

CHAPTER 1

ADMINISTRATION AND GOVERNMENT

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PART 1
ADMINISTRATIVE CODE

A. Short Title and Definitions.

§ 1-101. Short Title. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

This Part shall be known and may be cited as the "Administrative Code of the City of Hermitage."

§ 1-102. Definitions. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The following words and terms, as used in this Part, unless the context clearly indicates otherwise, shall mean or include the following:

AGENCIES — All City boards, authorities, commissions or other agencies, except it shall not mean the Board of City Commissioners.

BOARD — The Board of City Commissioners of the City of Hermitage.

HOME RULE CHARTER — The Home Rule Charter of the City of Hermitage as adopted by the voters of the City on May 21, 1974, pursuant to the Home Rule Charter and Optional Plans Law, Act of April 13, 1972, No. 62, 53 P.S. § 1-101.

MANAGER — The City Manager or his written designee.

B. Department Organizations and Officers.

§ 1-111. Department and Directors. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The administrative service of the City shall be divided into the following departments, which shall be headed and directed by the following directors:

Department of Administration and Finance	Director of Administration and Finance
Department of Police	Chief of Police
Department of Fire/Rescue	Fire Marshal
Department of Public Works	Director of Public Works
Department of Planning and Development	Director of Planning and Development

§ 1-112. Divisions and Divisions Heads. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

Whenever a City department shall be subdivided by this Part into divisions, said divisions shall be headed by a division head or a person so designated.

§ 1-113. Directors and Divisions Heads. [Ord. 51-75, 12/30/1975, § 1]

1. Duties in General. Directors and division heads shall perform all duties required of their positions by the Home Rule Charter, this Part, City ordinances, state law and such other duties not in conflict therewith as may be required by their immediate superior officer.
2. Responsibility for Administration. Directors and division heads shall be responsible to their superior officers for the effective administration of their respective departments and divisions and all activities and functions assigned thereto.
3. Delegation of Duties. Subject to the authority of the Manager, directors and division heads shall have the power to delegate to their subordinates such duties as they deem advisable, together with proportionate authority for their fulfillment, but in no case shall they delegate their responsibility or any of their accountability.
4. Acting Directors and Acting Division Heads. Acting directors and acting division heads shall, during the absence of the respective director or division head, be responsible for the performance of the duties with which said director or division head is charged. Subject to the written approval of the Manager, acting directors shall be appointed by the respective director. Subject to the written approval of the respective director, acting division heads shall be appointed by the respective division head.
5. Authority over Subordinates. Directors and division heads shall have authority to direct and supervise all subordinates under them; and upon written authority from the Manager, director and division heads shall have authority to suspend or remove any such subordinate.
6. General Qualifications. In addition to special qualifications, hereinafter specified, directors and division heads shall possess a high school degree or equivalent; shall possess and maintain any certifications which may, from time to time, be required by the State of Pennsylvania or the United States, or any of their agencies for their respective positions; and shall maintain a continuing education in their field by availing themselves of any special courses which shall be approved by and required by the Manager.
7. Routine Administration of Departments. Each director shall be responsible for the performance of the following duties:
 - A. Administration of the department budget.

- B. Administration of personnel assigned to the department.
- C. Maintain all departmental records.
- D. Advise the Manager regarding projected capital expenditures.
- E. Perform such other management functions as may be assigned to him/her by the Manager.

§ 1-114. Cooperation with Other Departments or Divisions. [Ord. 51-75, 12/30/1975, § 1]

Upon direction of the Manager, each department shall furnish to any other department such service, labor and materials as may be requested by the director of such department. Upon direction of the department director, each division of said department shall furnish to any other division of said department such service, labor and materials as may be requested by the head of said division. All cooperation with other departments or divisions shall be subject to the same audit and control procedures in the same manner as other expenditures are incurred.

C. Department of Administration and Finance.

§ 1-121. Department of Administration and Finance. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Department of Administration and Finance shall be headed and directed by the City Manager or his designee. The Department of Administration and Finance shall perform the administrative service functions of the City, its departments and agencies, not otherwise provided by the Home Rule Charter or this Part. The Department of Administration and Finance shall be responsible for the performance of the following duties:

- A. Recording, filing, indexing and safekeeping of all proceedings of all City boards, agencies and commissions, including, but not limited to, ordinance, resolution and minute books.
- B. Maintain the records and files of general application to City operations, its departments and agencies.
- C. Administer the contracting and purchasing system for all City departments and agencies.
- D. Administer the personnel system of the City in accordance with § 602 of the Home Rule Charter.
- E. Provide for and manage a comprehensive accounting system, including budgetary controls, in accordance with generally accepted accounting procedures.

- F. Ensure proper financial control of City operations by monitoring the receipts and expenditures of all City departments and agencies and promptly reporting all variances to the Manager.
- G. Aid all departments and agencies in the preparation and administration of the annual budget and capital program.
- H. Perform any duty not expressly assigned by this Part to any other department or agency, and such other duties and may, from time to time, be assigned to it by the Manager.

D. Department of Police.**§ 1-131. Department of Police. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 17-76, 11/10/1976, § 1(a); and by Ord. 11-98, 9/23/1998]**

The Department of Police shall be headed and directed by the Chief of Police and may be composed of a Deputy Chief of Police, Operations Officer and the following divisions, which shall be headed and directed by the Chief of Police and supervised by the respective division heads:

Patrol Division	Officer in Charge — Patrol Division (OIC-PD)
Criminal Investigation Division	Officer in Charge — Criminal Investigation Division (OIC-CID)
Juvenile Division	Juvenile Officer
Auxiliary Division	Officer in Charge — Auxiliary Division (OIC-AUX)

§ 1-132. Duties of Chief of Police. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The Chief of Police shall be responsible for the performance of the following duties:

- A. Direct all police work of the City.
- B. Enforce and maintain law and order.
- C. Provide training program for all City police officers.
- D. Assign City police officers to Patrol Division, Criminal Investigation Division and Juvenile Division. Reassignment of a police officer from or to any such division shall be made only by the Chief of Police. This subsection shall be subject to the applicable civil service law for police officers hired prior to January 1, 1976.
- E. Perform such other police-related duties as may be assigned to him from time to time by the Manager.

§ 1-133. Special Qualifications for Chief of Police. [Ord. 51-75, 12/30/1975, § 1]

The Chief of Police shall possess a bachelors degree in public administration or police science or equivalent field; or have a minimum of five years' experience in the administration of law enforcement; or a combination of the above.

§ 1-134. Duties of the Operations Officer. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 11-76, 10/13/1976, § 1; and by Ord. 17-76, 11/10/1976, § 1(b)]

The Operations Officer shall be responsible for the performance of the following duties:

- A. To be Acting Chief of Police in the absence of the Chief of Police and the Deputy Chief of Police.
- B. To supervise and be responsible for the performance of all divisions within the Department.
- C. To perform all duties assigned to him by the Chief of Police or the Deputy Chief of Police.

§ 1-134.1. Special Qualifications for the Operations Officer. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

The Operations Officer shall possess an associates degree or equivalent from a two-year college in public or police administration or related field; or have 10 years' experience in police work and two years' experience in a responsible police supervisory position; or a combination of the above.

§ 1-135. Duties of Patrol Division. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Patrol Division shall perform the following duties:

- A. Enforce all penal laws of the Commonwealth of Pennsylvania and penal ordinances of the City of Hermitage.
- B. Investigate all crimes not specifically assigned to the Criminal Investigation Division by the Chief of Police.
- C. Operate and maintain the detention facilities for the City of Hermitage.
- D. Except as otherwise directed by the Manager, operate and maintain the radio communications of the City.
- E. Perform such other duties as may be assigned to it by the Chief of Police.

§ 1-136. Duties of Criminal Investigation Division. [Ord. 51-75, 12/30/1975, § 1]

The Criminal Investigation Division shall have the following responsibilities and duties:

- A. Investigate all crimes and any other such matters assigned to it by the Chief of Police.
- B. Operate and maintain the crime laboratory.
- C. Perform such other duties as may be assigned to it by the Chief of Police.

§ 1-137. Duties of Juvenile Division. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The Juvenile Division shall perform the following duties and responsibilities:

- A. Enforce all laws and ordinances of the Commonwealth of Pennsylvania and the City of Hermitage as they pertain to juveniles.
- B. Provide for the prevention and control of juvenile delinquency.
- C. Perform such duties as may be assigned to it by the Chief of Police.

§ 1-138. Duties of Auxiliary Division. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Auxiliary Division shall be called to active duty by the President of the Board of City Commissioners during any period of distress, disaster or emergency, except in cases of labor disturbances.

§ 1-139. Powers of Police Officers. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

While on active duty, all City police officers shall wear and display a badge or shield or other sign of authority. Except as otherwise limited by division duties, all City police officers, while on active duty, shall be ex-officio constables of the City and may, without warrant and or view, arrest and commit for hearing any and all persons guilty of a breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness, or who may be engaged in commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any of the ordinances of the City for the violation of which a fine or penalty is imposed.

§ 1-140. Emergency Assignment to Other Municipalities. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

Upon direction of the Governor of Pennsylvania according to law, in the case of any disaster or emergency other than a labor disturbance, the City shall transfer such necessary police equipment and members of the regular police force and Auxiliary Division to the regular police force of the designated municipality. During such

period, the transferred police and equipment shall be under the direction of the Chief of Police of the municipality to which they are transferred. Such transferred police shall have the same powers as regular police officers of the municipality to which they are transferred.

§ 1-141. Duties of the Deputy Chief of Police. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 17-76, 11/10/1976, § 1(c)]

The Deputy Chief of Police shall be appointed by the Manager and shall be responsible for the performance of the following duties:

- A. To be acting Police Chief in the absence of the Chief of Police.
- B. To supervise and be responsible for the performance of all divisions within the Department.
- C. To perform all duties assigned to him by the Chief of Police.

§ 1-142. Special Qualifications for Deputy Chief of Police. [Ord. 51-75, 12/30/1975, § 1; added by Ord. 17-76, 11/10/1976, § 1(d); as amended by Ord. 11-98, 9/23/1998]

The Deputy Chief of Police shall possess a bachelors degree in public administration or police science or equivalent field and have 10 years' experience in police work or have a minimum of five years' experience in the administration of law of enforcement, or a combination of the above.

E. Department of Fire/Rescue.

§ 1-151. Department of Fire/Rescue. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The Department shall be headed and directed by a Fire Marshal, and may include a Deputy Fire Marshal, and shall perform the following duties:

- A. Respond to all fires and public emergencies.
- B. Maintain all equipment of the Department of Fire/Rescue in a continual operating condition.
- C. Perform all life-safety functions of the City as may be assigned to it from time to time by the Manager.

