

PART I

Authorities, Boards and Commissions

Section 901. Definitions and Legal Status.

a. **Authorities.** Authorities, as referred to herein, shall mean those bodies, political or corporate, created under the Municipality Authorities Act of 1935 and its amendments, the Municipality Authorities Act of 1945 and its amendments and the Parking Authority Law and its amendments.

b. **Boards and Commissions.** Boards and commissions, established before the effective date of this ordinance, shall continue in existence subject to the right of Council, by ordinance, to abolish any board or commission not required by law to be maintained or, where not in conflict with the law, to change the name, composition, tenure, functions, powers and duties of any existing board or commission. By ordinance, Council shall have the authority to establish any new board or commission and to specify its powers, duties and functions and, afterward, to modify the provisions of any ordinance governing any new board or commission. As provided in Section 301.d²³⁰, all members of boards and commissions shall be appointed by Council.

c. **Committees.** Council shall have the authority, at its discretion, to establish and appoint committees and to specify the purpose, functions and duration of existence of every committee in the charge to that committee.

(Ordinance 882, December 12, 1975.)

Section 902. Transition and Continuation.

a. **Authorities.** Those authorities that were established by the Municipality before the effective date of this ordinance or of which the Municipality became a member before the effective date of this ordinance, shall continue in existence under the provisions of the enabling legislation under which they were created, as previously or in the future, supplemented or amended, or any of those authorities may be terminated as provided by law.

b. **Boards and Commissions.** Every committee, board or commission established by ordinance or required by law to be established, shall continue to be maintained for as long as the applicable law or ordinance remains in effect and has not been repealed.

c. **Members.** Members of authorities, boards and commissions in office at the time when this Charter takes effect shall remain in office for as long as their respective terms of appointment shall continue, unless and until an authority, board or commission shall be abolished, combined with another agency or reconstituted, in which case, the members thereof shall vacate their respective offices upon notice from Council to do so.

(Home Rule Charter, Section 1003, as amended by Ordinance 882, December 12, 1975.)

Section 903. Compensation. No member of a committee, board or commission shall receive any salary or other compensation for his services, but he shall be reimbursed by the Municipality for authorized expenses in connection with those services. (Ordinance 882, December 12, 1975.)

Section 904. Assignment of Committees, Boards and Commissions to Departments. Council shall have authority to assign any committee, board or commission to a specific department for administrative purposes, unless the assignment is contrary to law. (Ordinance 882, December 12, 1975.)

Section 905. State College Borough (Water) Authority.

a. Intention and Desire to Organize. Whereas it has become necessary and expedient to increase the supply of water of the Municipality and to improve and enlarge the water supply system thereof, and/or likewise to improve and enlarge the sanitary sewer system and sewerage disposal plant of the said Municipality. It is the desire and intention of the Municipality to establish a municipal authority for either or both of the purposes aforesaid. The proper officials and employees are authorized and directed to do all acts and things necessary to create said municipal authority and to carry out the intent and purpose of this ordinance. (Ordinance 229, February 19, 1940.)

b. Waterworks Designated as Project for Authority. The Municipality hereby designates the following project to be undertaken by the Authority: to acquire, hold, construct, improve, maintain, operate, own, lease, either as lessor or as lessee, waterworks, water supply works and water distribution system for the Municipality for such other territory now being served and for such other territory as it may hereafter be permitted or authorized to serve. (Ordinance 261, August 28, 1941, Section 1.)

c. Articles of Incorporation Amended.²⁴⁰ The amendment of the Articles of Incorporation of the Municipality, which has been proposed by a resolution of the board of the Authority and submitted to Council, is hereby adopted, said amendment adding to the Articles of Incorporation a new sixth paragraph, reading as follows:

Sixth. The Authority is to exist for a term of 50 years from the date of approval of the Article of Amendment.²⁵⁰

(Ordinance 614, July 6, 1962, Section 1, as amended by Ordinance 617, October 1, 1962, Section 1.)

Section 906. Redevelopment Authority²⁶⁰

The Urban Redevelopment Law was created by the Commonwealth of Pennsylvania for the purposes set forth therein and with the knowledge that the replanning and redevelopment of

certain areas within the Borough will promote the general public health, safety, convenience and welfare of the Borough citizens and the community as a whole, the Borough, in order to better facilitate the redevelopment wishes to take advantage of the provisions of the Urban Redevelopment Law by creating a Redevelopment Authority which shall exist and operate for the public purposes such as the creation of economically and socially sound redevelopment of areas described in the Act, in conformity with the general comprehensive plan of the Borough for residential, recreational, commercial, industrial or other purposes and otherwise encouraging the provision of healthful housing stock, a decent living environment and adequate places of employment and commercial activity for the citizens of the Borough and the community at large.

a. Intention and Desire to Organize. Borough Council of the Borough of State College hereby creates a Redevelopment Authority under the provisions of the Urban Redevelopment Law of May 24, 1945, P.L. 35 P.S. 1701, et seq., as amended. The Borough shall caused to be prepared, executed and filed in conformity with the terms and provisions of the Urban Redevelopment Law Articles of Incorporation to create the aforesaid Redevelopment Authority of State College Borough.

b. Execution of Articles of Incorporation Authorized. The Articles of Incorporation of said Redevelopment Authority shall be executed on behalf of the Borough of State College by Council President, attested by Council Secretary or Assistant Secretary and the seal of the Borough shall be affixed thereto. The Borough Solicitor is authorized and directed to cause the publication of the notice of adoption of the within Ordinance and to secure the execution and filing of the Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania creating the Redevelopment Authority of State College Borough.

