

# **Chapter 1**

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**Part 1****Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Borough of Troy shall be the “Borough of Troy Code of Ordinances.”

(A.O.)

**§1-102. Citation of Code of Ordinances.**

The Borough of Troy Code of Ordinances may be cited by Section number. The approved short form is “Code.” Thus, “Code, §27-101” refers to §101 of Chapter 27 of this Code of Ordinances.

(A.O.)

**§1-103. Arrangement of Code.**

1. This Code is divided into Chapters which are subdivided as follows:
  - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
  - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
  - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
  - A. Subsections, identified by Arabic numerals.
  - B. Paragraphs, identified by capital letters.
  - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
  - D. Clauses, identified by lower case letters enclosed within parentheses.
  - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
  - F. Items, identified by lower case letters followed by a parenthesis.
  - G. Subitems, identified by small Roman numerals.

(A.O.)

**§1-104. Headings.**

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

(A.O.)

**§1-105. Tenses, Gender and Number.**

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(A.O.)

**§1-106. Construction.**

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, at the time of their passage by the Borough Council. Such "resolutions" are included herein for ease of reference and the Borough Council does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Borough Council that such actions of the Borough Council that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(A.O.)

**§1-107. Normal Numbering.**

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, “§1-101” designates Chapter 1, Part 1, Section 1. Similarly, “§27-305” designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.
  - A. Paragraph.
    - (1) Subparagraph.
      - (a) Clause.
        - 1) Subclause.
          - a) Item.
            - i. Subitem.

(A.O.)

#### **§1-108. Special Numbering Problems.**

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, “§5A-101.” If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, “§5-5A01.” A new Section introduced between existing Sections 5 and 6 would be “§5-105A.” When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing units, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: “[Reserved].”

(A.O.)

**§1-109. Amending Code.**

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Borough Council.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended (revised) to read as follows . . . ." The amended or revised provisions may then be set out in full as desired.

B. *Addition.* "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby amended by the addition of the following . . . ." The new provision shall then be set out in full as desired.

C. *Repeal.* "Chapter \_\_\_, Part \_\_\_, Section \_\_\_, Subsection \_\_\_, is hereby repealed in its entirety."

3. It is the intention of the Borough Council that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Borough Council that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Borough Council hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(A.O.)

**§1-110. Altering Code.**

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Borough Council.

(A.O.)

**§1-111. Penalties.**

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of



ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, “Motor Vehicles and Traffic” (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(A.O.)



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**Part 2****Office of Borough Manager****§1-201. Creation of the Office.**

The Office of Borough Manager is hereby created by the Borough of Troy.  
(*Ord. 4-1974, 10/9/1974, §1*)

**§1-202. Appointment and Removal.**

The Manager shall be appointed for an indefinite term by a majority of all members of Council. The Manager shall serve at the pleasure of the Council and he may be removed at any time by a majority vote of all its members. At least 90 days before such removal is to become effective, the Council shall furnish the Manager with a written statement setting forth its intention to remove him.

(*Ord. 4-1974, 10/9/1974, §2*)

**§1-203. Qualifications.**

The Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to the duties of the office as herein outlined. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office he may reside outside the Borough only with the approval of Council. If the Council fails within a reasonable time, not to exceed 180 days after the appointment, to approve the Manager's residence outside the Borough he must immediately become, and during his tenure remain, a resident of the Borough.

(*Ord. 4-1974, 10/9/1974, §3*)

**§1-204. Bond.**

Before entering upon his duties, the Manager shall give a bond to the Borough with a bonding company as surety, to be approved by the Council, in the sum of \$100,000, conditioned upon the faithful performance of his duties, the premium for said bond to be paid by the Borough.

(*Ord. 4-1974, 10/9/1974, §4; as amended by A.O.*)

**§1-205. Manager's Employment Agreement.**

An employment agreement shall be executed between the Council and the Borough Manager. The following topics will be considered: salary, term and hours of work, severance pay, automobile requirements, moving expenses, home sale and purchase expense, dues and subscriptions, professional development expenses, general expenses, civic club membership, vacation, sick and military leave, disability, health and life insurance, retirement system and any other terms and conditions of employment.

(*Ord. 4-1974, 10/9/1974, §5*)

**§1-206. Powers and Duties.**

The Manager shall be the chief administrative officer of the Borough and shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough placed in his charge. The power and duties of administration of all Borough business shall be vested in the Manager, unless expressly imposed or conferred by statute or ordinance upon other Borough officers. Subject to recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:

A. To supervise and to be responsible for activities of all municipal departments.

B. To hire and, when necessary for the good of the service, to suspend or discharge any employee under his supervision; provided, that persons covered by the civil service provisions of the Borough Code, 53 P.S. §45101 *et seq.*, shall be hired, suspended or discharged in accordance with such provisions; and, provided further, that the Manager shall report, at the next meeting thereafter of Council, any action taken by authority this subsection.

C. To fix wages and salaries of all personnel under his supervision, within ranges previously determined by Council.

D. To prepare and submit to Council, before the close of each fiscal year, a budget for the next fiscal year and an explanatory budget message. In preparing the budget, the Manager, or an officer designated by him, shall obtain from the head of each department, agency or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required. The Manager shall review such estimates and may revise them before submitting the budget to the Council.

