

**CHAPTER 1**

**ADMINISTRATION AND GOVERNMENT**

**PART 1**

**AUTHORITIES**

**A. Coplay-Whitehall Sewer Authority.**

- §1-101. Intention and Desire to Organize Authority Jointly with Whitehall Township**
- §1-102. Execution of Articles of Incorporation Authorized**
- §1-103. Notice to be Given**
- §1-104. Incorporation to be Effectuated**
- §1-105. Members of the First Governing Board Representing the Borough; Tenure**
- §1-106. Necessity for Enactment**

**PART 2**

**BOARDS AND COMMISSIONS**

**A. Health Officer.**

- §1-201. Health Officer to Administer Health Laws**
- §1-202. Establishment and Disposition of Fees; Administration of Oaths**
- §1-203. Authority of Health Officer**
- §1-204. Duties of the Health Officer**
- §1-205. Authority of the Health Officer**
- §1-206. Access to Premises**
- §1-207. Inspections and Abatement of Nuisances**
- §1-208. Annual Estimate of Expenditures; Appropriations to Health Officer; Annual Report**
- §1-209. Cooperation with Other Local Governments and with the State Department of Health**

ADMINISTRATION AND GOVERNMENT

**B. Sewer Authority Hearing Board.**

**§1-221. Appointment of Sewer Authority Hearing Board**

**C. Library Board.**

**§1-231. Establishment of Coplay Library Board**

**§1-232. Organization**

**§1-233. Disbursement of Funds; Reports; Audit**

**§1-234. Regulations for the Use of the Library Authorized**

**§1-235. Deposit of Funds**

**§1-236. Limitation of Activities**

**§1-237. Dissolution or Winding Up**

**D. Civil Service Commission.**

**§1-241. Civil Service Commission Created**

**§1-242. Membership of the Civil Service Commission; Appointment; Tenure**

**§1-243. Adoption of Civil Service Rules and Regulations**

**E. Planning Commission.**

**§1-251. Creation of Planning Commission**

**F. Shade Tree Commission.**

**§1-261. Shade Tree Commission Created**

**§1-262. Powers and Duties of the Shade Tree Commission**

**§1-263. Additional Duties of Shade Tree Commission Related to Hazardous  
Tree and Sidewalk Conditions**

**§1-264. Listing and Removal of Trees**

**§1-265. Sidewalk Repair**

**G. Plumbers Examination Board.**

**§1-271. Plumbers Examination Board Established**

**H. Park and Recreation Board.**

**§1-281. Establishment**

**§1-282. Membership**

**§1-283. Organization of Board**

**§1-284. Initial Charge of Duties and Responsibilities**

**§1-285. Savings Clause**

## PART 3

### COMMITTEES AND COUNCILS

#### A. Building Committee.

§1-301. Establishing Building Committee

#### B. Emergency Management Agency.

§1-311. Establishment

§1-312. Authority

§1-313. General Duties and Responsibilities

§1-314. Declaration of Disaster Emergency

§1-315. Temporary Suspension of Formal Requirements

§1-316. Local Coordinator of Emergency Management

§1-317. Powers and Duties of the Emergency Management Agency

§1-318. Coordination, Assistance and Mutual Aid

§1-319. Approvals and Ratification of Agreements

§1-320. Gifts and Grants of Monies

§1-321. Representation on Boards and Agencies

§1-322. Insignia and Identifying Marks

§1-323. Applicability of State Statutes

## PART 4

### BOROUGH COUNCIL

#### A. Council Meetings.

§1-401. Order of Business at Regular Meetings of Council

§1-402. Duties of President

§1-403. Entry of President into Discussion

§1-404. Appointment of Committees; President to Vote Last

§1-405. Reading and Approval of Minutes

§1-406. Special and Regular Meetings of Council

§1-407. Approval and Payment of Bills

§1-408. Discussion of Subjects Under Consideration

§1-409. All Members to Vote; Exception; Demand for Yeas and Nays

§1-410. Record of Yeas and Nays

§1-411. Passage of Ordinances

§1-412. Permission Required to Retire from Meeting

§1-413. Motions

§1-414. Types of Motions Permitted While Question Under Consideration;  
Precedence Thereof

§1-415. Standing Committees

§1-416. Reference of Matters to Committees

**ADMINISTRATION AND GOVERNMENT**

- §1-417. Election of Officers**
- §1-418. Motion for Reconsideration**
- §1-419. Amendment, Suspension, Alteration or Dispensing with Rules**
- §1-420. Parliamentary Practice**

**B. Fiscal Affairs.**

- §1-431. Conformity with Municipal Records Act Required**
- §1-432. Public Records Submitted to Pennsylvania Historical and Museum Commission and Local Government Records Committee**
- §1-433. Destruction of Records of a Peripheral Nature**

**C. Public Participation During Meetings of Borough Council.**

- §1-441. Procedures and Protocols**

**PART 5**

**POLICE**

**A. Police Department.**

- §1-501. Police Department Established; Chief of Police**
- §1-502. Classifications**
- §1-503. Special Police and Auxiliary Police**
- §1-504. Police Protection Charges**

**PART 6**

**COSTS AND FEES: COPLAY BOROUGH FEE SCHEDULE**

**PART 7**

**FIRE FIGHTING; COPLAY FIRE DEPARTMENT**

**A. Fire Department.**

- §1-701. Reestablishment of the Fire Department**
- §1-702. Purpose**
- §1-703. Scope of Department**
- §1-704. Department Officers**
- §1-705. Membership**
- §1-706. Fire Official**

- §1-707. Preservation of Order at Fires
- §1-708. Obedience to Officers
- §1-709. Rules and Regulations Authorized
- §1-710. Oaths of Office
- §1-711. Salaries and Stipends

**B. Firemen's Relief Association.**

- §1-721. Recognition of Firemen's Relief Association
- §1-722. Certification to Auditor General
- §1-723. Annual Appropriation

**C. Fire Insurance Proceeds.**

- §1-731. Fire Insurance Proceeds Released Only Upon Certification of Borough That All Taxes, Liens and Municipal Charges Are Paid

**D. Standard Operating Guidelines and Bylaws.**

- §1-741. Approval and Adoption

**PART 8**

**ELECTED OFFICIALS**

**A. Councilmen and Mayor.**

- §1-801. Compensation of Councilmen and Mayor

**B. Tax Collector.**

- §1-811. Compensation of Tax Collector

**PART 9**

**APPOINTED OFFICIALS**

**A. Independent Auditor.**

- §1-901. Appointment of Independent Auditor
- §1-902. Powers and Duties of Independent Auditor
- §1-903. Compensation of Independent Auditor

**B. Building Inspector.**

- §1-911. Appointment and Duties of Building Inspector

ADMINISTRATION AND GOVERNMENT

C. Secretary/Treasurer.

§1-921. Authority for One Individual to Serve as Both

PART 10

FEE SCHEDULE

PART 11

SMOKING AT BOROUGH OF COPLAY MUNICIPAL BUILDING, GARAGE OR  
POOL BUILDING PROHIBITED

§1-1101. Smoking Prohibited

§1-1102. Violations

§1-1103. Posting of Signs

PART 12

DRUG AND ALCOHOL POLICY

§1-1201. Policy

§1-1202. Objectives

§1-1203. Substances Included in the Testing Policy

§1-1204. Department of Transportation Regulations Concerning Testing of  
Drivers

§1-1205. Work Rules Concerning Use, Possession and Sale of Alcohol or Ille-  
gal Drugs on Borough's Property

§1-1206. Reservation of Rights

§1-1207. Limitations; Severability

§1-1208. This is not a Contractual Agreement

PART 13

USE OF BOROUGH CREDIT CARDS

§1-1301. Authorization for Use by Certain Officials; Review of Receipts

**PART 14**

**VIOLATIONS AND PENALTIES**

- §1-1401. Penalties for Violating Codified Ordinances**
- §1-1402. Violation Ticket Program**

**Appendix A**





**PART 1**

**AUTHORITIES**

**A. Coplay-Whitehall Sewer Authority.**

**§1-101. Intention and Desire to Organize Authority Jointly with Whitehall Township.**

1. The Council of this Borough signifies the intention and desire to organize an Authority jointly with the Township of Whitehall, Lehigh County, Pennsylvania, under provisions of the Act of May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945" (the "Authorities Act"), for the following purposes:
2. To acquire, hold, construct, improve, maintain, operate, own and lease, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for treating and disposing of industrial wastes.

(Ord. 386, 4/9/1963, §1)

**§1-102. Execution of Articles of Incorporation Authorized.**

The Mayor and President or Vice President of Council and Secretary or Assistant Secretary, respectively, of this Borough are authorized and directed to execute, on behalf of the Borough, Articles of Incorporation for such Authority in substantially the following form:

**ARTICLES OF INCORPORATION**

To: The Secretary of the Commonwealth of Pennsylvania:

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," and pursuant to ordinances duly enacted by the Municipal authorities of the Township of Whitehall, Lehigh County, Pennsylvania, and of the Borough of Coplay, Lehigh County, Pennsylvania, expressing the intention and desire of the Municipal authorities of said Municipalities to organize a Municipal authority jointly under provisions of said Municipal Authorities Act of 1945, said Municipalities certify:

1. The name of the Authority is "Coplay-Whitehall Sewer Authority."
2. The Authority is formed under provisions of the Act of Assembly, approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," for the following purposes:



ration to be attested by its Secretary or Assistant Secretary and its official seal to be affixed hereto, this 10th day of April 1963.

(Ord. 386, 4/9/1963, §2)

**§1-103. Notice to be Given.**

The Mayor and President or Vice-President of Council and Secretary or Assistant Secretary, respectively, of this Borough, acting jointly with appropriate officers of the Township of Whitehall, Lehigh County, Pennsylvania, are authorized and directed to cause notice of the substance of this Part 1B, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

(Ord. 386, 4/9/1963, §3)

**§1-104. Incorporation to be Effectuated.**

The Mayor and President or Vice-President of Council and Secretary or Assistant Secretary, respectively, of this Borough, acting jointly with appropriate officers of the Township of Whitehall, Lehigh County, Pennsylvania, are authorized and directed to cause such Articles of Incorporation, together with necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania and to do all other acts necessary or appropriate to effect the incorporation of such Authority, including payment of required filing fees.

(Ord. 386, 4/9/1963, §4)

**§1-105. Members of the First Governing Board Representing the Borough; Tenure.**

The following named persons are appointed the first members to represent the Borough on the Board of such Authority for the following terms of office:

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

(Ord. 386, 4/9/1963, §5)

## ADMINISTRATION AND GOVERNMENT

### **§1-106. Necessity for Enactment.**

The enactment of this Part 1B is deemed necessary for the benefit of and preservation of the public health, peace, comfort and general welfare of the citizens of this Borough and will increase the prosperity of citizens of this Borough.

(Ord. 386, 4/9/1963, §6)

**PART 2**

**BOARDS AND COMMISSIONS**

**A. Health Officer.**

**§1-201. Health Officer to Administer Health Laws.**

The existing Board of Health is hereby disbanded. The administration of the health laws and ordinances in the Borough of Coplay shall be enforced exclusively by a Health Officer, who shall be appointed by Borough Council. The Health Officer shall have had some experience or training in public health work in accordance with rules and regulations established by the Advisory Health Board of the State Department of Health. The Health Officer shall not enter upon the performance of his duties until he is certified so to do by the State Department of Health.

(Ord. 792, 2/8/2011, §1)

**§1-202. Establishment and Disposition of Fees; Administration of Oaths.**

All fees for the Health Officer shall be established from time to time by a fee resolution adopted by the Borough Council. All fees, which shall be collected or received by the Health Officer in his capacity, shall be paid over into the Borough Treasury, together with all penalties which shall be recovered for the violation of any regulations of the Borough. The President of Borough Council and the Borough Secretary shall have the full power to administer oaths or affirmations in any proceedings or investigations touching the regulations of the Borough, the laws of the Commonwealth of Pennsylvania, and the United States of America.

(Ord. 792, 2/8/2011, §1)

**§1-203. Authority of Health Officer.**

The Health Officer shall enforce the regulations of the Borough and shall otherwise act as prescribed by law. The Health Officer shall have had some experience or training in public health work in accordance with the rules and regulations established by the Advisory Health Board of the Pennsylvania State Department of Health. Such a Health Officer shall not enter upon the performance of his duties until he is certified so to do by the Pennsylvania State Department of Health.

(Ord. 792, 2/8/2011, §1)

**§1-204. Duties of the Health Officer.**

## ADMINISTRATION AND GOVERNMENT

The Health Officer shall keep accurate accounts of the expenditures and draw all requisitions for payment of moneys on account of the Health Officer, from appropriations made by Borough Council and shall present the same to the Borough Council for approval. The Health Officer shall render statements of the expenditures to the Borough Council at each stated meeting or as frequently as Borough Council may require. It shall be the duty of the Health Officer to attend all stated and special meetings of the Borough Council at which the Borough Council requests his attendance and at all times be ready and available for the prompt performance of his official duties. He shall cause to be placarded and quarantined all premises upon which cases of communicable diseases exist, which have been reported to the Borough Council or which he or the Borough Council may have knowledge, which are required by law or by regulations of the Pennsylvania State Department of Health to be placarded and quarantined; and shall take such preventive action as may be required at the expiration of the quarantined period. He shall serve or cause to be served written notice on teachers and persons in charge of public, parochial, Sunday and other schools, requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases. The Health Officer shall make sanitary inspections, and shall execute the orders of the Borough Council and shall in the performance of his duties, have the power and authority of a policeman.