§ 1-152. Duties of Fire Marshal. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The Fire Marshal shall be responsible for all life-safety functions of City, including but not limited to:

- A. Fire prevention, fire inspection and fire investigation functions.

- B. Act as agent for the Pennsylvania Department of Labor and Industry, the Pennsylvania State Fire Marshal, the Pennsylvania Department of Environmental Protection and Pennsylvania Emergency Management Agency.
- C. Provide training programs for all volunteer fire department personnel.
- D. Direct and coordinate the efforts of the respective volunteer fire departments located in the City so as to provide maximum protection from fire within the City.
- E. Perform such other life safety duties as may be assigned to him from time to time by the Manager.

§ 1-153. Special Qualifications of Fire Marshal. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 11-98, 9/23/1998]

The Fire Marshal shall possess a bachelors degree in public administration or an associates degree of firefighting technology; certification by the Pennsylvania Professional Firefighter Qualification Board as a Level I firefighter; or a minimum of five years' firefighting and fire prevention experience; or a combination of the above.

§ 1-154. Duties of the Deputy Fire Marshal. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

The Deputy Fire Marshal shall be appointed by the City Manager and shall be responsible for the performance of the following duties:

- A. To be Acting Fire Marshal in the absence of the Fire Marshal.
- B. To direct and coordinate the efforts of the respective volunteer fire departments located in the City so as to provide maximum protection from fire within the City.
- C. To perform all duties assigned to him by the Fire Marshal.

§ 1-154.1. Special Qualifications of the Deputy Fire Marshal. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

The Deputy Fire Marshal shall possess a certificate from a technical school providing technical firefighting training; certification by the Pennsylvania Professional Firefighters Qualifications Board as a Level I firefighter; and five years' related experience in modern fire control and prevention work.

F. Department of Public Works.

§ 1-155. Department of Public Works. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Department of Public Works shall be headed and directed by a Director of Public Works and shall be composed of the following divisions, which shall be headed and supervised by the following division heads:

Engineering Division	City Engineer
Inspection Division	City Inspector
Streets Division	Superintendent
Treatment Division — Water Pollution Control	Superintendent of Treatment—Water Pollution Control
Collection Division — Water Control	Superintendent of Collection — Water Pollution Control

§ 1-156. Duties of Director of Public Works. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

In addition to duties specifically assigned by this Part to respective positions of the Department of Public Works, the Director of Public Works shall be responsible to all matters relating to construction, management, maintenance, and operation of the physical properties of the City and perform such other duties related to public works as may be assigned to him from time to time by the Manager.

§ 1-157. Special Qualifications of Director of Public Works. [Ord. 51-75, 12/30/1975, § 1]

The Director of Public Works shall possess a bachelors degree in engineering and have five years' administrative experience in the field of public works.

§ 1-158. Engineering Division. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The Engineering Division shall perform the following duties:

- A. Be responsible for all engineering matters for all City departments, including design and consultation work.
- B. Provide aid and assistance to all City departments, divisions thereof and agencies in all matters affecting engineering.
- C. Prepare and maintain all maps and plans and perform such other engineering matters as may from time to time be assigned to it by the Public Works Director.

§ 1-159. Inspection Division. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Inspection Division shall perform the following duties:

- A. Provide aid and assistance to other City departments, or divisions thereof, pertaining to, but not limited to:
 - (1) Zoning and planning.
 - (2) Streets and highways.
 - (3) Code enforcement.

In performing these duties, the City Inspector shall report to the respective City officers designated by the Home Rule Charter or this Part with the responsibility of performing such functions; however, he shall at all times be directed by the Director of Public Works.

- B. Perform such other duties as, from time to time, may be assigned to it by the Public Works Director.

§ 1-160. Street Division. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Street Division shall perform the following duties:

- A. Maintain all City streets and highways.
- B. Maintain and inspect all City vehicles.
- C. Maintain all traffic control signals and signs.
- D. Perform such other functions as, from time to time, may be assigned to it by the Public Works Director.

§ 1-161. Treatment Division — Water Pollution Control. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Treatment Division — Water Pollution Control shall perform the following duties:

- A. Operate and maintain all public sanitary sewage treatment facilities of the City.
- B. Perform such other functions as may, from time to time, be assigned to it by the Public Works Director.

§ 1-162. Collection Division — Water Pollution Control. [Ord. 51-75, 12/30/1975, § 1]

The Collection Division — Water Pollution Control shall perform the following duties:

- A. Maintain and operate all public sanitary sewage collection facilities, including, but not limited to, all sanitary sewage collection lines and lift stations.
- B. Perform such other functions as may, from time to time, be assigned to it by the Public Works Director.

§ 1-163. Job Qualifications for Division Heads in the Public Works Department. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

Except as hereinafter provided, all division heads within the Department of Public Works shall possess a minimum of five years' actual experience in the specific field or the equivalent in formal education, or a combination of both, and in addition thereto shall possess the following qualifications:

- A. Superintendent of Streets: a thorough knowledge of the operation and repair of equipment.
- B. City Engineer: registration as a professional engineer in the State of Pennsylvania, preferably in civil engineering.
- C. City Inspector: four years' experience in building construction or inspection, plus two years of successful college study in a related technical field, or any equivalent combination of training and experience.
- D. Superintendent of Treatment — Water Pollution Control: a thorough knowledge of operation and repair of equipment used in a sewage treatment plant and a working knowledge of chemical analytical methods as applied to sewage analysis.
- E. Superintendent of Collection — Water Pollution Control: a thorough knowledge of methods and procedures in sanitary sewer mains and sanitary sewer lateral installation and repair and pump station maintenance.

G. Department of Planning and Development.**§ 1-165. General. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 11-98, 9/23/1998]**

There shall be a Department of Planning and Development headed and directed by a Director of Planning and Development, who shall be appointed by the City Manager as provided in § 601 of the Home Rule Charter. The Department of

Planning and Development shall also include a Community Development Division, which shall be headed and directed by a Community Development Administrator.

§ 1-166. Duties of the Director of Planning and Development. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

The Director of Planning and Development shall have all responsibilities and functions assigned to him in Article VIII of the Home Rule Charter, oversee the Community Development Division and other such duties related to planning and development as are assigned to him by the City Manager.

§ 1-167. Job Qualifications for the Director of Planning and Development. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

The Director of Planning and Development shall possess a bachelors degree in planning, architecture or a related field and have three years' administrative experience in the field of planning and development.

§ 1-168. Community Development Division. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

The Community Development Division shall perform the following duties:

- A. Be responsible for all community development programs, including block grant programs and related projects, including administration, monitoring and compliance.
- B. Provide assistance to all City departments and divisions in matters regarding grant applications and projects affecting community development.
- C. Perform such other community development matters as may, from time to time, be assigned by the Director of Planning and Development.

§ 1-169. Job Qualifications for the Community Development Administrator. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

The Community Development Administrator shall possess a bachelors degree in urban planning, public administration or a closely related field and three years' related experience in a responsible position in municipal government economic/community development.

H. Assistant City Manager.

§ 1-171. General. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1998]

The Manager shall appoint an Assistant City Manager for an indefinite term. The Assistant City Manager shall be appointed solely on the basis of his executive and administrative qualifications either by training or by education, with special

reference to his actual experience in, or his knowledge of, accepted practices in respect to the duties of his office as herein outlined.

§ 1-172. Duties. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The Assistant City Manager shall be responsible for the administrative staff work as the Assistant to the Manager; may serve as director of one or more City departments as may be assigned to him by the Manager; and shall be responsible for the performance of such other duties as are, from time to time, assigned to him in writing by the Manager. The Assistant City Manager shall be responsible for performing the duties of the Manager during the absence of the Manager, unless otherwise directed by the Manager in writing.

I. City Treasurer.

§ 1-175. General. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The City Treasurer shall be the Tax Collector for the City; shall have charge of all City monies from all sources; shall deposit said monies in such depositories as are designated by the Board; and in addition thereto shall:

- A. Keep the Treasurer's office open for the transaction of business during the normal working hours of the general City Office.
- B. Provided that the City Treasurer receives such additional assistance as shall be determined by the Board, perform such other duties as are related to the office of City Treasurer which may be assigned in writing to it from time to time by the Board.

§ 1-176. Delivery of Duplicates. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

It shall be the duty of the Board to deliver a duplicate of the assessment of City taxes to the City Treasurer, together with its warrant for the collection of the same.

§ 1-177. Exceptions. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 11-98, 9/23/1998]

All monies derived from the earned income tax shall be collected by the collector of earned income tax as provided by Chapter 24, Part 1.

J. Contracts and Purchases.

§ 1-181. Definitions. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-90, 9/12/1990, § 1]

The following words and terms, as used in this Part, shall mean or include the following:

CONTRACTS and PURCHASES — The method by which the City buys or sells any item.

NOTICE — A legal notice published twice in a newspaper of general circulation in the City. The first notice shall be published no less than two weeks prior to the date of bid opening, and the second notice shall be published no less than one week prior to the date of bid opening.

PURCHASING OFFICER — The Manager or his written designee.

RESPONSIBLE BIDDER — A bidder who possesses the judgment, skill and financial ability to perform or fulfill a contract promptly, and who shall be approved by the Board.

§ 1-182. Preliminary Approval. [Ord. 51-75, 12/30/1975, § 1]

Except as hereinafter provided, the Board shall preliminarily approve all proposed contracts or purchases before said contracts or purchases are entered into or submitted for bids.

§ 1-183. Bidding Procedures. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 11-90, 9/12/1990, § 2]

Except as hereinafter provided, all contracts and purchases shall be entered into by the City in the following manner:

- A. **Invitation and Notice.** After preliminary approval by the Board, the Purchasing Officer shall publish twice in a newspaper of general circulation in the City a notice of the City's intention to contract or purchase. Said notice shall contain information as to the times and locations where specifications may be obtained, the final date for the submission of sealed bids, and the date for opening sealed bids. Notice of the City's intention to contract or purchase shall be publicly posted at such place or places designated by the Board. Prior to writing bids, the City shall establish the specific procedures for invitation and notice of bids, as well as establish requisite bonds or surety for all bids and performance thereof.
- B. **Bids and Opening.** All bids shall be submitted in sealed envelopes identified to the particular contract or purchase, and no bids shall be opened except at the previously designated time and place and in the presence of one City Commissioner and the Purchasing Officer or his designee. All bids shall be publicly announced at the official bid opening.

