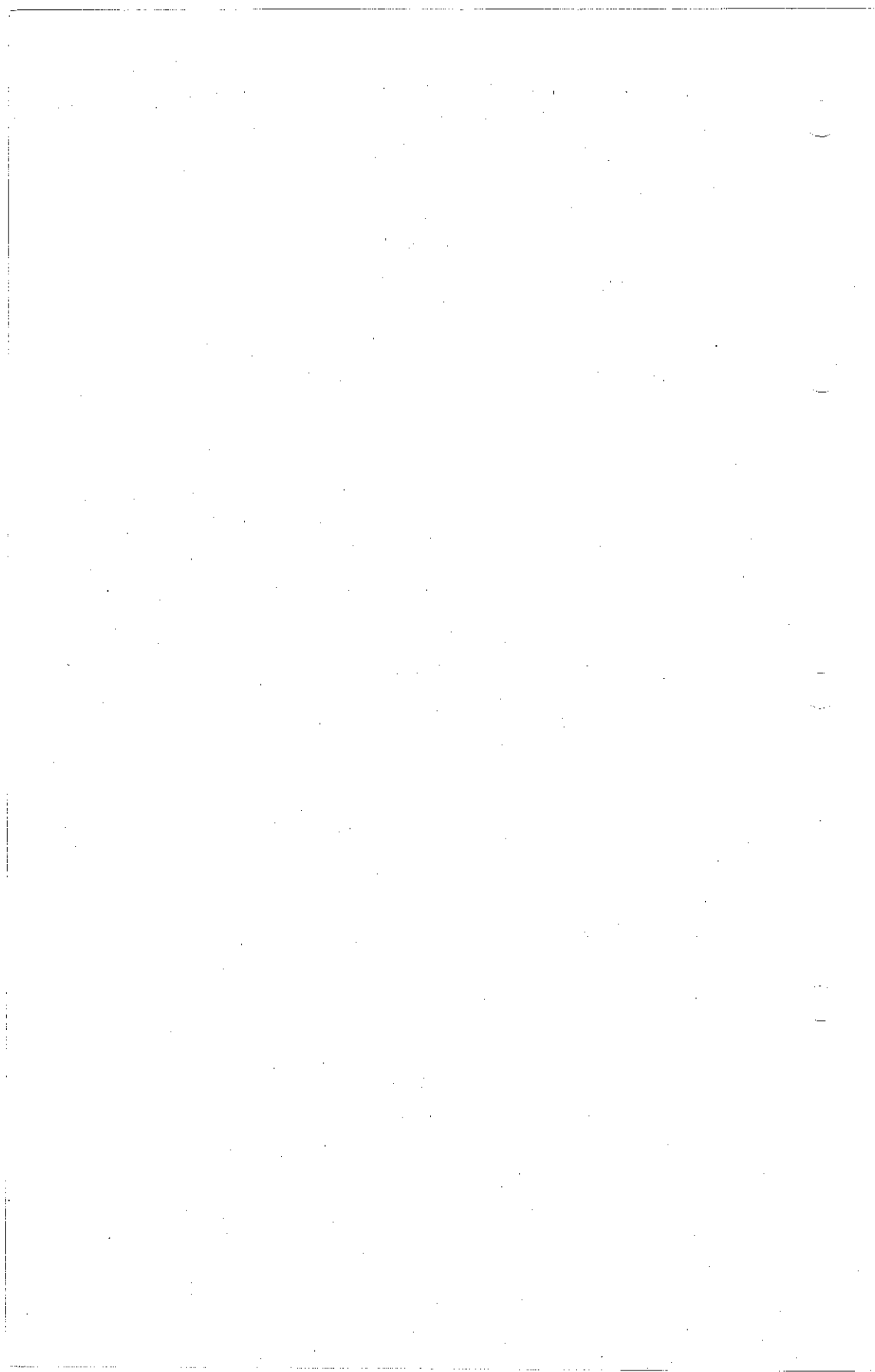


PART I

**ADMINISTRATIVE
LEGISLATION**



GENERAL PROVISIONS

Chapter 1

GENERAL PROVISIONS

ARTICLE I

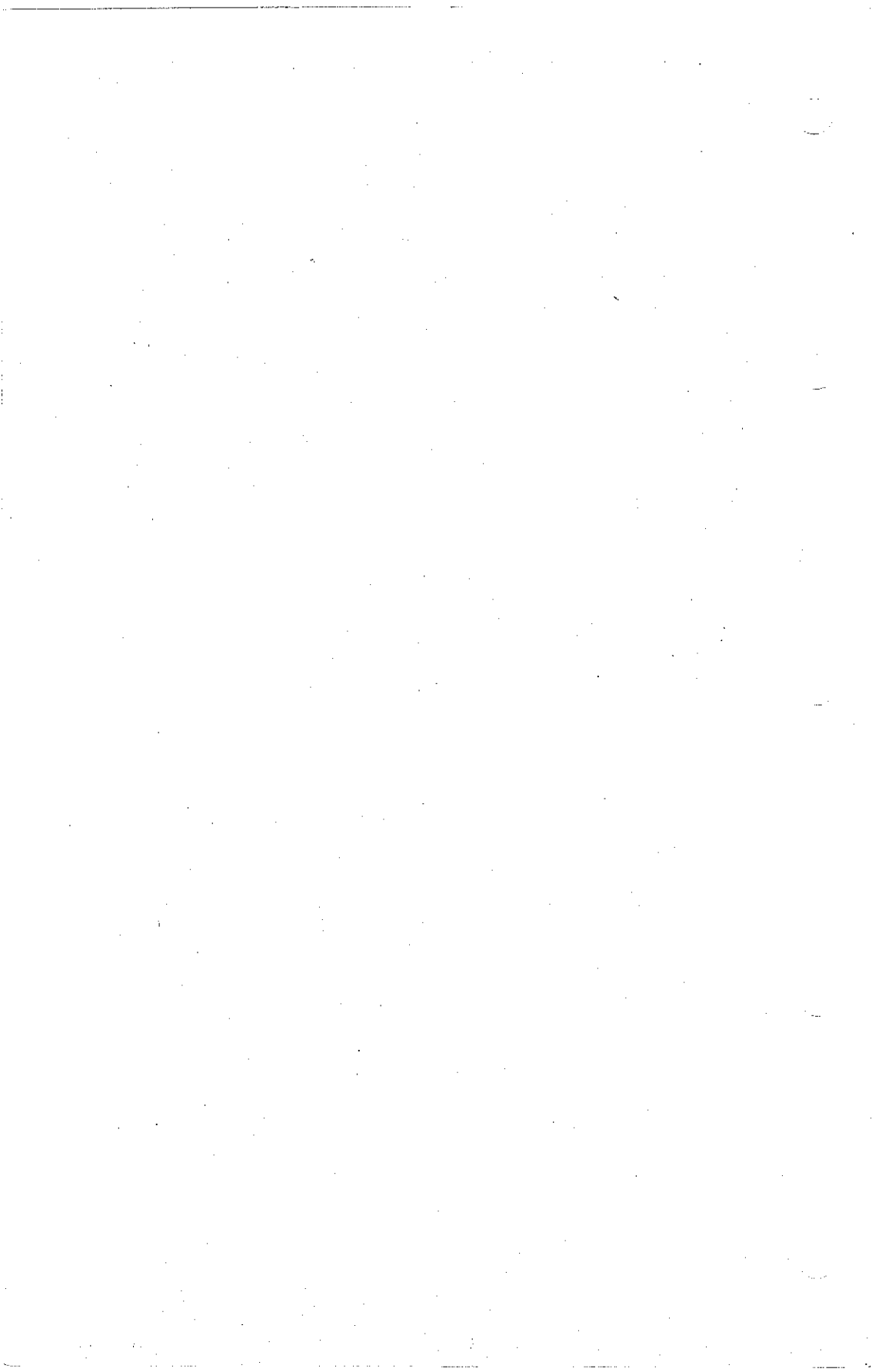
Adoption of Code

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

ARTICLE II

Legislation Adopted During Codification

[During the process of codification, certain complete new ordinances were approved by the Borough Council for inclusion in the Code of the Borough of Coaldale. Such new ordinances are noted in the histories of individual chapters as "Adopted . . . during codification; see Ch. 1, General Provisions, Art. II." In accordance with accepted codification procedures, these new ordinances will be adopted individually and are presently proposed before the Borough Council for that purpose. Upon final enactment of such ordinances, a complete enumeration of all chapters and Articles in the Code comprising such ordinances will be printed in this Article along with specific dates of adoption.]



CIVIL SERVICE REGULATIONS

Chapter 5

**CIVIL SERVICE COMMISSION RULES
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§ 5-57. Legislative authority.

[**HISTORY:** Adopted by the Mayor and Council of the Borough of Coaldale 3-8-76. Sections 5-2, 5-5, 5-18B, 5-19, 5-26, 5-31, 5-35, 5-38, 5-39, 5-40, 5-41, 5-42A(4), 5-44, 5-51 and 5-56 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Police Department — See Ch. 28.

ARTICLE I
Definitions

§ 5-1. Definitions.

Unless otherwise expressly stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the meanings indicated herein:

BOROUGH COUNCIL — The Borough Council of the Borough of Coaldale, Schuylkill County, Pennsylvania.