Section 907. State College Building Authority.²⁷⁰

a. Intention and Desire to Organize. Council, being the municipal authorities of Municipality, hereby signify their intention and desire to organize an Authority under the provisions of the Municipal Authorities Act of 1945, as amended. (Ordinance 411, May 26, 1952.)²⁸⁰

b. Execution of Articles of Incorporation Authorized. The President of Council, Mayor²⁹⁰ and Secretary are hereby authorized and directed to execute, on behalf of Municipality, Articles of Incorporation for said Authority, providing among other things:

- (1) The name of the Authority shall be the State College Municipal Building Authority.
- (2) The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended, known as the Municipality Authorities Act of 1945.
- (3) No other Authority has been organized under said Act or under the Act of June 28, 1935, P.L. 463, and is in existence in and for the incorporating Municipality except:

(a) The State College Borough (Water) Authority, which was incorporated June 17, 1940, and which was incorporated under the Act of June 28, 1935, P.L. 463, as amended.

(b) The Centre County Airport Authority, which was incorporated in conjunction with the Borough of Bellefonte and the County of Centre, said Authority being incorporated March 12, 1951, under the Act of May 2, 1945, P.L. 382, as amended.

(c) State College Joint School Authority, which was incorporated April 13, 1951, under the Act of May 2, 1945, P.L. 382, as amended.

(4) The name of the incorporating Municipality is the Borough of State College. The names and addresses of the municipal authorities of the Municipality are....³⁰⁰

(5) There shall be 5 members of the board of the Authority, 1 appointed for a term of 1 year, 1 appointed for a term of 2 years and 1 appointed for a term of 5 years.

(Ordinance 411, May 26, 1952.)

Section 908. State College Sewer Authority.

a. Intention and Desire to Organize. The Council hereby signifies its intention and desire to organize an Authority under the provisions of the Municipality Authorities Act of 1945, as amended. (Ordinance 504, April 19, 1956.)³¹⁰

b. Execution of Articles of Incorporation Authorized. The Mayor³²⁰, the President of Council and the Secretary thereof are hereby authorized and directed to execute, on behalf of Municipality, Articles of Incorporation for said Authority in substantially the following form:

(1) The name of Authority is "State College Sewer Authority."

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

(3) No other Authority organized under the Act of June 28, 1935, P.L. 463, or the Act of May 2, 1945, P.L. 382, as amended, is in existence in or for the incorporating Municipality except....³³⁰

(4) The name of the incorporating Municipality is the Borough of State College, Centre County, Pennsylvania.

(5) The names and addresses of its municipal authorities are as follows:³⁴⁰

(6) The names and addresses and terms of office of the first members of the board of the Authority to be formed hereby are as follows:³⁵⁰

c. **Initial Project to be Undertaken by Authority.** The initial project to be undertaken by the Authority is to acquire, hold, construct, improve, maintain, operate, own, lease, either as lessor or lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for treating and disposing of industrial waste, in and for the Municipality and for such other territory as it may be authorized to serve.

(Ordinance 504, April 19, 1956.)

Section 909. State College Parking Authority.³⁶⁰

Section 910. State College Airport Authority.

a. **Intention and Desire to Organize.** The Council hereby signifies its intention and desire to organize an Authority under provisions of the Municipality Authorities Act of 1945, as amended.⁴⁰⁰

b. **Execution of Articles of Incorporation Authorized.** The Mayor⁴¹⁰, President of Council and the Secretary thereof are hereby authorized and directed to execute, on behalf of Municipality, Articles of Incorporation for said Authority in the following form:

(1) The name of the Authority is "State College Airport Authority."

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

(3) No other Authority organized under the Act of June 28, 1935, P.L. 463, or the Act of May 2, 1945, P.L. 382, as amended, is in existence in and for the incorporating Municipality except...⁴²⁰

(4) The name of the incorporating Municipality is the Borough of State College, Centre County, Pennsylvania.

(5) The names and addresses of its municipal authorities are as follows:⁴³⁰

(6) The names/addresses/terms of the first members of the board to be formed are as follows:⁴⁴⁰

(7) The advertisement of notice of filing of these Articles of Incorporation is submitted herewith.

(Ordinance 512, November 5, 1956.)

c. **Initial Project to be Undertaken by Authority.** The initial project to be undertaken by the Authority is to acquire, hold, construct, improve, maintain, operate, own, lease, either as lessor or lessee, an airport and all facilities in connection therewith for the Municipality and for such other territory as it may be authorized to serve. (Ordinance 512, November 5, 1956, Section 5.)⁴⁵⁰

Section 911. State College Storm Water Authority.

a. **Intention and Desire to Organize.** The Council hereby signifies its intention to organize an Authority under the provisions of the Municipality Authorities Act of 1945, as amended. (Ordinance 656, May 18, 1964, Section 1.)

b. **Execution of Articles of Incorporation Authorized.** The Mayor, President and Secretary of Council are hereby authorized and directed to execute Articles of Incorporation for said Authority, which shall be known as the State College Storm Water Authority, in substantially the following form:

(1) The name of the Authority is State College Storm Water Authority.