E. To be responsible for the administration of the budget after its adoption by the Council.

F. To develop, in conjunction with the preparation of the yearly budget, long-range fiscal plans for the Borough, such plans to be presented annually to the Council for its review and adoption.

G. To hold such other municipal office and to head such municipal department as the Council may from time to time direct.

H. To attend all meetings of Council and its committees with the right to take part in the discussions. The Manager shall receive notice of all special meetings of Council and its committees.

I. To prepare the agenda for each meeting of Council and supply facts pertinent thereto.

J To keep the Council informed as to the conduct of Borough affairs; to submit periodic reports on the condition of the Borough finances and such other reports as the Council requests; and to make such recommendations to the Council as he deems advisable.

K. To submit to Council, as soon as possible after the close of the fiscal year, a complete report on the finances and the administrative activities of the Borough for the preceding year.

L. To see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.

M. To employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.

N. To attend to the letting of contracts in due form of law. The Manager shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed by statute upon some other Borough officer.

O. To see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.

P. To serve as purchasing officer of the Borough and to purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the agencies, boards, departments and other offices of the Borough. The Manager 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 also issue rules and regulations, subject to the approval of Council, governing the procurement of all municipal supplies and equipment.

Q. To investigate and dispose of, or to designate an officer to investigate and dispose of, all complaints regarding Borough services, and to report to the Council thereon. All complaints regarding Borough services shall be referred to the office of the Manager.

R. To enforce the ordinances and regulations of the Borough. To prepare such ordinances and regulations as the Council may direct.

S. To maintain contact with outside agencies to assure effective coordination so as to enhance the civic welfare of the Borough.

T. To hold the office of Borough Secretary with all rights and privileges as provided in the Borough Code, 53 P.S. §45101 *et seq.* [Ord. 77-10]

U. Additional duties and responsibilities as listed in the current Borough Manager's job description which is revised on an annual basis. [A.O.]

(Ord. 4-1974, 10/9/1974, §6; as amended by Ord. 77-10, 5/12/1977; and by A.O.)

#### **§1-207. Mayor's Powers and Duties.**

The Mayor is hereby authorized to delegate to the Borough Manager, subject to revocation by written notification at any time, any of his non-legislative and non-judicial powers and duties.

(Ord. 4-1974, 10/9/1974, §7)

#### **§1-208. Limitation of Council's Powers.**

Except for the purpose of inquiry, the Borough Council, its committees and its members shall deal with the administrative service of the Borough solely through the Borough Manager and neither the Council nor any of its committees, nor any of its members, shall give orders, publicly or privately, to any subordinates of the Manager.

(Ord. 4-1974, 10/9/1974, §8)

#### **§1-209. Disability or Absence of the Manager.**

If the Manager becomes ill or needs to be absent from the Borough, he shall

designate one qualified member of his staff to perform the duties of the Manager during his absence or disability. The person so designated shall not perform these duties for a period longer than 2 weeks without the approval of the Council.

*(Ord. 4-1974, 10/9/1974, §9)*

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**Part 3****Police Department****§1-301. Police Department Established; Members.**

A Police Department is hereby established in and for the Borough. The Police Department shall be composed of a Chief of Police and those other officers of those ranks and as many patrolmen as Council shall from time to time determine.

*(Ord. 79-9, 3/19/1979, §1)*

**§1-302. Chief of Police.**

The Chief of Police, under the direction of the Mayor, shall be in charge of the Police Department and shall have supervision over the members of the Police Department, in the exercise of their powers, duties and authority.

*(Ord. 79-9, 3/19/1979, §2)*

**§1-303. Status of Existing Police Force.**

The existing police force of the Borough is hereby established as the Police Department established by this Part. Borough police were appointed under an ordinance enacted on September 19, 1871.

*(Ord. 79-9, 3/19/1979, §3)*

**§1-304. Appointment of Special Policemen by Mayor.**

Nothing herein shall affect the authority of the Mayor to appoint special policemen during emergencies.

*(Ord. 79-9, 3/19/1979, §4)*

**§1-305. Additional Policy and Regulations.**

Additional policies and procedures for the Police Department are found in the Rules, Regulations, Policies and Procedures for Uniformed Officers, which is incorporated herein by reference thereto.

*(Ord. 79-9, 3/19/1979; as added by A.O.)*





**Part 4****Pension Plans****A. Police Pension Plan.****§1-401. Establishment of Plan.**

A police pension plan is hereby established pursuant to the Act of May 29, 1956, P.L. 1804, as amended. Such fund shall be under the direction of the Borough of Troy and shall be applied under such regulations as the Borough of Troy may prescribe.

(Ord. 89-2, 4/17/1989, §1)

**§1-402. Eligibility for Participation in Plan.**

Each full-time police officer now or hereafter employed by the Borough of Troy shall participate in the police pension plan.