C. Final Approval. Following the opening of bids and at some future date, the Board shall reject any or all bids or award the contract or purchase to the lowest responsible bidder; except that the Board may award the contract or purchase to a responsible bidder other than the lowest responsible bidder, provided the specific factors affecting the evaluation are publicly stated in the motion for the award.

§ 1-184. Exceptions to Bidding Procedures. [Ord. 51-75, 12/30/1975, § 1; Ord. 18-83, 12/22/1983; Ord. No. 13-2024, 9/30/2024]

The following subjects shall be exempt from the requirements of § 1-183 of this Part; however, nothing contained herein shall preclude the Board from subjecting the following to the requirements of § 1-183 on an individual basis:

- A. Personal or professional services.
- B. Insurance policies and bonds.
- C. Patented or specifically manufactured items.
- D. Labor performed by City employees.
- E. Maintenance, repair or replacement of City public equipment; provided they do not constitute new additions, extensions or enlargements of existing facilities or equipment.
- F. Used items.
- G. Real estate.
- H. Any item which was previously submitted to bidding procedures pursuant to § 1-183 and which received no bids from a responsible bidder.
- I. Any contracts or purchases made jointly with another municipality or municipalities; however, in such cases, joint purchasing procedures shall be followed.
- J. Any contracts or purchases made through participation in joint purchasing programs serving the federal, state and/or local governments, including, but not limited to, the COSTARS or Sourcingwell joint purchasing programs.

§ 1-185. Exceptions to Preliminary Approval and Bidding Procedures. [Ord. 51-75, 12/30/1975, § 1; Ord. 2-82, 4/14/1982, § 1; Ord. 18-83, 12/22/1983; Ord. 11-90, 9/12/1990, § 3; Ord. No. 6-2024, 3/27/2024]

The following subjects shall be exempt from the requirements of §§ 1-182 and § 1-183 of this Part:

- A. Any purchase not exceeding a total cost of \$12,600, provided that said items shall have been allocated in the final budget as approved by the Board. Additionally, any purchase between \$12,600 and \$23,200 may be purchased

by first obtaining three telephonic or written quotes, unless less than three quotes can be obtained; also provided that said items shall have been allocated in the final budget as approved by the Board. Department directors shall be authorized to make such purchases in an amount up to \$1,000, and the Manager shall authorize all other purchases permitted under this subsection. All purchases made under this subsection shall be tabulated, and said expenditures shall be reported to the Board and be available for public inspection.

- B. Items necessitated by an emergency which, in the opinion of the Manager, must be contracted for or purchased without delay so as to prevent the health or safety of City residents from being immediately adversely affected; provided that the existence of said emergency does not permit the Manager to obtain preliminary approval of the Board pursuant to § 1-182 of this Part. In such an emergency, the Manager shall authorize said contract or purchase without any cost limitation and shall report said action as soon as possible to the Board.
- C. The contract cost limitations set forth in Subsection A as exemptions to the requirements of §§ 1-182 and 1-183 of this Part shall be annually adjusted in accordance with the Consumer Price Index for All Urban Consumers: All Items (CPI-U) for the United States City Average, as published by the United States Department of Labor, Bureau of Labor Statistics ("CPI"), as provided for in the Third Class City Code, Section 11903.1,¹ which is hereby incorporated fully at length herein. The limits under Subsection A shall be adjusted on January 1 of each year hereinafter in accordance with the same adjustments provided for in Section 11903.1, which will be published annually in the Pennsylvania Bulletin, as provided by Section 11903.1(7).²

K. Special Assessments.

§ 1-191. Definitions. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 4-76, 3/31/1976, § 1; by Ord. 18-83, 12/22/1983; and by Ord. 11-98, 9/23/1998]

The following words and terms, as used in this Part, unless the context clearly indicates otherwise, shall mean or include the following:

PUBLIC IMPROVEMENT — The construction or extension of improvements which are intended for the betterment of the City as a whole, even though the entire City may not be directly affected. "Public improvements" shall include, but not be limited to, storm sewers and drains, sanitary sewers, streets, curbing, sidewalks and lighting.

SPECIAL ASSESSMENT — The method by which public improvements are financed or maintained, such as by the front-foot rule or benefit method,

1. **Editor's Note:** See 11 Pa.C.S.A. § 11903.1.

2. **Editor's Note:** See 11 Pa.C.S.A. § 11903.1(7).

which shall be paid by the owners of real estate benefited by said public improvements.

§ 1-192. General. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

The City shall have the power to make and maintain public improvements and provide for their financing, in whole or in part, by special assessment.

§ 1-193. Method of Initiation. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 4-76, 3/31/1976, § 1]

Initiation of any public improvement shall be by:

- A. Action by the Board of Commissioners; or
- B. Petition signed by a majority of all property owners to be affected by the proposed public improvement, said petition being binding upon the Board of Commissioners.

§ 1-194. Procedure. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 4-76, 3/31/1976, § 1]

After initiation of a proposed public improvement, the Board of Commissioners shall immediately refer the matter to the Engineering Division of the Department of Public Works for its report and recommendations thereon.

A. Engineering Report. The engineering report shall contain but not be limited to the following:

- (1) The engineering desirability of said public improvement.
- (2) The estimated total cost of said public improvement.
- (3) The proposed method of financing.

§ 1-195. Final Approval. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 4-76, 3/31/1976, § 1]

Following the receipt of the reports and recommendations of the Engineering Division of the Department of Public Works, the Board of Commissioners shall reject or accept the public improvements, together with a method of financing said public improvements, if approved.

§ 1-196. Appeals. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 4-76, 3/31/1976, § 1; and by Ord. 18-83, 12/22/1983]

Any owner of real estate affected by a public improvement, who is aggrieved by a special assessment, shall have the right to appeal the propriety of said special assessment by means of an appeal to the Court of Common Pleas of Mercer County within 30 days of notice of the assessment in the same manner as appeals from any newly enacted ordinance passed by the City.

L. General Provisions.**§ 1-199.1. Existing Agencies. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]**

The following City agencies, created by the respective ordinances as amended, shall continue in existence, performing the same functions and duties and exercising the same powers as heretofore performed and exercised except as in conflict with the Home Rule Charter or this Administrative Code; and to the extent the following ordinances as amended shall remain fully effective and are not repealed:

- A. Zoning Board, Ordinance 7-65.
- B. Planning Commission, Ordinance 18-54.
- C. Civil Service Commission, Ordinance 10-56.
- D. Human Relations Commission, Ordinance 13-68.

- E. Parks and Recreation Board, Ordinance 1-75.
- F. Municipal Authority (Sewer), Ordinance 14-53.
- G. Municipal Water Authority, Ordinance 2-64.
- H. Police Pension Fund Committee, Ordinance 36-66.

§ 1-199.2. New Agencies. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

All City agencies created after the effective date of this Part shall be established by the Board in accordance with the provisions of the Home Rule Charter.

§ 1-199.3. Joint Municipal Agencies. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

Nothing contained in this Part shall be deemed to prohibit the City from participating in agencies, membership of which is comprised of two or more municipalities.

§ 1-199.4. Designation by Law. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

If any law of the Commonwealth of Pennsylvania, or of the United States, or any City ordinance, resolution or motion, heretofore or hereafter enacted, makes reference to or designates duties and powers to be exercised by a City agency, or department, said duties and powers shall be assigned to that agency or department most appropriate to fulfill said duties and powers in accordance with the Home Rule Charter and this Part. Nothing contained in this section shall preclude the Board from establishing a new agency or department in the event that there is no appropriate agency or department to perform said duties and powers. In the event that any such law, ordinance, resolution or motion refers to a particular agency or department by name, such name designation is changed so as to be in accordance with the Home Rule Charter and this Part.

§ 1-199.5. Residency of City Employees. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 4-78, 2/1/1978; by Ord. 18-83, 12/22/1983; and by Ord. 11-2010, 10/27/2010]

All City employees employed after January 1, 1976, shall become residents of the City within one year after the date of their employment as a condition of employment. An employee who has not established residency may request an extension of time due to hardship, by written request to the City Manager no later than 30 days prior to the one-year anniversary of the date of his or her employment, citing the reason(s) for the hardship. The City Manager shall forward such request to the Board of Commissioners, which in its sole and absolute discretion may deny the request or may grant one extension period not to exceed six months, within which period the employee shall establish residency. Unless temporary written permission to the contrary is given by the Board of Commissioners to a written request made through the City Manager, all employees employed after January 1,

1976, shall maintain residency in the City of Hermitage as a condition of employment.

§ 1-199.6. Prohibitions of City Employees. [Ord. 51-75, 12/30/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

Any City employee who has any financial interest, direct or indirect, in any contract or purchase involving the City shall make known that interest to the Manager and shall refrain from influencing or otherwise participating in any decisions affecting said contract or purchase. Violation of this section by any City employee shall be grounds for discharge.

§ 1-199.7. Amendments. [Ord. 51-75, 12/30/1975, § 1]

This Part shall be amended in accordance with § 303 of the Home Rule Charter.

M. Department of Parks and Recreation.

§ 1-199.11. General. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 12-98, 10/22/1998, § 1]

The Department of Parks and Recreation shall be headed and directed by a Director of Parks and Recreation, who shall be appointed by the City Manager as provided in § 601 of the Home Rule Charter.

§ 1-199.12. Duties of the Director of Parks and Recreation. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 12-98, 10/22/1998, § 1]

The Director of Parks and Recreation shall be responsible for all matters relating to planning, development and administration of City recreation programs, the supervision of all Department personnel, and management, maintenance and operation of the physical recreation properties, facilities and equipment of the City, and shall perform such other duties related to parks and recreation as may be assigned to him from time to time by the City Manager.

§ 1-199.13. Job Qualifications for the Director of Parks and Recreation. [Ord. 51-75, 12/30/1975, § 1; as added by Ord. 12-98, 10/22/1998, § 1]

The Director of Parks and Recreation shall possess a bachelors degree in recreation or sport science or a related field from a four-year college or university and one year's related experience and/or training, or an equivalent combination of education and experience.

PART 2
ELECTED OFFICIALS

A. Board of Commissioners.

§ 1-201. Time and Place of Regular Monthly Meetings. [Ord. 11-68, 6/12/1968, § 1; as amended by Ord. 3-91, 2/13/1991, § 1; by Ord. 3-97, 2/12/1997, § 1; and by Ord. 11-98, 9/23/1998]

The regular monthly meeting of the Board of Commissioners of the City of Hermitage, Mercer County, Pennsylvania, shall be the fourth Wednesday of each and every month at 7:30 p.m. and in the Commissioners Meeting Room of the Hermitage Municipal Building, 800 North Hermitage Road, Hermitage, Pennsylvania; and special meetings may be called by the President of the said Board at such times and places as he shall designate or as otherwise established by resolution of the Board of Commissioners.