(Ord. 792, 2/8/2011, §1)

### **§1-205. Authority of the Health Officer.**

1. The Health Officer shall have the power, and the duty, to enforce the laws of the Commonwealth of Pennsylvania, the regulations of the Pennsylvania State Department of Health, any federal laws or regulations as well as any ordinances of the Borough relating to health work. The Health Officer shall have the additional power to make and enforce such rules and regulations as may be necessary to prevent the introduction and spread of infectious and contagious diseases, by the regulation of intercourse with infected places, by the separations of infected person or persons who shall have been exposed to any contagious or infectious disease and by abating and removing all nuisances which the Health Officer shall deem prejudicial to the public health, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, wash-pipes, and soil pipes and to make all such other rules and regulations as the Health Officer shall deem necessary for the preservation of the public health. The Health Officer shall also have power in the case of prevalence of any contagious or infectious disease, to establish one or more emergency hospitals and to make provisions and regulations for the maintenance and management of the same.
2. The Health Officer shall also have the power to make, enforce and cause to be published all necessary rules and regulations not inconsistent with the laws of the Commonwealth of Pennsylvania for carrying into effect the powers and functions with which he is invested by law, and the power and authority relating to the public health conferred on the Borough. Such rules and regulations, when approved by the Health Officer and when advertised in the same manner as ordinances, shall have the force of the ordinances of the Borough and all penalties or punishment

prescribed for the violation thereof, as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect, shall be recoverable for the use of the Borough in the same manner as penalties for violations of ordinances of the Borough and subject to the like limitations of the amount thereof.

(Ord. 792, 2/8/2011, §1)

**§1-206. Access to Premises.**

The Health Officer shall have the power, together with his assistants, subordinates and workmen, under and by order of the Borough Council, to enter anytime upon any premises in the Borough upon which there is suspected to be any infectious or contagious diseases or nuisance detrimental to the public health, for the purposes of examining and abating the same and for any other purpose arising in connection with and in the performance of their duties.

(Ord. 792, 2/8/2011, §1)

**§1-207. Inspections and Abatement of Nuisances.**

The Health Officer shall have the power to inspect house drains, waste and soil pipes, water closets, stables, stable yards and any conditions or places whatsoever in the Borough, which may constitute a nuisance or a menace to public health; and whenever any condition or place in the Borough is found by the Health Officer to be a nuisance or a menace to the health of the people of the Borough, he shall issue a written order of abatement, directed to the owner, or agent of the owner of the premises or to the occupant thereof, stating that the conditions specified therein constitutes a nuisance or a menace to health and ordering an abatement thereof within such time as may be specified in such order. In the event such order of abatement is not obeyed within the time specified therein, the Health Officer shall remove or abate the same, which order shall be executed by the Health Officer, and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed in the same manner as debts of like character are now collected by law; or the Health Officer may proceed to enforce such other remedy or inflict such penalties as may be otherwise provided by ordinance or the laws of the Commonwealth of Pennsylvania.

(Ord. 792, 2/8/2011, §1)

**§1-208. Annual Estimate of Expenditures; Appropriations to Health Officer; Annual Report.**

It shall be the duty of the Health Officer to submit annually, to the Borough Council, before the commencement of the fiscal year, an estimate of the probable expenditures of the Health Officer during the ensuing year; and the Borough Council shall then proceed to make such appropriations as may be deemed necessary. The Health Officer,

## ADMINISTRATION AND GOVERNMENT

in the month of January of each year, shall submit a written report to the Borough Council of his appropriations and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the Borough, and the Borough Council may publish the same.

(Ord. 792, 2/8/2011, §1)

### **§1-209. Cooperation with Other Local Governments and with the State Department of Health.**

The Health Officer may cooperate with any Borough, City, Township or County, as well as with the Pennsylvania State Department of Health, in the administration and enforcement of health laws.

(Ord. 792, 2/8/2011, §1)

## **B. Sewer Authority Hearing Board.**

### **§1-221. Appointment of Sewer Authority Hearing Board.**

1. A Hearing Board shall be appointed by the Coplay Borough Council for resolution of differences between the approving authority and owners of any improved property on matters concerning interpretation and execution of the provisions of Chapter 18, Sewers, by the approving authority.
2. One member of the Council shall be the Plumbing Inspector; one member shall be a professional engineer, skilled in the practice of sanitary engineering; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of Chapter 18, Sewers.
3. The initial appointments of the Board shall be for the following terms:
  - A. Plumbing Inspector – five years, or until he shall have left the Borough's employ.
  - B. Professional engineer (sanitary engineer) – four years.
  - C. Industrial representative – three years.
  - D. Legal representative – two years.
  - E. Representative at large – one year.

All succeeding terms shall be for a period of five years. The Coplay Borough Council shall appoint representatives to fill vacancies on the Board to complete unexpired



terms. Interim appointments may be permitted to serve an additional full term on the Board.

4. The said Hearing Board shall have the following powers:
  - A. To hear appeals from any person aggrieved by the application of the provisions of Chapter 18, Sewers.
  - B. To make rules with regard to conducting its hearings. Such rules to be submitted to the Coplay Borough Council for its advice and consent.
  - C. To make such findings of fact as may be required by the application of the provisions of Chapter 18, Sewers.
  - D. To decide questions presented.

(Ord. 603, 2/11/1986, §14)

#### **C. Library Board.**

##### **§1-231. Establishment of Coplay Library Board.**

A library board, to be known as the “Coplay Library Board,” is hereby established and shall consist of seven members, to be appointed by the Borough Council. Three appointees shall be appointed for a term of one year; three appointees shall be appointed for a term of two years; and one appointee shall be appointed for a term of three years. All appointments thereafter shall be for a term of three years. Vacancies shall be filled for the unexpired term. Members of the Board shall serve without pay.



(Ord. 684, 9/23/1997, §231)

**§1-232. Organization.**

The Coplay Library Board shall organize immediately after all initial appointments have been made by the Borough Council and shall elect a President, Secretary and Treasurer from its membership and such other officers as the Board shall deem necessary. Notwithstanding any other provision of this subpart, the corporation is organized exclusively for one or more of the following purposes: religious, charitable, scientific, testing for public safety, literary or educational purposes or to foster national or international amateur sports competition (but only if no part of its activities involve the providing of facilities or equipment) or for the prevention of cruelty to children or animals as specified in §501(c)(3) of the Internal Revenue Code of 1954, and shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under §501(c)(3) of the Internal Revenue Code of 1954.

(Ord. 684, 9/23/1997, §232)

**§1-233. Disbursement of Funds; Reports; Audit.**

All monies received by the Coplay Library Board from the Borough Council or any other source shall be under exclusive control of, and shall be disbursed under the direction of, the Library Board. The Library Board shall report annually on a calendar-year basis to the Council of the Borough of Coplay on monies received and disbursed. The accounts of the Treasurer of the said Board shall be audited by the Borough Auditor. The Treasurer's report to the audit shall also show the number of volumes, maps, pamphlets and other materials added during the current year, the number of lost or withdrawn and the number of registered borrowers and readers and a statement of the circulation of material and such other information and suggestions as may be desirable. A copy of the said report shall be sent to the State Library as well as the Borough Council. Moreover, no part of the net earnings of the corporation shall inure to the benefit of any member, trustee, director, officer of the corporation or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation), and no member, trustee or officer shall be entitled to share in the distribution of any of the corporate assets upon dissolution of the corporation.

(Ord. 684, 9/23/1997, §233)

**§1-234. Regulation of the Library Authorized.**

1. The use of the library shall be free to all residents of the Borough, subject to such reasonable rules and regulations as the Board may adopt. The Library Board may extend the privileges of the library to persons residing outside the limits of the Borough of Coplay upon such terms and conditions as it may prescribe.

## ADMINISTRATION AND GOVERNMENT

2. The Library Board may exclude from the use of the library facilities any person who violates the foregoing rules.

(Ord. 684, 9/23/1997, §234)

### **§1-235. Deposit of Funds.**

All funds received by the Coplay Library Board shall be deposited in the name of the Coplay Library Board in a banking institution of its choice.

(Ord. 684, 9/23/1997, §235)

### **§1-236. Limitation on Activities.**

No part of the activities of the corporation shall be carrying on propaganda or otherwise attempting to influence legislation [except as otherwise provided by Internal Revenue Code §501(h)], or participating in or intervening in (including publication or distribution of statements), any political campaign on behalf of any candidate for public office.

(Ord. 684, 9/23/1997, §236)

### **§1-237. Dissolution or Winding Up.**

Upon the dissolution of this organization, assets shall be distributed for one or more exempt purposes within the meaning of §501(c)(3) of the Internal Revenue Code or corresponding section of any future federal tax code, or shall be distributed to the federal government or to a state or local government for a public purpose.

(Ord. 684, 9/23/1997, §237)

## **D. Civil Service Commission.**

### **§1-241. Civil Service Commission Created.**

The said Borough creates a Civil Service Commission of three members, with two additional alternates, in said Borough in accordance with the Acts of Assembly of the Commonwealth of Pennsylvania, known as the "Borough Code."

(Ord. 818, 6/9/2015, §1)

**§1-242. Membership of the Civil Service Commission; Appointment; Tenure.**

A Civil Service Commission is hereby created in and for the said Borough of Coplay, which said Commission shall consist of three members and two alternates who shall be qualified electors of the Borough and shall be appointed by the Borough Council initially to serve for terms of two, four and six years with the two alternates initially serving terms of three and five years, and as their terms thereafter expire, shall be appointed for a term of six years.

(Ord. 818, 6/9/2015, §1)

**§1-243. Adoption of Civil Service Rules and Regulations.**

1. The said Commission, pursuant to its creation, shall have authority to promulgate rules and regulations governing the conducting of its business as well as requirements covering all applications for anyone applying for a position subject to the Commission; provided, however, that all such rules and regulations shall first be approved by Coplay Borough Council before the same shall be effective.
2. The Civil Service Rules and Regulations attached hereto as Exhibit A and incorporated herein by reference<sup>1</sup> are hereby adopted as and for the Civil Service Rules and Regulations of the Borough of Coplay, and the administration, consultants, and Civil Service Commission are hereby empowered and directed to follow said Civil Service Rules and Regulations in the hiring, discipline, termination, and administration of promotions within the Police Department of the Borough of Coplay.

(Ord. 367, 5/9/1961, §3; as amended by Ord. 763, 6/12/2007; as amended by Ord. 818, 6/9/2015, §3)

**E. Planning Commission.**

**§1-251. Creation of Commission.**

A Borough Planning Commission, to be composed of five members, appointed as provided by law (53 P.S. § 10202), is hereby created in and for the Borough of Coplay. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Borough planning agencies; provided, the Planning Commission previously created in and for the said Borough shall constitute 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 Borough planning commissions in effect at the time of the happening of the said vacancy.

(Ord. 456, 6/14/1966; as revised by Ord. 623, 2/13/1990)

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<sup>1</sup> Editor's Note: Exhibit A is attached to Ord. No. 763 and on file in the office of the Borough Secretary. The Civil Service Commission Rules and Regulations were amended by Ord. 779, 6/9/2009, and Ord. 818, 6/9/2015, which ordinances are also on file in the office of the Borough Secretary.

## ADMINISTRATION AND GOVERNMENT

### F. Shade Tree Commission.

#### §1-261. Shade Tree Commission Created.

A commission to be known as the "Shade Tree Commission," consisting of six persons who shall be residents of the Borough of Coplay, is hereby created. Members shall be appointed by the Borough Council. Initially, two members of the Commission shall be appointed for a term of one year; and one member shall be appointed for two-, three-, four-, and five-year terms. On the expiration of the term of any member, a successor shall be appointed by Council to serve for a term of five years. Any vacancy shall be filled by Council.

(Ord. 529, 2/12/1974, §1)

#### §1-262. Powers and Duties of the Shade Tree Commission.

The Shade Tree Commission shall have the following authority, powers and duties:

- A. Exclusive custody and control of the shade trees in the Borough.
- B. To plant, remove, maintain or protect shade trees on the streets and highways in the Borough.
- C. Upon such notice as may be required by ordinance, require owners of property to cut and remove plants, shrubs and trees afflicted with Dutch elm or other disease, which threatens to injure or destroy other plants, shrubs and trees in the Borough under such regulations as prescribed by Borough ordinance.
- D. To employ and pay superintendents, engineers, foresters, wardens or other assistants upon approval by Borough Council and make regulations for the protection of the shade trees in the Borough, provided such regulations have been approved by Borough Council and enacted as an ordinance.
- E. Report annually, in full, to the Council of its transactions and expenses for the preceding fiscal year.

(Ord. 529, 2/12/1974, §2)

#### §1-263. Additional Duties of Shade Tree Commission Related to Hazardous Tree and Sidewalk Conditions.

The Shade Tree Commission, previously established by ordinance, shall continue in full force and effect, and custody of the trees located within rights-of-way within the Borough shall continue to be vested in the Shade Tree Commission. The Shade Tree Com-

mission is hereby vested with authority to administer and implement the terms of this Part, and prepare and amend such forms, permits and records as are permitted or required under this Part.