(Ord. 89-2, 4/17/1989, §2)

**§1-403. Age and Service Requirements.**

1. *Age and Service.* All full-time Police Officers of the Borough of Troy shall participate in the Borough Police Pension Plan and Fund from the date of employment with the Borough of Troy Police Force and shall be eligible to retire upon 25 years of service in the Borough or upon attaining the age of 55 years, (or if an actuarial study has been made and shows that the age reduction is feasible, upon attaining the age of 50 years), whichever shall be later. Members hired prior to October 21, 1965, may retire after 20 years of service and attaining the age of 60 years. Such members as are retired shall be subject to service, from time to time, as a police reserve, in cases of riot, tumult or preservation of the public peace until unfitted for such service, when they may be finally discharged by reason of age or disability.

2. *Military Service.* Any member of the police force who has been a regularly appointed employee of the Borough for a period of at least 6 months and who, thereafter, shall enter into the military service of the United States, shall have credited to his employment record for pension or retirement benefits, all of the time spent by him in such military service, if such employee returns or has heretofore returned to his employment within 6 months after his separation from service.

3. *Purchase of Credit for Military Service.* Full service credit for each year of military service or fraction thereof, not to exceed 5 years, is hereby authorized for any member of the police force who was not employed by the Borough prior to such military service. The amount due for the purchase of credit for military service other than intervening military service shall be computed by applying the average normal cost rate for Borough police pension plans as certified by the Public Employee Retirement Study Commission, but not to exceed 10 percent, to the member's average annual rate of compensation over the first 3 years of Borough service and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased together with interest at the 4<sup>3</sup>/<sub>4</sub> percent compounded annually from the date of initial entry into Borough service to the date of payment.

4. *Ineligibility for Military Service Credits.* Any member of the Police Force shall be eligible to receive service credit for intervening and nonintervening military service as provided in subsections .2 and .3 above; provided, that he is not entitled to receive, eligible to receive now or in the future, or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency with the exception of a member eligible to receive or receiving military retirement pay earned by a combination of active duty and nonactive duty with a reserve or National Guard component of the armed forces which retirement pay is payable only upon the attainment of a specified age and period of service under 10 USC, Ch. 67 (relating to retired pay for non-regular service).

(Ord. 89-2, 4/17/1989, §3; as revised by A.O.)

**§1-404. [Reserved].**

(Ord. 89-2, 4/17/1989; as amended by A.O.)

**§1-405. Contribution Rate.**

Members shall pay into the fund, monthly, an amount equal to 5 percent of all compensation paid to participant by the Borough of Troy. All such contributions by participant shall be deducted by the Borough from the participant's compensation and paid into said pension fund.

(Ord. 89-2, 4/17/1989, §5)

**§1-406. Reduction or Waiver of Employee Contributions.**

The Borough Council may, by resolution, suspend or reduce employee contributions for any year; provided, that actuarial studies show that this can be done without impairing the actuarial soundness of the fund.

(Ord. 89-2, 4/17/1989, §6)

**§1-407. Retirement or Pension Benefits.**

The pension or retirement benefits shall be payable during the balance of the participant's life following actual retirement, and after fulfillment of the age and service requirements set forth above. The monthly benefit shall be set at one-half of the average monthly salary of the participant during the last 36 months of employment.

(Ord. 89-2, 4/17/1989, §7)

**§1-408. Return of Member Contributions.**

Any member of the police force, who for any reason whatsoever, shall be ineligible to receive a pension after having contributed any charges to a police pension fund established pursuant to the provisions of the Act of May 29, 1956, P.L. 1804, or to this fund, shall be entitled to a refund of all such monies paid by him into such fund, plus interest earned on such monies after January 1, 1989, calculated at the rate of 5½ percent, immediately upon discontinuance of his employment with the force. If such discontinuance is due to death, a refund of such monies, with interest, as determined above, shall be made to his designated beneficiary or, in absence thereof, to his estate.

(Ord. 89-2, 4/17/1989, §8)

**§1-409. Allocation of Commonwealth Funds.**

Funds contributed by the Commonwealth to the police pension fund of the Borough of Troy shall be applied in the order set forth below:

- A. To reduce the unfunded liability, if any.
- B. To apply against the annual obligation of the Borough for future service costs.
- C. To reduce member contributions.

(*Ord. 89-2, 4/17/1989, §9*)

**§1-410. Gifts.**

The Borough of Troy shall be authorized to take by gift, grant, devise or bequest any money or property, in trust, for the benefit of such fund and the care, management, investment and disposal of such trust funds or property shall be invested in the Borough of Troy and the trust funds shall be governed thereby, subject to such directions not inconsistent therewith as the donors of such funds and property may prescribe.

(*Ord. 89-2, 4/17/1989, §10*)

**§1-411. Pension Benefits Not Subject to Legal Process Generally.**

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

(*Ord. 89-2, 4/17/1989, §11*)

**§1-412. Expenses of Administration.**

The expenses of administering this Part, including the compensation of any actuary and the custodian of the fund, exclusive of the payment of retirement allowances, shall be paid out of the fund.

(*Ord. 89-2, 4/17/1989, §12*)

**§1-413. Refunds.**

Any member who, for any reason whatsoever, shall be ineligible to receive a pension after having contributed any charge to the pension fund shall be entitled to a refund of all such monies paid by him into the fund, plus interest calculated at 5½ percent per annum.