BOROUGH SECRETARY — The Secretary of the Borough of Coaldale, Schuylkill County, Pennsylvania.

CERTIFICATION — The submission by the appointing authority of names taken from the eligible list.

CHAIRMAN — The Chairman of the Civil Service Commission of the Borough of Coaldale, Schuylkill County, Pennsylvania.

COMMISSION — The Civil Service Commission of the Borough of Coaldale, Schuylkill County, Pennsylvania.

ELIGIBLE — A person whose name is recorded on a current eligible list or furlough list.

ELIGIBLE LIST — A list of names of persons who have passed an examination for a particular position in the Police Department.

FURLOUGH LIST — The list containing the names of persons temporarily laid off from positions in the Police Department because of a reduction in the number of officers.

PROBATIONER — An officer in the Police Department who has been appointed from an eligible list, but who has not yet completed his work test period.

REDUCTION IN RANK — A change to a different position or rank which results in a decrease in salary; provided, however, that a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

REMOVAL — The permanent separation of a police officer from the Police Department.

SECRETARY — The Secretary of the Civil Service Commission of the Borough of Coaldale, Schuylkill County, Pennsylvania.

SUSPENSION — The temporary separation of a member of the Police Department from his position.

ARTICLE II Civil Service Commission

§ 5-2. Officers.¹

The Civil Service Commission of the Borough of Coaldale, Schuylkill County, Pennsylvania, on the first Monday in February of each even-numbered year, shall elect one (1) of its members as the Chairman, one (1) as Vice Chairman and one (1) as Secretary. If the first Monday is a legal holiday, the meeting shall be held the first day following.

§ 5-3. Chairman.

The Chairman or, in his absence, the Vice Chairman shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these rules.

§ 5-4. Secretary.

The Secretary shall carry on, at the direction of the Commission, all official correspondence of the Commission, send out all notices required by law and these rules of procedure, keep a record of each examination or other official action of the Commission and perform all other duties required by law, by these rules and by the Commission.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 5-5. Meetings.²

Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairman or at the call of two (2) members of the Commission. At least twenty-four (24) hours' written notice of each meeting shall be given each member, except that no rule or regulation of the Commission shall be adopted without the prior approval of the Borough Council and except when otherwise provided in these rules, the Commission shall have the discretion to determine whether meetings shall be open to the public.

§ 5-6. Quorum.

A quorum shall consist of two (2) members, and all actions of the Commission shall have the concurrence of at least two (2) members.

§ 5-7. Order of business.

The order of business of all meetings of the Commission shall be as follows:

- A. Roll call.
- B. Approval of minutes of previous meeting.
- C. Unfinished business.
- D. Hearing of cases.
- E. New business.
- F. Communications and reports.

§ 5-8. Minutes.

The Secretary shall keep minutes of the Commission's proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE III
Applications

§ 5-9. Forms.

No person shall be admitted to an examination for a position in the Police Department of the Borough of Coaldale, Schuylkill County, Pennsylvania, until after having filed, on the official form prescribed by the Civil Service Commission, a sworn application giving such information as the Commission may require. The official application form and all notations, references and statements appearing in it are incorporated by reference into these rules and regulations and shall be as much a part of these rules as if they were fully described herein.

§ 5-10. Availability of forms.

Application forms shall be available to all interested persons in the office of the Borough Secretary and from such other offices and officers as the Commission may choose to designate from time to time.

§ 5-11. Age qualifications.

At the time of application, no applicant for any position in the Police Department shall be less than eighteen (18) years of age, and no applicant for the position of patrolman shall be more than thirty-five (35) years of age. Each applicant shall present satisfactory evidence of date of birth.

§ 5-12. General qualifications for all applicants.

Each applicant for a position in the Police Department shall be a citizen of the United States and shall have graduated from an accredited high school or have an equivalent education acceptable to the Commission. Each applicant shall be medically fit for the performance of the duties of a police officer, of good moral character and licensed to operate a motor vehicle in the Commonwealth of Pennsylvania. In the case of a foreign-born applicant, evidence satisfactory to the Commission shall be produced showing the person to be a naturalized citizen.

§ 5-13. General qualifications for applicants for certain positions.

In addition to meeting the qualifications fixed for each applicant for a position in the Police Department, all applicants for the position of Corporal, Sergeant, Lieutenant, Captain and Chief of Police shall:

- A. Have been continuously employed in the police service for at least two (2) years prior to the date of application in the case of a Corporal and at least five (5) years for all other officers.
- B. Have satisfactorily completed their in-service training program for police officers or have graduated from a recognized police school (except for the rank of Corporal).
- C. Have demonstrated an ability to carry out orders from superiors.
- D. Demonstrate a working knowledge of police science and administration.
- E. Demonstrate an ability to deliver and supervise the work of subordinates.
- F. Have received at least a grade of satisfactory on the latest service rating, provided that an evaluation of the experience, training, general background and other records of performance of the applicant may be substituted for the service rating, at the discretion of the Commission.

§ 5-14. Investigation of applicants.

An investigation of the character and reputation of the applicant may be made by the Commission and may include credit reports³ and reports of investigations from recognized agencies.

§ 5-15. Filing of applications.

Applications for positions in the Police Department may be received at any time during normal business hours in the office of

³ Editor's Note: This chapter also stated that credit reports are not sufficient to disqualify an applicant.

the Secretary and by such other offices and officers as the Commission may designate. The receipt of such applications shall be subject to the following conditions:

- A. No application received after 12:00 noon on any day that is fourteen (14) calendar days prior to the date fixed for the written examination in the public announcement shall be considered for such examination.
- B. An application shall become invalid one (1) year after the date upon which it was received.

§ 5-16. Recording.

The office of the Secretary shall review each application upon receipt for the purpose of determining that such application contains no errors or omissions. An application containing errors or omissions may be returned to the applicant for correction at the Secretary's discretion. The Secretary shall date, number and record, in the order of receipt, all acceptable applications which, once recorded, shall be Commission records and shall not be returned to the applicants.

§ 5-17. Disqualification of applicant.

The Commission shall not examine any applicant who lacks any of the prescribed qualifications unless, in the judgment of the Commission, it can be reasonably presumed that the applicant shall have acquired the necessary qualifications prior to the date of a possible certification from the list of eligibles produced as a result of the examination.

§ 5-18. Penalty for false statement.

- A. The statements made by the applicant in the official application shall contain no falsification, omission or concealment of material fact. Should investigation disclose any willful misstatement, falsification or concealment with respect to an application, one (1) of the following shall apply:

- (1) The application shall be invalid and the applicant shall be disqualified from examination.
 - (2) If the applicant shall have been examined, the name of such applicant shall be removed from the eligible list.
 - (3) If the applicant shall have been appointed, such willful misstatement, falsification or concealment shall constitute grounds for dismissal from the Police Department.
- B. No person who shall make any willful false application shall be permitted to make future application for any position in the Police Department of the borough.⁴

ARTICLE IV Announcement of Examinations

§ 5-19. Public notice.⁵

Public notice of the time and place of every examination, together with information as to the position to be filled, shall be given by publication in the newspaper of the borough. The public notice shall be published at least two (2) weeks prior to an examination, and a copy of the notice shall be posted on the bulletin board in the Borough Municipal Building. Additional public notice by publication, posting or otherwise may be given at any time at the discretion of the Commission.

§ 5-20. Written notice.

- A. In addition to the public notice, the Secretary shall give written notice to each qualified applicant as follows:
- (1) By mailing or otherwise delivering to each applicant qualified for a medical examination a notice which

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

shall include the name of the medical examiner and the date, time and place the applicant shall report for medical examination.

- (2) By mailing or otherwise delivering to each applicant who shall have been deemed fit for the duties of a police officer by medical examiner appointed by the Commission a notice which shall include the date, time, place and duration of the written and oral examinations.

B. Every such notice shall be mailed or otherwise delivered at least three (3) days prior to the date fixed for examination. Only applicants receiving notices to report for any examination shall be permitted to participate in such examination, and each applicant shall present his notice to the examiner before he shall be examined. Failure to report for an examination in accordance with the instructions contained in the written notice shall disqualify the applicant, except that in the case of a medical examination, the applicant, with the prior approval of the medical examiner designated in the notice, may fix another date and time for such examination; provided, however, that any such date or time shall be within the period fixed for medical examination in § 5-21 of this Article.

§ 5-21. Scheduling of medical examinations.

No medical examination shall be scheduled less than ten (10) days or more than twenty-one (21) days from the date fixed in the public notice for a written examination.

ARTICLE V
Medical Examinations

§ 5-22. Appointment of Medical Examiners.

The Commission shall from time to time appoint one (1) or more medical examiners to make all medical examinations required by this Article.

§ 5-23. Medical requirements.

Every applicant for appointment to a position in the Police Department shall submit to a medical examination at his expense and shall meet the minimum medical requirements established by the Commission. A statement of the medical requirements established by the Commission shall appear in the official application form, and a copy of such statement of medical requirements shall be filed in the office of each medical examiner.

§ 5-24. Report of Medical Examiner.

The Commission shall furnish each medical examiner with forms upon which the medical examiner shall state the physical and mental condition of each applicant. The report of each examination shall be submitted to the Commission within five (5) days after the date of examination.

§ 5-25. Rejection of medically unfit applicants.