(Ord. 529, 2/12/1974; as added by Ord. 639, 9/8/1992, §263)

**§1-264. Listing and Removal of Trees.**

1. Listing by Shade Tree Commission. The Shade Tree Commission shall prepare and maintain a list of trees which, by reason of growth into power lines, sidewalk upheaval, root damage to water, gas or sewer lines, tree death or other similar situations may be deemed hazardous to the landowner or the general public. A report shall be issued annually prior to the annual creation of the budget which identifies and prioritizes (on the basis of hazard) those trees which have created or contributed to a safety hazard.
2. Listing by Request of Landowner. In addition to the trees identified by the Commission, landowners may request ranking on this list by completing a request form as may be approved by the Shade Tree Commission. The landowner requesting such list ranking shall indicate the reason that the tree is a hazard. In the event that the landowner disagrees with the decision of the Shade Tree Commission not to list a tree, an appeal may be heard by the Borough Council.
3. Removal of Listed Trees by Shade Tree Commission. Upon approval and listing of said tree by the Shade Tree Commission, the tree will be scheduled for removal by the Shade Tree Commission at the cost of the Commission. The Shade Tree Commission shall not expend greater funds for such work than are allocated from time to time by the Borough Council as a budget line item.
4. Removal of Listed Trees by Landowner; Permit. Once a tree is placed on the Shade Tree Commission Hazardous Tree List, the landowner may acquire a permit to remove said tree immediately at the sole expense of the landowner, rather than waiting for the tree to be removed by the Shade Tree Commission at the Commission's expense.

(Ord. 529, 2/12/1974; as added by Ord. 639, 9/8/1992, §264)

**§1-265. Sidewalk Repair.**

Repair by Borough Personnel. Following the removal of a tree on the hazardous tree list, the Borough shall schedule sidewalk repairs to the extent deemed appropriate within the budget line item specified therefor. Where such sidewalk repair is performed by Borough Public Works personnel or by a contractor under contract with the Borough, the Borough shall contribute 50% of the repair costs, as certified by the Borough Engineer, upon the payment of 50% by the landowner.

## ADMINISTRATION AND GOVERNMENT

(Ord. 529, 2/12/1974; as added by Ord. 639, 9/8/1992, §265; as amended by Ord. 676, 4/9/1996; and by Ord. 765, 8/14/2007)

### **G. Plumbers Examination Board.**

#### **§1-271. Plumbers Examination Board Established.**

There is hereby established a Plumbers Examination Board consisting of three members appointed by Borough Council who shall serve for a period of two years and who shall examine all applicants for Plumbers or Journeymen Licenses under the provisions of Chapter 5 (Part 1A). The Board shall meet at such intervals as may be necessary for the proper performance of its duties and shall meet within 30 days following the filing of three or more applications for a license. The Board shall establish standards and procedures for the qualification, examining and licensing of Master Plumbers and Journeymen Plumbers and shall issue a license to each person who meets the qualifications and passes the examination. Any person who fails to pass an examination may reapply after 30 days for a reexamination. Applicants shall pay a fee as prescribed from time to time by resolution.

(Ord. 455, 4/26/1966, § 1.6; as amended by Ord. 623, 2/13/1990)

### **H. Park and Recreation Board.**

#### **§1-281. Establishment.**

The Coplay Borough Park and Recreation Board is hereby established as an advisory board to the administrative and legislative branches of the Coplay Borough government, pursuant to Section 2708 of the Pennsylvania Borough Code.

(Ord. 764, 8/14/2007)

#### **§1-282. Membership.**

1. The Park and Recreation Board shall consist of five members who may reside within or outside the Borough of Coplay, appointed by the Borough Council by means of motion of appointment.
2. The term of each member shall be five years. Upon initial appointment, one member shall be appointed for one year, one member shall be appointed for two years, one member shall be appointed for three years, one member shall be appointed for four years, and one member shall be appointed for five years, pursuant to Section 2709 of the Borough Code. The Borough Council shall maintain the staggered overlap schedule, such that at least one term shall expire annually.
3. Vacancies in the Board, occurring other than by expiration of a term, shall be filled by the Borough Council for the remainder of the unexpired term in the same manner as original appointments.



4. Members shall serve without pay.
5. Members may be removed involuntarily from their positions during their terms only for cause, proven to the Council, following the filing of written allegations or reasons and an opportunity for the member to respond thereto in writing within 10 days. Such member shall be entitled to a hearing, upon written request made within 10 days of the service of written reasons for removal, and such hearing shall be conducted in accordance with the Local Agency Law provisions then in effect in the Commonwealth of Pennsylvania. Said decision of the Borough Council may be appealed to the Court of Common Pleas, pursuant to the Local Agency law, within 30 days from receipt of a written decision with findings of fact and conclusions of law and a decision. Any member defending against removal for cause may be represented by legal counsel at a hearing at their own expense.
6. In the event that the Borough Council should deem the Park and Recreation Board to be duplicative, unworkable, or beyond the fiscal means of the Borough's budget to support, Council may dissolve the Board by a super-majority vote of five of the seven votes on Council. In that event, members shall not be deemed to have been removed "for cause" and shall not be entitled to individual hearings for removal.

(Ord. 764, 8/14/2007; as amended by Ord. 812, 1/14/2014)

**§1-283. Organization of Board.**

1. Members of the Park and Recreation Board shall elect their own Chairman and Secretary and select all other necessary officers to serve for a period of one year. Such Board shall have the power to adopt rules and regulations for the conduct of all business within its jurisdiction, but said rules and regulations shall comply with the Pennsylvania Sunshine Law regarding notice and meetings, since this is a recommending Board to the Coplay Borough Council.
2. Meetings of the Park and Recreation Board shall be held in the Borough Hall to assure accessibility for all persons who wish to attend.

(Ord. 764, 8/14/2007)

**§1-284. Initial Charge of Duties and Responsibilities.**

1. Upon appointment, the initial Coplay Park and Recreation Board shall inventory all existing parks and recreation facilities, equipment, programs and fields, and shall inspect such areas to determine what changes, improvements, replacements, or development it would seek to recommend to the Borough Council.
2. The Park and Recreation Board shall prepare and present a Proposed Recreation Plan to the Borough, or recommendations for revision to any Recreation Plan then existing in the Borough. Said plan shall be drafted so as to comply with the

## ADMINISTRATION AND GOVERNMENT

provisions of 53 P.S. §10503 of the Municipalities Planning Code and its amendments.

3. The Park and Recreation Board shall also prepare a cost estimate for any revisions, purchases, programs, or renovations to facilities when it submits such recommendations to the Borough Council for approval.
4. The Borough Council shall consider such proposals for revisions, purchases, programs, or renovations to facilities, and will have the sole authority to authorize implementation of such projects, purchase of such equipment, employment of personnel, and solicitation of formal bids for materials and labor in accordance with the proposed Recreation Plan or individual proposal, or such portions of it as the Borough Council may choose to implement or revise and implement.
5. The Park and Recreation Board shall provide to the Borough Council annual proposed program and project budgets and anticipated future expenditures by September of each year to consider when the Borough budget is being deliberated.
6. The Park and Recreation Board should work in cooperation with existing or future clubs, associations, corporations, or teams for purposes of scheduling field time allocation, equipment distribution or use, and planning project or event land uses. Specifically, the Coplay Borough Park and Recreation Board is expected to work cooperatively with the Ironton Rail Trail Commission, Coplay Sports, Legion teams, Scouting programs, the Coplay Whitehall School District, and other groups wishing to share, use, improve, restore, preserve, or plan the recreational assets of the Borough.

(Ord. 764, 8/14/2007)

### **§1-285. Savings Clause.**

This Subpart shall not be deemed to rescind or void any other ordinance provision which is not inconsistent herewith, but if any other ordinance is found to be in actual conflict herewith, this Subpart shall overrule any provisions enacted before it.

(Ord. 764, 8/14/2007)

**PART 3**

**COMMITTEES AND COUNCILS**

**A. Building Committee.**

**§1-301. Establishing Building Committee.**

1. The Borough Council of the Borough of Coplay shall be the "Building Committee," and the same is hereby established as such a Building Committee.
2. The said Building Committee shall have the power to adopt rules and regulations for the methods of procedure and the enforcement of the provisions of Chapter 4, "Buildings," (Part 2).
3. Council shall act as an Appeal Board. Any person aggrieved by the action of the Building Inspector (See also Part 9B, §1-911 of this Chapter), may file a petition of appeal from such action with Council, and on 5 days notice to the said Inspector provide for a hearing hereon set by the said Council, not more than 30 days after filing of the said petition of appeal. The Council acting as a Building Committee may thereupon affirm or reverse the action of the Inspector.
4. Borough Council, acting as Building Committee shall, in specific cases, have the power and authority to make exceptions from the provisions of Chapter 4, "Buildings," (Part 2) when such exceptions shall not be contrary to the purpose hereof.

(Ord. 446, 11/15/1965, §2)

**B. Emergency Management Agency.**

**§1-311. Establishment.**

A local emergency management agency is hereby established and shall be known as the Borough of Coplay Emergency Management Agency.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

**§1-312. Authority.**

The Borough of Coplay Emergency Management Agency is established pursuant to the provisions of the Emergency Management Services Code (35 Pa. C.S.A. §7501 et seq.).

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

## ADMINISTRATION AND GOVERNMENT

### **§1-313. General Duties and Responsibilities.**

The Borough of Coplay Emergency Management Agency shall have the responsibility for emergency management and disaster response and recovery within the Borough. The Borough of Coplay Emergency Management Agency shall also provide emergency management and disaster response and recovery services outside the Borough as required by the terms and conditions of this Part.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

### **§1-314. Declaration of Disaster Emergency.**

1. A local disaster emergency may be declared by the Borough Council of the Borough of Coplay. In addition, the Municipal Defense Council is hereby authorized to declare a local disaster emergency subject to ratification by the Borough Council within 7 days of such declaration.
2. A local disaster emergency may only be declared upon finding by the Borough Council, or the Municipal Defense Council that a disaster has occurred or is imminent.
3. The declaration of a local disaster emergency shall not be continued or renewed for a period in excess of 7 days unless approved by the Borough Council.
4. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and a copy of any such order or proclamation shall be filed promptly with the Pennsylvania Emergency Management Agency.
5. Upon declaration of a local disaster emergency, the applicable response and recovery aspects of the Borough of Coplay local emergency management plan shall be activated, and all provisions for aid and assistance thereunder shall be authorized.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

### **§1-315. Temporary Suspension of Formal Requirements.**

Upon declaration of a disaster emergency, the Borough of Coplay, pursuant to 7301(c) of the Emergency Management Services Code shall be authorized to exercise the powers granted in the ordinance without regard to time consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds. In addition, upon the declaration of a disaster emergency the Borough is author-

ized to avail itself of the provisions of Act of August 5, 1941, (P.L. 752, No. 286), known as the "Civil Defense Act," in connection with the employment of personnel in local organizations established pursuant to the provisions of this Part.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

**§1-316. Local Coordinator of Emergency Management.**

1. The Borough of Coplay Emergency Management Agency shall have a Coordinator who shall be responsible for the planning, administration, and operation of the agency subject to the direction and control of the Borough Authority.
2. The Coordinator of the Borough of Coplay Emergency Management Agency shall be appointed by the Governor of the Commonwealth of Pennsylvania upon recommendation of the Borough Authority. The Borough Authority may, upon agreement by resolution with adjoining Municipalities, recommend to the Governor a candidate for Coordinator for emergency management activities in the said political subdivisions. The Borough of Coplay Emergency Management Coordinator shall serve at the pleasure of the Borough Authority.
3. The Coordinator of the Borough of Coplay Emergency Management Agency shall:
  - A. Be professionally competent and capable of planning, effecting and coordinating operations among agencies of government and controlling coordinated operations by local emergency preparedness forces.
  - B. Attend and successfully complete the first phase of the career development program as prescribed by the Pennsylvania Emergency Management Agency within 1 year after appointment.
  - C. Attend and successfully complete the second phase of the career development program as prescribed by the Pennsylvania Emergency Management Agency within 3 years after appointment.
  - D. Attend basic and advanced seminars, workshops and training conferences called by the Director of the Pennsylvania Emergency Management Agency and/or its Director of Training and Education.
  - E. Failure to attend and successfully complete the career development program phases, as described above, or failure to attend a prescribed training program for 2 consecutive years shall be cause for replacement of the Coordinator of the Borough of Coplay Emergency Management Agency.
  - F. Responsibility for the professional in-service training of the Coordinator of the Borough of Coplay Emergency Management Agency shall rest with the Emergency Management Coordinator of Lehigh County.

## ADMINISTRATION AND GOVERNMENT

4. The Borough will reimburse its coordinator for actual expenses incurred as the result of his or her attendance at scheduled meetings and training programs.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

### **§1-317. Powers and Duties of the Emergency Management Agency.**

The Borough of Coplay Emergency Management Agency is hereby directed to:

- A. Prepare, maintain and keep current a disaster emergency plan for the Borough for the prevention and minimizing of injury and damage caused by disaster, for prompt and effective response to disaster and for disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan and the Lehigh County Emergency Management Plan.
- B. Establish, equip and staff an emergency operations center for the Borough.
- C. Establish a warning and communications system for the Borough that will support governmental operations in emergencies.
- D. Provide essential facilities and equipment to those agencies and organizations that have been assigned emergency functions under the provisions of this Part.
- E. Provide individual and organizational training programs for police officers, fire fighters, rescue personnel, ambulance personnel, emergency management volunteers and the general public to insure prompt, efficient and effective disaster emergency services.
- F. Organize, prepare and coordinate all locally available manpower, materials, supplies, equipment and facilities necessary for disaster emergency readiness, response and recovery.
- G. Adopt and implement precautionary measures to mitigate the anticipated effects of a disaster.
- H. Execute and enforce such rules, regulations and orders as the Borough of Coplay Emergency Management Agency may adopt pursuant to the provisions of this Part.
- I. Cooperate and coordinate with any public and private agencies or entities in achieving any purpose of this Part.
- J. Have available for inspection at its emergency operations center all emergency management plans, rules, regulations and orders of the Governor and the Pennsylvania Emergency Management Agency.