§ 1-202. Compensation. [Ord. 16-69, 12/29/1968, § 1; as amended by Ord. 7-81, 3/23/1981, § 1; and by Ord. 7-90, 7/11/1990, § 1]

Each City Commissioner hereafter elected or reelected shall receive a salary of \$5,000 per year, payable quarterly. The President of the Board of Commissioners shall receive an additional \$750 per year, payable quarterly.

§ 1-203. Expenses. [Ord. 53-75, 12/30/1975, § 1; as amended by Ord. 18-81, 9/9/1981; by Ord. 2-89, 2/8/1989, § 1; by Ord. 1-98, 1/28/1998, § 1; and by Ord. 11-98, 9/23/1998]

The expenses, which shall be limited to the registration fee, transportation expenses or mileage, of elected or appointed municipal officers, employees and delegates shall be paid by the City when authorized by the Board of Commissioners to attend meetings, conferences, institutes and schools in order to discuss and resolve the various questions arising in the discharge of the duties and functions of the respective officers, employees and delegates and to provide uniform, efficient and economical methods of administering their municipal duties. The mileage rate shall be equal to the current standard mileage rate as established by the United States Internal Revenue Service.

B. Treasurer.

§ 1-211. Bond Required. [Ord. 19-75, 12/10/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

Before entering upon the duties of his office, the Treasurer of the City of Hermitage shall execute as principal and file with the City a fidelity bond in an amount at least equal to 50% of the probable City taxes to be collected in any one fiscal year, the premium for said bond to be paid by the City.

§ 1-212. Compensation. [Ord. 16-74, 12/30/1974, § 1; as amended by Res. 6-89, 2/8/1989, § 1; by Res. 1-93, 1/27/1993, § 1; and by Ord. 11-98, 9/23/1998]

The City of Hermitage's share of the annual salary of the Treasurer of the City of Hermitage for the term of office January 1, 1994, to December 31, 1997, shall be \$8,333, and thereafter as established by resolution of the Board of Commissioners.

§ 1-213. Printing and Postage Expenses Allowed. [Ord. 16-74, 12/30/1974, § 2; as amended by Ord. 18-83, 12/22/1983]

In addition to the annual compensation set forth above in § 1-212, the City Treasurer shall be allowed such actual printing and postage expenses as shall be incurred in performing the duties of that office.

§ 1-214. Duplicate Real Estate Tax Bill Fee. [Added by Ord. 12-2012, 11/28/2012]

1. A duplicate real estate tax bill fee in the amount of \$5 shall be assessed and imposed on all tax payments received by mail in the office of the Hermitage City Treasurer without the original, or copy, of the real estate tax bill payment stub accompanying the payment.
2. The duplicate real estate tax bill fee shall be made payable to the City of Hermitage and shall be paid at the time that payment is remitted on the taxes without the original, or copy, of the real estate tax bill payment stub accompanying the same.
3. The Hermitage City Treasurer is hereby authorized to collect the duplicate real estate tax bill fee in the amount of \$5.
4. The duplicate real estate tax bill fee of \$5 established by this section may be adjusted hereafter by resolution of the Board of Commissioners of the City Hermitage, as necessary.

PART 3
APPOINTED OFFICIALS

A. City Manager.

§ 1-301. Manager's Bond. [Ord. 20-75, 12/10/1975, § 1; as amended by Ord. 18-83, 12/22/1983]

Before entering upon the duties of his office, the City Manager shall execute as principal and file with the City a performance bond in the amount of \$25,000, the premium for said bond to be paid by the City.

PART 4
MUNICIPAL BOARDS AND COMMISSIONS

A. Planning Commission.

§ 1-401. Creation, Duties and Powers. [Ord. 44-75, 12/17/1975, § 1; as amended by Ord. 18-83, 12/22/1983; and by Ord. 9-2000, 7/26/2000, § 1]

A City Planning Commission, to be composed of nine members, appointed as provided by law, is hereby created in and for the City of Hermitage. The said Planning Commission shall perform all duties and may exercise all the powers conferred by law upon City planning agencies, provided that the City Planning Commission previously created in and for the said City shall constitute the City Planning Commission hereby created, and nothing herein shall affect the tenure of any of the members thereof; but any and all vacancies in the said Commission hereafter occurring shall be filled in the manner and for the term provided in the law governing city planning commissions in effect at the time of the happening of the vacancy.

B. Civil Service Commission.

§ 1-411. Desire and Intention to Organize Commission. [Ord. 10-56, 5/3/1956, § 1; as amended by Ord. 18-83, 12/22/1983]

It is the desire of the Board of Commissioners of the City of Hermitage, Mercer County, Pennsylvania, and said Board hereby signifies its intention to organize a Civil Service Commission to function within the said City of Hermitage.

§ 1-412. Composition; Appointment. [Ord. 10-56, 5/3/1956, § 2; as amended by Ord. 18-83, 12/22/1983]

The said Civil Service Commission shall be composed of three members to be appointed by the Board of Commissioners of the City of Hermitage.

§ 1-413. Tenure of Members. [Ord. 10-56, 5/3/1956; as amended by Ord. 18-83, 12/22/1983]

The term of office of each member appointed to the Civil Service Commission shall be for a period of six years, excepting initial members, whose terms shall be as set forth in § 1-414 hereof.

§ 1-414. Initial Appointments. [Ord. 10-56, 5/3/1956, § 4]

The Board of Commissioners of the City of Hermitage shall appoint as members of the initial Civil Service Commission three persons as follows:

- A. One member to serve for two years.

- B. One member to serve for four years.
- C. One member to serve for six years.

§ 1-415. Oath of Office. [Ord. 10-56, 5/3/1956, § 5]

Each member appointed to the Civil Service Commission hereby created shall, before entering upon the discharge of the duties of his office, take an oath or affirmation to support the Constitution of the United States and the Commonwealth of Pennsylvania and to perform his official duties with fidelity.

§ 1-416. Powers and Duties. [Ord. 10-56, 5/3/1956, § 6; as amended by Ord. 11-98, 9/23/1998]

The duties, activities and obligations of said Civil Service Commission shall be conducted in conformity with the Acts of Assembly made and provided and as set forth in the Third Class City Code, as amended.

§ 1-417. Applicability. [Ord. 10-56, 5/3/1956; as added by Ord. 26-75, 12/17/1975, § 1; and as amended by Ord. 18-83, 12/22/1983]

The provisions of this Part shall only apply to police officers who are presently members of the Hermitage City Police Department and who were hired prior to January 1, 1976.

C. Human Relations Commission.**§ 1-421. Short Title. [Ord. 13-68, 8/14/1968, § 1; as amended by Ord. 18-83, 12/22/1983]**

This Part shall be known and may be cited as the "Hermitage City Human Relations Ordinance."

§ 1-422. Purpose and Applicability. [Ord. 13-68, 8/14/1968, § 2]

It is the purpose and spirit of this Part to prohibit discrimination in housing against individuals or groups by reason of their race, color, religious creed, ancestry, age or national origin, in accordance with those provisions of the Pennsylvania Human Relations Act relating to housing.

§ 1-423. Definitions. [Ord. 13-68, 8/14/1968, § 3]

Unless otherwise expressly stated, words and phrases when used in this Part shall have the meanings ascribed to them in the Pennsylvania Human Relations Act, as now in force or as hereafter amended, supplemented or reenacted, except when the context clearly indicates a different meaning. The singular shall include the plural; and the masculine, the feminine.

- A. The term "Pennsylvania Human Relations Act," when used herein, shall refer to the Act of October 27, 1955, P.L. 744, as amended.

§ 1-424. Unlawful Discriminatory Practices. [Ord. 13-68, 8/14/1968, § 4; as amended by Ord. 40-75, 12/17/1975, § 1]

Unlawful discriminatory practices prohibited under the Pennsylvania Human Relations Act, as amended, are hereby prohibited by this Part.

§ 1-425. Creation of Local Human Relations Commission. [Ord. 13-68, 8/14/1968, § 5]

There hereby established an administrative commission to be known as the "City of Hermitage Human Relations Commission." The Commission shall consist of five members, each of whom shall be a resident of the City of Hermitage and all of whom shall be appointed by the Board of Commissioners. The term of office of each member of the Commission shall be five years or until his successor has been appointed and qualifies; provided that, in the first appointment to the Commission, one member shall be appointed for one year, one for two years, one for three years, one for four years and one for five years. Vacancies occurring in the office of a member of the Commission for any reason shall be filled in the manner aforesaid for the unexpired term. Three members of the Commission shall constitute a quorum for the transaction of business. No member of the Commission shall hold office in any political party. Members of the Commission shall serve without salary but may be paid expenses incurred in the performance of their duties. Each member appointed to the Commission shall, before entering upon the discharge of the duties of his office, take an oath or affirmation to support the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania and to perform his official duties with fidelity.

§ 1-426. Powers and Duties of the Commission. [Ord. 13-68, 8/14/1968, § 6; as amended by Ord. 18-83, 12/22/1983]

The Commission shall have the following powers and duties:

- A. To meet and function at any place within the City of Hermitage.
- B. To adopt rules and regulations to effectuate the policies and provisions of this Part.
- C. To formulate policies to effectuate the purpose of this Part and make recommendations to the Board of Commissioners to effectuate such policies.
- D. To initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices in the City of Hermitage and to investigate where no complaint has been filed, but with consent of at least three members of the Commission, any problem of racial discrimination with the intent of avoiding and preventing the development of racial tension.
- E. To hold hearings, subpoena witnesses, compel their attendance, and administer oaths, together with all of the additional powers as are conferred on the Pennsylvania Human Relations Commission by § 7(g) of the Pennsylvania Human Relations Act.

§ 1-427. Procedure. [Ord. 13-68, 8/14/1968, § 7]

Any person claiming to be aggrieved by an alleged unlawful discriminatory practice may make, sign and file with the Commission a verified complaint, in writing, which shall state the name and address of the person alleged to have committed the unlawful discriminatory practice complained of and which shall set forth the particulars thereof and contain other information as may be required by the Commission. The Commission may, in like manner, make, sign and file such compliant. The procedure thereafter shall be the same as that provided by § 9 of the Pennsylvania Human Relations Act.

§ 1-428. Enforcement and Judicial Review. [Ord. 13-68, 8/14/1968, § 8]

The complainant or the Commission may secure enforcement of the order of the Commission or other appropriate relief by application to the Court of Common Pleas of Mercer County in the same manner as is provided by § 10 of the Pennsylvania Human Relations Act.