If the medical examiner shall deem any applicant medically unfit for performance of the duties of a police officer because of any physical or mental defect, whether or not the defect shall be specifically stated as a cause for rejection in the statement of medical requirements, such applicant shall be rejected, and a brief statement of the reasons for rejection shall be entered in the report of the medical examination. Insofar as practicable, however, the medical examiner shall determine the medical fitness of an applicant by adhering to the statement of medical requirements.

§ 5-26. Reexamination of medical fitness.⁶

Each applicant eligible for certification to the Borough Council for appointment to any position in the Police Department shall be instructed by the Secretary, before being certified, to inform the Commission of any illness or injuries requiring the attendance of a

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

physician or requiring hospitalization and of any surgical operations that shall have occurred subsequent to the original medical examination. If, in the judgment of the Commission, there shall have been any change in the medical fitness of any applicant, whether or not such change shall have been reported by the applicant, the Commission may require the applicant to submit to a further medical examination before being certified for appointment. Any such further medical examination shall be performed at the expense of the Borough by a regularly appointed medical examiner.

ARTICLE VI
Written and Oral Examinations

§ 5-27. Examinations for patrolmen.

- A. The examination for the position of patrolman shall consist of the following two (2) parts:
- (1) A written examination which shall include a general police aptitude test, an intelligence test and such other written tests as the Commission may designate from time to time.
 - (2) An oral examination.
- B. Each part of the written examination and the oral examination shall be graded on the scale of one hundred percent (100%) and shall be weighted as follows:
- (1) For the written portions of the examination, a total of seventy (70) points.
 - (2) For the oral examination, a total of thirty (30) points. The sum of the weighted scores shall not exceed one hundred percent (100%).

§ 5-28. Examinations for Corporal, Sergeant, Lieutenant, Captain and Chief.

- A. The examination for the positions of Corporal, Sergeant, Lieutenant, Captain and Chief of Police shall consist of three (3) parts, namely:

- (1) A written examination which shall include a test of police or fire knowledge and performance, an intelligence test and such other written tests as the Commission may from time to time designate.
 - (2) An oral examination.
 - (3) An evaluation of the service ratings or performance records of the applicant.
- B. The examination shall be graded on a scale of one hundred percent (100%) and shall be weighted as follows:
- (1) For the written portions of the examination, a total of forty (40) points.
 - (2) For the oral examination, a total of thirty (30) points.
 - (3) For the evaluation of the service ratings or performance records of the applicant, a total of thirty (30) points.
- C. So far as it is able, the Civil Service Commission shall provide that the written portion of the examination for the varying ranks shall place emphasis upon those qualifications which are important in each rank. In every case, however, the total weight assigned to the written examination shall be a total of forty (40) points.

§ 5-29. Passing grades.

The minimum passing grade for an examination for the position of patrolman shall be a score of seventy percent (70%). The minimum passing grade for an examination for the positions of Corporal, Sergeant, Lieutenant, Captain or Chief of Police shall be a score of seventy-five percent (75%), and each applicant for any such position shall score at least seventy percent (70%) on each part of the examination. Every applicant for the position of patrolman who receives a score of at least seventy percent (70%) and who is entitled by law to additional credit for service in the Armed Forces of the United States shall have his score adjusted accordingly. Applicants claiming veterans' preference shall submit satisfactory proof of active service and honorable discharge whenever the Commission shall so demand.

§ 5-30. Notice of grade.

When the grading of each examination is completed, the Secretary shall give each applicant written notice of his grade.

§ 5-31. Ineligibility for future examinations.⁷

If an applicant fails to obtain a passing grade in any examination, he shall not be eligible for a subsequent examination for any position in the Police Department of the Borough for a period of six (6) months.

§ 5-32. Administering of examinations.

The Commission may designate the Department of Community Affairs, Municipal Consulting Services Division, the Institute for Urban Policy and Administration of the University of Pittsburgh, the State Civil Service Commission of the Commonwealth of Pennsylvania or any other recognized examining agency to act as examiner for the written examinations. The Commission shall reserve the right to accept or reject, in whole or in part, the recommendations of the regularly appointed examining agency. The oral examination and the evaluation of the service or performance record of any applicant shall be the responsibility of the Commission; provided, however, that the Commission may designate from time to time such persons qualified in oral examining procedures and techniques or qualified to evaluate performance or service records as are considered necessary to assist in such examinations and evaluations.

§ 5-33. Conduct of written examinations.

The Commission shall prepare a statement of instructions and rules for the conduct of written examinations. The regularly appointed examiner shall administer each examination in accordance with the instructions of the Commission and shall be responsible for enforcing the rules of conduct for written examinations.

⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 5-34. Penalty for improper conduct.

Should an applicant be found guilty of any act tending to defeat the proper conduct or the result of any examination, his name shall be removed from the eligible list resulting from the examination, and the applicant shall not be permitted to make future application for any position in the Police Department.

**ARTICLE VII
Eligible Lists****§ 5-35. Preparation of eligible list.⁹**

As soon as possible after the completion of each examination, the Secretary shall prepare an eligible list upon which shall appear the name of each applicant who received a passing grade in the examination. The names on the eligible list shall be arranged, from the highest to the lowest, in the order of the final weighted score received by each eligible. The eligible list shall be filed in the office of the Borough Secretary, and a copy shall be posted on the bulletin board in the Borough Municipal Building.

§ 5-36. Breaking tie scores.

When two (2) or more eligible applicants shall receive the same final weighted score, the order in which the names of such persons shall appear on the eligible list shall be determined by their respective scores on that part of the examination assigned the greatest weight. In the event that two (2) or more qualifying applicants also receive identical scores on that part of the examination assigned the greatest weight, the order of listing shall be determined by the order in which the applications were numbered for recording purposes.

§ 5-37. Longevity.

The Commission, at its discretion, may void an eligible list at any time, but in no case shall any eligible list remain in effect for a period of more than one (1) year from the date of its preparation.

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 5-38. Furlough lists.⁹

Whenever the Borough Council shall determine the need for a reduction in the number of police officers, the Commission shall prepare and maintain a list of the names of all such furloughed officers, together with the position held by each such officer at the time of furlough. The names on the furlough list shall be arranged in priority order based on the length of service of each furloughed officer.

**ARTICLE VIII
Certification and Appointments****§ 5-39. Filling vacancies.¹⁰**

When a vacancy is to be filled in the Police Department, the Borough Council shall submit a written request to the Commission for certification of eligibles. In making the request, the title of the position to be filled and the compensation to be paid shall be specified.

§ 5-40. Certification from furlough lists.¹¹

Upon receipt of a request from the Council, the Commission shall first certify the names of those eligibles who were furloughed because of a reduction in force. In filling a vacancy from the furlough list, the Commission shall certify the top name only. If more than one (1) vacancy is to be filled, the Commission shall certify from the top of the list a number of names equal to the number of vacancies to be filled.

§ 5-41. Certification from eligible lists.¹²

If no furlough list exists or if the total number of vacancies cannot be filled from the available names on the furlough list, the

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹¹ Editor's Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art. I.

¹² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

Commission shall certify names from the eligible list. The number of available eligibles certified from the eligible list shall exceed by two (2) the number of vacancies to be filled from such eligible list. If there are less than three (3) available eligibles on the eligible list, the Borough Council may make selection from such lesser number of available eligibles or may request that the Commission hold another examination.

§ 5-42. Removal of names from lists.

A. In addition to the other reasons stated as grounds for removal in these rules, the name of any person appearing on a furlough list or an eligible list shall be removed by the Commission for any of the following reasons:

- (1) Such person is appointed to a position in the Police Department.
- (2) Such person declines an appointment to a permanent position in the Police Department.
- (3) Such person fails to make written reply to the Commission within seven (7) calendar days from the date of mailing of a notice of certification.
- (4) Such person indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed, unless, in the opinion of the Council, such person can show good and sufficient reasons for failure to report.¹³

B. The name of any person on an eligible list shall also be removed by the Commission if said person is certified for appointment consideration three (3) times as the top name and is not appointed. Nothing in this section, however, shall be construed as authorizing the removal of the name of a person from a furlough list or eligible list who refuses or accepts a position of a lower rank than that from which furloughed or for which eligible on a Commission list.

¹³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 5-43. Appointment procedures.

Whenever the name of a person is certified from either the furlough list or the eligible list, the person shall be notified immediately of such certification by registered or certified mail. The notice shall include the title of the position and the compensation to be paid and shall request a written reply within seven (7) days from the date of mailing.

§ 5-44. Probationary period.¹⁴

All initial appointments to positions in the Police Department shall be for a probationary period of not less than six (6) months and not more than one (1) year. The Chief of Police shall investigate the adjustment, performance and general acceptability of each probationer to determine whether such probationer is fully qualified for permanent appointment. The Chief of Police shall make a report on the performance and conduct of each probationer at the end of the second and fourth months of the probationary period and, finally, not less than ten (10) nor more than fifteen (15) calendar days before the next regular meeting of the Borough Council immediately preceding the end of the probationary period. Each final probationary report shall include the recommendation of the Chief of Police either to retain or reject the probationer. Each report shall be submitted in writing to the Borough Council. Within five (5) calendar days after the regular meeting of the Borough Council immediately preceding the end of the probationary period, the Council shall notify the Commission, in writing, of its decision to retain or remove the probationer. The Commission, in turn, shall notify the probationer of such decision on or before the last day of the probationary period. In the event that the person named to the position of Chief of Police is serving a probationary appointment, the Council shall designate one (1) person to evaluate the performance and conduct of the Chief in the same manner and subject to the same procedures as that established for all other positions in the Police Department. The person so designated shall be of sufficiently high rank as to pose no conflict of interest and shall be sufficiently familiar with the position to render a fair judgment.