- K. Provide prompt and accurate information regarding local disaster emergencies to appropriate Commonwealth and local officials and agencies and the general public.
- L. Make monthly reports to the Borough on the status and programs of the Borough of Coplay Emergency Management Agency, its personnel, programs and plans.
- M. Execute and enforce such rules and orders as may be adopted by the Pennsylvania Emergency Management Agency.
- N. Make timely recommendations to and secure the consent of the Borough of Coplay concerning the development of plans, the acquisition of materials, supplies and equipment and the development of a budget for the agency, except as provided for in disaster emergencies.
- O. Identify areas within the Borough of Coplay that are particularly vulnerable to disaster.
- P. Upon request of the Borough Authority or Municipal Defense Officer, assist the Borough of Coplay and/or its police, fire, rescue or emergency medical services in handling and coordinating special, non-disaster emergencies and situations.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

**§1-318. Coordination, Assistance and Mutual Aid.**

The Coordinator of the Borough of Coplay Emergency Management Agency shall develop and maintain mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance. The agreements shall be consistent with the plans and program of the Pennsylvania Emergency Management Agency and the Lehigh County Emergency Management Agency. The agreements shall stipulate that direction of emergency disaster assistance is the responsibility of the lowest level of government affected, that the county emergency management agency shall provide coordination and support when more than one political subdivision within Lehigh County is affected, and that the Pennsylvania Emergency Management Agency or its area organization shall provide coordination and support when two or more counties are affected. In disaster emergencies, requests for mutual aid assistance shall be referred to the organization, as outlined above, having responsibility for coordination and, in time of emergency, it shall be the duty of the Borough of Coplay Emergency Management Agency to render assistance in accordance with these mutual aid agreements. In all cases, support services provided from outside the affected area shall remain under the command and control of the receiving area.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

## ADMINISTRATION AND GOVERNMENT

### **§1-319. Approvals and Ratification of Agreements.**

1. Except during local disaster emergencies, the Borough Authority shall:
  - A. Approve all expenditures of the Borough of Coplay Emergency Management Agency in advance.
  - B. Approve attendance and participation of personnel of the Emergency Management Agency at training sessions, seminars and meetings.
  - C. Review and approve the Borough of Coplay Emergency Management Plan.
2. All mutual aid agreements shall be ratified by the Borough Authority and by the governing bodies of the other, affected Municipalities prior to implementation.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

### **§1-320. Gifts and Grants of Monies.**

Any gift or grants of monies made to the Borough of Coplay Emergency Management Agency or to the Borough of Coplay for the payment of expenses incurred or to be incurred by or for the Emergency Management Agency shall be deposited in the treasury of the Borough of Coplay and shall be appropriated only for the purpose for which the gift or grants were made.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

### **§1-321. Representation on Boards and Agencies.**

Nothing in this Part shall be construed as prohibiting the Borough of Coplay Emergency Management Agency or the Borough of Coplay Emergency Management Advisory Council from providing representation to other boards or agencies, as outside emergency management advisory boards, emergency health services councils, regional communications committees, that coordinate with or otherwise impact the delivery of emergency management services.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

### **§1-322. Insignia and Identifying Marks.**

The Borough of Coplay Emergency Management Agency shall, with the approval of the Borough Authority, adopt such insignia and/or other identifying marks or markings as



are necessary to ensure the correct, prompt identification of its personnel, equipment and facilities.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)

**§1-323. Applicability of State Statutes.**

The provisions of the "Emergency Management Services Code" of the Commonwealth of Pennsylvania, Act 1978-323 (P.L. 1332) shall govern the emergency management activities of the Borough of Coplay and the Borough of Coplay Emergency Management Agency and its Borough of Coplay Emergency Management Advisory Council except in circumstances where the "Emergency Management Services Code" does not address local provisions or conditions provided for by this Part.

(Ord. 454, 4/12/1966; as revised by Ord. 623, 2/13/1990)



**PART 4**  
**BOROUGH COUNCIL**

**A. Council Meetings.**

**§1-401. Order of Business at Regular Meetings of Council.**

At the regular meetings of the Borough Council the following order of business shall be observed:

- A. Roll call.
- B. Approval of minutes of last regular and intervening meetings.
- C. Hearing of persons present and receiving of petitions, memorials, remonstrances, etc.
- D. Reports of Mayor, Engineer and Solicitor and of standing committees.
- E. Reports of special committees.
- F. Unfinished business.
- G. New business.
- H. Reports of Police, Fire and Health Departments and of the Treasurer.
- I. Authorization for payment of bills.
- J. Action of pending ordinances.

(Ord. 239, 3/1/1940, Rule 1; as amended by Ord. 394, 6/11/1963, §1)

**§1-402. Duties of President.**

It shall be the duty of the President to preserve order, confine members in debate to the question and have general direction of the chamber.

(Ord. 239, 3/1/1940, Rule 2)

## ADMINISTRATION AND GOVERNMENT

### **§1-403. Entry of President into Discussion.**

Whenever the President of Council shall desire to join in the discussion of any subject under consideration, he shall first turn over the chair to the Vice-President of Council or, in the absence of the Vice-President, he shall designate any other member of the Council to preside while the President takes the floor.

(Ord. 239, 3/1/1940, Rule 3; as amended by Ord. 394, 6/11/1963, §2)

### **§1-404. Appointment of Committees; President to Vote Last.**

The President shall appoint all committees of Council unless otherwise ordered by Council, and on all questions shall vote last.

(Ord. 239, 3/1/1940, Rule 4)

### **§1-405. Reading and Approval of Minutes.**

Immediately after the calling of Council to order by the presiding officer, the minutes of the preceding meeting shall be read by the Secretary, and if no objections are made or corrections suggested they shall be declared approved by the presiding officer. The names of the presiding officer and of each member of the Council present shall appear on the minutes.

(Ord. 239, 3/1/1940, Rule 5)

### **§1-406. Special and Regular Meetings of Council.**

The President of Council may call special meetings of Council when, in his opinion necessary, or on application of the Chairman of any committee, or on application in writing of any two members of Council. Regular meetings of Council shall be held at least once a month.

(Ord. 239, 3/1/1940, Rule 6)

### **§1-407. Approval and Payment of Bills.**

All bills for material furnished or for labor done shall be presented to the respective committees of the several departments, and when approved and endorsed by them, they shall on motion by order of Council be paid by an order on the Treasurer, signed by the President and attested by the Secretary.

(Ord. 239, 3/1/1940, Rule 7)

**§1-408. Discussion of Subjects Under Consideration.**

No member shall speak more than twice upon any motion or question open for discussion without the unanimous consent of Council. The President may enter into discussion of any question after first turning over the chair to the Vice-President or another member of the Council as provided in §1-403 hereof.

(Ord. 239, 3/1/1940, Rule 8; as amended by Ord. 394, 6/11/1963, §3)

**§1-409. All Members to Vote; Exception; Demand for Yeas and Nays.**

Any member may be excused from voting on any question in which he is personally interested, but unless excused all members shall be required to vote. The yeas and nays may be demanded by any member, or ordered by the presiding officer, in which case the names of members shall be called alphabetically.

(Ord. 239, 3/1/1940, Rule 9)

**§1-410. Record of Yeas and Nays.**

The yeas and nays of the members shall be entered on the minutes upon the final passage of any ordinance, and no ordinance shall be declared finally passed unless a majority of the members present at a lawful meeting of Council be recorded thereon as voting in its favor.

(Ord. 239, 3/1/1940, Rule 10; as amended by Ord. 394, 6/11/1963, §4)

**§1-411. Passage of Ordinances.**

No proposed ordinance and no amendment to an ordinance shall be considered by the Council unless such ordinance or amendment shall first have been reduced to writing. No more than one reading of a proposed ordinance shall be required for final passage, except in those instances where the law requires two or more readings.

(Ord. 239, 3/1/1940, Rule 11; as amended by Ord. 394, 6/11/1963, §5)

**§1-412. Permission Required to Retire from Meeting.**

No member shall retire from the meeting without first obtaining leave from the Council

(Ord. 239, 3/1/1940, Rule 12)

## ADMINISTRATION AND GOVERNMENT

### **§1-413. Motions.**

Every motion shall be entered on the minutes together with the names of the members making and seconding it, unless it should subsequently be withdrawn.

(Ord. 239, 3/1/1940, Rule 13; as amended by Ord. 394, 6/11/1963, §6)

### **§1-414. Types of Motions Permitted While Question Under Consideration; Precedence Thereof.**

When a question is under consideration no motion shall be entertained except for: Adjournment, for the previous question, to lay on the table, to postpone, amendment. These questions shall have preference in the order in which they are mentioned, and the first three shall be decided without debate; a motion to lay on the table, being agreed to, shall place the subject in the order of unfinished business and an indefinite postponement shall be equivalent to a rejection.

(Ord. 239, 3/1/1940, Rule 14)

### **§1-415. Standing Committees.**

The Council shall be divided into the following standing committees: Finance; Fire and Water; Health; Law; Police; Property; Streets and Lights; Civil Defense; Recreation; Wage Tax.

(Ord. 239, 3/1/1940, Rule 15; as amended by Ord. 394, 6/11/1963, §7)

### **§1-416. Reference of Matters to Committees.**

All petitions, resolutions or other communications presented to the Council shall be referred to the respective committees for consideration unless otherwise ordered by a two-thirds vote of the members present.

(Ord. 239, 3/1/1940, Rule 16)

### **§1-417. Election of Officers.**

In all cases of election of officers a majority of the members of Council present shall be necessary for a choice, and until such choice is made the incumbent shall retain his office.

(Ord. 239, 3/1/1940, Rule 17; as amended by Ord. 394, 6/11/1963, §8)

**§1-418. Motion for Reconsideration.**

When a question has been voted and decided upon, it shall be in order for any two members of the majority, or when Council has been equally divided, any two members upon either side of the question, to move for a reconsideration of the question, but such reconsideration shall not be in order unless moved at the same or next regular meeting.

(Ord. 239, 3/1/1940, Rule 18)

**§1-419. Amendment, Suspension, Alteration or Dispensing with Rules.**

The consent of two-thirds of the members present shall be necessary to amend, suspend, alter or dispense with any rules.

(Ord. 239, 3/1/1940, Rule 19)

**§1-420. Parliamentary Practice.**

In all situations not governed by these rules or by the Borough Code, the rules of parliamentary practice contained in Robert's Rules of Order shall govern the conduct of meetings of the Council.

(Ord. 239, 3/1/1940, Rule 20; as amended by Ord. 394, 6/11/1963, §9)

**B. Fiscal Affairs.**

**§1-431. Conformity with Municipal Records Act Required.**

All public records of the Borough of Coplay as defined in Section 2(2) of Act 428 of the General Assembly approved January 18, 1968, known as the Municipal Records Act, shall be retained, destroyed, sold or otherwise disposed of in conformance with the schedules and regulations of the Local Government Records Committee as established by Section 5 of said Act.

(Ord. 523, 9/5/1973, §1)

**§1-432. Public Records Submitted to Pennsylvania Historical and Museum Commission and Local Government Records Committee.**

The Secretary is authorized and directed to submit during each fiscal year to the Pennsylvania Historical and Museum Commission and the Local Government Records Committee, the records of the Borough of the previous fiscal year constituting "public records" within the meaning of the Municipal Records Act. After compliance with the provisions of the Municipal Records Act and permission from the Local Government Re-

## ADMINISTRATION AND GOVERNMENT

records Committee and the Pennsylvania Historical and Museum Commission, the said records of the previous fiscal year shall be retained or destroyed as directed by resolution of Borough Council.

(Ord. 523, 9/5/1973, §2)

### **§1-433. Destruction of Records of a Peripheral Nature.**

1. All records of a peripheral nature of the Borough of Coplay as follows:
  - A. Copies of "filed papers," the originals of which are retained in another office of the Borough.
  - B. Duplicate copies of documents retained in the same office.
  - C. Shorthand notes and stenotapes which have been transcribed.
  - D. Drafts of letters and reports, inter-departmental memos, personal correspondence.
  - E. Unused forms which have been revised or superseded.
2. Catalogs, magazines, and published material kept for office use only shall be retained for a period as stated in the Municipal Records Act and thereafter destroyed by the Secretary of the Borough as directed by resolution of Borough Council.

(Ord. 523, 9/5/1973, §3)

### **C. Public Participation During Meetings of Borough Council.**

#### **§1-441. Procedures and Protocols.**

1. Council will include an agenda item for public participation at least once each meeting. At the discretion of the Council President, subject to overrule by formal motion of Council, a second public participation session may be included near the adjournment of the meeting.
2. Council will not be held legally responsible for the content of speech or comment made during the public participation "courtesy of the floor" period and any speaker will remain solely responsible for any statements which may be defamatory, untrue or provocative.
3. Each person wishing to speak will be allotted 5 minutes for such presentation, statement, question or comment. Council may, by passage of a motion, vote to extend the time allotted to a speaker if the subject matter is of any urgent nature



requiring action of the Council or if the issue is one which several people would otherwise address or if answers and interchange between the speaker and Council consume extensive time.

4. Speakers must sign in and provide their name and address for the record. In addition, speakers shall address the Council from the podium so that the sound recording system can preserve the comments and any response thereto.
5. Any speaker who engages in profanity, shouting, provocative threats or intimidation or extensive repetition may be asked to surrender the podium upon request of the Chair or any person refusing to leave the Council chambers when requested to do so by Council for an executive session may be subject to removal or arrest pursuant to Pennsylvania law.
6. Where possible, citizens are encouraged to attend the Monday workshop meeting to voice concerns or recommend action so that Council can formulate legislative or administrative action to address such concerns prior to the actual Council meeting.
7. Where Council determines that there is not sufficient time at a meeting for residents of the public to comment, the Council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting (65 P.S. §280.1)

(Res. 1102, 8/12/1997)



**PART 5**

**POLICE**

**A. Police Department.**

**§1-501. Police Department Established; Chief of Police.**

A Police Department is hereby established in and for the Borough of Coplay. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.