§ 1-429. Penalties. [Ord. 13-68, 8/14/1968, § 9; as amended by Ord. 40-75, 12/17/1975; and by Ord. 11-98, 9/23/1998]

Any person who shall willfully resist, prevent, impede or interfere with the Commission, its members, agents or agencies in the performance of duties pursuant to this Part or who shall willfully violate any of the provisions of § 1-424 hereof or shall willfully violate an order of the Commission shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 nor 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.

D. Parks and Recreation Advisory Board.**§ 1-431. Establishment of Board. [Ord. 2-2010, 3/24/2010, § 1]**

There is hereby created a board to be known as the "City of Hermitage Parks and Recreation Advisory Board" ("Board"), which shall be comprised of nine members who are electors of the City of Hermitage.

§ 1-432. Appointment and Terms of Office. [Ord. 2-2010, 3/24/2010, § 2]

Members of the Board shall be appointed by the Board of Commissioners of the City of Hermitage in accordance with the following procedures:

- A. Board members shall serve for terms of five years, or until their successors are appointed, except that members first appointed shall be appointed so that the terms of not more than two members expire annually. Vacancies occurring otherwise than by expiration of term shall be for the completion of the unexpired term and shall be filled in the same manner as other appointments.

B. The Board shall consist of nine members, one of whom shall be a member of the Board of Directors of the Hermitage School District, nominated by the School District. All other members shall be selected at large from the community with representation from the following:

- (1) One member who is a representative of a regional provider of recreational services.
- (2) One member who is a representative from the community of the arts.
- (3) One member who is a representative from the Hermitage School District involved in the providing of athletic or physical education/fitness activities.

§ 1-433. Service Without Pay. [Ord. 2-2010, 3/24/2010, § 3]

Members of the Board shall receive no compensation for their services but may be reimbursed by the City in accord with City policy for eligible expenses incurred in performing their duties.

§ 1-434. Advisory Role. [Ord. 2-2010, 3/24/2010, § 4]

The Board shall be advisory and coordinate its activities with the Hermitage Board of Commissioners.

§ 1-435. Administration and Coordination. [Ord. 2-2010, 3/24/2010, § 5]

The Hermitage Board of Commissioners may appoint a member of the Board of Commissioners to serve as a representative of the Board of Commissioners in an ad hoc capacity. This member shall participate in discussions and make recommendations but will not be a voting member of the Board. The City's Parks and Recreation Department shall provide the members of the Board with the necessary administrative support and information to perform their duties.

§ 1-436. Ad Hoc Student Member. [Ord. 2-2010, 3/24/2010, § 6]

The Hermitage Board of Commissioners may appoint a student enrolled at Hickory High School to serve in an ad hoc capacity. This member, nominated by the Hermitage School District, shall participate in discussions and make recommendations but will not be a voting member of the Board. This appointment will be for a twelve-month term beginning on August 1.

§ 1-437. Officers; Meetings. [Ord. 2-2010, 3/24/2010, § 7]

The Board shall appoint from its membership a Chairperson and such other officers as it may deem necessary for the orderly procedure of its business. The Board shall hold regular meetings at such time and place as it may designate and, from time to time, other meetings it deems necessary. All meetings shall be publicly advertised as per state and local requirements.

§ 1-438. Powers and Duties. [Ord. 2-2010, 3/24/2010, § 8]

The Board shall act solely in an advisory capacity to the Hermitage Board of Commissioners and shall have the following powers and duties:

- A. Identify the open space, recreation, park and trail needs of the residents and recommend plans, programs, activities and policies regarding the provision of recreation and park services.
- B. Advise the Hermitage Board of Commissioners in the acquisition, use and development of parklands and recreation facilities.
- C. Staff and operate the Hermitage Summer Recreation Program and other programs and activities as authorized in the annual program budget allocated by the Hermitage Board of Commissioners.
- D. Undertake recreation activities and park program assignments as requested by the Hermitage Board of Commissioners.

§ 1-439. Reporting. [Ord. 2-2010, 3/24/2010, § 9]

The Board shall keep minutes of its meetings, which it shall submit to the Hermitage Board of Commissioners. The Board shall submit an annual report to the Board of Commissioners, including an analysis of the adequacy and effectiveness of community recreation areas, facilities and program services. The report shall also include a breakdown of participation in the various programs and activities by age and gender and any other specific information requested by the Board of Commissioners.

§ 1-440. Contracts, and Obligations. [Ord. 2-2010, 3/24/2010, § 10]

The Board shall have no authority to enter into any contracts or to incur any obligation binding upon the City of Hermitage other than current obligations to be fully executed within the current fiscal year and not to exceed the budget appropriation made by the Hermitage Board of Commissioners, unless such is specifically approved in writing by the Hermitage Board of Commissioners.

E. Board of Appeals.**§ 1-451. Purpose. [Ord. 4-84, 3/14/1984, § 1]**

The City of Hermitage creates a Board of Appeals to provide every person, firm or corporation or other legal entity their right to due process of law.

§ 1-452. Powers. [Ord. 4-84, 3/14/1984, § 2; as amended by Ord. 11-98, 9/23/1998]

The Board of Appeals shall hear all appeals relative to the enforcement of the Hermitage Code of Ordinances, except for Chapters 6, 8, 14, 15, 16, 22, 24 and 27. By a concurring vote of the majority of its members, the Board of Appeals may

reverse or affirm, wholly or partly, or may modify the orders or determinations as in its opinion ought to be made.

§ 1-452.1. Rules and Procedures. [Added by Ord. 13-2009, 9/23/2009]

The Board of Appeals is authorized to establish policies and procedures necessary to carry out its duties.

§ 1-453. Membership and Officers. [Ord. 4-84, 3/14/1984, § 3]

1. The Board of Appeals shall consist of five members to be appointed by the Hermitage Board of Commissioners. All members must be electors of the City. The membership shall consist of:
 - A. One member who is registered architect.
 - B. One general contractor with at least two years' experience.
 - C. One industrial safety representative.
 - D. Two citizens at large.
2. Each member shall have been resident of the City for at least one year prior to appointment. The Board of Appeals shall appoint from its membership a Chairman and such other officers as it may deem necessary.

§ 1-453.1. Alternate Members. [Added by Ord. 13-2009, 9/23/2009]

The Board of Commissioners of the City of Hermitage shall appoint two alternate members who shall be called by the Board Chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership and shall be appointed for five years or until a successor has been appointed.

§ 1-454. Tenure; Vacancies. [Ord. 4-84, 3/14/1984, § 4]

Members of the Board of Appeals shall serve five-year terms and until their successor is appointed; except that for the first appointment, the registered architect and one citizen-at-large, so designated by the Board of Commissioners, shall serve two-year terms. Thereafter, all members shall serve five-year terms and may be reappointed. Vacancies shall be filled by the Board of Commissioners for the remainder of the term.

§ 1-455. Meetings. [Ord. 4-84, 3/14/1984, § 5]

Upon receipt of written request for a hearing, the City Manager shall inform all members of the Board of Appeals of the request. Within 21 days of receipt of the written request, the Board of Appeals shall meet to hear the appeal. Decisions shall be made and mailed within 30 days of the hearing. The Board of Appeals shall adopt other reasonable rules and regulations for conducting its meetings and shall make a public record thereof.

§ 1-455.1. Procedure. [Added by Ord. 13-2009, 9/23/2009]

The Board shall adopt and make available to the public, through the Secretary, procedures under which a hearing will be conducted. Procedure shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received. All hearings before the Board shall be open to the public and shall be stenographically recorded.

§ 1-456. Board Decision. [Added by Ord. 13-2009, 9/23/2009]

The Board shall affirm, modify, or reverse the decision of the Building Official by concurring vote of a majority of the members constituting a quorum present at the meeting.

F. Community and Economic Development Commission.**§ 1-461. Creation and Purpose. [Ord. 2-2006, 2/22/2006, § 1; Ord. No. 7-2024, 3/27/2024]**

The City of Hermitage hereby creates a Community and Economic Development Commission to evaluate and assist in all economic development in the City of Hermitage, to review economic development projects and other projects and initiatives having significant community impact, and to advise the Hermitage Board of Commissioners regarding said development, projects and initiatives.

§ 1-462. Membership and Officers. [Ord. 2-2006, 2/22/2006, § 1; Ord. No. 7-2024, 3/27/2024]

The Community and Economic Development Commission shall consist of 11 members to be appointed by the Hermitage Board of Commissioners. All members must be electors of the City selected at large from the community. The Community and Economic Development Commission shall appoint from its membership a Chairperson, Vice Chairperson and such other officers and committees as it may deem necessary.

§ 1-463. Tenure and Vacancy. [Ord. 2-2006, 2/22/2006, § 1; Ord. No. 7-2024, 3/27/2024]

Members of the Community and Economic Development Commission shall serve three-year terms and until their successor is appointed. Commencing with all terms that commence after January 31, 2024, members may serve a maximum of three consecutive terms and are eligible for reappointment after a period of at least one year during which they shall not serve as a member. Members who are appointed following the one-year prohibition are likewise excluded from serving more than three consecutive terms without an additional one-year prohibition period. Vacancies shall be filled by the Board of Commissioners for the remainder of any unfulfilled term.

§ 1-464. Powers and Duties of the Community and Economic Development Commission. [Ord. 2-2006, 2/22/2006, § 1; Ord. No. 7-2024, 3/27/2024]

The Community and Economic Development Commission shall act in an advisory capacity to the Hermitage Board of Commissioners and shall, in general, review, evaluate and, when appropriate, make recommendations regarding economic development issues and initiatives, and those specific projects, developments, and initiatives that have a significant impact on economic development and the quality of life in Hermitage. The Community and Economic Development Commission shall have the following powers and duties:

- A. It shall review, evaluate and make recommendations to the Hermitage Board of Commissioners on applications for loans and grants through the various financial assistance programs administered by the City.
- B. It shall review, evaluate and make recommendations to the Hermitage Board of Commissioners on the annual CDBG budget, including specific programs and projects detailed in the budget.
- C. It shall review and make recommendations to the Hermitage Board of Commissioners regarding City applications for state and federal grants and loans for community and economic development programs and projects.
- D. It shall make recommendations to the Hermitage Board of Commissioners regarding economic development issues, policies and programs relating to the retention and expansion of existing businesses, strengthening small, local businesses, and the attraction of new businesses.
- E. It shall provide ongoing monitoring of outstanding loans made by the City through various economic development loan programs administered by the City.
- F. It shall make recommendations to the Hermitage Board of Commissioners regarding site development, land acquisition and land disposition necessary for the delivery of community and economic development programs and projects.
- G. It shall provide recommendations to the Hermitage Board of Commissioners regarding programs and policies that promote the growth of the City's population, including initiatives to maintain an adequate level of a variety of housing stock, in alignment with the City's comprehensive plan and vision statement.
- H. It shall provide recommendations and analysis concerning any other community and economic development issue presented to it for consideration by the Board of Commissioners and/or City staff.