¹⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE IX
Suspensions, Removals and Reductions in Rank

§ 5-45. Procedure.

Whenever any police officer is suspended, removed or reduced in rank, the specific charges warranting each such action shall be stated in writing by the individual having appointing authority. The charges shall be stated clearly and in sufficient detail to enable the accused to understand the charges made against him and to be able to answer them. As soon as practicable, the statement of charges shall be filed in duplicate with the Commission and, within five (5) calendar days of such filing, the original copy of the statement of charges shall be delivered to the accused either by personal service or by certified or registered mail.

§ 5-46. Demand for hearing.

Any police officer suspended, removed or reduced in rank may file with the Commission a written demand for a hearing. Such written demand and any statement of written answers to the charges made against the person accused shall be filed no later than seven (7) calendar days from the date upon which the statement of charges was personally served or received. Within the period fixed by law, the Commission shall grant a hearing to any accused person who complies with the provisions of this section. Each such hearing shall be open to the public unless the accused, when making his written demand for a hearing, requests that such hearing be closed to the public.

§ 5-47. Notice of hearing.

Notice of the date, time and place for each hearing shall be given in the following manner:

- A. Either by personal service or by certified or registered mail to each of the principals involved in the case.
- B. By mailing a notice to all other parties who have stated an interest in the hearing; provided, however, that any failure

to give the notice required by this subsection shall not invalidate any subsequent action taken by the Commission.

§ 5-48. Oaths.

All testimony shall be given under oath. The Chairman or, in his absence, the Vice Chairman shall administer all oaths.

§ 5-49. Subpoenas.

The Chairman or, in his absence, the Vice Chairman may compel the attendance of witnesses and the production of records and papers pertaining to any hearing. However, upon the written request by the accused or by the person making charges, the Chairman or, in his absence, the Vice Chairman shall additionally order the attendance of pertinent witnesses or the production of relevant documents, provided that such a written request is filed with the Secretary within five (5) calendar days from the date appearing on the notice of the hearing.

§ 5-50. Hearing procedure.

A. Each hearing shall be conducted in the following manner:

- (1) The Chairman shall state the general purpose of the hearing.
- (2) The Secretary, upon direction of the Chairman, shall read the written charges against the accused, together with the record of action taken against such officer.
- (3) The Secretary shall read any written reply of the accused.
- (4) The Chairman shall afford each person making charges, or his counsel, an opportunity to make further statement in support of the charges and to produce any witness.

- (5) The Chairman shall afford the accused, or his or her counsel, an opportunity to question or cross-examine the person making charges, and to question or cross-examine any witness produced by such person.
 - (6) The Chairman shall afford each person making charges an opportunity to examine the person accused.
 - (7) The Chairman shall permit each person making charges, or his counsel, to make a summation.
 - (8) The Chairman shall afford the accused, or his counsel, an opportunity to produce any witness and to sum up the defense.
 - (9) The Commission shall be the judge of admissible evidence and procedure and shall not be bound by technical rules of evidence.
 - (10) A stenographic transcript of proceedings shall be made and filed in the Commission's archives along with all other records pertinent to the case. Such records shall be sealed and not open to public inspection.
- B. The Commission, at any time during the course of the hearing, may question or cross-examine the person making charges, the accused and any witness.

§ 5-51. Decision of Commission.¹⁵

Within fifteen (15) calendar days after the hearing, the Commission shall issue its decision in the form of a written order approved by at least two (2) members of the Commission. The written order shall include all findings of fact. If, during the public hearing, opposing facts are presented, the Commission shall include in its written order a decision as to what it considers to be the correct facts. The findings and decision of the Commission shall be certified to the person making charges, to the accused officer and to the Borough Council.

¹⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE X
Records

§ 5-52. Inspection.

Except as otherwise provided in this Article, all of the records of the Commission shall be open to the public and available for inspection during normal business hours. A member of the Commission, or any person who may from time to time be designated by the Commission, shall be present at all times during any inspection of any record of the Commission.

§ 5-53. Confidentiality.

All reports of investigations and inquiries into the character and reputation of applicants shall be kept in the strictest confidence and shall not be open to public inspection.

§ 5-54. Inspection of examination materials.

- A. All examination materials shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect his examination papers, provided that:
- (1) He makes a written request to the Commission within seven (7) calendar days from the date of mailing of the written notice of his grade.
 - (2) He receives the written consent of the Commission to inspect his examination papers.
 - (3) He makes his inspection within five (5) calendar days from the date of the mailing of the consent of the Commission.
- B. The Commission shall not consent to the request of any examined applicant to inspect any written examination paper which may be used in a subsequent written examination that may be scheduled within ninety (90) calendar days following the date of receipt of the written

request. If the Commission consents to an inspection of any of the written examination papers by any previously examined applicant, it shall state in its letter of consent the specific examination papers that may be inspected. Before any member of the Commission, or any person designated by the Commission, permits any inspection of examination papers, he shall require the examined applicant to produce the letter indicating the consent of the Commission and he shall limit the inspection by the examined applicant to only those examination papers indicated in the letter of consent. No examined applicant shall be permitted to inspect any examination papers other than his own, nor shall he be permitted to make any written notes while he is inspecting any examination paper.

ARTICLE XI Commission Forms

§ 5-55. Official forms.

The following numbered forms and their titles become the official forms of the Commission and a part of the Rules and Regulations of the Commission, a copy of which may be obtained from the Secretary of the Commission:

- A. Application for examination.
- B. Minimum qualifications of applicants.
- C. Certificate of medical examination.
- D. Confidential inquiry letter.
- E. Confidential inquiry form.
- F. Instructions to competitors.
- G. Notice of medical examination.
- H. Notice of (written) (oral) examination.
- I. Rating form - oral interview.

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- J. Certification notice.
- K. Personal service record.
- L. Service rating police department.

ARTICLE XII
Amendments; Adoption

§ 5-56. Amendments.¹⁶

The Commission, with the approval of the Borough Council, may from time to time amend any part of these rules and regulations, insofar as such amendments do not run contrary to borough codes.

§ 5-57. Legislative authority.¹⁷

The foregoing rules and regulations are in accordance with the powers granted by the civil service sections of the Borough Code, Sections 1171 to 1195, enacted by the General Assembly of the Commonwealth of Pennsylvania.

¹⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁷ Editor's Note: See 53 P.S. §§ 46171 through 46195.

§ 10-1

HEALTH, BOARD OF

§ 10-2

Chapter 10

HEALTH, BOARD OF

- § 10-1. Establishment of Board.
- § 10-2. Membership; terms of office.
- § 10-3. Duties of Secretary.
- § 10-4. Duties of Health Officer.
- § 10-5. Power and enforcement.
- § 10-6. Annual submission of report to Council.
- § 10-7. Vacancies.
- § 10-8. Right of entry.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 2-16-14. Sections 10-1, 10-2, 10-3, 10-4, 10-6 and 10-7 amended and § 10-8 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 10-1. Establishment of Board.¹

Be it ordained by the Borough Council of the Borough of Coaldale, and it is hereby ordained by the authority of the same, that a Board of Health shall be established, appointed and maintained in said Borough of Coaldale in accordance with the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 12th day of June 1913.

§ 10-2. Membership; terms of office.²

The Board of Health shall be composed of three (3) members. The members of the Board of Health shall be appointed by a

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Former Section 8 which immediately followed this section as well as former Sections 8, 10 and 11 were omitted during codification; see Ch. 1, General Provisions, Art. I.

majority of the Borough Council. At the first appointment after the passage of this chapter one (1) member shall be appointed to serve for one (1) year, one (1) for two (2) years and one (1) for three (3) years, and thereafter one (1) member shall be appointed in like manner in each year to serve for five (5) years. Vacancies shall be filled by the majority of Borough Council for the unexpired term of any member of the Board of Health who shall for any reason cease to be a member of said Board, in the manner that is hereinbefore provided. The members of the Board of Health shall be residents of the Borough of Coaldale and shall serve with compensation as determined by the Borough Council.

§ 10-3. Duties of Secretary.³

The Secretary of the Board shall keep the minutes of its proceedings; shall keep accurate accounts of the expenditures of the Board; shall draw and certify under the seal of the Board of Health all orders drawn upon the Treasurer of the borough for the payment of moneys on account of the Board of Health and shall present to the members of the Board for its approval all orders so drawn and shall render statements for the expenditures to the Board at each stated meeting or as frequently as it may require; shall prepare, under the direction of the Board, the annual report to the Borough Council, together with the estimate of appropriation needed for the ensuing year; shall report to the State Department of Health at the end of each week and for the fraction of each week occurring at the end of each month the cases of communicable diseases reported to the Board of Health on the form provided for that purpose by the State Department of Health; and shall make such other reports and perform such other duties as the Board may require.