(*Ord. 89-2, 4/17/1989, §13*)

**§1-414. Disability and Death Benefits.**

Any member who is permanently disabled from his employment due to service connected illness or injury shall be entitled to retire and receive a benefit calculated in the manner benefits are calculated for those entering upon regular retirement. The family of a member killed in the line of duty shall receive the same benefits, which shall be payable to his spouse if she survives him and if she fails to survive him or survives

him and subsequently remarries, then the same shall be payable to his child or children who shall be under the age of 18 years.

(*Ord. 89-2, 4/17/1989, §14*)

**§1-415. Special Provision.**

In order to satisfy the obligation of the Troy Borough Police Pension Plan as set forth in *Ordinance No. 5-1970*, there shall be payable to a beneficiary selected by annuitant Ray Haven a death benefit at the time of his death in the amount of \$2,000.

(*Ord. 89-2, 4/17/1989, §15*)

**B. Nonuniformed Employee Pension Plan.****§1-421. Establishment of Pension Plan.**

1. The Borough of Troy hereby establishes a nonuniformed employees pension plan for certain of its employees not already covered by other municipal pension or retirement plans.

2. The Borough of Troy hereby approves a Money Purchase Plan Joinder Agreement, with accompanying Chapters I and IV of the Master Plan and Trust<sup>1</sup>, and all other terms of the Pennsylvania State Association of Borough's Master Plan and Trust, for implementation of said pension, with an exact copy of said Money Purchase Plan Joinder Agreement, with accompanying Chapter I and IV of the Master Plan and Trust, being attached hereto as Exhibit "1-A."<sup>1</sup>

3. The appropriate officers of the Borough of Troy are hereby authorized and directed to execute said Money Purchase Plan Joinder Agreement, with accompanying Chapters I and IV of the Master Plan and Trust, which Agreement shall be identical in form and content to attached Exhibit "1-A"<sup>1</sup> hereto.

4. The Money Purchase Plan Joinder Agreement, with accompanying Chapters I and IV of the Master Plan and Trust, attached as Exhibit "1-A"<sup>1</sup> hereto and the terms of the Pennsylvania State Association of Boroughs Master Plan and Trust shall be known hereafter as the Borough of Troy Nonuniformed Employees Pension Plan (the "Plan").

5. The Borough of Troy further authorizes the Board of Trustees of the Pennsylvania State Association of Boroughs Master Plan and Trust to be the designated Trustee for the Plan and that all contributions shall be held and invested by such Trustee in accordance with the terms of the Plan.

6. The Money Purchase Plan Joinder Agreement, with accompanying Chapters I and IV of the Pennsylvania State Association of Boroughs Master Plan and Trust and the Borough of Troy's participation in the Master Plan and Trust shall be effective as of January 1, 1996.

(*Ord. 96-4*, 12/16/1996; as amended by *Ord. 00-4*, 12/29/2000, §I; and by *Ord. 01-3*, 11/14/2001)

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<sup>1</sup>Editor's Note: The Money Purchase Plan Joinder Agreement with accompanying Chapters I and IV of the Master Plan and Trust are on file at the Borough office.



**Part 5****Planning Commission****§1-501. Creation of Commission.**

A Borough Planning Commission, composed of seven members, appointed in the manner provided by law (53 P.S. §10202), is hereby created and established in and for the Borough. The Borough Planning Commission shall perform all its duties and may exercise any and all of the powers vested by law in planning agencies in boroughs. Provided, the persons constituting the Borough Planning Commission now functioning in the Borough shall constitute the Planning Commission hereby created, and nothing in this Section shall affect the tenure of the present Borough Planning Commission. All vacancies hereafter occurring in the Planning Commission, regardless of the cause, shall be filled in accordance with the provisions of the law governing planning agencies in boroughs at the time of the occurrence of vacancy.

*(Ord. 79-19, 11/19/1979)*





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**Part 6****Volunteer Firemen's Relief Association****§1-601. Recognition of Volunteer 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 Troy.

Troy Volunteer Firemen's Relief Association

The above-named association has been created 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 of Troy 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.

(A.O.)

**§1-602. Certification to Auditor General.**

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

(A.O.)

**§1-603. 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 the Act of December 18, 1984, 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 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.

(A.O.)



**Part 7****Drug and Alcohol Policy****§1-701. General Statement of Policy.**

Troy Borough has a commitment to provide a safe and healthy workplace for its employees and to insure efficient delivery of services to the public. The Troy Borough Council recognizes that, in order to accomplish this goal, it must implement programs that will enable the Borough to achieve its objectives in a cost-effective manner, while respecting the rights of Borough employees. Statistics show that employees who are substance abusers are absent from work approximately three times more often than are other employees, are about one-third less productive when they are at work and are twice as likely as others to have accidents in the workplace. Statistics indicated that such employees also are more likely to experience serious medical and emotional problems and to disregard safety policies and procedures. With this in mind, the Troy Borough Council must make every reasonable attempt to establish a work environment that is free, directly and indirectly, from the adverse effects of drug and alcohol abuse. (Res. 96-1, 1/15/1996, §1)

**§1-702. Statement of General Objectives.**

The general objectives of the Troy Borough Council in adopting this Part and policy include the following:

- A. Insuring that the workplace is free from the effects of drug and alcohol use.
- B. Establishing effective means to detect and deal with drug and alcohol abuse while respecting the rights of Borough employees.
- C. Complying with applicable Federal and State laws and regulations.