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

(3) The incorporating Municipality has heretofore incorporated the following Authorities:⁴⁶⁰

(4) The name of the incorporating Municipality is the Borough of State College, Centre County, Pennsylvania.

(5) The names and addresses of its municipal authorities are as follows:⁴⁷⁰

(6) The names, addresses and terms of office of the first members of the board of the Authority to be formed hereby are as follows:⁴⁸⁰

(7) Proof of publication of the notice of the ordinance signifying the intention of Municipality to organize this Authority in the legal periodical of the County of organization and in a newspaper of general circulation in the County are submitted herewith.

(Ordinance 656, May 18, 1964, Section 2.)

c. **Initial Project to be Undertaken by Authority.** The initial project to be undertaken by the Authority shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, storm water

systems for the collection, transportation and disposition of rain water and other surface water resulting from snow, sleet and hail, but excluding sanitary sewage and industrial waste, including the acquisition of real estate in connection therewith and the construction of all facilities appurtenant thereto, dams, pipes, piping, conduits, valves, gates, etc., for the Municipality and for such other territory as it may be authorized to serve and to be used and devoted wholly for public uses and purposes. (Ordinance 663, December 9, 1964, Section 1.)⁴⁹⁰

Section 912. University Area Joint Authority.

a. Intention and Desire to Become a Member. Council signifies its intention and desire for this Municipality to become a member of the University Area Joint Authority⁵⁰⁰, an existing municipal authority heretofore organized by the Townships of College, Ferguson, Harris and Patton, all located in Centre County, Pennsylvania, under provisions of the Act of May 2, 1945, P.L. 382, known as the Municipality Authorities Act of 1945, as amended and supplemented. (Ordinance 666, February 15, 1965, Section 1.)⁵¹⁰

b. Membership of Board. Municipality agrees and determines the board of the Authority, upon admission of this Municipality as a member thereof, shall be 6 in number and that such membership shall be apportioned as follows:

Township of College	2	Township of Ferguson	2
Township of Harris	2	Township of Patton	2
Borough of State College	2 ⁵²⁰		

(Ordinance 666, February 15, 1965, Section 7, as amended by Ordinance 809, October 2, 1972, Ordinance 825, April 5, 1973, Ordinance 1287, July 19, 1990⁵²⁵, and by Resolution 823, September 18, 2002⁵²⁶.)

Section 913. Centre Regional Recreation Authority.

a. Intention and Desire to Organize. Municipality signifies its intention and desire to organize an Authority jointly with Townships of Harris, College, Ferguson, Patton and Half Moon, all located in Centre County, Pennsylvania, under provisions of the Act of May 2, 1945, P.L. 382, known as the Municipality Authorities Act of 1945, as amended and supplemented, for the purpose of exercising any and all powers conferred by the Authorities Act. (Ordinance 757, January 6, 1970, Section 1.)⁵³⁰

b. Execution of Articles of Incorporation. The President and Secretary of Municipality are authorized and directed to execute Articles of Incorporation for such Authority in substantially the following form:

- (1) The name of the Authority is Centre Regional Recreation Authority.

(2) The Authority is formed under the provisions of the Act of May 2, 1945, P.L. 382, known as the Municipality Authorities Act of 1945, as amended and supplemented.

(3) No other Authority has been organized under said Municipality Authorities Act of 1945, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for any of the said incorporating municipalities, except that....⁵⁴⁰

(4) The names of the incorporating municipalities are: Townships of College, Harris Ferguson, Patton and Half Moon and the Borough of State College, all in Centre County, Pennsylvania.

(5) The names and addresses of all municipal authorities of said incorporating municipalities are....⁵⁵⁰

(6) The members of the board of the Authority shall be 7 in number and shall be apportioned as follows:

Township of College	1	Township of Ferguson	1	Township of Harris	1
Township of Patton	1	Township of Halfmoon	1	Borough of State College	2

(7) The names, addresses and terms of office of first members of the board of the Authority, each of whom is a citizen of the incorporating municipality by which he is appointed, are as follows:⁵⁶⁰

(Ordinance 757, January 6, 1970, Section 2.)

c. First Members of Board of Authority Representing Municipality. The following-named persons are appointed as the first members to represent the Municipality on the board of such Authority for the following terms of office: Fred M. Coombs, 416 Nimitz Avenue (5 years) and William Hetrick, 332 West Prospect Avenue (1 year). (Ordinance 757, January 6, 1970, Section 5.)⁵⁷⁰

Section 914. State College Public Safety Building Authority.

a. Intention and Desire to Organize. Council hereby signifies its intention to organize an Authority under the provisions of the Municipality Authorities Act of 1945, as amended. (Ordinance 799, May 4, 1972, Section 1.)⁵⁸⁰

b. Execution of Articles of Incorporation Authorized. The Mayor, President of Council and Secretary of Municipality are hereby authorized and directed to execute Articles of Incorporation for said Authority, which shall be known as the State College Public Safety Building Authority, in substantially the following form:

- (1) The name of the Authority is State College Public Safety Building Authority.
- (2) Said Authority is formed under provisions of the Act of May 2, 1945, P.L. 382, as amended.
- (3) The incorporating Municipality has heretofore incorporated the following authorities:⁵⁹⁰
- (4) The name of the incorporating Municipality is Borough of State College, Centre County, Pennsylvania.
- (5) The names and addresses of its municipal authorities are as follows:⁶⁰⁰
- (6) The names and addresses and terms of the first members of the board of the Authority to be formed are as follows:⁶¹⁰
- (7) Proof of publication of notice of ordinance signifying the intention and desire of Municipality to organize this Authority in the legal periodical of the County of organization and in a newspaper of general circulation in the County are submitted herewith.