(Ord. 404, 6/11/1963, §1)

**§1-502. Classifications.**

1. Subordinate to the Chief of Police in the Police Department, the classification of Patrolman is hereby established. The number of persons to serve in the classification of Patrolman, on a full-time and/or part-time basis, and the compensation of each, shall be determined by the Borough Council from time to time.
2. The position of Sergeant of Police is hereby established in the Police Department of the Borough of Coplay, Lehigh County, Pennsylvania. the Sergeant shall be subordinate to and under the direction of the Chief of Police and the Mayor of the Borough and shall have charge of the police force and have supervision of its members as required and directed by the Chief of Police and the Mayor.

(Ord. 404, 6/11/1963, §2; as amended by Ord. 522, 8/1/1973, §1)

**§1-503. Special Police and Auxiliary Police.**

1. Special and Auxiliary Police Authorized. The Borough Council hereby declares its intent to create and hereby create the title and position of Special Police and Auxiliary Police Force to supplement the regular police force in times of need.
2. Appointment of Special and Auxiliary Police. The Chief of Police shall nominate persons as Auxiliary or Special Police who have satisfactorily completed such training as the Chief may prescribe and as may be required by the Commonwealth of Pennsylvania for such position. All such persons so nominated shall, before they enter upon their duties, be approved by the Mayor and a majority of the Borough Council, and be sworn in by the Mayor.
3. Term of Service of Special and Auxiliary Police. Special and Auxiliary Police shall serve until terminated by the Borough Council. The Chief of Police may recom-

## ADMINISTRATION AND GOVERNMENT

mend termination of any Special or Auxiliary Police for cause. The Mayor may suspend such Special or Auxiliary Police until the next meeting of the Borough Council, at which time Council shall consider the reasons of the Mayor for such suspension, and shall decide, by vote, whether to uphold such suspension or terminate said person.

4. Powers of Special and Auxiliary Police. Special and Auxiliary Police, when on active duty assigned by the Chief of Police, shall have the same powers and duties as the regular police officers of the Borough of Coplay, and shall perform such other duties as may be legally assigned to them by the Chief of Police. Special and Auxiliary Police officers, when on active duty, are hereby designated as peace officers of the Borough of Coplay. The powers herein conferred may be exercised by auxiliary police officers only after they report for active duty and until they are relieved from duty.
5. Duties of Special and Auxiliary Police. The Chief of Police, under the direction of the Mayor, shall have charge of all Special and Auxiliary Police and shall have supervision of auxiliary police in the exercise of their duties, powers and authorities. Auxiliary police shall perform such duties as may be legally assigned to them by the Chief of Police. These duties include, but are not limited to, aiding and supplementing the regular police force in routine duties, providing police protection at athletic events, patriotic celebrations, parades, and gatherings, serving as park police officers or guards, acting as crossing guards and such other assignments as the Chief of Police may determine to keep good order and peace in the Borough.
6. Compensation for Special and Auxiliary Police. The compensation for persons serving as Special and Auxiliary Police shall be as determined by Borough Council from time to time. Said Police shall not be appointed by or come within the Civil Service Provisions of the Borough Code, and shall not be entitled to participate in any police pension plan or plans now in effect or hereafter created.
7. Dress Uniforms. Special and Auxiliary Police shall be in suitable and distinctive uniforms and shall display a badge or other sign of authority and, while on duty, shall be under and subject to the direction of the Mayor.

(Ord. 404, 6/11/1963, §3; as amended by Ord. 746, 12/13/2005)

### **§1-504. Police Protection Charges.**

Whenever the Mayor shall determine that police protection service shall be needed for any activity for which the Borough shall issue a permit or license, the Mayor shall assign one policeman to perform such service, at no cost to the holder of such permit or license. If the Mayor shall determine that more than one policeman shall be needed for any such purpose, he may assign additional policemen to perform such service, and the holder of such permit or license shall be required to pay into the Borough Treasury, in payment for the service of each policeman over and above the first one assigned thereto

a sum, as established from time to time by resolution, based on a daily rate or a fraction thereof.

(Res. 540, 11/13/1956; as amended by Res. 663, 6/11/1963, §1; by Res. 678, 1/18/1964; and by Ord. 623, 2/13/1990)



**PART 6**

**COSTS AND FEES: COPLAY BOROUGH FEE SCHEDULE**

In addition to any other costs and fees which may be specified in other resolutions or ordinances of the Borough of Coplay, the following fee schedule is hereby established.

<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
<b>ADMINISTRATION AND GOVERNMENT</b>		
<b>A. Police</b>		
Police Protection Charge, by regular full-time contractual police officer: (Or amount then recited in current Contract, if different)	(1, §504)	\$39.00 per hour
Police Protection Charge by part-time non-contractual police officer:		\$39.00 per hour
Criminal History Checks Private Employment, Private Citizens		\$10.00 per check
<b>B. Administrative Fees at Borough Office</b>		
Copies of Documents		\$0.25 per page
FAX of documents (sending or receiving)		\$2.00 per fax
Insufficient Funds Check Fee		\$25.00
Rental/Use of Municipal Building Rooms (Gym, Auditorium, Special Purpose Rooms) (Plus cleanup or repair fee if necessary)		\$30.00 per hour
Research Time of Records by Borough Staff:		Hourly wage
<b>BOCA BUILDING CODE BOARD OF REVIEW APPEAL FEE</b>		<b>\$250.00</b>

(Transcript Fees are paid for by party requesting them if a transcript is ordered for appeal).

ADMINISTRATION AND GOVERNMENT

LICENSE, ITEM OR SERVICE	REFERENCE	COST
<b>BUSINESS OPERATIONS: NEW BUSINESS PERMIT</b>		
Fee to accompany Application for New Business Permit		\$120.00
<b>ZONING PERMIT FEES</b>	(8 §209)	
Building under 200 square feet, fence erection (standard zoning permit)		\$40.00 each
Renew on ground pool		\$45.00 each
Siding Replacement		\$60.00 each
Porch posts and roof headers		
Replacing front entry steps		
Retaining wall between property lines		
Suspended ceilings		
Insulation		
Stairway replacement		
Installing new window or changing size		
Roof replacement		
Concrete patios (slab, no footers)		
Stove of fire place burning wood, coal, pellets, kerosene or gas indoors		
Privacy curtains and screens on existing porches and patios		
Patio roof only (on existing patio)		\$85.00 each
Above ground / on ground pool		
Spas and Hot Tubs		
Concrete patio with footer		\$115.00 each
Decks (wood/composite)		
Patio/Deck with roof		\$170.00 each
In ground Pool		
New Construction		
Single Family, Townhouse or Multi-Family Dwelling up to 2,500 sq ft		\$450.00
Each additional 500 sq ft		\$15.00
Additions		
Additions up to 1,000 sq ft		\$175.00
Each Additional 500 sq ft or part of		\$18.00



<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
<b>ZONING PERMIT FEES</b>	<b>(8 §209)</b>	
Accessory Structures		
Up to 500 sq ft		\$125.00
Each Additional 100 sq ft or part of		\$13.00
Renovations & Alterations		
Up to 500 sq ft		\$150.00
Each additional 100 sq ft or part of		\$18.00
Manufactured, mobile & modular homes (assembled on site)		
Up to 4,500 sq ft		\$225.00
Over 4,500 sq ft		\$275.00
Recreation Fee, each new residential construction		\$2,000.00

**MECHANICAL PERMIT FEES** (8 §209)

Per Fee Schedule of Third Party Agency in effect at time Permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.

**ENERGY PERMIT FEES** (8 §209)

Per Fee Schedule of Third Party Agency in effect at time Permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.

**ELECTRICAL PERMIT FEES**

Per Fee Schedule of Third Party Agency in effect at time Permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.

**PLUMBING PERMIT (including Sewer Connections)**

Per Fee Schedule of Third Party Agency in effect at time Permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.



<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
<b>CODE ENFORCEMENT WORK PERFORMED BY BOROUGH OR BOROUGH CONTRACTOR AFTER NOTICE TO LANDOWNER OR RESIDENT</b>		

Maintenance or remedial work performed by Borough Employees or sub-contractors hired by the Borough for weed cutting, trash removal, securing a building, snow/ice removal, tree removal or trimming, ordinance enforcement work after due notice is given to owner or occupant of property to remediate condition:

Costs of hourly work for Borough Employee or Prevailing Contractual Rate, IN ADDITION TO:

First Offense requiring work for remediation:	\$ 100.00 Administrative Fee
Second and Following Offense requiring Work for Remediation:	\$200.00 Administrative Fee

Together with any fees for Lien Filing, Legal Fees, or Costs of Prosecution.

**SOLID WASTE**

Dumpster Placement Registration Fee:	\$20.00 per dumpster
Solid Waste Collection Fee	(20 §106)
Business Establishment	\$330.00 to 3,630.00
Regular household (single family dwelling unit)	\$260.00
Senior Citizen Household	\$220.00

ONLY Solid Waste generated on property may be disposed of through Household Waste pick-up. Imported waste or waste generated off-site and brought to household for disposal violates the Solid Waste Ordinance and is subject to additional fees or fines.

Residential pick-up annual fee includes equivalent volume of three standard trash cans per household account per pick-up. Business Establishment pricing based on volume. Excess Trash Fees charged for trash put out in excess of three standard trash cans. Fees for the following items established as follows.

Excess trash:	\$20.00 minimum and up, per pick up, based on volume and determined by review of Public Works Director
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ADMINISTRATION AND GOVERNMENT

LICENSE, ITEM OR SERVICE	REFERENCE	COST
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**STREETS AND SIDEWALKS**

**Street Excavations**

(211 §302)

Fee for issuing each permit	\$25.00
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\*\*\*\*Permits for Emergency Excavations, due to public health and safety concerns, must be applied for within 30 days. If a permit is not applied for within this time period an additional fee, equal to 10% of the total permit, inspection, surface restoration and degradation fee, will be due to the Borough of Coplay.

Telephone, telegraph, power poles

(1) 1 to 10 poles	\$20.00
(2) Each additional pole over 10	\$02.00

**Conduit or underground pipe lines**

(1) Length along street not to exceed 50 feet	\$25.00
(2) Each additional 100' or fraction thereof	\$10.00
(3) Crossing of main line from one side of highway to another	\$25.00
(4) Opening in berm	\$02.00
(5) Service connection, each	\$20.00
(6) Manhole, if placed with main permit operations	\$10.00
(7) Manhole, placed independently	\$10.00
(8) Inlets, etc., each	\$05.00

**Inspection Fees**

More than 30 sq yds, per square yard or fraction thereof	\$06.00
Ten and 1/10 to 30 sq yds, per square yard or fraction thereof	\$12.00
Ten square yards and under, per square yard or fraction thereof	\$30.00
Minimum charge	\$100.00

LICENSE, ITEM OR SERVICE	REFERENCE	COST
<b>STREETS AND SIDEWALKS</b>		

**Surface Restoration** - 75% of the surface restoration fee is returned to the utility company, after inspection and approval by an authorized representative of the Borough of Coplay. An additional 24 months after final surface restoration, remaining 25% surface restoration fee is returned to the utility company.

Ten square yards and under	\$200.00/square yard or fraction thereof
Each additional square yard > 10 yards	\$75.00/square yard or fraction thereof
Minimum Charge	\$1,000.00

**Degradation Fee** - if a street is proposed to be opened and said street has been constructed or resurfaced within 10 years of the date of the application, a fee shall be charged for degradation (per square yard or fraction thereof) as follows:

Ten square yards and under	\$200.00/square yard or fraction thereof
Each additional square yard > 10 yards	\$75.00/square yard or fraction thereof
Minimum Charge	\$1,000.00

**SIDEWALK/CURB/DRIVEWAY PERMITS**

Crossover	\$25.00
Sidewalks (minimum fee up to first 10 ft)	\$25.00 \$1.00 per ft in excess of 10 ft
Curbs (minimum fee up to first 25 ft)	\$25.00 \$1.00 per ft in excess of 25 ft
Driveways (new)	\$50.00
Driveways (existing)	\$25.00



<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
<b>POLICE DEPARTMENT</b>		
Sundays and Holidays		\$205.00
Storage (based on calendar day)		
Inside storage		\$55.00
Outside storage		\$45.00
Additional charges are permitted for extra labor necessary		
To effect the removal of a vehicle.		
Towing of commercial vehicles from any place in the Borough to an approved storage facility in addition to charges for passenger vehicles		
Vehicles with gross weight of three to five tons (vehicles over five tons are not covered by this agreement)		\$37.00
Administrative charge for release of vehicles after hours		\$45.00
An additional charge is permitted for extra labor necessary to effect the removal of a vehicle (shoveling of snow, long-distance winching, chemical/fluid clean-up, etc.)		
<b>SUBDIVISION/LAND DEVELOPMENT REVIEW AND FILING FEES</b>		
Minor Subdivision - Application Fee payable when plans are submitted to Borough		\$50.00
Plan Review Fee - Subdivision and/or Land Development		\$75.00
Plus additional fee per acre or fraction thereof		\$25.00
*Per Borough Ordinance, the applicant shall be responsible for payment of all reasonable expenses incurred by the Borough, its engineer or solicitor.		
<b>TAXATION</b>		
Business Privilege License/Operating License	(24, §105)	\$25.00
License Renewal		\$25.00





**PART 7**

**FIRE FIGHTING; COPLAY FIRE DEPARTMENT**

**A. Fire Department.**

**§1-701. Reestablishment of the Fire Department.**

1. The Coplay Volunteer Fire Department is hereby Reestablished, and shall be comprised of vehicles, equipment and volunteers from the preexisting Fire Department of the Borough of Coplay, and any additional equipment or manpower which may hereafter be specified by Borough Council.
2. Action Through Central Fire Department. The Borough shall act directly through a Central Station Fire Department, and shall not act, be required to appoint members nominated by, or require membership in the Coplay Fire Company #1, which is recognized to be a private club.
3. Recession of Prior Ordinance 408, §2. Coplay Fire Company #1 is hereby recognized as a private club and private entity, and is no longer recognized to be a member of the Coplay Fire Department in its duties, privileges, or obligations.