§ 10-4. Duties of Health Officer.⁴

It shall be the duty of the Health Officer to attend all stated and special meetings of the Board of Health and at all times to be

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ready and available for the prompt performance of his official duties. He shall placard and quarantine all premises upon which cases of communicable diseases exist, which have been reported to the Board of Health or which he or the Board of Health have knowledge, which are required by law or by regulation of the State Department of Health or of the local Board of Health to be placarded and quarantined, and he shall disinfect and fumigate such premises upon the expiration of the quarantine period and the recovery of the last person therein suffering from such communicable disease. He shall serve written notice upon teachers and persons in charge of public, parochial, Sunday or other schools, requiring the exclusion from school of children and persons who are suffering from communicable diseases and shall make sanitary inspection and abate any and all nuisances found to exist and shall execute the orders of the Board of Health.

§ 10-5. Power and enforcement.

The said Board of Health shall have the power and it shall be its duty to enforce the laws of the Commonwealth, regulations of the State Department of Health and such further regulations as the Board may see fit to adopt for the control of communicable disease and prevention of infection therefrom.

§ 10-6. Annual submission of report to Council.⁵

It shall be the duty of the Board of Health to submit annually to the Council before the commencement of the fiscal year the estimate of the public expenditures of the Board during the ensuing year; and the Council shall proceed to make such appropriations thereto as may be necessary; and said Board shall, in the month of November in each year, submit a report in writing to the Council of its operation and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the borough as may be necessary; and Council shall publish the same in its official journal.

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 10-7. Vacancies.⁶

Any member of the Board of Health who shall, without sufficient cause or without having been excused from attendance by the Board of Health, or otherwise, neglect his duties as a member of the Board of Health for a period of three (3) months shall be considered to have withdrawn from the membership in said Board and the Borough Council shall proceed to fill the vacancy thus created in accordance with § 10-2 of this chapter.

§ 10-8. Right of entry.⁷

The Board of Health as a body or by committee, together with its assistants, subordinates and workmen, under and by order of said Board, shall have the power to enter at any time upon any premises in the borough upon which there is suspected to be any infectious or contagious disease or any nuisance detrimental to the public health for the purpose of examining and abating the same.

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 15-1 MUNICIPAL AUTHORITY § 15-1

Chapter 15

MUNICIPAL AUTHORITY

- § 15-1. Joint Authority.
- § 15-2. Name of Authority.
- § 15-3. Articles of Incorporation.
- § 15-4. Execution of Articles of Incorporation.
- § 15-5. Filing of Articles of Incorporation.
- § 15-6. Vacancy in Board of Authority.
- § 15-7. General welfare.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale 2-4-64. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 87.

§ 15-1. Joint Authority.

It is the joint desire and intention of the municipal authorities of the Boroughs of Lansford and Summit Hill in Carbon County and the Borough of Coaldale in Schuylkill County, in the Commonwealth of Pennsylvania, to organize an authority under the Municipal Authorities Act of 1945, designated as Act No. 164, approved May 2, 1945, 53 P.S. § 301 et seq., together with all the supplements and amendments thereto, for the purpose of exercising and enjoying all the powers of the Act, its supplements or amendments.¹

¹ Editor's Note: See 53 P.S. § 301 et seq.

§ 15-2. Name of Authority.

The name of the proposed Authority is the "Coaldale-Lansford-Summit Hill Sewer Authority."

§ 15-3. Articles of Incorporation.

The proposed Articles of Incorporation of the Authority are as follows:

Municipal Authority
Articles of Incorporation
to the
Secretary of the Commonwealth
of Pennsylvania

In compliance with the Municipal Authorities Act of 1945, its supplements and amendments, The Boroughs of Lansford and Summit Hill in Carbon County and the Borough of Coaldale in Schuylkill County, municipalities of the Commonwealth of Pennsylvania, pursuant to identical ordinances duly adopted by the representatives of the municipal authorities of the three (3) municipalities, signifying their joint desire and intention to form an authority, hereby certify:

1. The name of the Authority shall be the "Coaldale-Lansford-Summit Hill Sewer Authority."

2. This Authority is formed under the Municipal Authorities Act of 1945, its supplements and amendments.

3. No other joint or single authority organized under the Municipal Authorities Act of 1945, its supplements or amendments, the Act approved June 28, 1935, P.L. 463, as amended,² is in existence in and for the incorporating municipalities, except that:

a. The Borough of Coaldale, Schuylkill County, Pennsylvania, and the Borough of Lansford, Carbon County, Pennsylvania, heretofore organized an authority known as the "Lansford-Coaldale Joint Water Authority," under provisions of Act of Assembly approved.

² Editor's Note: The Act of June 28, 1935, P.L. 463 was the act which immediately preceded the Municipal Authorities Act of 1945.

b. The Borough of Summit Hill, Carbon County, Pennsylvania heretofore organized an authority known as the "Summit Hill Water Authority" under provisions of Act of Assembly approved.

4. The purposes of the Authority are to acquire, hold, construct, improve, maintain, operate, own and lease, either in the capacity of owner, lessor or lessee, sewers, sewer systems, or parts thereof, and sewage treatment works, including works for treating and disposing of industrial wastes, as respects each of the incorporating municipalities.

5. The names and addresses of the Mayor and the members of Council of the Borough of Lansford, such persons being the municipal authorities of the municipality, are as follows:³

6.⁴ The membership of the Board of the Authority to be hereby formed shall be apportioned so that:

The Borough of Lansford shall have three (3) members.

The Borough of Summit Hill shall have three (3) members.

The Borough of Coaldale shall have three (3) members.

IN WITNESS WHEREOF, the incorporating municipalities have executed these articles, each by its proper officers thereunto duly authorized, and under its Municipal Seal, this 4th day of February 1964.

(Municipal Seal)

BOROUGH OF LANSFORD
Carbon County, Pennsylvania

By:

George J. Demetriades
Mayor

³ Editor's Note: The original listing which followed and which listed the names of the original members from the Boroughs of Lansford, Summit Hill and Coaldale was deleted at the time of adoption of the Code as being obsolete.

⁴ Editor's Note: The listing which immediately followed, appointing the original membership of the Board of the Authority, was deleted at the time of adoption of the Code as being obsolete.

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ATTEST:

By:

Francis Petrash
President

.....
Edwin H. Stickler,
Secretary, Lansford Borough

(Municipal Seal)

BOROUGH OF SUMMIT HILL
Carbon County, Pennsylvania

By:

Louis D. Lisella
Mayor

By:

Robert A. Stoudt
President

ATTEST:

.....
Frank Llewellyn
Secretary, Summit Hill Borough

(Municipal Seal)

BOROUGH OF COALDALE
Schuylkill County, Pennsylvania

By:

s/Joseph E. Sharpe
Mayor

By:

s/Joseph J. Smar
President

ATTEST:

.....
s/Harry Hoffa
Secretary, Coaldale Borough

§ 15-4. Execution of Articles of Incorporation.

The Articles of Incorporation of the Authority, in substantially the form set forth in § 15-3 of this chapter, shall be executed on behalf of the Borough of Coaldale by the President of Council and the Mayor of the Borough of Coaldale and under its Municipal Seal, attested by the Secretary of the Borough, and such officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish said Authority in conformity with the Municipal Authorities Act of 1945, its supplements and amendments.⁵

§ 15-5. Filing of Articles of Incorporation.

The Borough Solicitor of the Borough of Coaldale, in cooperation with the Solicitors of the Boroughs of Lansford and Summit Hill shall be directed to file Articles of Incorporation, together with proofs of publication and proper fees, with the Secretary of the Commonwealth of Pennsylvania, and to do all other acts and things necessary and appropriate to effect the incorporation of the Coaldale-Lansford-Summit Hill Sewer Authority.

§ 15-6. Vacancy in Board of Authority.