§ 1-465. Administration and Coordination. [Ord. 2-2006, 2/22/2006, § 1]

The Hermitage Board of Commissioners may appoint a member of the Board of Commissioners to serve as a representative of the Board of Commissioners in an ad

hoc capacity. This member shall participate in discussions and make recommendations but will not vote on any matter to come before the Community and Economic Development Commission. The City's Office of Community and Economic Development shall provide the members of the Community and Economic Development Commission with the necessary administrative support and information to perform their duties.

G. Board of Health.

§ 1-471. Board of Health. [Ord. 4-89, 4/12/1989, § 1]

A Board of Health is hereby created, consisting of five members, all of whom shall be residents of the City, except in the case of physicians who shall have their main office in the City. At least two members shall be reputable physicians having not less than two years of experience in the practice of their profession. The remaining three members should have some general experience in the health profession. The Board of Commissioners shall appoint members of the Board of Health and designate one appointee for a term of one year; for another, a term of two years; and so on up to five. Thereafter, a member of the Board shall be appointed annually to serve for a term of five years. The aforesaid appointments for a specified term notwithstanding, a Board member may stay in office until a successor qualifies or is appointed, or the Board of Commissioners may remove any member of the Board, at the pleasure of the Board of Commissioners. The members of the Board of Health shall serve without compensation. They shall severally take and subscribe to the oath of office prescribed by law and shall annually organize by electing a President, who must be, and a Secretary, who need not be, a member of the Board. Members of the Board of Health need not give bond in order to assume office.

§ 1-472. Powers of the Board of Health. [Ord. 4-89, 4/12/1989, § 1]

The Board of Health shall have the power and its duty shall be to supervise the enforcement of the health laws of the commonwealth as well as regulations of the State Department of Health and all health ordinances in the City of Hermitage in accordance with law. In addition, the Board of Health shall function as a Board of Appeals for all appeals of the decisions of the Health Officer taken under the health ordinances of the City of Hermitage.

§ 1-473. Health Officer. [Ord. 4-89, 4/12/1989, § 1; as amended by Ord. 11-98, 9/23/1998]

The City Manager shall appoint a Health Officer, who shall be certified by the State Department of Health in accordance with the regulations of the Department (28 Pa. Code § 11.1). Such officer shall have the powers and perform the duties provided by applicable law. All official actions shall be performed in the name and under the signature of the Health Officer.

PART 5
REGIONAL BOARDS AND COMMISSIONS

A. Mercer County Regional Planning Commission.

§ 1-501. Creation. [Ord. 3-94, 3/18/1994, App. A]

In conformity with the laws of Pennsylvania and the various ordinances and resolutions adopted by the municipalities which are parties to this agreement, the aforesaid municipalities¹ do hereby continue a Regional Planning Commission, which shall now be known and designated as the "Mercer County Regional Planning Commission."

§ 1-502. Functions, Duties, Responsibilities and Activities. [Ord. 3-94, 3/18/1994, App. A]

The functions, duties, responsibilities and planning activities of the Mercer County Regional Planning Commission shall be undertaken in compliance with the requirements of the aforesaid Acts of Assembly,² and the areas within which the Commission shall perform and exercise its functions, duties and planning activities, except as hereinafter set forth, shall be the region comprehended and included in the aforesaid municipalities.

§ 1-503. Definitions. [Ord. 3-94, 3/18/1994, App. A]

MEMBERS — Every municipal corporation, including the County of Mercer, which participates in this agreement by its passage of an ordinance to be bound by these Articles of Agreement and who has not withdrawn or been expelled from membership as set forth in these Articles of Agreement.

REPRESENTATIVE — A person appointed by a member as defined above.

§ 1-504. Appointment and Tenure of Members; Composition. [Ord. 3-94, 3/18/1994, App. A]

The Mercer County Regional Planning Commission shall, for the year 1994 and thereafter, until mutually agreed upon, be comprised of representatives from each

¹Editor's Note: The preface to the agreement identified the parties as the City of Farrell, City of Hermitage, City of Sharon, Borough of Clark, Borough of Fredonia, Borough of Greenville, Borough of Grove City, Borough of Jackson Center, Borough of Jamestown, Borough of Mercer, Borough of New Lebanon, Borough of Sandy Lake, Borough of Sharpsville, Borough of Stoneboro, Borough of West Middlesex, Borough of Wheatland, Township of Findley, Township of Hempfield, Township of Jackson, Township of Jefferson, Township of New Vernon, Township of Otter Creek, Township of Perry, Township of Pine, Township of Pymatuning, Township of Shenango, Township of South Pymatuning, Township of Springfield, Township of Wilmington, Township of Wolf Creek, and the County of Mercer.

²Editor's Note: The preface to the agreement recited that the Commission was enacted under the authority of the Act of November 21, 1989, Act No. 170, § 1102, 53 P.S. § 11102.

participating municipal subdivision. Each participating political subdivision shall appoint representation as follows:

A. The Mercer County Commissioners shall appoint representatives at large on the following basis:

- (1) At least one member of the Board of County Commissioners.
- (2) Nine additional at-large representatives. Suggested representation shall be from among the following:
 - (a) Law.
 - (b) Minority groups.
 - (c) Agriculture.
 - (d) Insurance.
 - (e) Real estate.
 - (f) Merchants.
 - (g) Engineers.
 - (h) Architects.
 - (i) Finance.
 - (j) Industry.
 - (k) Construction.
 - (l) Labor.

B. Other members shall appoint representatives on the basis of one person per each 6,000 units of population, plus one for a residual of 4,000 of population or more, plus one elected official from each municipality. Representation from each member other than the County of Mercer shall be as follows:

- (1) Each member with two representatives shall appoint one representative from that member's elected governing body and one representative from that member's planning commission.
- (2) Where three or more representatives are possible, at least one member shall be from the elected body, at least one member from the local planning commission, and other members appointed at large, at the discretion of the elected body.
- (3) If the member does not have a planning commission or no person on that commission is willing to serve or is available for service, the

elected body of that member may appoint an at-large representative as it sees proper.

- C. The Mercer County Boroughs Association and the Mercer County Association of Township Officials may each appoint one representative to represent the regional viewpoints of all boroughs and townships in Mercer County, including those that are not members; provided that neither such representatives nor their appointing organization shall be considered members as defined by this agreement or be allowed a vote in matters as set forth in §§ 1-509, 1-511 and 1-512.
- D. All present representatives of the Mercer County Regional Planning Commission shall serve for the remainder of the term for which each has been previously appointed. No political subdivision shall make an appointment at the expiration of the term of any present representative if such appointment will cause such municipality's representation to exceed one per each 6,000 units of population, plus one for a residual 4,000 of population or more, plus one elected official. In the event of a vacancy caused by the death, resignation or otherwise of any member, such vacancy shall be filled by the appointing member as set forth in this section for the unexpired term.
- E. All appointments of representatives to the Mercer County Regional Planning Commission shall be for a term of three years; except that as new political subdivisions join the Mercer County Regional Planning Commission, the new subdivision's initial appointments shall be staggered so that a proportionate number shall expire each year for three years.
- F. Residence requirements are as follows:
 - (1) Representatives shall be residents of the respective member municipalities for a period of not less than three years and shall be eligible for reelection.
 - (2) Representatives from the County of Mercer must be residents of Mercer County. Said representatives may be residents of other member municipalities.

§ 1-505. Computation of Members' Share of Expenses. [Ord. 3-94, 3/18/1994, App. A]

- 1. Each member shall annually appropriate and pay to the Mercer County Regional Planning Commission a proportionate share of the expenses of the Mercer County Regional Planning Commission based on a budget approved yearly by the representatives of said Commission. The proportion each member shall pay yearly shall be based on the following formula:
 - A. Municipal members shall each pay a pro rata share (based on the proportion of each municipality's population to the total population of

all municipal members) of an amount equal to 32% of the net revenue budget.

- B. Mercer County shall pay 68% of the net revenue budget.
- C. "Net revenue budget" is defined as that portion of the total revenue budget approved yearly by the representatives of the Commission, not including revenue from grants, third-party contracts, fees or beginning year balances.

2. Each member shall pay an amount equal to 25% or more of its share of the annual expenses on or before January 15 of each year and the remainder thereof in proportionate quarterly installments on or before April 15, July 15 and October 15.

§ 1-506. Records. [Ord. 3-94, 3/18/1994, App. A]

The Mercer County Regional Planning Commission shall maintain and keep records of all receipts and disbursement, which records shall be audited annually by a certified public accountant. A copy of each annual audit shall be furnished to each member.

§ 1-507. Meetings. [Ord. 3-94, 3/18/1994, App. A]

All meetings of the Mercer County Regional Planning Commission shall be held at a time and place to be fixed by the Commission and in accordance with its bylaws.

§ 1-508. Duties. [Ord. 3-94, 3/18/1994, App. A]

The Mercer County Regional Planning Commission shall be charged with such duties as enumerated in the laws of the United States and the Commonwealth of Pennsylvania, including these aforementioned acts and its supplements and amendments,³ and as determined by the members as set forth in the bylaws of the Commission and such other responsibilities or contracts not in derogation of law and approved by the members of the Commission as set forth in the bylaws. Nothing in this agreement shall be in derogation of the powers of the members' planning commissions who have such commissions unless those powers are, or have been previously, delegated to the Mercer County Regional Planning Commission or its predecessors by the members, in accordance with law.

§ 1-509. Admission of Other Members. [Ord. 3-94, 3/18/1994, App. A]

A majority of the members may, from time to time, admit other municipal units as participating members.

³Editor's Note: The preface to the agreement recited that the Commission was enacted under the authority of the Act of November 21, 1989, Act No. 170, § 1102, 53 P.S. § 11102.

§ 1-510. Right of Withdrawal. [Ord. 3-94, 3/18/1994, App. A]

This agreement shall continue from year to year, until the parties agree to cancel same. However, members shall have the right to withdraw from the Commission at the end of any calendar year, by giving six months' written notice to the Commission.