(Ord. 750, 12/19/2005)

**§1-702. Purpose.**

The Fire Department of the Borough of Coplay is established for the purpose of fighting and extinguishing fires, performing rescue and salvage activities, protecting the residents of the Borough and performing inspections and such other activities as may be designated by proper Department authorities and Borough Council.

(Ord. 750, 12/19/2005)

**§1-703. Scope of Department.**

In addition to fighting fires, inside or outside of the Borough, and traveling to and returning from such fires, the Coplay Fire Department and its members are authorized to answer any type of fire alarm or call, inside or outside of the Borough of Coplay and to engage in any type of drill, training, ceremony, practice, test, parade or other duty when duly authorized by the Fire Chief, or in his or her absence, by his or her duly appointed assistant, deputy or other authorized officers of the Fire Department.

(Ord. 750, 12/19/2005)

## ADMINISTRATION AND GOVERNMENT

### **§1-704. Department Officers.**

1. The officers of the Coplay Fire Department may consist of up to one Fire Chief, two Assistant Fire Chiefs, one Captain, one Lieutenant, and one Safety Officer, as established by the Borough Council.
2. On or before the first Monday in January, the Borough Council shall name, as designated by Department Standard Operation Procedures, members of the Fire Department to act as officers.
3. The officers shall hold their offices at the will of the appointing authority. They may succeed themselves in their office. In all cases, unless suspended, the officers shall continue to hold their offices until Borough Council has duly confirmed their successors.
4. It shall be the duty of the Fire Chief, or duly designated officers, to attend all fires and alarms, and superintend and direct the operation of the Fire Department. The Chief shall have full control of all fire fighters and apparatus, and issue and enforce such orders as in his or her judgment may be best calculated for the protection of property, the extinguishment of fires and the welfare of the Department. The Chief shall enforce all rules and regulations of the Department and Borough Ordinances pertaining thereto. At the end of each fiscal year, he or she shall report to Council a full statement of the condition of the Department during the year, together with a statement of all fires occurring during the year, the origin of same, of property destroyed and insurance thereon, if any. If the Chief shall be absent from the Borough, or a fire scene, an officer of the Department shall be designated to act during the absence.
5. The Fire Chief may delegate to other officers any of the aforementioned duties.

(Ord. 750, 12/19/2005)

### **§1-705. Membership.**

1. The Fire Chief shall annually establish a roster of active fire fighters who shall constitute the Firefighting Team of the Coplay Fire Department. The Fire Chief shall keep the roster current and accurate throughout the year.
2. The Firefighting Team of the Coplay Fire Department shall be under the control and jurisdiction of the Fire Chief, who shall be accountable to the Borough Council.
3. Persons 14 to 15 years of age may become Junior Firefighter Trainees, and persons 16 to 17 years of age, may become Junior Firefighters. The qualifications, training, duties and assignments of the Junior Trainees and Junior Firefighters shall be determined by the Fire Chief, subject to any restrictions by law.

(Ord. 750, 12/19/2005)

**§1-706. Fire Official.**

The Fire Official shall be designated by the appointing authority of the Borough to aid in the enforcement of the provisions of the Fire Prevention Code. He or she shall inspect all structures and premises, except one- or two-family dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire-fighting operations, endanger life or any violations of the provisions or intent of the Fire Department Code or any ordinance affecting fire safety, including the BOCA Code. Unless otherwise designated by Council, this shall be the Fire Chief. If Council appoints a person other than the Chief, that person shall assist the Fire Chief in the investigating of all fires in the Borough as to origin and cause, and the Fire Official shall work with the Building Official insofar as fire hazards and remediation are concerned.

(Ord. 750, 12/19/2005)

**§1-707. Preservation of Order at Fires.**

The Mayor, Fire Chief, police officers of the Borough and members of the Special Fire Police or any of them, shall have authority in case of fire or emergency to disperse all collections of idle or disorderly persons and otherwise to preserve order and to prevent the commission of offenses on such occasions, and to halt, divert or reroute traffic; and it shall be a violation of this Part for any person to fail to obey any order issued by authority of this Section.

(Ord. 750, 12/19/2005)

**§1-708. Obedience to Officers.**

Every member on duty at fires shall render direct obedience to the orders of the officers in charge under penalty of dismissal from membership in the Firefighting Team of the Coplay Fire Department.

(Ord. 750, 12/19/2005)

**§1-709. Rules and Regulations Authorized.**

The Borough may, at any time, by ordinance or resolution, adopt such rules and regulations and standard operating procedures as it shall deem expedient for the governing of the Fire Department, and such rules and regulations shall be binding upon the Fire Department, and the members thereof. The Fire Chief may also issue standing orders, or-

## ADMINISTRATION AND GOVERNMENT

ders of the day, and standard operating procedure manuals for purposes of directing specific firefighting activities and conduct of members of the Fire Department.

(Ord. 750, 12/19/2005)

### **§1-710. Oaths of Office.**

The Fire Chief, Assistant Fire Chiefs, Deputy Chiefs, Captains, Lieutenants, and Safety Officer shall, before assuming office, take and subscribe to the Oath required of Borough Officials.

(Ord. 750, 12/19/2005)

### **§1-711. Salaries and Stipends.**

The annual salaries of the paid employees, and the stipends and paid-on-call compensation, shall be designated annually by the Borough Council after consideration of any recommendation which the Fire Chief may provide.

(Ord. 750, 12/19/2005)

## **B. Firemen's Relief Association.**

### **§1-721. Recognition of Firemen's Relief Association.**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of Coplay.

Relief Fund Association of the Coplay Fire Company #1

The above named association have been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named Association of the Borough is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Res. 280, 11/9/1936; as revised by Ord. 623, 2/13/1990)

**§1-722. Certification to Auditor General.**

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

(Res. 280, 11/9/1936; as revised by Ord. 623, 2/13/1990)

**§1-723. Annual Appropriation.**

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §§701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(Res. 280, 11/9/1936; as revised by Ord. 623, 2/13/1990)

**C. Fire Insurance Proceeds.**

**§1-731. Fire Insurance Proceeds Released Only Upon Certification of Borough That All Taxes, Liens and Municipal Charges Are Paid.**

1. 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 Borough of Coplay (the "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurer is furnished by the Borough with a certificate pursuant to §508(b) of the Insurance Company law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the "Act") and unless there is compliance with the procedure set forth in §508(c) and (d) of the Act.
2. Where there are delinquent taxes, assessment, penalties or user charges against the property (Municipal claims) or there are expenses which the Municipality has incurred as cost for the removal, repair or securing of a building or other structure on the property (collectively, "Municipal expenses"), the Borough Secretary shall immediately render a bill for such work, if she has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Borough Secretary shall furnish, within 14 working days after the request, to the insurer, a certificate (or at her discretion an oral no-

## ADMINISTRATION AND GOVERNMENT

tification confirmed in writing) either stating that there are no unpaid Municipal claims or Municipal expenses against the property or specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose, if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to the second clause of the preceding sentence, the insurer shall transfer to the Borough an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of Subsection (3) hereof.

3. When all Municipal claims and Municipal expenses have been paid pursuant to Subsection (2) of this Section, or where the Borough Secretary has issued a certificate described in the first clause of Subsection (2) indicating that there are no Municipal claims or Municipal expenses against the property, 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 or structure, the following procedures must be followed:
  - A. The insurer shall transfer from the insurance proceeds to the Borough, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.
  - B. If at the time a loss report is submitted by the insured such insured has submitted to the insurer, with a copy to the Municipality, 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 Borough from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.
  - C. Upon receipt of the above described portion of the insurance proceeds, the Borough Secretary shall do the following:
    - (1) Place the proceeds in a separate fund to be used solely as security against the total Municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Section. Such costs shall include, without limitations, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto.
    - (2) Mail to the named insured, at the address received from the insurer, a notice that the proceeds have been received from the Borough and that the procedures under this Subsection shall be followed.
    - (3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the costs of removing, repairing or se-

curing the building or other structure, in which event the Borough shall, if such estimate is deemed by the Borough Secretary to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the Municipal expenses, provided that the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.

- (4) Pay to the Borough, for reimbursement to the Borough General Fund, the amount of the Municipal expense paid by the Borough.
- (5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of certificate issued by the Code Enforcement Officer that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Township.

D. Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of Municipal claims or Municipal expenses recovered pursuant to this Section, or to insurance proceeds, by an action at law or equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem reasonable.

4. Any owner of property, any insured or insurer who violates the provisions of this Section or who shall fail to comply with any of the requirements hereof shall be liable, upon summary conviction, to fines and penalties not exceeding \$1,000, which fines and penalties may be collected by suit or summary proceeding brought in the name of the Borough before any district justice or recovered as debts of the like amount are now by law recoverable.

(Ord. 700, 3/14/2000, §301)

D. Fire Department Standard Operating Guidelines and Bylaws.

§1-741. Approval and Adoption.

The Coplay Borough Council does hereby approve and adopt the Standard Operating Guidelines and Bylaws of the Coplay Fire Department, as submitted by the Fire Chief, and does authorize and direct the Fire Department Chief and officers and firefighters and fire police to adhere to and enforce said guidelines for all members of the Coplay Fire Department, under the authority of the Coplay Borough Council, until such rules are amended or revised by resolution of the Council.<sup>1</sup>

(Res. 1270, 3/14/2006)

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<sup>1</sup> Editor's Note: A copy of the Guidelines and Bylaws is on file in the office of the Borough Secretary.





**PART 8**

**ELECTED OFFICIALS**

**A. Councilmen and Mayor.**

**§1-801. Compensation of Councilmen and Mayor.**

1. The compensation of the Borough Council members shall be fixed and established at the rate of \$1,500 per year, effective January 1, 2000.
2. The compensation of the Mayor and Council President shall be fixed and established at the rate of \$1,800 per year, effective January 1, 2000.

(Ord. 699, 3/14/2000)

**B. Tax Collector.**

**§1-811. Compensation of Tax Collector.**

A commission of 3% of all the taxes collected for the 2010-2013 term of office shall be paid to the Borough Tax Collector with the exception of the garbage fee. The commission for the garbage fee shall remain at 2% of the garbage fees collected for the 2010-2013 term of office.

(Res. 1051, 1/12/1993, §1; as amended by Res. 1178, 3/13/2001, §1; and by Res. 1317, 12/8/2009)



**PART 9**

**APPOINTED OFFICIALS**

**A. Independent Auditor.**

**§1-901. Appointment of Independent Auditor.**

Borough Council shall annually appoint an independent auditor who shall be a certified accountant registered in the Commonwealth of Pennsylvania before the end of each fiscal year to make an independent examination of the account records of the Borough for such fiscal year.

(Ord. 520, 2/13/1973, §1)

**§1-902. Powers and Duties of Independent Auditor.**

The appointed auditor shall perform all duties and exercise all powers conferred upon him under the provisions of Act 581, 1966, February 1st, of the Commonwealth of Pennsylvania.

(Ord. 520, 2/13/1973, §2)

**§1-903. Compensation of Independent Auditor.**

The appointed auditor shall receive such compensation as shall be determined each fiscal year simultaneously with his appointment and which sum shall be paid out of Borough funds.

(Ord. 520, 2/13/1973, §3)

**B. Building Inspector.**

**§1-911. Appointment and Duties of Building Inspector.**

1. Borough Council shall appoint a Building Inspector who shall hold office for a term of 3 years or until his successor is duly appointed and qualified; such Building Inspector shall receive a salary, as determined by Borough Council.
2. The Building Inspector shall perform all duties required by Chapter 4, "Buildings," (Part 2), and the rules and regulations promulgated by Borough Council acting as a Building Committee. The Inspector shall enforce the provisions of Chapter 4, "Buildings," (Part 2), and the amendments and supplements thereto, and shall have the authority in the performance of his duties, to enter all private

## ADMINISTRATION AND GOVERNMENT

lands and premises at such reasonable times as may be necessary for the proper inspection of buildings and the enforcement of Chapter 4, "Buildings," (Part 2).

3. The Building Inspector shall keep and maintain a proper file for the provision of all documents and papers issued, and received under the provisions of Chapter 4, "Buildings," (Part 2).