(Res. 96-1, 1/15/1996, §2)

**§1-703. Regulations Concerning Use, Possession or Distribution of Alcohol or Prohibited Substances.**

1. No employee of Troy Borough shall use, consume, possess, sell, distribute or receive alcohol and/or illegal drugs or substances (“prohibited substances”), nor shall any employee of Troy Borough distribute or sell prescription drugs while on or within property of Troy Borough and engaged in the course of his or her employment. Violation of these rules by an employee shall subject the employee to discipline up to and including discharge subject to applicable provisions and procedures of a collective bargaining agreement. Illegal drugs and prohibited substances shall include prescription medication for which the employee does not have a valid prescription.

2. Troy Borough reserves the right, upon reasonable suspicion or other good cause, to search lockers situated upon its premises and made available for use by its employees.

3. Any employee refusing to consent or cooperate with a reasonable search or investigation will be relieved of duty and removed from Borough property or workplace and will be subject to discipline up to and including discharge for insubordination.

4. Prescription drugs and medications should be kept in their original container identifying the drug, dosage, date of prescription and physician. Employees shall notify their foreman or supervisor if they are taking prescription medications which might impair the employee's working ability or alertness.

5. Employees are also expected not to engage in any off-duty or off-premises drug or alcohol related conduct which may affect their work performance.

6. No employee shall be under the influence of alcohol or of any prohibited substance while upon or within property of Troy Borough, or engaged in his or her employment. Violation of this rule shall subject the employee to discipline up to and including discharge, as set forth in subsection .1 above.

*(Res. 96-1, 1/15/1996, §3)*

#### **§1-704. Adoption of DOT Regulations Mandating Drug and Alcohol Testing.**

The Troy Borough Council hereby accepts its obligations under the Omnibus Transportation Employee Testing Act of 1991 (Act) and regulations of the United States Department of Transportation (DOT) for employees of Troy Borough holding commercial driver's licenses and those persons applying for positions requiring such licenses. This Part is adopted to implement a policy required under said DOT regulations as presently found in 49 CFR, Part 40, which shall apply without being fully recited herein. DOT regulations establish procedures governing the conduct of breath alcohol testing (BAT), including screening and confirmation tests, and establish standards to be followed by BAT technicians conducting tests under said regulations. The Troy Borough Council expects that breath alcohol technicians will conduct tests and their operations in accordance with applicable DOT regulations.

*(Res. 96-1, 1/15/1996, §4)*

#### **§1-705. Mandatory Drug and Alcohol Testing Required.**

The Troy Borough Council hereby establishes a mandatory drug and alcohol testing program as is required under DOT regulations and the Omnibus Transportation Employee Testing Act of 1991. This policy shall apply to all employees of the Borough holding commercial driver's licenses and to all persons applying for employment positions with Troy Borough which require commercial driver's licenses. Testing shall include breath alcohol and urine testing. Testing samples shall be analyzed for at least the following substances: alcohol, marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroine) and phenylcyclidine (PCP), subject to future amendment of DOT regulations. All such testing shall be conducted in accordance with the provisions of this policy.

*(Res. 96-1, 1/15 /1996, §5)*

#### **§1-706. Types of Drug and Alcohol Testing.**

Drug and alcohol testing required under this policy shall be as follows:

A. *Pre-employment Testing.* All applicants for employment positions with Troy Borough shall be tested for alcohol and drugs prior to commencing employment with the Borough. A driver applicant testing positive for alcohol or drugs will not be considered for employment with Troy Borough.

B. *Random Testing.* Each year commencing 1996, Troy Borough shall use a random process based upon Social Security numbers to select at least 50 percent of its employees holding commercial driver's licenses (CDL drivers), who shall be tested for the use of controlled substances. Additionally, at least 25 percent of Troy Borough CDL drivers shall be randomly tested for alcohol use in the first year of this policy. The annual alcohol testing rate in future years shall, under DOT regulations, be based upon the percentage of violations (defined as alcohol tests 0.04 or greater and refusals to test) in the preceding year, such rate to be either 10 percent, 25 percent, or 50 percent. Drivers selected on a random basis for drug abuse testing shall be required to supply a urine sample. Drivers selected on a random basis for alcohol testing shall be required to undergo breath alcohol testing. Notification of random testing will be given to employees immediately prior to the testing; should an employee not be present at the time he or she is selected notification will be given to the employee upon his or her return to the workplace.

C. *Periodic Testing.* Should annual or periodic medical examinations of CDL drivers become mandatory, Troy Borough will test each driver for drug and/or alcohol use during such annual or periodic medical examinations.