(Ordinance 799, May 4, 1972, Section 2.)

c. First Members of Board of Authority. The names of the persons as set forth on Articles of Incorporation shall be first members of the board of the Authority, whose terms of office shall commence on the date of appointment and shall be computed from January 1, next succeeding the date of incorporation. (Ordinance 799, May 4, 1972, Section 5.)

Section 915. Planning Commission.

a. Creation of Commission. Pursuant to the Pennsylvania Municipalities Planning Code, Section 201 to 211 inclusive, there is hereby created a Planning Commission, to be known as the State College Planning Commission, which shall consist of 7 members, which Planning Commission shall have the powers and duties as set forth in the Code referred to hereinabove and which shall be otherwise governed by the provisions of said Code, as now stated or as hereafter amended, with respect to compensation, appointment, term of office, membership, removal, conduct of business, assistance and other matters set forth therein.

b. Transition and Continuation. The members of the existing State College Borough Planning Commission established under former laws shall continue in office until the end of the term for which such members were appointed. Any by-laws or rules and regulations heretofore

adopted by the existing State College Borough Planning Commission shall remain in full force and effect.

(Ordinance 461⁶²⁰ June 7, 1954, Section 1⁶³⁰, as amended by Ordinance 752, September 16, 1969, Section 4, and by Ordinance 819, January 9, 1973, Section 1.)

Section 916⁶³⁵

Section 917. Police Civil Service Commission.

a. Creation. There is hereby created a Civil Service Commission for the Borough of State College. The Commission shall consist of 3 commissioners, at least 2 of which shall be qualified electors of the Borough and 1 who may be a resident of one of the other municipalities serviced by the State College Police Department. Commissioners shall be appointed by the Borough Council for terms of 6 years.

Members of the Commission in office at the time when this ordinance takes effect shall remain in office for as long as their respective terms of appointment shall continue. Any vacancy occurring in the Commission shall be filled by the Borough Council for the unexpired term as soon as practicable after such vacancy occurs.

Civil Service Commissioners shall receive no compensation.

(Ordinance 1307, February 6, 1991, Section 1, as amended by Ordinance 1583, January 7, 1999.)

b. Offices Incompatible with Commissioner. No Commissioner shall at the same time hold any other elective or appointed office for the Borough of State College, nor shall any Commissioner be actively employed in the field of law enforcement. (Ordinance 1307, February 6, 1991, Section 2.)

c. Organization of Commission. The Commission shall meet and organize following the appointment of a new member to the Commission, and elect one of its members as the Chairman.

Two members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless it shall have the concurrence of at least 2 members.

(Ordinance 1307, February 6, 1991, Section 3.)

d. Borough to Provide Support Services. The Borough shall furnish to the Commission, on its requisition, such staff assistance as may be necessary for the work of the Commission. The Borough shall provide a suitable and convenient room for the use of the Commission. The Commission shall order from the Borough any necessary supplies, and the

elected and appointed officials of the Borough shall aid the Commission in all proper ways in carrying out the provisions of this ordinance. (Ordinance 1307, February 6, 1991, Section 4.)

e. Powers of Commission. The Commission shall have the power to prescribe, amend and enforce rules and regulations for the appointment and promotion of police officers, subject to approval by Borough Council. Before any such rules and regulations are in force the same shall be first reviewed and approved or amended by Borough Council. When such rules and regulations have been so approved, they shall not be annulled, further amended, or added to, without the approval of the Council. All rules and regulations and modifications thereof shall be made available by the Borough for public distribution or inspection.

Hereafter each and every appointment to and promotion in the police force shall be made based on merit, to be ascertained by examinations, which shall be competitive as hereinafter provided. No police officer shall hereafter be suspended, removed or reduced in rank except in accordance with the provisions of this ordinance.

(Ordinance 1307, February 6, 1991, Section 5.)

f. Minutes and Records. The Commission shall keep minutes of its proceedings and records of examinations and other official actions. All records of applications for appointment received by the Commission shall be kept and preserved for a period of 2 years, and all such records shall be open to public inspection, except as otherwise provided in this ordinance and subject to reasonable regulation. (Ordinance 1307, February 6, 1991, Section 6.)

g. Investigations by Commission. The Commission shall have power to make investigations concerning the administration and enforcement of this ordinance and rules and regulations adopted hereunder. The Chairman of the Commission is hereby given power to administer oaths and affirmations in connection with such investigations. (Ordinance 1307, February 6, 1991, Section 7.)

h. Subpoenas. The Commission shall have power to issue subpoenas over the signature of the chairman, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees provided to such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the Commission.

All officers and employees of the Borough shall attend and testify when requested to do so by the Commission.

Any person who shall refuse or neglect to obey any subpoena issued by the Commission, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not to exceed \$100.00 and, in default of payment of such fine and costs, shall be imprisoned for a period not to exceed 30 days. (Ordinance 1307, February 6, 1991, Section 8.)

i. Examination of Police Applicants. The Commission shall make rules and regulations, subject to approval as provided in this ordinance, providing for the examination of applicants for the position of police officer and for promotion to the ranks of corporal, sergeant and lieutenant. Such rules and regulations shall prescribe the minimum qualifications of all applicants to be examined. All examinations for positions shall be job-related and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations.