(Ord. 446, 11/15/1965, §3)

**PART 10**  
**FEE SCHEDULE**

In addition to any other costs and fees which may be specified in other resolutions or ordinances of the Borough of Coplay, the following fee schedule is hereby established:

<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
<b>ADMINISTRATION AND GOVERNMENT</b>		
A.	Police [Res. 1418]	\$38.00 per hour
	Police protection charge, by regular full-time contractual police officer (\$1-504) (Or amount then recited in current contract, if different)	
	Police protection charge by part-time non-contractual police officer [Res. 1418]	\$38.00 per hour
	Criminal history checks	
	Private employment, private citizens	\$10.00 per check
B.	Administrative fees at Borough Office	
	Copies of documents	\$0.25 per page
	FAX of documents (sending or receiving)	\$2.00 per fax
	Insufficient funds check fee	\$25.00
	Rental/use of municipal building rooms (Gym, auditorium, special purpose rooms) (Plus cleanup or repair fee if necessary)	\$30.00 per hour
	Research time of records by Borough staff	Hourly wage
	<b>BOCA BUILDING CODE BOARD OF REVIEW APPEAL FEE</b>	\$250.00
	(Transcript fees are paid for by party requesting them if a transcript is ordered for appeal).	
	<b>BUSINESS OPERATIONS: NEW BUSINESS PERMIT</b>	
	Fee to accompany application for new business permit	\$120.00

ADMINISTRATION AND GOVERNMENT

LICENSE, ITEM OR SERVICE	REFERENCE	COST
<b>ZONING PERMIT FEES</b>	(§8-209)	
Building under 200 square feet, fence erection (standard zoning permit)		\$40.00
<b>BUILDING PERMIT FEES</b>	(§8-209)	
Renew on ground pool		\$40.00 each
Siding replacement		\$45.00 each
Replacing front entry steps		\$45.00 each
Suspended ceilings		\$45.00 each
Stairway replacement		\$45.00 each
Roof replacement		\$45.00 each
Stove or fireplace burning wood, coal, pellets, kerosene or gas indoors		\$45.00 each
Privacy curtains and screens on existing porches and patios		\$45.00 each
Porch posts and roof headers		\$45.00 each
Retaining wall between property lines		\$45.00 each
Insulation		\$45.00 each
Installing new window or changing size		\$45.00 each
Concrete patios (slab, no footers)		\$45.00 each
Patio roof only (on existing patio)		\$60.00 each
Above-ground/on-ground pool		\$60.00 each
Spas and hot tubs		\$60.00 each
Concrete patio with footer		\$85.00 each
Decks (wood/composite)		\$85.00 each
Patio/deck with roof		\$115.00 each
In-ground pool		\$170.00 each

<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
New Construction		
Single-family, townhouse or multi-family dwelling up to 2,500 sq. ft.		\$450.00
Each additional 500 sq. ft.		\$15.00
Additions		
Additions up to 1,000 sq. ft.		\$175.00
Each additional 500 sq. ft. or part of		\$18.00
Accessory Structures		
Up to 500 sq. ft.		\$125.00
Each additional 100 sq. ft. or part of		\$13.00
Renovations and Alterations		
Up to 500 sq. ft.		\$150.00
Each additional 100 sq. ft. or part of		\$18.00
Manufactured, mobile and modular homes (assembled on site)		
Up to 4,500 sq. ft.		\$225.00
Over 4,500 sq. ft.		\$275.00
Recreation fee, each new residential construction		\$2,000.00
<b>MECHANICAL PERMIT FEES</b>	<b>(§8-209)</b>	
Per fee schedule of third party agency in effect at time permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.		
<b>ENERGY PERMIT FEES</b>	<b>(§8-209)</b>	
Per fee schedule of third party agency in effect at time permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.		

ADMINISTRATION AND GOVERNMENT

LICENSE, ITEM OR SERVICE	REFERENCE	COST
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**ELECTRICAL PERMIT FEES**

Per fee schedule of third party agency in effect at time permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.

**PLUMBING PERMIT (including sewer connections)**

Per fee schedule of third party agency in effect at time permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.

**CODE ENFORCEMENT**

A.	Health inspection	\$65.00
	Re-inspection	\$25.00
	Court appearance	\$75.00
B.	Change of occupancy/occupancy permit inspection:	
	Residential	
	Residential multi-family dwelling (lease or rent) per unit	\$50.00
	Reinspection	\$35.00
	Residential single-family	\$70.00
	Reinspection	\$35.00
	Commercial	
	Per fee schedule of third party agency in effect at time permit is applied for with an additional Borough administrative fee of 25%, payable at time permit is picked up from Borough Office.	
C.	Licenses for building trades must show proof of State license as of 7/1/2009.	



<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
D. Attorney fees charged to pursue claim and enforcement:		
For legal work or legal time expended on behalf of Coplay Borough in the collection of a claim or bringing of an equity suit in the Court of Common Pleas for claim or enforcement matters, whether before or after the filing of a municipal claim, in connection with the filing of a municipal claim, in prosecuting a municipal claim or enforcement action, filing a lien, work in connection with the execution upon a judgment, or other municipal work:		\$170.00
(Plus court costs, the cost of filing the pleadings, service of process, and administrative costs, and other costs and fees as may be approved or awarded by the court.)		

**CODE ENFORCEMENT WORK PERFORMED BY BOROUGH OR BOROUGH CONTRACTOR AFTER NOTICE TO LANDOWNER OR RESIDENT**

Maintenance or remedial work performed by Borough employees or sub-contractors hired by the Borough for weed cutting, trash removal, securing a building, snow/ice removal, tree removal or trimming, ordinance enforcement work after due notice is given to owner or occupant of property to remediate condition:

Costs of hourly work for Borough employee or prevailing contractual rate,

In addition to:

First offense requiring work for remediation: \$100.00  
administrative fee

Second and following offense requiring work for remediation: \$200.00  
administrative fee

Together with any fees for lien filing, legal fees, or costs of prosecution.

ADMINISTRATION AND GOVERNMENT

LICENSE, ITEM OR SERVICE	REFERENCE	COST
<b>SOLID WASTE</b>		
Dumpster placement registration fee		\$20.00 per dumpster
Solid waste collection fee	(§20-106)	
Business establishment		\$330.00 to 3,630.00 with a discount of 10% if paid by March 31.
Regular household (single-family dwelling unit)		\$280.00 with a discount of 10% if paid by March 31.
Senior citizen household		\$240.00 with a discount of 10% if paid by March 31.

[Res. 1393; Res. 1414; Res. 1426; Res. 1434]

Only solid waste generated on property may be disposed of through household waste pick-up. Imported waste or waste generated off-site and brought to household for disposal violates the Solid Waste Ordinance and is subject to additional fees or fines.

Residential pick-up annual fee includes equivalent volume of three standard trash cans per household account per pick-up. Business establishment pricing based on volume. Excess trash fees charged for trash put out in excess of three standard trash cans. Fees for the following items established as follows:

Excess trash:	\$20.00 minimum and up, per pick-up, based on volume and determined by review of Public Works Director
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**STREETS AND SIDEWALKS**

Street excavations	(§21-302)	
Fee for issuing each permit		\$10.00

LICENSE, ITEM OR SERVICE	REFERENCE	COST
Telephone, telegraph, power poles		
(1)	1 to 10 poles	\$20.00
(2)	Each additional pole over 10	\$2.00
Conduit or underground pipe lines		
(1)	Length along street not to exceed 50 feet	\$25.00
(2)	Each additional 100 feet or fraction thereof	\$10.00
(3)	Crossing of main line from one side of highway to another	\$25.00
(4)	Opening in berm	\$2.00
(5)	Service connection, each	\$20.00
(6)	Manhole, if placed with main permit operations	\$10.00
(7)	Manhole, placed independently	\$10.00
(8)	Inlets, etc., each	\$5.00
Inspection Fees		
	More than 30 square yards, per square yard or fraction thereof	\$4.00
	10 <sup>1</sup> / <sub>10</sub> to 30 square yards, per square yard or fraction thereof	\$6.00
	10 square yards and under, per square yard or fraction thereof	\$30.00
	Minimum charge	\$25.00
Surface restoration—if a street is proposed to be opened and said street has been constructed or resurfaced within 10 years of the date of the application, a fee shall be charged for degradation (per square yard or fraction thereof) as follows (with a minimum 2 square yard fee).		
(1)	A street less than 2 years old	\$150.00/square yard
(2)	Less than 4 years old	\$130.00/square yard
(3)	Less than 10 years old	\$100.00/square yard

## ADMINISTRATION AND GOVERNMENT

<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
<b>SIDEWALK/CURB/DRIVEWAY PERMITS</b>		
Crossover		\$25.00
Sidewalks (minimum fee up to first 10 feet)		\$25.00
in excess of 10 feet		\$1.00 per ft
Curbs (minimum fee up to first 25 feet)		\$25.00
in excess of 25 feet		\$1.00 per ft
Driveways (new)		\$50.00
Driveways (existing)		\$25.00
<b>DEMOLITION</b>		
Existing main structure on property		
First 1,000 square feet		\$50.00
For each additional 1,000 square feet or fraction thereof for the area over 1,000 square feet		\$25.00
<b>HOUSING</b>		
Moving permit	(§11-103)	\$2.00
<b>LICENSES, PERMITS, AND GENERAL BUSINESS REGULATIONS</b>		
Dumpster placement registration fee (if in public right of way)		\$20.00 per dumpster
Electric pole license fee	(§13-401)	\$0.50 per pole
Poles used by other companies	(§13-402)	\$0.50 per pole
Fee to accompany application for new business permit at a fixed and permanent location:		\$50.00
Peddler's license	(§13-301)	\$20.00 one day \$50.00 one year \$20.00 minimum

LICENSE, ITEM OR SERVICE	REFERENCE	COST
<b>POLICE DEPARTMENT</b>		
Police report copy		\$15.00 per report
Impounded animal (kennel fee)		\$50.00 per day
2 <sup>nd</sup> offense and after if dog not kept for day		\$15.00
Towing fees		
Towing of any passenger vehicle under 5 tons from any place in the Borough to an approved storage facility:		
Between 8:00 a.m.–5:00 p.m.		\$150.00
Between 5:00 p.m.–8:00 a.m.		\$180.00
During a snow emergency, additional charge of		\$50.00
Sundays and holidays		\$180.00
Storage (based on calendar day)		
Inside storage		\$55.00
Outside storage		\$45.00
Additional charges are permitted for extra labor necessary to effect the removal of a vehicle.		
Towing of commercial vehicles from any place in the Borough to an approved storage facility in addition to charges for passenger vehicles		
Vehicles with gross weight of 3 to 5 tons (vehicles over 5 tons are not covered by this agreement)		\$37.00
Administrative charge for release of vehicles after hours		\$45.00
An additional charge is permitted for extra labor necessary to effect the removal of a vehicle (shoveling of snow, long-distance winching, chemical/fluid clean-up, etc.)		

ADMINISTRATION AND GOVERNMENT

<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
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**SUBDIVISION/ LAND DEVELOPMENT REVIEW AND FILING FEES**

Minor subdivision–application fee payable when plans are submitted to Borough		\$50.00
Plan review fee–subdivision and/or land development		\$75.00
Plus additional fee per acre or fraction thereof		\$25.00

\*Per Borough ordinance, the applicant shall be responsible for payment of all reasonable expenses incurred by the Borough, its Engineer or Solicitor.

**TAXATION**

Business privilege license/operating license	(\$24-105)	\$25.00
License renewal		\$25.00

**TAX COLLECTOR FEES**

Lien certification		\$20.00
NSF check fee		\$25.00
Duplicate bill fee		\$5.00

**ZONING HEARING BOARD APPEALS**

Any persons hereafter taking an appeal to the Borough Zoning Hearing Board shall pay a flat fee of

Residential		\$500.00
Commercial		\$650.00

(Transcript costs are paid for by party requesting transcript)

**RECREATION PAVILION FEES**

Coplay residents		\$120.00
Nonresidents		\$160.00

<b>LICENSE, ITEM OR SERVICE</b>	<b>REFERENCE</b>	<b>COST</b>
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Waiver of pavilion fees

Pavilion fees set forth above may be waived with the approval of the Borough Council or its designee if:

- A. The organization is a 501(c)3 charitable or non-profit entity either based with its headquarters in the Borough of Coplay or providing substantial services to or activities for the residents of the community.
- B. The organization is a local unincorporated group with close organizational and membership ties to the Borough of Coplay providing public service to the community.

**MUNICIPAL SWIMMING POOL FEES**

Coplay Residents

Family	\$105.00
Adult	\$55.00
Student	\$40.00
Daily	\$5.00

Nonresidents

Family	\$190.00
Adult	\$80.00
Student	\$50.00
Daily	\$9.00

5 and under and 62 and over enter free

Family passes include anyone living in the residence, proof of residency for anyone over age 18 is required

(Res. 1385, 3/11/2014; as amended by Res. 1393, 12/15/2014; by Res. 1401, 4/14/2015; by Res. 1414, 1/4/2016; by Res. 1418, 4/12/2016; by Res. 1426, 12/19/2016)

**PART 11**

**SMOKING AT BOROUGH OF COPLAY MUNICIPAL BUILDING, GARAGE OR  
POOL BUILDING PROHIBITED**

**§1-1101. Smoking Prohibited.**

Smoking or the carrying of a lit cigarette, cigar, pipe or smoking device in an enclosed indoor area in the Coplay Borough Municipal Building or garage, or in any enclosed area of the Pool Building at the Coplay Parkway is hereby prohibited pursuant to the provisions of 35 P.S. §1230.1 et seq.

(Ord. 735, 9/14/2004)

**§1-1102. Violation.**

Any person who shall violate the provisions of this Part shall be subject to a fine of not more than \$50, pursuant to 35 P.S. §1230.1 et. seq., and this Part, per occurrence.

(Ord. 735, 9/14/2004)

**§1-1103. Posting of Signs.**

The Borough Council hereby directs the Borough administration to post such signs as it may deem necessary to notify employees and the public of designated no smoking areas.

(Ord. 735, 9/14/2004)





**PART 12**

**DRUG AND ALCOHOL POLICY**

**§1-1201. Policy.**

Coplay Borough has a commitment to provide a safe and healthful workplace for its employees and to ensure efficient production and services to the taxpayers. We also recognize that in order to accomplish our mission, we must implement programs that will enable us to achieve our objectives in a cost effective manner while respecting the rights of our workers.