D. *Reasonable Suspicion Testing.* Reasonable suspicion testing shall be conducted when a trained supervisor observes behavior or appearance of an employee subject to this policy which is characteristic of alcohol or drug misuse. Conduct giving rise to reasonable suspicion under this paragraph must be witnessed by a supervisor of the employee who has received training in detection of probability of drug or alcohol use by observation of a person's behavior. If possible, a Council member other than a Roadmaster or the Borough Secretary should immediately notify a Supervisor, Roadmaster or Borough Secretary, although availability of such official shall not be deemed a prerequisite for the conduct of reasonable suspicion testing if the supervisory employee witnessing such conduct has previously obtained such training.

E. *Mandatory Post-Accident Testing.* Drivers shall be subject to drug and alcohol testing as soon as is practicable after a commercial vehicle accident. For purposes of this paragraph, an accident is defined as a collision involving either (1) a fatality; (2) bodily injury to any person which requires that person to be transported from the collision scene for medical treatment; (3) damage to any vehicle which requires that vehicle to be towed from the scene; or (4) the driver's receipt of a citation for a moving violation of State or local law arising from the collision. In no case shall an alcohol test required under this subsection be conducted later than 8 hours after the collision, nor shall a drug test required under this paragraph be conducted later than 32 hours after the collision. No driver subject to testing under this paragraph shall consume alcohol from the time of the incident until such time as the tests required have been conducted. If, as a consequence of a collision, a CDL driver is seriously insured and cannot provide a specimen at the time of the collision as set forth above, the employee must provide the necessary authorization to the Borough to obtain hospital records and other documents which would indicate whether there were any prohibited substances or alcohol in the employee's system at the time of the collision and post-collision testing.

F. *Follow-up Testing.* Any CDL driver who has returned to duty after a

positive alcohol or drug test shall be subject to unannounced follow-up drug and alcohol testing for a period of up to 60 months following the employee's return to duty. A minimum of six unannounced follow-up tests must be conducted in the first 12 months after the employee returns to duty, and the Troy Borough Council or its designee may require unannounced follow-up tests continuing for a period of up to 60 months following the employee's return to duty.

G. *Return to Duty Testing.* Should Troy Borough offer a CDL driver re-employment or a return to duty after the CDL driver has been referred to an alcohol and substance abuse professional for treatment and the CDL driver has participated in all recommended treatment, the CDL driver shall be tested for alcohol and prohibited substances prior to being returned to duty and to be eligible to return to duty and employment, the CDL driver must test negative for both alcohol and prohibited substances.

(Res. 96-1, 1/15/1996, §6)

#### **§1-707. Prompt Submission for Testing.**

Employees shall appear at the proper facility and submit for testing required under this policy within 2 hours after being notified that they are obligated to submit for such random, reasonable suspicion, post-accident, follow-up or return to duty testing.

(Res. 96-1, 1/15/1996, §7)

#### **§1-708. Refusal to Test and Uncompleted Tests.**

1. Refusal by an employee to submit to drug and alcohol testing required under this policy shall subject the employee to discipline up to and including discharge, at the discretion of the Troy Borough Council.

2. Refusal by an employee to submit to testing required under this policy shall be deemed to include any act or omission which prevents, thwarts or frustrates the objectives of this policy and the requirements imposed under DOT regulations including, but not limited to, the following: (A) refusal to submit in timely fashion to testing as required under this policy; (B) refusal or failure by the employee to complete, sign or initial the required breath alcohol testing form; (C) refusal or failure without good cause to provide breath; (D) refusal or failure without good cause to provide an adequate amount of breath to allow proper testing; and/or (E) failure or refusal to otherwise cooperate with the testing process in a way which prevents the completion of the test.

3. In accordance with 49 CFR §40.69, should Troy Borough be advised that a CDL employee has attempted and failed to provide an adequate amount of breath, the Troy Borough Council, itself or through its designee, shall direct the employee to obtain, as soon as practical after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the Council, concerning the employee's medical ability to provide an adequate amount of breath.

A. If the physician determines, in his or her reasonable medical judgment, that a medical condition has or, with a high degree of probability, could have precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The physician shall provide to the Troy Borough Council a

written statement of the basis for his or her conclusion.

B. If the licensed physician, in his or her reasonable medical judgment, is unable to make the determination set forth above, the employee's failure to provide an adequate amount of breath shall be regarded by the Troy Borough Council as a refusal to take a test, in which event the employee shall be subject to discipline up to and including discharge for refusal to submit to testing. The licensed physician shall provide to the Troy Borough Council a written statement of the basis for his or her conclusion.

*(Res. 96-1, 1/15/1996, §8)*

#### **§1-709. Testing Forms Prescribed.**

The Troy Borough Council hereby adopts for use in conducting the drug and alcohol testing program established under this policy such forms as are prescribed by the United States Department of Transportation and/or licensed testing establishments.

*(Res. 96-1, 1/15/1996, §)*

#### **§1-710. Precautionary Measures.**

1. Should an employee's behavior or appearance suggest to his or her supervisor misuse of alcohol or prohibited substances and a test cannot be administered immediately, the employee shall be removed from performing safety sensitive duties or at least 8 hours, and for 24 hours in the case of CDL drivers.