Public notice of the availability of entry-level police positions shall be given by publication at least once in a newspaper of general circulation in the Borough, and by use of other media and types of notice as appropriate. Notice of promotional examinations shall be prominently posted in the Municipal Building.

Any list of eligibles resulting from the Commission's examination process shall be prominently posted in the Municipal Building.

(Ordinance 1307, February 6, 1991, Section 9.)

j. Rejections of Applicants. The Commission shall refuse to examine or, if examined, shall refuse to certify after examination as eligible, any applicant who is found to lack any of the minimum qualifications prescribed in the rules and regulations for the position for which application was made. If any applicant feels himself or herself aggrieved by the action of the Commission in refusing to examine the applicant or certify the applicant as eligible after examination, the Commission shall, at the request of such person, appoint a time and place where the applicant may appear personally and by counsel. The Commission shall then review its refusal to make such examination or certification and take such testimony as may be offered. The decision of the Commission shall be final. (Ordinance 1307, February 6, 1991, Section 10.)

k. Manner of Filling Positions. Every position as a police officer, corporal, sergeant or lieutenant shall be filled only in the following manner: the Manager shall notify the Commission of any vacancy which is to be filled and shall request the certification of a list of eligibles. The Commission shall certify its list of eligible candidates in order of their cumulative test scores, in accordance with its rules and regulations. For each appointment or promotion, the Manager may choose from the top 3 candidates certified on the list by the Commission.

The Manager's selection shall be based on the qualifications of the eligibles.

(Ordinance 1307, February 6, 1991, Section 11.)

l. Probationary Period. All appointments and promotions shall be for a probationary period of 1 year. The probationary period for an entry-level police officer shall begin upon the

appointee's certification as a trained municipal police officer in accordance with requirements of law. The promoted officer's probationary period shall begin on the effective date of the promotion, as determined by the Manager. If, during the probationary period, the probationer's performance is not satisfactory to the Manager, the probationer shall be notified in writing that he/she will not receive a permanent appointment, and shall be removed from the police force if a newly-appointed officer, or reduced in rank if a newly promoted officer. Notwithstanding any other provision of this ordinance, a newly-appointed officer may be removed from the police force at any time during the probationary period for unsatisfactory performance. A newly-promoted officer may be reduced in rank at anytime during the promotional probationary period for unsatisfactory performance. Removal or reduction in rank during the officer's probationary period is at the discretion of the Manager, and is not subject to appeal to the Civil Service Commission. (Ordinance 1307, February 6, 1991, Section 12.)

m. Removals. Except as provided in Section 2, above, no person employed in a police position shall be suspended, removed or reduced in rank except for the following reasons:

(1) Physical or mental disability affecting the ability to continue in service, in which cases the person shall receive an honorable discharge from service.

(2) Neglect or violation of any official duty.

(3) Violation of any law which provided that such violation constitutes a misdemeanor or a felony.

(4) Inefficiency, neglect, intemperance, immorality, disobedience of orders, or conduct unbecoming an officer.

(5) Intoxication while on duty.

(6) Engaging or participating in conducting of any political or election campaign otherwise than to exercise the right of suffrage.

The Manager may suspend, remove, or reduce in rank any member of the police force when such disciplinary action is warranted in accordance with this section. A written statement of the charges made against any officer shall be furnished to the officer.

If, for reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of employees in the police force, the reduction in force shall be effected by furloughing the employees last appointed to the force. Such removal shall be accomplished by furloughing in numerical order commencing with the officer last appointed until such reduction shall have been accomplished. In the event the police force is again increased, the employees furloughed, if available, shall be reinstated in the order of their seniority in the service. (Ordinance 1307, February 6, 1991, Section 13.)

n. Hearings on Dismissals and Reductions. If an officer suspended, removed or reduced in rank shall request a hearing by the Commission, the request shall be made to the Commission in writing within 10 days of the officer's receipt of notice of the suspension, removal or reduction in rank. Such officer may make written answers to any charges filed against him or her not later than the day fixed for the hearing. The Commission shall hold a hearing within a period of 10 days from the officer's request, unless continued by the Commission at the request of the Borough or the officer. At any such hearing the aggrieved officer may be present in person and by counsel. In the event the Commission fails to uphold the disciplinary action imposed by the Manager, then the officer who was suspended, removed or demoted shall be reinstated with full pay for the period during which the officer was suspended, removed or demoted, and no charges shall be officially recorded against the officer's record. A record of all testimony taken at such hearings shall be made and preserved by the Commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed. (Ordinance 1307, February 6, 1991, Section 14.)

o. Applicability. The provisions of this ordinance shall apply to police positions which carry the power of arrest. The provisions of this ordinance, and of the regulations adopted pursuant hereto, shall not be applied to non-sworn positions, special school police, parking enforcement personnel, or any other positions not specifically addressed in this ordinance. (Ordinance 1307, February 6, 1991, Section 15.)

Section 918. Design and Historic Review Board.⁶⁵⁰ There is hereby established a Design and Historic Review Board, governed by the following provisions:

a. Mission. It is the mission of the Board to:

- (1) to advise Borough Council on matters pertaining to design and historic resources;
- (2) identify historic resources within the Borough of State College;
- (3) advocate for community sensitive design in new construction and the preservation of historic resources; and
- (4) serve as a clearinghouse for information and education on design and historic resources in the community and the preservation thereof.

b. Membership and Vacancies. The Board shall consist of 7 members. Members shall be appointed by Council and, initially, 3 shall be appointed for terms of two years and 4 for terms of four years; thereafter, their successors shall be appointed for terms of four years. Vacancies, which occur for reasons other than the expiration of terms, shall be filled for the period of the unexpired term.