(Res. 1138, 8/10/1999, §I)

**§1-1202. Objectives.**

1. Establish effective means to detect and deal with drug and alcohol abuse while respecting the rights of the works. The rights of workers include the right to privacy as defined by applicable law, to fair and evenhanded treatment and to whatever rights may exist by reason of a contract, including a labor contract, governing employment.
2. Comply with applicable State and Federal law.

(Res. 1138, 8/10/1999, §II)

**§1-1203. Substances Included in the Testing Policy.**

The testing program will cover at least the following substances present in the body: alcohol, cocaine, phencyclidine (PCP), marijuana, opiates (including heroin) and amphetamines.

(Res. 1138, 8/10/1999, §III)

**§1-1204. Department of Transportation Regulations Concerning Testing of Drivers.**

The Department of Transportation (DOT) has established mandatory drug and alcohol testing regulations that affect certain of the Borough of Coplay drivers and driver applicants. The Borough of Coplay is committed to complying with these Federal regulations. Accordingly, the following DOT requirements will apply to all employees with CDLs and applicants for CDL positions:

- A. Types of Testing.

## ADMINISTRATION AND GOVERNMENT

- (1) Pre-Employment. All applicants for positions requiring a CDL will be tested for alcohol and drugs prior to commencing employment with the Borough of Coplay. A driver applicant testing positive for alcohol or drugs will not be considered for employment.
- (2) Random Testing. Each year, the Borough of Coplay will use a random process to select at least 50% of its CDL drivers, who will be tested for the use of controlled substances. Additionally, at least 25% of its CDL drivers will be randomly tested for alcohol use in the first year of the policy. Drivers selected on a random basis for testing will be required to supply a urine sample for the drug test. The alcohol test will be done by a Breathalyzer machine.
- (3) Reasonable Cause Testing. Testing will be required by the Borough of Coplay upon reasonable cause. The conduct necessitating testing, if at all feasible, shall have been witnessed by at least two supervisors. However, if only one supervisor is available, only that supervisor need witness the conduct. Each witness must have received training in the detection by observing a person's behavior of probably drug and alcohol use.
- (4) Mandatory Post Accident Testing. Drivers will provide urine specimens for drug testing as soon as possible after a commercial vehicle accident, but in no case later than 32 hours after the accident. Drivers must be tested for alcohol as soon as possible after a motor vehicle accident. A driver may not consume alcohol until he has been tested. An accident is defined as involving:
  - (a) A fatality.
  - (b) The driver receiving a citation under State or local law for a moving violation arising from the accident.

If, as a consequence of an accident, a driver is seriously injured and cannot provide a specimen at the time of the accident, he must provide the necessary authorization for obtaining hospital records and other documents that will indicate whether there were any controlled substances or alcohol in his system at the time of the accident.

- (5) Return to Duty Testing. If the Borough of Coplay offers a driver re-employment after the driver has been referred to an alcohol and substance abuse professional and the driver has undergone all recommended treatment, the driver will be tested for alcohol and drugs prior to returning to duty.
- (6) Follow-Up Testing. Any driver who has returned to duty after a positive alcohol or drug test will be subject to unannounced follow-up tests

for a period up to 60 months. There will be at least six follow-up tests for alcohol and three follow-up tests for drugs given during the first 12 months. All follow-up tests will be paid for by employee.

B. Other Aspects of CDL Policy.

- (1) Employee Assistance Program (EAP). The Borough of Coplay will establish an employee assistance program which will include the following:
  - (a) An educational and training component for drivers, addressing alcohol and controlled substances.
  - (b) An education and training component for supervisory personnel, addressing alcohol and controlled substances.
  - (c) A written statement on file and available for inspection, outlining the Borough of Coplay Employee Assistance Program.
- (2) The EAP training program for all drivers and supervisory personnel will consist of at least 60 minutes of training. The training program will also include the following elements:
  - (a) The effects and consequences of alcohol and/or controlled substance use on personal health, safety and the work environment.
  - (b) The manifestations and behavioral causes that may indicate alcohol and/or controlled substance use or abuse.
  - (c) Documentation of training given to drivers and supervisory personnel.

C. Notification of Test Results. The Borough of Coplay will notify its drivers and driver applicants of the results of tests conducted pursuant to the DOT regulation. Drivers who test positive will also be advised specifically what drug or the amount of alcohol that was discovered.

- (1) Recordkeeping. All of the records relating to the administration and results of Borough's alcohol and drug testing program for its drivers will be maintained for a minimum period of 5 years, except that individual negative test results will be maintained for a minimum of 12 months.
- (2) There shall be a medical review officer who is a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders and who is employed by the Borough of Coplay to review alcohol and drug testing results in accordance with the DOT regulations. The medical review officer for each subsidiary and/or division shall be the sole cus-

## ADMINISTRATION AND GOVERNMENT

todian of individual test results for that division. The medical review officer shall retain the reports of individual test results for a minimum of 5 years.

- (3) The Borough of Coplay shall retain in the driver's personnel medical file information indicating only the following:
  - (a) The employee submitted to a drug and/or alcohol test.
  - (b) The date of such test.
  - (c) The location of such test.
  - (d) The identity of the person or entity performing the test.
  - (e) Whether the test finding was "positive" or "subnegative."
- (4) The Borough of Coplay will also maintain an annual (calendar) year summary of the records related to the administration and results of the testing program for its drivers under the DOT regulations.

D. Access to Test Results and Findings. No person may obtain the individual test results retained by the medical review officer and no medical review officer shall release the individual test results of any employee to any person, without first obtaining written authorization from the tested individual, unless otherwise required by law.

(Res. 1138, 8/10/1999, §IV)

### **§1-1205. Work Rules Concerning Use, Possession and Sale of Alcohol or Illegal Drugs on Borough's Property.**

1. Employees shall not use, sell, possess or receive alcohol and illegal drugs or distribute or sell prescription drugs while on duty. Violation of these rules will subject the employee to discipline up to and including termination, subject to any applicable provisions and procedures of a collective bargaining agreement. Illicit drugs include prescription drugs for which the employee does not have a valid prescription.
2. The Borough of Coplay reserves the right, upon reasonable suspicion, to ask for consent to search the vehicle or personal property of any employee during working hours or while on the Borough of Coplay property or designated work place.
3. Any employee refusing to consent to or cooperate with a reasonable search or investigation will be relieved of duty and removed from the work place resulting in appropriate disciplinary action up to and including possible termination, for insubordination.

4. Prescription drugs must be kept in their original container identifying the drug, dosage, date of prescription and physician. Employees are required to notify their supervisor if taking a prescription drug that could impair their working ability or alertness.
5. Third party or contractor employees while on the Borough of Coplay property will also be subjected to this policy with violations resulting in removal from the premises.

(Res. 1138, 8/10/1999, §V)

**§1-1206. Reservation of Rights.**

1. The Borough of Coplay reserves the right to add to, change or modify this policy in its sole discretion and to terminate any employee at any time, except as those rights are restricted by law or by any applicable collective bargaining obligation or agreement. The Borough of Coplay accepts no liability in the event of an alleged breach of any of the policies or procedures set forth in this policy.
2. The Borough of Coplay encourages every employee and prospective employee voluntarily to comply with this policy not only for his or her own safety but for the safety of others. Because of its importance, the Borough of Coplay will take all necessary steps to ensure implementation of and compliance with this policy.

(Res. 1138, 8/10/1999, §VI)

**§1-1207. Limitations; Severability.**

This policy will be limited by any applicable Federal or State law or Municipal ordinance, and by any applicable collective bargaining agreements. Any portion of this policy which directly conflicts with such a collective bargaining agreement will not be implemented for that bargaining unit, but shall be severable and shall not affect the validity and enforcement of the remainder of the policy.

(Res. 1138, 8/10/1999, §VII)

**§1-1208. This Is Not a Contractual Arrangement.**

1. This policy and this document (or any accompanying document executed or delivered pursuant to or in connection with the policy) are not intended to confer any contractual or other rights or claims in favor of the Borough of Coplay employee.
2. Any failure to implement the policy or any part thereof, any variation, addition or omission to the procedures set forth in the policy shall not confer any contractual

ADMINISTRATION AND GOVERNMENT

or other rights or claims in favor of the employee not otherwise conferred by law.  
(Note: employee remains employed at will.)

(Res. 1138, 8/10/1999, §VIII)

*1 Attachment 1*

**Borough of Coplay**

**Appendix A**

**JOB APPLICANT/DRUG/ALCOHOL TEST CONSENT**

I, \_\_\_\_\_, UNDERSTAND THAT THE Borough of Coplay policy on drug/alcohol abuse requires that all job applicants or new employees for positions requiring a CDL will be tested and that management may request a test randomly and for "cause" for the presence of alcohol/drugs in my body. I acknowledge that a confirmed positive test may cause me to be not hired or to be removed from the payroll and subject to discipline up to and including discharge or with a recommendation to attend a drug/alcohol rehabilitation program. I fully understand that if I should refuse to take the test I will not be hired or could be suspended from my job without pay, or terminated for insubordination. I also understand that the test results will be kept in confidence and handled by authorized management personnel.

I hereby consent ( ) or refuse ( ) to take the drug/alcohol test.

I acknowledge that this document (or any accompanying document executed or delivered pursuant to or in connection with the policy) is not intended to confer any contractual or other rights or claims in my favor (and that I remain employed at will).

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
Applicant

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_  
Witness





**PART 13**

**USE OF BOROUGH CREDIT CARDS**

**§1-1301. Authorization for Use by Certain Officials; Review of Receipts.**

1. The Coplay Borough Council does hereby approve and authorize the issuance of Borough credit cards drawn on the accounts of the Borough, one each to be issued to the Director of Public Works, the Treasurer and the Chief of Police, to be used for small necessary purchases within the departmental budget.
2. All receipts for said cards shall be reviewed monthly by the Treasurer and such committees of the Borough Council as the President may deem appropriate, to confirm the necessity of such purchases.

(Res. 1271, 3/14/2006)



**PART 14**

**VIOLATIONS AND PENALTIES**

**§1-1401. Penalties for Violating Codified Ordinances.**

Any person who violates or permits the violation of any provision of the Codified Ordinances of the Borough of Coplay shall, upon conviction thereof in a summary proceeding brought before a District Justice, be guilty of a summary offense and shall be subject to the payment of a fine of not less than \$25 and not more than \$1,000, plus the costs of prosecution. Upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a period of not more than 30 days. Each section or provision of this chapter that is violated shall constitute a separate offense, and each day or portion thereof in which a violation of this chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Judge of not less than \$25 and not more than \$1,000, plus the costs of prosecution, and, upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days.

(Ord. 753, 4/11/2006)

**§1-1402. Violation Ticket Program.**

1. General Provisions.

- A. This section shall be known and may be cited as the Violation Ticket Program of the Borough of Coplay.
- B. The purpose of this section is to provide for a mechanism by means of issuance of tickets rather than citation to permit a citizen who believes they may have been in violation to pay the ticket rather than cause the issuance of a citation and a costly and protracted legal hearing before a judge. This section is beneficial to the Borough and property owner to resolve the dispute in a manner that does not unduly burden either party while still allowing for the property owner to dispute the ticket and receive the full benefit of procedural and substantive due process of law.

2. Definitions.

OWNER – any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county, or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or

ADMINISTRATION AND GOVERNMENT

administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON – any individuals, corporation, partnership, or any other group acting as a unity.

3. Enforcement.

A. The provisions of this section shall be enforced by Borough Police Officers and Borough Code Enforcement Officers who are sworn to uphold and enforce the laws of the Borough.

B. Violations of the following Borough of Coplay Code sections or provisions shall be subject to the provisions of this section.

1.	Rubbish and/or garbage on property – Chapter 5, Part 5	Fine of \$25.00
2.	Abandoned vehicle – Chapter 5, Part 5	Fine of \$25.00
3.	Overgrown trees or shrubs, and those encroaching roadways and all public right-of-ways – Chapter 5, Part 5	Fine of \$25.00
4.	Animal feces not cleaned up – Chapter 5, Part 5	Fine of \$25.00
5.	No building permit – Chapter 5, Part 6	Fine of \$25.00
6.	High grass and/or weeds – Chapter 10, Part 1	Fine of \$25.00
7.	Blowing or throwing grass or leaves into roadways – Chapter 10, Part 1	Fine of \$25.00
8.	Sidewalks not cleared of snow or ice – Chapter 21, Part 2	Fine of \$25.00
9.	Blowing or throwing snow into roadway – Chapter 21, Part 2	Fine of \$25.00
10.	Vermin – Chapter 5, Part 5	Fine of \$25.00

C. Violators who have been issued a ticket through this program have 24 hours to correct the violation for which the ticket was issued.

D. Violators who have been issued a ticket through this program have 15 days to admit the violation, waive a hearing and pay the fine or request a hearing. A

\$10.00 penalty will be incurred for days 16 through 30 if the fine is not paid or a hearing requested within 15 days of the issuance of the ticket. Failure to make payment within 30 days shall make the person subject to a citation for fines indicated in the relevant sections of the Code of the Borough of Coplay.

- E. The Borough may determine that the immediate abatement of the violation is necessary, and may take the needed action to abate the violation at the violator's expense, which expenses shall be set forth by resolution of Borough Council.
- F. Violators who do not correct the violation that the ticket was issued for, will be subject to the issuance of a Notice of Violation as set forth in the relevant sections of the Code of the Borough of Coplay.
- G. In every instance where the recipient of a violation ticket has requested an appeal within 15 days as set forth above and has made payments for appeal set forth in rules and regulations of the Borough, a hearing officer designated by the Borough Council may uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated cost, fines or penalty amounts.

(Ord. 831, 1/9/2018)