2. Employees who have any alcohol concentration (defined as 0.02 percent or greater) in their breath when tested just before or after performing safety sensitive functions shall be removed from performing such duties for 8 hours and, in the case of CDL drivers, for at least 24 hours, or until another breath test is administered and the result is less than 0.02 percent.

3. Should a CDL driver's test results be positive for alcohol and drugs, the employee shall not engage in the following activities until such time as the employee submits to another test which indicates the absence of alcohol and prohibited substances in the employee's system: operate commercial vehicles, load or unload commercial vehicles, ride in a commercial vehicle or repair a commercial vehicle.

*(Res. 96-1, 1/15/1996, §10)*

#### **§1-711. Notification of Test Results.**

Troy Borough shall notify its CDL drivers and driver applicants of the results of tests conducted pursuant to this policy. Those persons testing positive for alcohol and/or prohibited substances shall also be advised specifically as to what drugs or amount of alcohol was or were discovered present in their system in the testing.

*(Res. 96-1, 1/15/1996, §11)*

#### **§1-712. Cautionary Measures Regarding Prescriptions.**

Whenever a CDL employee subject to this policy receives a prescription, a form should be completed by the employee's attending or prescribing physician and provided to the employee, stating whether or not the prescribed medication will affect the individual's driving ability and whether the prescribed medication would appear or be

reflected on a drug test.

(*Res. 96-1, 1/15/1996, §12*)

#### **§1-713. Effects of Positive Test Results.**

An employee whose results of drug and alcohol testing under this policy establish existence in the employee's body system of 0.04 alcohol content or of a prohibited drug or substance shall be deemed to have violated Borough policy regarding alcohol and drug abuse. Upon the first such positive test result, an employee shall be referred to mandatory alcohol and drug rehabilitation treatment. An employee who participates as required in such treatment program who successfully completes follow up or return to duty testing shall be returned to employment without further discipline. An employee who refuses or fails to participate as required in referred rehabilitation treatment shall be subject to further discipline up to and including discharge and shall not be returned to duty. Any further instance of positive test results for alcohol and/or prohibited substances, as defined above, or an employee's failure to submit to testing, as defined above, shall subject the employee to discipline up to and including discharge.

(*Res. 96-1, 1/15/1996, §13*)

#### **§1-714. Maintenance of Records.**

1. All records relating to administration and results of the Borough alcohol and drug testing program shall be maintained by the Borough for a minimum of 5 years, subject to the requirements of 49 CFR §40.83.

2. Troy Borough shall retain a medical review officer who shall be a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders, to interpret results of alcohol and drug testing in accordance with DOT regulations.

3. Troy Borough shall be the sole custodian of individual test results and shall retain reports of test results for a minimum of 5 years.

4. Troy Borough shall retain in CDL driver's personnel file information indicating only the following (i) that the employee submitted to a drug and/or alcohol test; (ii) the date of such test; (iii) the location of such test; (iv) the identity of the person or entity performing the test; and (v) whether the test finding was "positive" or "subnegative."

5. Troy Borough shall also maintain an annual (calendar) year summary of the records relating to the administration and results of the testing program for its drivers under DOT regulations.

(*Res. 96-1, 1/15/1996, §14*)

#### **§1-715. Confidentiality of Records.**

No person may obtain the individual test results retained by Troy Borough and no results shall be released to any person or entity, without first receiving written authorization from the tested individual, unless otherwise required by law.

(*Res. 96-1, 1/15/1996, §15*)

#### **§1-716. Employee Assistance Program (EAP).**

1. Troy Borough shall establish an employee assistance program which shall include the following:



- A. An educational and training component for drivers, addressing alcohol and controlled substances.
  - B. An educational and training component for supervisory personnel, addressing alcohol and controlled substances.
  - C. A written statement on file and available for inspection, outlining the Borough's employee assistance program.
2. The employee assistance training program for all CDL drivers and supervisory personnel will consist of at least 60 minutes of training, and the training program shall include the following elements:
    - A. 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.

*(Res. 96-1, 1/15/1996, §16)*

**§1-717. Noncontractual Arrangement.**

This policy and other documents executed or delivered pursuant to or in connection with this policy are not intended to confer any contractual or rights or claims in favor of Troy Borough employees. Any failure to implement the policy or any part thereof, any variation, addition or omission to or of the procedures set forth in the policy shall not confer any contractual or other right or claims in favor of the employees which are not otherwise conferred by law.

*(Res. 96-1, 1/15/1996, §17)*

**§1-718. Reservation of Rights.**

The Troy Borough Council reserves the right to add to, change or modify this policy at its sole discretion, and to discipline or discharge any employee at any time, except if those rights are restricted by law or by any applicable collective bargaining obligation or agreement. The Troy Borough Council and Troy Borough accept no liability in the event of any alleged breach of any of the procedures or provisions set forth in this policy. The Troy Borough Council encourages every employee to voluntarily comply with this policy, for his or her own safety as well as the safety of others. Because of its importance, the Troy Borough Council shall take all necessary steps to insure implementation of compliance with the policy.