In making appointments to the Board, Council shall seek individuals who possess qualities of impartiality, maturity and broad judgment and in whom the community at large may be expected to have confidence. Appointments shall be made in such a way as to maintain on the Board at all times at least 4 members who shall have expertise in one of the following areas: design, historic

preservation, real estate, local history and architecture. At least one member shall have special training or experience in a design profession.

Members of the Board shall serve without pay but may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the Board.

c. Organization, Rules, Meetings and Records. Within 30 days of its appointment, the Board shall meet, elect a Chair and create and fill such other offices as it may determine appropriate. The term of the Chair and other officers shall be one year, and they shall be eligible for re-election.

The Board shall adopt rules for the transaction of its business and shall keep a record of its resolutions, discussions, findings and recommendations, and these records shall be open to the public.

The Board shall hold at least 6 meetings annually. For the purpose of taking any official action, there shall be present a quorum of 4 members.

All meetings of the Board shall be conducted in conformity with Pennsylvania's Sunshine Act. All records shall be retained in conformity with applicable record retention regulations as promulgated by the Pennsylvania Historical and Museum Commission.

This section by reference will replace the Historic Resources Commission and Design Review Board obligations in the Borough Zoning Ordinance and Sign Ordinance.

d. Powers and Duties of the Commission. The Board shall have the following powers and duties:

(1) Complete and maintain an inventory of historic properties and resources in the Borough of State College.

(2) To make studies and inventory of the visual assets and liabilities of the community, including surveys if appropriate and to suggest standards and policies of design for the entire community, any neighborhood thereof or any individual project to be undertaken therein.

(3) Develop and disseminate information regarding the identification, preservation, maintenance and restoration of historic properties and resources in the Borough of State College.

(4) Cooperate with other organizations such as the Centre County Historical Society in activities furthering design in the community as well as the preservation and/or restoration of historic resources in the Borough of State College.

(5) Serve as an advisory resource for Borough Council and other Authorities, Boards, and Commissions, property owners and the general public when addressing issues that involve design and historic resources in the Borough of State College.

(6) Cooperate with historic preservation initiatives in neighboring municipalities and the Pennsylvania State University.

(7) Serve as the Borough's liaison with the Pennsylvania Historical and Museum Commission.

(8) To seek to coordinate the activities of individuals, organizations and groups, both public and private, whose plans, activities and programs bear upon the appearance of the Municipality and its environs and to provide leadership and guidance in matters of design and appearance when requested to do so.

(9) To initiate, promote and assist in the implementation of programs of general community beautification in the Municipality and its environs.

(10) To prepare both general and specific plans for the improved appearance of the Municipality. Such plans may include the entire community or any part thereof and may include private as well as public property. Such plans shall set forth desirable standards and goals for the aesthetic enhancement of the Municipality or any part thereof, including public ways and areas, open spaces and public and private buildings and projects. Coordination with individuals, organizations, both public and private would occur when applicable.

(11) To participate in appropriate ways in the implementation of such plans. To this end, the following specific duties are conferred upon the board.

(a) To request from the officials of any public agency, including the Municipality, The Pennsylvania State University, the Centre Region Parks and Recreation, the Board of School Directors for the State College Area School District, the Centre County Board of Commissioners, all public utilities and any state or federal agency, its plans for public buildings, facilities or projects in the Municipality or its environs and to review such plans and make recommendations regarding their aesthetic suitability to the Planning Commission or appropriate agency.

(b) In conducting its review, the board shall review such plans in a prompt and expeditious manner. All recommendations of the board concerning any public project shall be in writing and copies of said recommendations shall be transmitted promptly to the Council and affected agency.

(c) To review and make recommendations on the aesthetic and design suitability of any land development proposals which are submitted to it and the Planning Commission. All recommendations concerning the private development plans shall be prepared promptly and submitted in writing to the Planning Commission.

(d) To formulate and recommend to the Planning Commission and Council such ordinances and amendments to existing ordinances (including the Zoning Ordinance, Subdivision regulations and other local ordinances regulating the use and development of property), as will, in the opinion of the board, serve to enhance the appearance of the Municipality and its environs.

(e) To seek, through any appropriate means, voluntary adherence to the standards and policies of its plans.

(f) To promote public interest and understanding of its recommendations, studies and plans and, to that end, to prepare, publish and distribute such studies and reports as will advance the cause of improved community appearance.

(g) To conduct such public meetings and hearings as may be deemed, giving reasonable notice to the public thereof at which the programs, progress, problems and policies of the board shall be presented, and at which the public at large shall be invited to express itself on matters relating to the Municipality's appearance.

e. Staff. The Planning Director shall serve as Secretary of the Board. The Planning Director or his/her designee shall attend all meetings of the Board. The Board shall receive staff support from the Municipality as assigned by the Borough Manager. The staff support shall provide administrative, clerical, research and other appropriate support to the Board.

