

**PART 2**

**APPOINTED OFFICERS**

**A. Borough Manager.**

**§1-201. Creation of the Office; Bond.**

Under and subject to the provisions of the General Borough Code, the office of the Borough Manager is hereby created. The Manager shall serve a term outlined by agreement of employment, as approved by Borough Council, upon furnishing a bond approved by Council in a sum to be determined by Council from time to time. The premium of said bond shall be paid by the Borough.

(Ord. 391, 1/3/1957, §1; as amended by Ord. 888, 3/2/1981, §1; and by A.O.)

**§1-202. Compensation.**

Salary of the Borough Manager shall be established by Council from time to time.

(Ord. 391, 1/3/1957, §2)

**§1-203. Qualifications.**

The Manager shall be chosen principally on the basis of his executive and administrative abilities, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office as herein outlined. The Manager need not be a resident of the Borough of Philipsburg or of the Commonwealth of Pennsylvania at the time of his appointment but, within a reasonable time thereafter (which time may be fixed by agreement of employment between the Manager and the Borough Council), he shall become and during his tenure shall remain a resident of the Borough of Philipsburg.

(Ord. 391, 1/3/1957, §3; as amended by A.O.)

**§1-204. Powers and Duties.**

The Manager shall be the Chief Administrative Officer of the Borough and he shall be responsible to the Council for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute imposed or conferred upon other Borough officers, and this Section shall not be construed to confer upon the Manager the powers and duties of the offices of Secretary, Treasurer and Collector of Taxes. Subject to the modification or recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:

## ADMINISTRATION AND GOVERNMENT

- A. He shall supervise and be responsible for the activities of all municipal departments, except the Police Department.
- B. He shall hire and, when necessary for the good of the service, shall suspend or discharge any temporary (seasonal) employees under his supervision. For full-time employees, the Manager shall deal with all disciplinary concerns that require immediate action, but will report the incident and his action dealing with said incident, in writing, to the Personnel Committee for review and possible further action. All persons covered by the Civil Service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions.
- C. He shall prepare and submit to Council before the close of the fiscal year, or on such alternate date as Council shall determine, a suggested budget for the next fiscal year and an explanatory budget message. In preparing the budget the Manager or an officer designed by him shall obtain from the head of each department, agency, board or officer estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review such estimates and may suggest revisions when submitting the suggested budget to Council.
- D. He shall attend all meetings of Council and its committees with the right to take part in the discussion and he shall receive notice of all special meetings of Council or its committees.
- E. He shall prepare the agenda for each meeting of Council and supply facts pertinent thereto.
- F. He shall keep the Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of the Borough finances and such other reports as the Council requests and make such recommendations to the Council as he deems necessary.
- G. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.
- H. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
- I. He shall attend to the letting of contracts in due form of law, subject to the approval of the Solicitor, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon other Borough officers by statute or ordinance.

- J. He shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all Borough claims.
- K. He shall be the purchasing officer of the Borough and he shall purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the various agencies, boards, departments and other offices of the Borough. He shall keep an account of all purchases and shall, from time to time or when directed by Council, make a full written report thereof. He shall comply with the orders, rules and regulations established by Council governing the requisition and purchasing of all Borough supplies and equipment.
- L. All complaints regarding services or personnel of the Borough shall be referred to the office of the Manager. He or an officer designated by him shall investigate and the Manager shall dispose of such complaints and the Manager shall report thereon to Council.
- M. He shall work to secure and to coordinate the acquisition of grants from any source that offers grants that prove to be beneficial to the Borough.
- N. When directed by Council, he shall serve as the Zoning and Code Enforcement Officer of the Borough.

*NO limit?*

(Ord. 391, 1/3/1957, §4; and amended by A.O.)

**§1-205. Delegation of Mayor's Powers and Duties.**

The Mayor is hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of his nonlegislative and nonjudicial powers and duties.

(Ord. 391, 1/3/1957, §5)

**§1-206. Limitation of Council's Powers.**

Council will hire, fire, suspend, reprimand or discharge nontemporary employees, based upon recommendations of the Personnel Committee. Except for the purpose of inquiry and except as described in this section, the Council, its committees and its members shall deal with the administrative service solely through the Borough Manager, and neither the Council nor any of its committees or any of its members shall give orders, publicly or privately, to any subordinates of the Manager.

(Ord. 391, 1/3/1957, §6; as amended by A.O.)

## ADMINISTRATION AND GOVERNMENT

### **B. Borough Auditor.**

#### **§1-211. Office of Elected Auditor Abolished.**

The office of elected Borough Auditor is hereby abolished.

(Ord. 903, 1/5/1983, §1)

#### **§1-212. Office of Independent Auditor Established.**

There is hereby established the office of Independent Auditor in accordance with the provisions of the Act of February 1, 1966, P.L. (1965), No. 581, §1005 [53 P.S. §46005(7)], as amended. Such Auditor shall be appointed annually by Council to make an independent examination of the accounting records of the Borough for such fiscal year. Such auditor shall also perform the duties and exercise the powers as conferred upon him by the Act of February 1, 1966, P.L. (1965), No. 581, §1196 et seq., as amended, which subdivision sets forth the general powers and duties of independent auditor.