§ 1-511. Amendments. [Ord. 3-94, 3/18/1994, App. A]

These Articles of Agreement may be amended by a two-thirds majority vote of the total membership of the Commission, whether or not present, at any special meeting called for such purpose; but only members who are present at the special meeting may vote, with each member having one vote. The special meeting may be held no sooner than 45 days after the mailing of the notice of said meeting to each member.

§ 1-512. Dissolution. [Ord. 3-94, 3/18/1994, App. A]

1. The Mercer County Regional Planning Commission may dissolve itself by a two-thirds majority vote of the total membership of the Commission, whether or not present, at any special meeting called for such purpose; but only members who are present at the special meeting may vote, with each member having one vote. The special meeting may be held no sooner than 45 days after the mailing of the notice of said meeting to each member.
2. Upon dissolution, after the payment of all outstanding liabilities, each member shall receive a pro rata share of the remaining assets based on the same formula as the dues that are paid by the members at the time of dissolution.

B. Shenango Valley Animal Control Board.**§ 1-521. Creation; Composition; Appointments. [Ord. 11-66, 4/27/1966, § 1]**

There is hereby created a joint board, to be known as the "Shenango Valley Animal Control Board," to represent the municipalities of the City of Farrell, City of Hermitage, City of Sharon, Borough of Sharpsville and Borough of Wheatland, and such other municipalities as may hereafter become a participating municipality, in the construction of an animal control program in the participating municipalities. The Board shall be composed of one member of the governing body of each of the participating municipalities. The members of the Board shall be appointed to the Board in such manner and for such term as each of said governing bodies shall determine.

§ 1-522. Agreement Approved. [Ord. 11-66, 4/27/1966, § 2]

For the purpose of the construction of an animal shelter and the operation of an animal control program by the participating municipalities within said municipalities, an agreement among said municipalities in substantially the

following form is hereby approved and the appropriate officers are hereby authorized to execute the agreement.⁴

⁴**Editor's Note:** The agreement is on file in the City offices.

PART 6
MUNICIPAL AUTHORITIES

A. Municipal Authority.

§ 1-601. Desire and Intention to Organize Municipal Authority. [Ord. 14-53, 9/3/1953, § 1]

It is the desire of the Board of Supervisors of the Township of Hickory, in the County of Mercer, and Commonwealth of Pennsylvania, and said Board of Supervisors hereby signifies its intention to organize an Authority under the Municipalities Authority Act of May 2, 1945, P.L. 382, as amended.

§ 1-602. Articles of Incorporation. [Ord. 14-53, 9/3/1953, § 2; as amended by Res. 17-85, 7/10/1985; and by Res. 15-2010, 8/25/2010]

In pursuance of said desire and intention, and in conformity with the terms and provisions of said Municipality Authorities Act and its amendments, the proposed Articles of Incorporation are hereby set forth in full as follows:

Articles of Incorporation of Hickory Township Municipal Authority, Mercer County, Pennsylvania.

To the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania. In compliance with the requirements of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended, and pursuant to an ordinance adopted by the municipal authorities of the Township of Hickory in the County of Mercer, and the Commonwealth of Pennsylvania, that a Municipal Authority be established under the provisions of the aforementioned law, the Township of Hickory desiring 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: Hickory Township Municipal Authority, Mercer County, Pennsylvania.
- B. The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.
- C. No other Authority has been organized under the provisions of this Act, or the Act approved June 28, 1935, P.L. 463, and is in existence within said Township.
- D. The incorporating municipality is: Township of Hickory, in the County of Mercer, and Commonwealth of Pennsylvania.
- E. The names and addresses of the Board of Supervisors of the Township of Hickory are as follows: [Here followed the names and addresses of the Board of Supervisors].
- F. The names and addresses and terms of office of the first members of the Board of said Authority are as follows: [Here followed the names and addresses of the first members of the Board of the Authority.]

- G. The name of the Authority shall be changed from "Hickory Township Municipal Authority, Mercer County, Pennsylvania" to "Hermitage Municipal Authority."
- H. The term of existence of the Authority is increased to a date 50 years from the date of approval of these amendments.
- I. There shall hereby be created the position of alternate member, who shall be appointed for a term of five years, who shall serve as a voting member of the Authority in the event any member is unable to attend any public meeting of the Authority.

B. Upper Shenango Valley Water Pollution Control Authority.

§ 1-611. Desire and Intention to Organize Authority. [Ord. 4-71, 6/9/1971, § 1]

It is the desire of the Board of Commissioners of the Township of Hickory, Mercer County, Pennsylvania, and the Board of Commissioners hereby signifies its intention, together with the City of Sharon, the Borough of Sharpsville, and the Township of South Pymatuning, to organize a joint authority under the Municipality Authorities Act of May 2, 1945, P.L. 382, as amended.

§ 1-612. Name of Authority. [Ord. 4-71, 6/9/1971, § 2]

The name of the proposed joint authority shall be "Upper Shenango Valley Water Pollution Control Authority."

§ 1-613. Articles of Incorporation. [Ord. 4-71, 6/9/1971, § 4]

Pursuant to said desire and intention of the Board of Commissioners 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 Upper Shenango Valley Water Pollution Control Authority.

To the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania. In compliance with the requirements of the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended, and pursuant to ordinances duly enacted by the municipal authorities of the City of Sharon, the Borough of Sharpsville and the Townships of Hickory and South Pymatuning, all of Mercer County, Pennsylvania, signifying their desire and intention that a joint municipal authority be established under the provisions of the aforementioned law and that a certificate of incorporation be issued to said Authority, the City of Sharon, the Borough of Sharpsville and the Townships of Hickory and South Pymatuning, all of Mercer County, Pennsylvania, do hereby certify:

- A. The name of the Authority shall be: "Upper Shenango Valley Water Pollution Control Authority."
- B. The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended.

- C. No other joint authority has been organized under the provisions of this Act or the Act approved June 28, 1935, P.L. 463, and is in existence within said City, Borough and Townships.
- D. The names of the incorporating municipalities are the City of Sharon, Borough of Sharpsville and the Townships of Hickory and South Pymatuning, all of Mercer County.
- E. The names and addresses of the municipal authorities of the incorporating municipalities: [Here followed the names and addresses of the authorities of the member municipalities.]
- F. The names and addresses and terms of office of the first members of the Board of said Joint Authority are as follows: [Here followed the names, addresses and terms of office of the first board of the Authority.]
- G. The purpose of this joint authority is to and is hereby directed and empowered to undertake the planning, acquisition, construction, financing and operation of a regional sewage transportation and treatment system to serve the incorporating municipalities and adjacent areas.

PART 7
PENSIONS

A. Police Pension Fund.**§ 1-701. Adoption of Plan. [Ord. 2-2009, 4/22/2009]**

Effective for participants who terminate employment on or after January 1, 2009, the plan now known as the "City of Hermitage Police Employees Pension Plan" is hereby amended and restated in its entirety by substituting the attached amendment and restatement of the City of Hermitage Police Employees Pension Plan in its place.⁵

B. Nonuniformed Pensions.**§ 1-731. Participation in Pennsylvania Municipal Retirement System. [Ord. 4-2009, 5/27/2009]**

The City of Hermitage (the City), being a member municipality of the Pennsylvania Municipal Retirement System (the system), hereby elects to change its member benefits in that system as authorized by the Pennsylvania Municipal Retirement Law, as amended,⁶ and does hereby agree to be bound by all the requirements and provisions of said article and the law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Pennsylvania Municipal Retirement Board (the Board) and the City under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

§ 1-732. Membership. [Ord. 4-2009, 5/27/2009]

Membership in the system shall be mandatory for all full-time municipal employees of the City. Membership for part-time employees and employees hired on a temporary or seasonal basis is optional. The election by part-time, temporary or seasonal employees to join the system must be made within one year after the employee first enters the service of the City. Membership for elected officials and individuals paid only on a fee basis is prohibited. Individual membership shall be effective as of the date the City entered into the system or upon the expiration of the individual's probationary status, whichever is more recent.

§ 1-733. Prior Service Credit. [Ord. 4-2009, 5/27/2009]

Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the City from the original date of hire or the expiration of the member's probationary period if one so existed. Benefits

⁵Editor's Note: The Police Employees Pension Plan is on file in the City offices.

⁶Editor's Note: See 53 P.S. § 881.101 et seq.

provided to members in the agreement dated _____, 2009 (the agreement), shall accrue based on all credited service granted and earned in accordance with this section.

§ 1-734. Payments. [Ord. 4-2009, 5/27/2009]

Payment for any obligation established by the adoption of this Part 7B and the agreement between the Board and the City shall be made by the City in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.⁷

§ 1-735. Benefits. [Ord. 4-2009, 5/27/2009]

As part of this Part 7B, the City agrees that the system shall provide the benefits set forth in the agreement. The passage and adoption of this Part 7B by the City is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. The City hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

§ 1-736. Authorization. [Ord. 4-2009, 5/27/2009]

The City intends this Part 7B to be the complete authorization of the City's municipal pension plan, and it shall become effective and specifically repeal Ordinance Number 11-2006 either immediately or on June 1, 2009, which is the effective date of the agreement, whichever is later.

§ 1-737. Copy to be Filed; Effective Date of Membership. [Ord. 4-2009, 5/27/2009]

A duly certified copy of this Part 7B and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of the City in the Pennsylvania Municipal Retirement System shall be effective the first day of July 1978, with the revised plan structure reflected in the agreement effective the first day of June 2009.

C. Post-Retirement Health Care Plan**§ 1-738. Adoption of Plan and Trust. [Added by Ord. 14-2012, 12/19/2012]**

That the Board of Commissioners of the City of Hermitage adopts the Post Retirement Health Care Plan and the related Integral Part Trust in the form presented.

⁷Editor's Note: See 53 P.S. § 895.701-A et seq.

§ 1-739. Appointment of Trustee. [Added by Ord. 14-2012, 12/19/2012]

That the Board of Commissioners of the City of Hermitage is hereby appointed as the Trustee of the Integral Part Trust.

§ 1-740. Contributions. [Added by Ord. 14-2012, 12/19/2012]

Participants shall contribute as specified.