Within the limits of funds available to it, the Board may recommend to Council

(1) employment of a Director (who may be the Planning Director) and such other employees and staff as may be necessary for the performance of the responsibilities authorized herein;

(2) the establishment of contracts with persons, firms or corporations for special or technical services or contracts with the Commonwealth of Pennsylvania or the federal government for such services and other benefits which may be available from such agencies and to carry out the provisions of such contracts or agreements.

Members or employees of the Board, when authorized by the board and approved by the Borough Manager, may attend historic preservation, urban and community design conferences, meetings, schools and institutes and the board may, by formal and affirmative vote, pay, within the board's budget, the reasonable expenses incident to such attendance.

(Ordinance 2079, August 15, 2016, Section 1.)

Section 919.⁶⁵⁰

Section 920. Board of Health. Borough Council hereby establishes a Board of Health to advise Council and to be governed by the following provisions:

a. Membership. The Board of Health shall consist of 5 members, at least 1 of whom shall be from the medical, public health, veterinary or related professions. Board members shall be residents appointed by Council and shall be appointed to serve a term of 5 years with terms staggered such that 1 appointment per year expires. Members of the board shall serve without pay but may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the board.

b. Organization, Rules, Meetings and Records. At the first meeting of each year, the Board of Health shall meet and elect a Chairman. It shall create and fill such other offices as it may determine. The term of the Chairman and other officers shall be 1 year, and they shall be eligible for reelection. The board shall adopt rules for the transaction of its business and shall keep a record of its resolutions, discussions, findings and recommendations, and these records shall be open to the public. The board shall hold at least 4 meetings annually, all of which shall be open to the public. For the purpose of taking any official action, there shall be present a quorum of 3 members.

c. Responsibilities of the Board. The board shall have the following responsibilities:

(1) To make studies and recommendations for the prevention and control of disease, injury and preventable death. This includes, but is not limited to, communicable diseases, occupational illnesses and accidents, family health and safety, and other health disorders that affect the community's well being.

(2) To make studies and recommendations to protect and enhance the environment as it relates to the public health, safety and well being. This includes, but is not limited to, food and water protection, waste water disposal, vector control, air pollution, solid waste disposal, housing and property maintenance, recycling, animal and plant control, chemical and radiation hazards and public nuisances.

(3) To make studies and recommendations to promote wellness and healthy life styles.

(4) To provide leadership and guidance in matters of public health and safety, disease control and environmental protection through cooperation and coordination with organizations, groups and individuals.

(5) To promote public education and understanding of the principles of disease prevention and control, public health and safety, healthy lifestyles and environmental protection.

(6) To review and make recommendations on eating and drinking place license revocations, when referred by the Director of the State College Health Department.

(7) To review and make recommendations on the existence of a public nuisance, when referred by the Director of the State College Health Department.

(8) To conduct such public meetings and hearings as may be deemed appropriate, giving reasonable notice to the public thereof at which the programs, progress, problems and policies of the board shall be presented, and at which the public at large shall be invited to express itself on matters relating to the board's responsibilities.

d. Staff. The Director of the State College Health Department shall act as Secretary to the board. The Secretary shall maintain all records, recommendations and minutes of the board. The Secretary shall also be responsible for advertising all meetings of the board, relaying the board's recommendations, and carrying out such other duties as deemed appropriate.

e. Annual Report. The Board of Health, along with the State College Health Department, shall prepare and submit an annual report to the Pennsylvania Department of Health and to Borough Council. The annual report shall be submitted by February 1 of each year.

(Ordinance 1402, January 11, 1993.)

Section 921. Rental Housing Revocation Appeal Board.

a. Creation. A Rental Housing Revocation Appeal Board (RHRAB) is hereby created for the Borough of State College. The RHRAB shall consist of three (3) members and one (1) alternate who shall be residents of the Borough and shall be appointed by the Borough Council to staggered terms of three (3) years.⁶⁷² Any vacancy occurring in the board shall be filled by the Council for the unexpired term as soon as is practical.

b. Alternate Member. An alternate member may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member unless another Board member is absent and the alternate member has attended all proceedings in regard to the specific matter to be voted on.

c. Organization. The RHRAB shall meet as needed and shall elect one of its members as Chairman. A quorum shall consist of 2 members present. No decision of the board shall be valid unless the decision shall be by majority vote of the members present. Within the limits of funds appropriated by the Borough, the board may employ or contract a solicitor.

d. Jurisdiction. The RHRAB shall have exclusive jurisdiction to hear and render adjudications on appeals from the determination of the Borough Manager with respect to the revocation of a rental housing permit pursuant to the appeal procedure established under the Property Maintenance Code adopted by the Borough of State College, and Chapter IV, Part F, Section 603, Subsection bbb(e) of the Borough's Codification of Ordinances.

e. Hearings. The RHRAB shall conduct hearings and make decisions in accordance with the following requirements:

(1) Written notice of the date, time and location of the hearing shall be given to the parties and to any person who has made timely request for same.

(2) The hearing shall be held within 30 days of receipt of the applicant's request, unless the applicant has agreed, in writing, to an extension of time.

(3) The hearing shall be conducted by the board pursuant to rules established by the board. Formal rules of evidence shall not apply.

(4) The parties to the hearing shall be the municipality and the applicant. Parties have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and arguments and cross-examine witnesses on all relevant issues.

(5) The chairman shall have the power to administer oaths and issue subpoenas.

(6) All meetings shall be advertised and conducted in accordance with Pennsylvania's Sunshine Act.