(Ord. 903, 1/5/1983, §2)

### **C. Zoning and Code Enforcement Officer.**

#### **§1-221. Definition.**

1. The Zoning and Code Enforcement Officer is responsible for the administration and enforcement of the Borough's Zoning Ordinance [Chapter 27]; and, in conjunction with the Police Department, is responsible for enforcement of all single purpose public health and safety ordinances of the Borough.
2. The Zoning and Code Enforcement Officer shall not take part in the design, construction, repair or demolition of any structure in the Borough. The Code Enforcement's Officer's responsibility is to ensure that these activities are performed within the requirement of the respective codes.
3. The Zoning and Code Enforcement Officer reports to Borough Council, but is under the supervision of the Borough Manager.

(A.O.)

#### **§1-222. Borough-Shared Duties (with UCC).**

The following are shared duties between the Code Enforcement Officer and the UCC state code:

1. Except as covered under the UCC, acts as Building, Fire and Zoning Ordinance Officer of the Borough.
2. Investigates, handles and reports the complaints of citizens concerning the provisions governing building and other regulating codes and ordinances (Borough).
3. Inspects construction sites for compliance with Borough adopted building and fire codes and Borough ordinances and for the prevention of construction without prior issuance of appropriate permits. Provides technical direction and assistance as necessary (UCC).
4. Monitors construction of driveways and installation of drainage pipe, diverting water to Borough property or roads (UCC).
5. Performs necessary enforcement work, including timing of inspections, issues letters of warning and prosecutes for persistent noncompliance (UCC).
6. Confers with the Borough Manager and the Borough Solicitor when necessary (Borough).
7. Attends all Planning Commission meetings and Zoning Hearing Board hearings. Attends Council meetings as required (Borough).
8. Makes recommendations for changes in the ordinances and regulations (Borough).
9. Maintains good public relations (Borough).
10. Maintains records of permits granted and inspections made (Borough and UCC).
11. Responsible for the maintenance of files (Borough).
12. Suggests methods to expedite field inspection process (UCC).
13. Keeps the necessary Borough management and Committee persons alerted to any conditions in the field which are potentially troublesome or controversial (UCC).
14. Performs related work as required under the direction of the Council President (Borough).
15. Meets with potential applicants for zoning approval and explains application procedures and application regulations (Borough).
16. Receives and records receipt of all applications submitted under the Borough Zoning Ordinance [Chapter 27], collects fees, maintains records and monitors deadlines for approval of all applications (Borough and UCC).
17. Reviews all applications for permitted use by right and grants or denies zoning approval for such uses (Borough and UCC).

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18. Refers all applications for conditional use approval to the Borough Planning Commission and Borough governing bodies in accordance with the procedures and time deadlines specified in Borough Zoning Ordinances [Chapter 27]. Upon approval by the Borough governing bodies, issues zoning approval and motions development to confirm compliance with any conditions attached to approval (Borough).
19. Provides technical assistance to the Borough Planning Commission and Zoning Hearing Board and attends all public meetings of these agencies, as directed (Borough).
20. Refers all applications for site plan approval to the Borough Planning Commission and Borough Council (Borough and UCC).
21. Refers all applications for re-zoning to Borough Planning Commission and Borough Council. Posts affected property owners, as required, prior to public hearings (Borough).
22. Refers all applications for variances and all appeals to the Borough Zoning Hearing Board. Maintains log of applications, monitors time deadlines and maintains records of decisions. Monitors development to confirm compliance with any conditions attached to approvals (Borough).
23. Schedules Borough Zoning Hearing Board hearings, prepares legal notice advertisements, post affected property and notifies property owners, as required (Borough).
24. Maintains registry of nonconforming uses (Borough).
25. Monitors land use and development activities in the Borough. Issues notices of violations of zoning ordinances and defends citations before the magisterial district judge and/or in Court of Common Pleas, as warranted (Borough and UCC).
26. Responds to citizen inquiries and complaints concerning Borough zoning ordinances (Borough).
27. Serves as the Borough's building inspector. Inspects sites which are under development and/or construction to document compliance with the zoning ordinances and any conditions of approval (UCC).
28. Maintains registry of all apartment landlord and tenants within the Borough (Borough).
29. Maintains current record of ED Us for all apartments and businesses within the Borough (Borough).

(A.O.)

**§1-223. Periodic Duties.**

Attends off-site conferences, seminars and meetings as directed.

(A.O.)

**§1-224. Required Knowledge, Skills and Abilities.**

1. Ability to conduct inspections and enforce codes, ordinances and regulations firmly, tactfully and impartially.
2. Ability to maintain records and write reports.
3. Ability to establish effective working relations with Council, associates and the public.
4. Ability to express ideas effectively, both orally and in writing.

(A.O.)

**D. Ordinance Enforcement Officers.**

**§1-231. Definition.**

Ordinance Enforcement Officers report to the Zoning and Code Enforcement Officer; in his absence, they report to the Borough Manager. They are responsible for the following:

- A. Maintaining files.
- B. Taking care of property maintenance.
- C. Enforcing all ordinances.
- D. Performing related work as required under the directions of the Zoning and Code Enforcement Officer

(A.O.)