D. Wheatland Borough Non-Uniform Pension Plan**§ 1-741. Sponsorship and Assignment of Plan. [Ord. No. 14-2024, 10/23/2024]**

1. The City hereby agrees to sponsor the plan effective as of January 1, 2024.
2. The City hereby accepts transfer of any and all of the Borough's rights, title and interest in and to the plan, the duty and responsibility to perform any and all acts and obligations of the Borough under the plan and applicable law and the liabilities arising thereunder, and the City agrees to accept and assume the same as if the City had been an original party to the plan.
3. The City hereby accepts the assignment of the plan and agrees to be bound by all of the requirements and provisions of the plan, the Pennsylvania Municipal Retirement Law, 53 P.S. § 881.101 et seq. ("Retirement Law"), and the Municipal Pension Plan Funding Standard and Recovery Act, 53 P.S. § 895.101 et seq., and to assume all duties, obligations and responsibilities, financial and otherwise, placed upon member municipalities.
4. The City hereby assumes full responsibility and liability for all future benefit payments to the existing retired members and their beneficiaries and for all acts performed directly or indirectly under the plan, including acts committed by the Borough prior to the effective date of this assignment.
5. The City agrees that the Board shall continue to administer and provide the benefits set forth in the amended plan entered into between the Board and the Borough (the "contract").
6. The City hereby assumes all responsibility and liability for any unfunded liability created due to the benefit structure set forth in the contract and for all future benefit accruals and payments to the retired members and their beneficiaries and for all acts performed directly or indirectly under the plan, including acts committed by the Borough prior to the effective date of this assignment.
7. Payment for any contribution obligation established by the adoption of this Supart 7D and the contract shall be made by the City in accordance with the Pennsylvania Municipal Retirement Law and the Municipal Pension Plan Funding Standard and Recovery Act.

8. The passage and adoption of this Supart 7D by the City is an official acceptance of the contract and the financial obligations resulting from the administration of the contract.
9. The City agrees to indemnify and hold the harmless PMRS, its board, officers and employees from any liability arising under this assignment and/or any other actions taken to affect the intent of this Supart 7D.
10. A duly certified copy of this Supart 7D shall be filed with PMRS.
11. Any and all actions and decisions heretofore taken by any official of the City or any person in connection with any transaction or objectives approved by the foregoing resolutions, and all transactions related thereto, were and are hereby authorized, affirmed, adopted, approved, ratified and confirmed in all respects; and any and all actions and decisions to be taken by such official or person in furtherance of the objectives of the preceding resolutions were and are hereby authorized, affirmed, adopted, approved, ratified and confirmed in all respects.

PART 8
FIRE INSURANCE PROCEEDS

A. Fire Insurance Escrow.

§ 1-801. Designated Officer. [Ord. 16-98, 12/23/1998, § 1]

The Treasurer, or such official's designee, is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein.

§ 1-802. "Fire Loss" Defined. [Ord. 16-98, 12/23/1998, § 2]

A "fire loss" or a "claim for fire damage" is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsement or riders to the policy.

§ 1-803. Payment of Claims. [Ord. 16-98, 12/23/1998, § 3]

No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Hermitage (hereinafter "City") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Treasurer with a municipal certificate pursuant to § 1-508(b) and unless there is compliance with § 1-508(c) and (d) and the provisions of this Part. Also, reference is made to City of Hermitage Ord. 17-98 [Part 8B], relating to the payment of delinquent taxes.

§ 1-804. Payment Procedures. [Ord. 16-98, 12/23/1998, § 4]

After full compliance with the requirements of § 1-508(b)(1)(i), and Ordinance 17-98 [Part 8B], the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building structure, the following procedures shall be followed:

- A. The insurer shall transfer from the insurance proceeds to the Treasurer the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of the amount of a claim, provided that:
 - (1) This section is to be applied such that if the claim is \$15,000 or less, the amount transferred to the City shall be \$2,000;
 - (2) If, at the time of a loss report, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer

shall transfer to the City from the insurance proceeds the amount based upon the estimate.

B. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with policy terms.

§ 1-805. Cost of Repair. [Ord. 16-98, 12/23/1998, § 5]

After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the Treasurer shall return the amount of funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.

§ 1-806. Placement of Proceeds. [Ord. 16-98, 12/23/1998, § 6]

Upon receipt of proceeds under this section, the City shall do the following:

A. The Treasurer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the City. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings related thereto.

B. It is the obligation of the insurer when transferring the proceeds to provide the City with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Treasurer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed.

C. When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion received by the Treasurer, and if the City has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the City has incurred costs for repairs, removal or securing of the building or other structure, the cost shall be paid from the fund; and if excess funds remain, the City shall transfer the remaining funds to the named insured.

D. To the extent that interest is earned on proceeds held by the City pursuant to this section, and retained by it, such interest shall belong to the City. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

§ 1-807. Recovery. [Ord. 16-98, 12/23/1998, § 7]

Nothing in this Part shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this Part shall be construed to prohibit the City 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.

§ 1-808. Procedures and Regulations. [Ord. 16-98, 12/23/1998, § 8]

The City of Hermitage may by resolution adopt procedures and regulations to implement § 1-508 and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to § 1-508 and this Part, including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

§ 1-809. Penalties. [Ord. 16-98, 12/23/1998, § 9]

Any owner of property, any named insured or any insurer who violates this Part shall be subject to a penalty of up to \$1,000.

B. Payment of Delinquent Taxes.**§ 1-811. Designated Officer. [Ord. 17-98, 12/23/1998, § 1]**

The Treasurer or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein.

§ 1-812. "Fire Loss" Defined. [Ord. 17-98, 12/23/1998, § 2]

A "fire loss" or a "claim for fire damage" is defined as any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including any endorsement or riders to the policy.

§ 1-813. Payment of Claim. [Ord. 17-98, 12/23/1998, § 3]

No insurance company, association or exchange (hereinafter the "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City of Hermitage (hereinafter "City") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurer and the named insured comply with the provisions of § 1-508(b) and the provisions of this Part.

§ 1-814. Certificate Required. [Ord. 17-98, 12/23/1998, § 4]

1. The Treasurer shall, the upon written request of the named insured, specifying the tax description of the property, name and address of the insurer and the date agreed upon by the insurer and the named insured as

the date of the receipt of a loss report of the claim, furnish the insurer either of the following within 14 working days of the request:

- A. A certificate or, at the discretion of the City, a verbal notification which shall be confirmed in writing by the insurer 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 or verbal notification, the City has not certified any amount as total costs incurred by the City for the removal, repair or securing of a building or other structure on the property.
- B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and use charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Treasurer's certificate, the amount of total costs, if any, certified to the Treasurer that have been incurred by the City for the removal, repair or securing of a building or other structure on the property. For the purpose of this subsection, the City shall provide to the Treasurer the total amount, if any, of such costs, if available, or the amount of costs known to the City at the time of the Treasurer's certificate.

2. A tax, assessment penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the City under applicable law.

§ 1-815. Payment of Claim. [Ord. 17-98, 12/23/1998, § 5]

Upon receipt of a certificate pursuant to § 1-814, Subsection 1A, of this Part, the insurer shall pay the claim of the named insured in accordance with policy terms.

§ 1-816. Transfer of Proceeds. [Ord. 17-98, 12/23/1998, § 6]

Upon the receipt of a certificate and bill pursuant to § 1-814, Subsection 1B, of this Part, the insurer 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, or the full amount of the insurance proceeds, whichever is the lesser amount. The City shall receive the amount and apply or credit it to payment of the items shown in the bill. Nothing in this section shall be construed to limit the ability of the City to recover any deficiency.

§ 1-817. Policies. [Ord. 17-98, 12/23/1998, § 7]

The transfer of proceeds to the Treasurer shall be on a pro rata basis by all insurers with applicable policies of insurance providing protection for fire loss.

§ 1-818. Adoption of Regulations and Procedures. [Ord. 17-98, 12/23/1998, § 8]

The City of Hermitage may by resolution adopt additional procedures and regulations to implement § 1-508 and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to § 1-508 and this Part; including, but not limited to, issuance of certificates and bills.

§ 1-819. Penalties. [Ord. 17-98, 12/23/1998, § 9]

Any owner of property, any named insured or any insurer who violates this Part shall be subject to a penalty of up to \$1,000 per violation.

PART 9
WORKFORCE DEVELOPMENT

A. LindenPointe Development Corporation.

§ 1-901. Creation. [Ord. 1-2011, 2/23/2011]

It is the intent and the desire of the Board of Commissioners to create a nonprofit corporation to assist the City of Hermitage in the development, management and promotion of the workforce development and incubator facilities located in the LindenPointe Innovative Business Campus.

§ 1-902. Name. [Ord. 1-2011, 2/23/2011]

The name of the corporation shall be the "LindenPointe Development Corporation."

§ 1-903. Authority. [Ord. 1-2011, 2/23/2011]

The corporation shall be formed under the Pennsylvania Nonprofit Corporation Law of 1988, the Act of November 15, 1972, P.L. 1063, as amended by the Act of December 21, 1988, P.L. 1444.⁸

§ 1-904. Purpose. [Ord. 1-2011, 2/23/2011]

The purpose of the corporation shall be to assist the City of Hermitage in the development, management and promotion of the science, technology, engineering, and math (STEM) related activities at the workforce development and incubator facilities at the LindenPointe Innovative Business Campus. The corporation shall be formed solely for charitable, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code. The corporation shall not be organized or operated for the benefit of private interests, and no part of the corporation's net earnings may inure to the benefit of any private individual or firm.

§ 1-905. Incorporators. [Ord. 1-2011, 2/23/2011]

The names and addresses of the persons who are the initial incorporators of the corporation are as follows.⁹

§ 1-906. Board of Directors. [Ord. 1-2011, 2/23/2011; as amended by Ord. 2-2011, 4/27/2011]

The Board of Directors of the corporation shall be comprised of not fewer than six nor more than 11 members, not more than two of which shall be appointed by the

⁸Editor's Note: See 15 Pa.C.S.A. § 5101 et seq.

⁹Editor's Note: The names and addresses of the initial incorporators are on file in the City offices.

Hermitage Board of Commissioners; and the remaining members shall be elected by majority vote of the Board of Directors as provided in its bylaws. The Directors shall serve for a term of four years, except that the initial Directors shall serve such staggered terms as provided in the bylaws. A majority of the members of the Board of Directors shall constitute a quorum. The affairs of the corporation shall be conducted and carried out by the Board of Directors in accordance with the purposes for which the corporation is created. The Board shall elect among its members a President, a Vice President, and a Secretary. The Board of Directors shall adopt bylaws and rules and regulations governing the conduct of the corporation. In governing and conducting the affairs of the corporation, the Board of Directors may delegate administrative and managerial duties to employees of the corporation. Notwithstanding any other provision in this Part 9A and as stated in the articles of incorporation, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation.

§ 1-907. Dissolution. [Ord. 1-2011, 2/23/2011]

Upon the dissolution of the corporation, the assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, the State of Pennsylvania, or the City of Hermitage, for a public purpose.