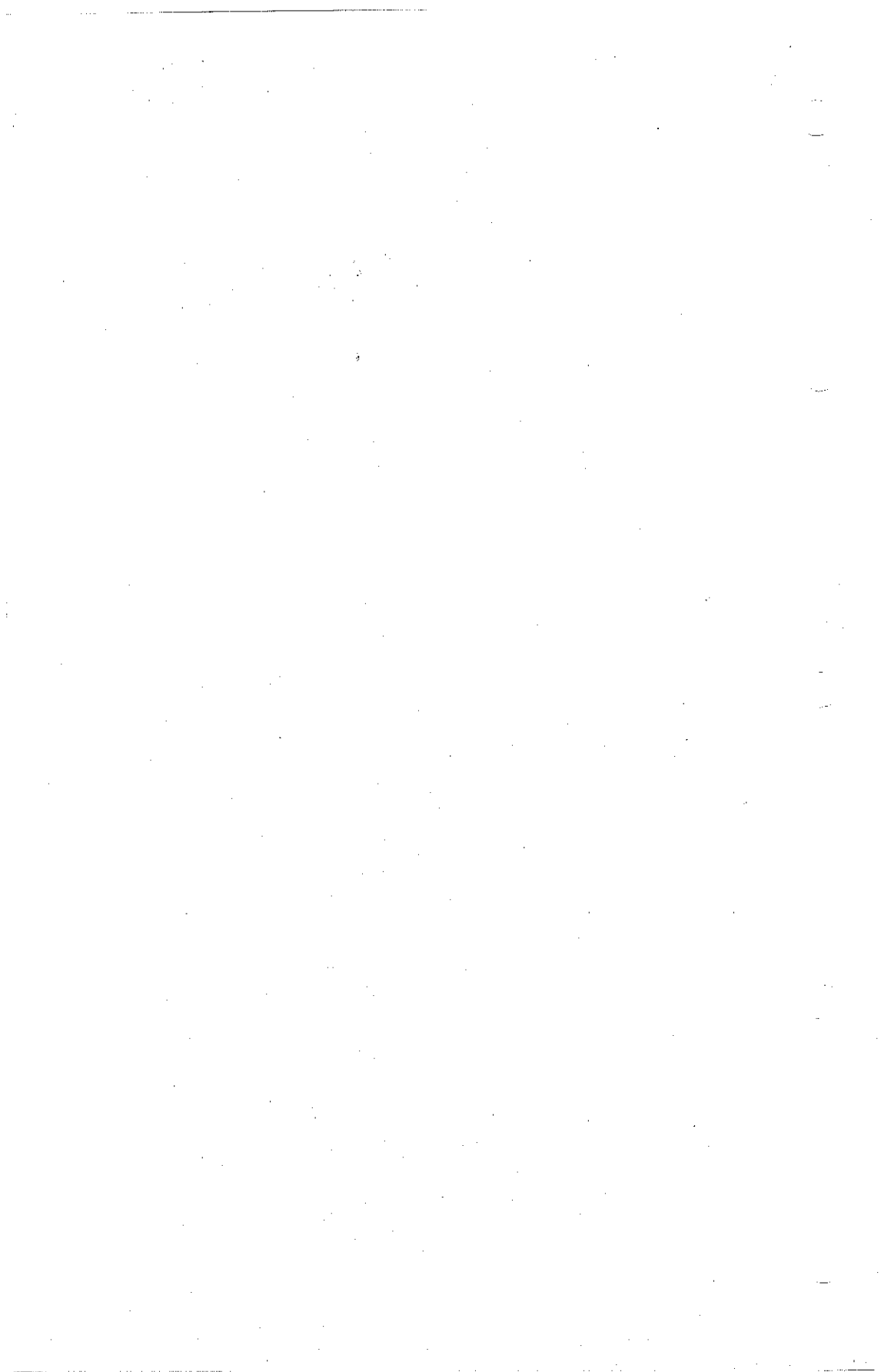
Whenever a vacancy shall exist for any reason whatsoever in the Board of the Authority, the vacancy shall be filled by the municipal authorities of the municipality in the representation of which the vacancy occurs.

§ 15-7. General welfare.

The adoption of this chapter is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare, and will increase the prosperity of the peoples of the Borough of Coaldale, Pennsylvania.⁶

⁵ Editor's Note: See 53 P.S. § 301 et seq.

⁶ Editor's Note: On September 15, 1964, the borough adopted an ordinance approving a service agreement between Coaldale, Lansford and Summit Hill Sewer Authority and the Boroughs of Lansford, Summit Hill and Coaldale under which said Authority will provide sewage treatment and disposal service for said boroughs.



OFFICERS AND EMPLOYEES

Chapter 18

OFFICERS AND EMPLOYEES

**ARTICLE I
Treasurer**

- § 18-1. Duties; bond required.
- § 18-2. Bond.
- § 18-3. Statement of accounts.
- § 18-4. Compensation.

**ARTICLE II
Supervisor**

- § 18-5. Duties.
- § 18-6. Compensation.
- § 18-7. Conditions governing receipt of final month's salary.

**ARTICLE III
Mayor**

- § 18-8. Term of office; oath.
- § 18-9. Duties.
- § 18-10. Presiding over meetings; voting.
- § 18-11. Discharge of Mayor's duties during absence.
- § 18-12. Compensation.

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ARTICLE IV
Solicitor

§ 18-13. Qualifications.

§ 18-14. Duties; extra compensation.

§ 18-15. Compensation.

ARTICLE V
Secretary

§ 18-16. Duties.

§ 18-17. Compensation.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale: Art. I, 6-14-06; Art. II, 6-14-06; Art. III, 6-14-06; Art. IV, 6-14-06; Art. V, 6-14-06. Sections 18-1, 18-2, 18-3, 18-4, 18-5, 18-6, 18-7, 18-8, 18-9, 18-10, 18-12, 18-13 and 18-16 amended and § 18-15 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Salaries and compensation generally — See Ch. 32.

ARTICLE I
Treasurer
[Adopted 6-14-06]

§ 18-1. Duties; bond required.¹

Be it ordained by the Borough Council of the Borough of Coaldale and it is hereby ordained by the authority of the same that the Treasurer shall give a bond, with surety, as required in § 18-2 of this Article, before entering upon the duties of his office.

¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

He shall keep a just account of all his receipts and disbursements and annually submit his accounts to the borough auditors to be examined by them. He shall receive all funds payable to the borough, giving his receipts therefor and pay out all funds demanded upon orders or warrants, duly signed by the President and attested by the Secretary and under the seal of the corporation. He shall not pay out any money without a previous order or warrant. He shall pay over all moneys remaining in his hands and deliver all books, papers, accounts and other things belonging to the corporation to his successor within ten (10) days after the first Monday in January.

§ 18-2. Bond.²

The Treasurer shall execute and deliver a bond to Council for approval. The bond shall be in the following form:

Know all men by these presents that we principal of the Borough of Coaldale, County of Schuylkill and the Commonwealth of Pennsylvania and the surety, are jointly and severally bound with the Commonwealth of Pennsylvania, for the use of the Borough of Coaldale in the sum of dollars lawful money of the United States of America, to be paid to the said Commonwealth, for the use of the said borough, to which payment will and truly to be made we do hereby, jointly and severally bind ourselves and each of us, jointly and severally for and in the whole, our and each of our heirs, executors and administrators and every of them firmly by these presents. Sealed with our seals and dated the day of 19 Whereas the said has been duly appointed by the Borough Council of the Borough of Coaldale, at a regular meeting of said Borough Council held on the day of March 19 As Treasurer of said borough for the ensuing year and until his successor is elected or appointed or duly qualified. Now the condition of this obligation is such that if the said shall and do well and truly perform all of the duties of the office of Treasurer of the Borough of Coaldale at all times during his continuance in office

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

and shall well and faithfully execute the said office and perform in all things the duty and trusts in him reposed according to law, until his successor shall be elected or appointed or duly qualified, then this obligation to be void and of no effect, or else to be and remain in full force and virtue.

And we do further authorize and empower any attorney of the Court of Common Pleas of Schuylkill County to appear for us and upon filing, in the office of the Prothonotary of said county, a copy of this bond, confess a judgment, jointly and severally against us, our heirs, executors or administrators for the sum of with costs of suit and an attorneys commission of ten percent (10%), for collection and release of all errors, without stay of execution; inquisition and extension upon any levy on real estate is hereby waived and condemnation agreed to; the exemption of personal property from levy and sale of any execution issued hereon is also expressly waived and no benefit of exemption from law now in force or which may be passed hereafter.

Signed sealed and delivered in the presence of us.

..... (Seal)
..... (Seal)

This is to certify that at a regular meeting of the Borough Council of the Borough of Coaldale held on the ... day of March 19... was duly appointed Treasurer of said borough and at another regular meeting held on the ... day of 19... the foregoing bond of as such Treasurer in the sum ofdollars withas surety was accepted and approved.

President of Council

Secretary

Approved this ... day of 19..

Mayor

And now the above bond is approved and directed to be filed in the office of Clerk of Court of Quarter Sessions.

§ 18-3. Statement of accounts.³

The Treasurer shall render a statement of his accounts once every month to the Borough Council.

§ 18-4. Compensation.⁴

The Treasurer shall receive such compensation as the Borough Council shall fix.

ARTICLE II
Supervisor
[Adopted 6-14-06]

§ 18-5. Duties.⁵

- A. The Supervisor shall act under the direction of the Committee on Streets in caring for the streets and alleys of the borough and keep all streets and alleys in good condition according to the plan and grades of the streets; he shall keep time accounts of the time of service of the several citizens employed at borough work under his charge and render a correct copy thereof to Borough Council at each regular meeting thereof.
- B. He shall make all necessary arrangements for cleaning and repairing the streets at all seasons of the year and shall report to the Committee on Streets all violations of the ordinances relating to streets and alleys; he shall personally request all persons who have placed ashes or any other refuse upon the streets or alleys to remove the same within twenty-four (24) hours, and if they refuse to remove the same he shall immediately notify the Mayor and Chief of Police.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- C. He shall be the sole custodian of all tools, implements and other property of the borough used by him and the employees in caring for the streets and alleys; all tools of the borough used by him and the persons under him shall be returned to him at the end of each day, and he shall be responsible to the borough for the safekeeping of all such tools and property.
- D. It shall be the duty of the Committee on Streets to take a complete inventory of all tools, stock and property of the borough to be put in charge of the Supervisor, which inventory shall be signed by the Supervisor before taking charge of office, wherein he shall acknowledge the receipt of all tools, implements and property enumerated. Such inventory shall be filed with the Borough Secretary and preserved among the borough records.
- E. The Supervisor shall make a report to Borough Council, at each regular meeting, in writing, giving a full list of tools lost, stolen, broken or useless and also all tools purchased since the last report, which report the Secretary shall preserve among the borough records.