(7) The board shall render a written decision within 45 days after the last hearing. The decision shall be accompanied by findings of fact and conclusions based thereon together with reasons therefore.

(8) A copy of the written decision shall be provided to all parties not later than seven days following its date.

(Ordinance 1506, June 25, 1996, as amended by Ordinance 1621, March 31, 2000, and Ordinance 1835, February 8, 2006.)

Section 922. Transportation Commission.

a. Commission Established. There is hereby established a "Transportation Commission" (hereinafter cited as Commission), having 7 members who shall be residents of the Borough of State College.

b. Terms of Office of Members; Vacancies. Commission members shall be appointed by Council and, initially, 3 members shall be appointed for terms of 2 years and 4 for terms of 4 years; thereafter, their successors shall be appointed for terms of 4 years. Vacancies that occur for reasons other than the expiration of terms shall be filled for the unexpired term.

c. Officers; Organization; Rules and Regulations. Commission members so appointed shall elect their own Chairman and Vice-Chairman and organize in such manner as they shall see fit and shall operate under such rules and regulations as they may adopt.

Staff liaison shall be provided by the Director of Public Works. The Borough Engineer and Planning Director may be called upon as appropriate.

d. Powers and Duties of the Commission. The Commission's duties shall include the following:

(1) To recommend strategies for the implementation of relevant portions of the Transportation Policy adopted and prioritized by Council.

(2) To conduct surveys and recommend studies of pedestrian and traffic safety matters as self-initiated or referred to it be Council, Borough staff, or the public.

(3) To review, at least biannually, and to recommend changes to the Street Classification System and Policy, and to ascertain whether the effects of development and/or change of use of streets determine a need for reclassification or mitigation as required and triggered by the Policy.

(4) To address neighborhood pedestrian and traffic mitigation issues, especially as requested by the Planning Commission or by citizen groups.

(5) To review external transportation studies or propose additional studies and make recommendations to Council.

(6) To discuss and recommend programs to Council that encourage and accommodate the use of alternative transportation and transportation demand management.

(7) To comment and make recommendations on any transportation matters referred to it by Council.

(8) To make recommendations to Council concerning parking strategies, including facilities and rates for both on- and off-street parking.

e. Advisory Capacity. The Commission shall act in an advisory capacity, and no action taken by said Commission shall be binding upon the municipality until action thereon shall have been taken by Council approving same.

(Ordinance 1659, May 22, 2001, Section 3, repealed, amended, and reinstated through Ordinance 1753, August 11, 2003, Sections 2 through 6.)⁶⁷⁵

Section 923. Real Estate Advisory Committee.

a. Committee Established. Under the powers provided to Borough Council in Part C of the Administrative Code, Council shall establish a Real Estate Advisory Committee (REAC).

b. Powers and Duties. The REAC shall advise the State College Borough Council on the implementation of the Homestead Investment Program (HIP) and provide Borough Council with any recommendations for modifications that improve the effectiveness in meeting stated program goals, as stated below.

c. Homestead Investment Program Goals.

(1) Support Borough Council's goal of maintaining safe, stable and attractive neighborhoods through the expansion of housing initiatives by encouraging and fostering home ownership.

(2) Support Borough Council's goal of developing additional housing, especially workforce housing, by expanding the supply of workforce housing either through expanding affordable home ownership programs or through increasing the supply of affordable rental housing for households where one or more of the members of the household are employed.

d. Membership and Vacancies. The REAC shall consist of five (5) members. Members shall be appointed by Council and, initially, two (2) shall be appointed for terms of two (2) years, two (2) for terms of three (3) years, and one (1) for a term of four (4) years; thereafter, their successors shall be appointed for terms of four years. Vacancies, which occur for reasons other than the expiration of terms, shall be filled for the period of the unexpired term. Borough residency is preferred but not required to serve on the Committee.

Members of the REAC shall include one representative from Borough Council, one member from the State College Planning Commission, two residents of the Homestead Investment Program focus area, and one representative of the Penn State University student body, who shall be a currently enrolled full-time student.

Members of the Committee shall serve without pay but may be reimbursed for actual expenses incident to the performance of their duties within the limits of funds available to the Committee.

e. Organization, Rules, Meetings and Records. Within 30 days of its appointment, the Committee shall meet, elect a Chair and create and fill such other offices as it may determine appropriate. The term of the Chair and other officers shall be one year, and they shall be eligible for re-election.

The Committee shall adopt rules for the transaction of its business and shall keep a record of its resolutions, discussions, findings and recommendations, and these records shall be open to the public.

The Committee shall meet semiannually at a day and time determined by the Committee.

All meetings of the Committee shall be conducted in conformity with Pennsylvania's Sunshine Act. All records shall be retained in conformity with applicable record retention regulations as promulgated by the Pennsylvania Historical and Museum Commission.

f. Staff. The Borough Manager shall designate a staff member to serve as Secretary of the Committee. The Planning Director or his/her designee shall attend all meetings of the Committee. The Committee shall receive staff support from the Municipality as assigned by the Borough Manager. The staff support shall provide administrative, clerical, research and other appropriate support to the Committee.

g. Annual Report. The REAC shall, not later than 60 days following the end of each calendar year, submit, in writing to Council a report on the implementation of HIP and any modifications to HIP that the REAC believes will improve the effectiveness of HIP in meeting its state goals.

(Ordinance 2054, December 1, 2014, Section 2.)