§ 18-6. Compensation.⁶

The Supervisor shall receive such compensation as Borough Council shall fix.

§ 18-7. Conditions, governing receipt of final month's salary.⁷

The Supervisor shall not be paid his salary for the last month of his employment until the Committee on Streets has reported to Borough Council that the Supervisor has delivered to them for the borough, all tools, implements and property of the borough in his charge, according to the inventory taken at the beginning of his term and the subsequent report made to Council.

⁶ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁷ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE III
Mayor
[Adopted 6-14-06]

§ 18-8. Term of office; oath.⁸

Be it ordained by the Borough Council of the Borough of Coaldale and it is hereby ordained by the authority of the same that the Mayor shall be elected for a term of four (4) years. He shall take and subscribe an oath before the District Justice to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform the duties of his office with fidelity; his certificate of election and oath of office shall be filed with the Borough Secretary.

§ 18-9. Duties.⁹

The Mayor shall have the power to enforce the bylaws, ordinances, rules and regulations of the borough. He shall serve as collection agent of the borough with regard to parking violations, street opening fees, landfill and moving permits.

§ 18-10. Presiding over meetings; voting.¹⁰

He shall not hold any other borough office or appointment during his term or preside at the meetings of Council, except at the annual organization thereof, when he shall attend and cast the deciding vote when Council may be equally divided for the election of a President, Secretary or other officers as by law and borough ordinances are required to be elected at that time, and at any Council meeting shall cast the deciding vote when Council shall be equally divided on any matter.

§ 18-11. Discharge of Mayor's duties during absence.

In the absence or incapacity of the Mayor his duties shall be discharged by the President of Council.

⁸ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹⁰ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 18-12. Compensation.¹¹

The salary of the Mayor shall be determined from time to time by the Borough Council.

ARTICLE IV
Solicitor
[Adopted 6-14-06]

§ 18-13. Qualifications.¹²

Be it ordained by the Borough Council of the Borough of Coaldale and it is hereby ordained by the authority of the same that the Solicitor must be a practicing attorney at the Schuylkill County Bar. He shall at all times during his term, advise the Council collectively or individually.

§ 18-14. Duties; extra compensation.

- A. He shall prepare all ordinances, agreements, deeds and other legal documents for and on behalf of the borough and shall be paid therefor such extra compensation as is usually paid for such services.
- B. He shall conduct all legal proceedings for and on behalf of the borough, in all suit actions or claims to which the borough is a party or interested and shall receive such extra compensation as is usually paid for such services.

§ 18-15. Compensation.¹³

He shall receive such compensation for his services as Council shall decide.

¹¹ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

¹³ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE V
Secretary
[Adopted 6-14-06]

§ 18-16. Duties.¹⁴

Be it ordained by the Borough Council of the Borough of Coaldale and it is hereby ordained by the authority of the same that the Secretary shall attend all meetings of the Council, keep correct minutes of the proceedings of the Council, transcribe the bylaws, rules, regulations and ordinances adopted into a book kept for that purpose and when signed by the presiding officers shall attest the same. He shall preserve the records and documents of the corporation; keep the seal of the corporation; certify copies of any book, papers, records, bylaws, rules, regulations, ordinances and other proceedings of the corporation under the seal thereof, which copy so certified shall be good evidence of the act or thing certified and shall attest the execution of all instruments under the same. He shall record the publication of all enactments and attest the same by his signature thereto and shall file a record of the proof of service of all notices, as required by law, a certificate whereof shall be good evidence of such notice. He shall be the custodian of all bonds, agreements, deeds, contracts and other papers of or pertaining to the borough. He shall keep correct accounts of all transactions with the borough. He shall deliver over to his successor the seal and all books, papers and things belonging to the corporation within ten (10) days after the first Monday in January.

§ 18-17. Compensation.

The Secretary shall be paid such compensation for his services as Council shall decide.

¹⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

§ 24-1

PLANNING COMMISSION

§ 24-2

Chapter 24

PLANNING COMMISSION

- § 24-1. Commission created.
- § 24-2. Membership; appointment; compensation; terms of office.
- § 24-3. Powers and duties.
- § 24-4. Statutory powers and duties; development of comprehensive plan.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]

GENERAL REFERENCES

Subdivision of land — See Ch. 94.
Zoning — See Ch. 105.

§ 24-1. Commission created.

Pursuant to the provisions contained in Section 201 of Act 247, the Pennsylvania Municipalities Planning Code, and in order to carry the said provisions into effect, there is hereby created a Borough Planning Commission which shall have all the powers and duties conferred upon it by law and any other powers vested in it by law or ordinance.

§ 24-2. Membership; appointment; compensation; terms of office.

The Borough Planning Commission shall consist of five (5) members who shall be appointed by the Mayor and Council and shall serve without compensation, except that they shall be

reimbursed for expenses incurred in carrying out their Commission duties. Their terms of office shall be four (4) years or until a successor is appointed, except that the terms of members first appointed shall be so fixed that no more than two (2) shall be reappointed or replaced during any future calendar year.

§ 24-3. Powers and duties.

The Borough Planning Commission shall make an annual report to the Mayor and Council showing its transactions and recommendations. The Borough Planning Commission may employ planning technicians and other persons whose salaries and wages, together with other necessary expenses of the Commission, shall be provided for, at the discretion of the Mayor and Council, by proper appropriations and resolutions. The Borough Planning Commission may also receive and expend for the purposes of its planning work any gifts, grants and appropriations of money from any other source, including commonwealth, federal or local funds, and may contract with governmental or private agencies or individuals with respect thereto.

§ 24-4. Statutory powers and duties; development of comprehensive plan.

The Planning Commission shall have the powers and duties as are outlined in the Pennsylvania Municipalities Planning Code (Act 247) and more specifically to make, adopt and maintain a comprehensive plan for the physical development of the borough and the surrounding territory. Said comprehensive plan shall include among other things a land use plan, a thoroughfare plan, a community facilities plan and a public improvements program. In the preparation of the comprehensive plan, the Commission should study population trends, existing land use, the economic base, traffic, existing thoroughfare system and other factors related to the development of the community. The purpose of the comprehensive plan should be to accomplish a coordinated and harmonious development of the community and its environs in accordance with present and future needs. The Commission would

§ 24-4

PLANNING COMMISSION

§ 24-4

have the continuing responsibility for maintaining the comprehensive plan in an up-to-date condition and, in so doing, would review and make recommendations to the Mayor and Council on all ordinances which pertain to the physical development of the borough.

§ 26-1

POLICE DEPARTMENT

§ 26-2

Chapter 26

POLICE DEPARTMENT

- § 26-1. Composition.
- § 26-2. Appointments.
- § 26-3. Salaries.
- § 26-4. Supervision.
- § 26-5. Rules and regulations.
- § 26-6. Promotions.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]

GENERAL REFERENCES

Civil Service Commission rules and regulations — See Ch. 5.

§ 26-1. Composition.

The Police Department of the Borough of Coaldale shall consist of a Chief of Police and such other patrolmen as may be appointed from time to time.

§ 26-2. Appointments.

Every member of the Police Department shall be recommended for appointment by the Police Committee, with the approval of the Borough Council, from the list of eligibles as prepared by the Civil Service Commission of the Borough of Coaldale. Such selected police officers shall remain as members of the Police Department until removed by the Civil Service Commission according to law.

§ 26-3. Salaries.

The salaries of the members of the Police Department shall be fixed by the Borough Council and shall be payable in equal biweekly payments.

§ 26-4. Supervision.

The Chief of Police and all members of the Police Department shall be under the supervision of the Mayor, who shall have, in addition to other powers, the power for cause and without pay to suspend any member of the Police Department until the succeeding regular meeting of the Council, at which time or thereafter the Council may, subject to civil service provisions, suspend, discharge, reduce in rank or reinstate with pay such policeman.

§ 26-5. Rules and regulations.

The Police Committee is hereby authorized to adopt, subject to the approval of the Borough Council, such rules and regulations with respect to the Police Department of the borough as it may deem proper.

§ 26-6. Promotions.

All new members shall be appointed as probationary patrolman, and no person shall be promoted from patrolman of any class to a higher class except in accordance with the requirements of the rules and regulations of the Civil Service Commission, the Police Committee and the Borough Council. Neither shall any member of the Police Department be demoted except in accordance with the provisions of the Civil Service Act of the Commonwealth of Pennsylvania.

§ 27-1

POLICE PENSION FUND

§ 27-1

Chapter 27

POLICE PENSION FUND

- § 27-1. Establishment.
- § 27-2. Gifts to fund.
- § 27-3. Retirement of members.
- § 27-4. Basis of payments.
- § 27-5. Cost-of-living increases.
- § 27-6. Employment of actuary; payments to fund.
- § 27-7. Transfer of assets to fund.
- § 27-8. Vesting of right to share in fund.
- § 27-9. Refund of contributions.
- § 27-10. Payments exempt from attachment or levy.
- § 27-11. Expense of administration.
- § 27-12. Police Pension Commission.
- § 27-13. Appointment of custodian-administrative agent.
- § 27-14. Service increment.

[HISTORY: Adopted by the Mayor and Council of the Borough of Coaldale during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]

GENERAL REFERENCES

Civil Service Commission rules and regulations — See Ch. 5.
Police Department — See Ch. 26.

§ 27-1. Establishment.

The Borough of Coaldale does hereby ordain the establishment of a Police Pension Fund to be maintained by a charge against

each member of the police force, by annual appropriations made by said Borough of Coaldale, by payments made by the State Treasurer to the Municipal Treasurer from the money received from taxes paid upon premiums by foreign casualty insurance companies for the purpose of pension retirement for policemen, and by gifts, grants, devises or bequests granted to the pension fund pursuant to § 27-2. Such fund shall be under the direction of the Borough Council and applied under such regulations as such Council may by ordinance or resolution prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age and service or disability and the families of such as may be killed in service. All such pensions as shall be allowed to those who are retired by reason of disabilities shall be in conformity with a uniform scale.

§ 27-2. Gifts to fund.

The Police Pension Fund shall be authorized to take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of such fund, and the care, management, investment and disposal of such trust funds or property shall be vested in the office of the Borough Council and the said trust funds shall be governed thereby, subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe.

§ 27-3. Retirement of members.

- A. All members of said Police Pension Fund shall be eligible to retire from active duty, if they so desire, at the attainment of the age of fifty (50) years with the completion of twenty-five (25) years of aggregate service in said Borough of Coaldale.
- B. Any such members as are so retired shall be subject to service from time to time as a police reserve in cases of riot, tumult or preservation of the public peace until unfitted for such service, when they may be finally discharged by reason of age or disability.

C. In the event of the death of a member of the pension fund while he is receiving a pension for disability or for years of service, who is survived by a widow or is survived by a child or children under the age of eighteen (18) years, then the widow of such member or a member who retires on pension who dies, or if no widow survives or if she survives and subsequently dies or remarries, then the child or children under the age of eighteen (18) years of such member or a member who retires on pension who dies on or after the effective date of this amendment, shall, during her lifetime or so long as she does not remarry in the case of a widow, or until reaching the age of eighteen (18) years in the case of a child or children, be entitled to receive a pension calculated at the rate of fifty percent (50%) of the pension the member was receiving or would have been receiving had he been retired at the time of his death.

§ 27-4. Basis of payments.

A. Payments made under the provisions of this chapter shall not be a charge on any other fund in the treasury of this borough or under its control, save the Police Pension Fund herein provided for. The basis for determining any pension payable under this chapter following retirement of any member of the force meeting the service and the age qualifications of this chapter shall be as follows:

- (1) Monthly pension or retirement benefits shall be computed at one-half ($\frac{1}{2}$) the monthly average salary of such member during not more than the last sixty (60) months nor less than the last thirty-six (36) months of employment or past practice in the Borough of Coaldale.
- (2) Such pension or retirement benefits for any month shall be computed as the sum of:
 - (a) Any pension benefits from pension plans heretofore established by any private organization or association for the members of the police force.

- (b) Primary benefits under federal social security laws for which the officer may be eligible because of age.
- (c) Benefits from the Police Pension Fund established by this chapter to the extent necessary to bring the total benefits up to one-half ($\frac{1}{2}$) the aforesaid monthly salary.

B. In the case of the payment of pension for permanent service-incurred injuries causing total disability, which is defined as complete incapacity of the insured, resulting from disease or bodily injury, to perform any work or engage in any business or occupation for remuneration or profit, the amount of benefits will be equal to one-half ($\frac{1}{2}$) of the monthly average salary of the police member during the preceding sixty (60) months of employment, offset by any amount payable under any private or public plan of which the policeman is a member. Should a member be killed in service, a benefit payable to the family will be paid for five (5) years equal to one-half ($\frac{1}{2}$) of the officer's monthly average salary during the preceding sixty (60) months of employment, offset by any amount payable under a life insurance policy maintained by the borough for the benefit of the beneficiaries of the policeman.

§ 27-5. Cost-of-living increases.

Pensions now and hereafter payable under § 27-4 shall include a cost-of-living increase, which cost-of-living increase shall be equal to but shall not exceed the percentage increase in the consumer price index from the year in which the police member last worked; provided further that in no case shall the total police pension benefits exceed seventy-five percent (75%) of the salary for computing retirement benefits; and provided further that the total cost-of-living increase shall not exceed thirty percent (30%). No cost-of-living increase shall be granted, however, without it first being demonstrated actuarially that the actuarial soundness of the pension fund shall not be impaired.

§ 27-6. Employment of actuary; payments to fund.

- A. The Council of the Borough of Coaldale may employ an actuary and may fix his compensation. The actuary shall determine the present value of the liability on account of pensions payable under § 27-4 to original members for service prior to the date of the establishment of this fund and shall offset the value of any assets transferred to the fund from the previous pension fund to determine the unfunded liability. The unfunded liability shall be paid entirely by the borough, provided that it may be funded over a period not to exceed twenty-five (25) years. The actuary shall also determine the amount which shall be contributed annually into the fund for the service of members subsequent to the establishment of the fund, to be known as "future service cost."
- B. Members shall pay into the fund monthly an amount equal to not less than five percent (5%) nor more than eight percent (8%) of monthly compensation. The remainder of the needed annual contributions, as determined by an actuary, shall become the obligation of the borough and shall be paid by it to the pension fund by annual appropriations.
- C. If an actuarial study shows that the condition of the Police Pension Fund of the borough is such that payments into the fund by members may be reduced below the minimum percentages hereinbefore prescribed, or eliminated, and that if such payments are reduced or eliminated, contributions by the borough will not be required to keep the fund actuarially sound, the Council of the borough may, on an annual basis by ordinance or resolution, reduce or eliminate payments into the fund by members.
- D. Additional payments to fund.
- (1) The payments made by the State Treasurer to the Municipal Treasurer from the money received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension retirement or disability benefits for policemen shall be used as follows:

- (a) To reduce the unfunded liability.
 - (b) After such liability has been funded, to apply against the annual obligation of the borough for future service cost.
 - (c) To the extent that the payment may be in excess of such obligation, to reduce member contributions.
- (2) Unless otherwise specifically provided, any other moneys paid into the Police Pension Fund shall be applied equally against the members and the municipal portions of the future service cost. It shall be the duty of the governing body to apply such payments in accordance with the provisions of this chapter.

§ 27-7. Transfer of assets to fund.

Upon the enactment of this chapter, the members' assets and liabilities of the previous Police Pension Fund of the borough shall be transferred to the fund established by this chapter. After such transfer this Police Pension Fund shall assume the liability of continuing the payment of pensions to members of the police force retired prior to such transfer in accordance with the laws and regulations under which such members were retired. The provisions of this chapter shall not be deemed to restrict the existing authority of the borough to provide pensions through annuity contracts with insurance companies, provided that such pensions shall not be less than the minimum provided under this chapter and shall conform to the requirements of the chapter relating to age and service.

§ 27-8. Vesting of right to share in fund.

No person participating in the Police Pension Fund hereby established who becomes entitled to receive a benefit therefrom shall be deprived of his right to an equal proportionate share therein upon the basis upon which he first became entitled thereto.

§ 27-9. Refund of contributions.

Any member of the police force of this borough who for any reason whatsoever shall be ineligible to receive a pension after having contributed any charges to the Police Pension Fund hereby established shall be entitled to a refund of all such money paid by him into such fund, plus all interest earned by such moneys while in the Police Pension Fund as determined by regulations of the governing body, immediately upon discontinuance of his employment with the police force. If such discontinuance is due to death, such money shall be paid to his designated beneficiary or, in the absence thereof, to his estate.

§ 27-10. Payments exempt from attachment or levy.

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

§ 27-11. Expense of administration.

The expense of the administration of this chapter, including the compensation of an actuary and the custodian of the funds, exclusive of the payments of retirement allowances, shall be paid by the Borough of Coaldale by appropriations made by Borough Council.

§ 27-12. Police Pension Commission.

The Police Pension Fund shall be administered by the Police Pension Commission, which shall consist of five (5) members, three (3) by virtue of their respective offices as follows: President of Council, Borough Secretary and Borough Treasurer. The fourth member shall be a pensioner of the Police Department selected by majority vote of all pensioners on January 1 of each year. The fifth member shall be an active policeman currently serving on the force, elected by majority vote on January 1 of each year.

§ 27-13. Appointment of custodian-administrative agent.

The Miners National Bank of Shenandoah, Pennsylvania shall be and is hereby designated as the custodian-administrative agent of all assets of the Police Pension Fund, to the end and for the purpose of investing, reinvesting, selling, exchanging and otherwise dealing with the assets of said pension fund and to obtain therefrom the highest income consistent with sound trust banking principles and to make annual reports of the principal, income and expenses and payments therefrom to the Police Pension Commission.

§ 27-14. Service increment.

The borough does hereby establish a length-of-service pay increment for years of service beyond twenty-five (25) years for each completed year of service in excess of twenty-five (25) years in the amount of one hundred dollars (\$100.). Such length-of-service increments will be paid in addition to other monthly pension or retirement allowances.

SALARIES AND COMPENSATION

Chapter 32

SALARIES AND COMPENSATION

[The salaries and compensation of all officers and employees of the Borough of Coaldale are set forth from time to time by ordinance and/or resolution of the Council or are determined as provided in the Borough Code. A copy of the current salary ordinance and/or resolution is kept on file by the Borough Secretary for examination and inspection by the public.]