*(Res. 96-1, 1/15/1996, §18)*



**Part 8****Personnel Administration****§1-801. Accountability.**

All Borough employees shall work under the direction of and be responsible to the Borough Manager as provided in *Ord. 4-1974*, 10/9/1974 [Part 1], except that work schedules and law enforcement duties of police officers will be under the direction of the Mayor.

(*Ord. 77-6*, 5/12/1977, §I as amended by *Ord. 79-21*, 11/19/1979)

**§1-802. New Employees.**

All new employees shall be considered temporary during the first 6 months of employment. Prior to their 6 month anniversary date the Borough Manager will recommend to the full Council either full-time or part-time status or dismissal.

(*Ord. 77-6*, 5/12/1977, §II)

**§1-803. Hours.**

All nonsalaried employees shall work 40 hours per week, with the hours determined by the employee's department head. All nonsalaried employees who work in excess of 8 hours in 1 day or more than 40 hours in 1 week will receive either compensatory time off or pay at the rate of 1½ times the regular rate in excess of the above limits, with the Borough retaining the option of compensation. Any employee required to work on holidays or Sundays will be paid at the rate of two times the hourly rate (excluding all employees whose regular work schedule includes Sundays). All nonsalaried employees working overtime on a holiday will be paid at the regular overtime rate of 1½ times the hourly rate.

(*Ord. 77-6*, 5/12/1977, §III; as amended by *Ord. 79-21*, 11/19/1979)

**§1-804. Benefits.**

1. The Borough shall provide an employee benefits program for all Borough employees with the benefits package that is presently in effect as of the date of this Part. Such package includes term life insurance, accidental death and dismemberment insurance, and medical insurance. Medical insurance will be provided for dependant spouses and children of employees. Nothing shall preclude the Borough from providing additional coverage for employees but coverage shall not be reduced for any employee after being admitted to the plan; such benefits are only available to full-time employees of the Borough and cease when an individual terminates or is terminated from his position in the Borough. [*Ord. 80-4*]

2. All uniformed police officers will, upon retirement, receive a police pension in accordance with the terms and conditions of *Ord. 89-2*, 4/17/1989 [Part 3]. [A.O.]

3. The following holidays will be observed by employees of the Borough: New Years Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and one personal day; Christmas Day. When Christmas falls on a Saturday, Friday will be the holiday; on Sunday, Monday will be the holiday. A salaried employee

required to work on a holiday will receive compensatory time off work. [*Ord. 80-4*]

4. The following vacation schedule applies to all full-time employees: 1 through 10 years service-2 weeks vacation; 11 through 20 years service-3 weeks vacation; over 20 years service-4 weeks vacation. (The first and last eligible year will be based on date employed or terminated and will be prorated as follows: (i) employed May 1st or after or terminated August 31<sup>ST</sup> or before, authorizes you only one-half of your yearly eligible amount. Employed April 30th or before, or terminated September 1<sup>st</sup> or after, authorizes you your full yearly eligible amount.) Employees shall notify their department head of desired vacation dates by April 15 of that year. All employees must take vacations and vacation time cannot be accumulated from one year to the next. A holiday which falls within a vacation week shall not be counted as a day of vacation. A vacation week shall consist of a basic work week in terms of days and hours. Employees prevented from taking vacation due to essential work may be reimbursed for unused vacation, not to exceed 1 week, at the end of the year.

- |                                      |                                 |
|--------------------------------------|---------------------------------|
| 1. Employed May 1 or after           | One-half of the eligible amount |
| 2. Terminated August 31st or before  |                                 |
| 1. Employed April 30th or before     | Full eligible amount            |
| 2. Terminated September 1st or after |                                 |

5. All employees of the Borough will be entitled to sick leave on the same basis as vacation. Sick leave may be accumulated from year to year to a maximum of 40 days. On the effective date of this subsection, employees will be granted accumulated sick leave on the foregoing basis effective from the dates of this Part. An employee who is absent due to illness for 3 or more days must submit a doctor's certificate before being compensated for lost time. Sick leave shall not be combine with vacation except with a doctor's certificate. Employees on sick leave whose sickness or injury absence is covered by workers compensation will be reimbursed only for the difference between the workers compensation and regular pay for the days of sick leave for which they are eligible. Employees will not be paid for unused sick leave. [*Ord. 79-21*]

6. Employees may be granted excused absences, not exceeding 3 days, to count as sick leave for urgent personal purposes, such as attending the funeral of a relative.

7. The Borough Council may authorize leaves of absence for full-time Borough employees, with or without pay, for the following purpose (i) attendance at school for the purpose of training in subjects relate to the work of the employee and which will benefit the employee and the Borough service; (ii) urgent personal business requiring employees attention for an extended period of time; and (iii) purposes other than the above deemed beneficial to the Borough service. All unauthorized and unreported absence shall be considered absence without leave and deduction of pay shall automatically be made for the period of absence. Unauthorized absences constitute grounds for disciplinary action. [*Ord. 79-21*]

8. An employee who is required to absent himself from work for jury duty shall be paid the difference between his compensation for jury duty and his regular rate of pay, provided the employee did not volunteer for jury duty [*Ord. 79-21*]

9. Additional personnel issues may be reviewed in the employee handbook. [A.O.] (*Ord. 77-6, 5/12/1977, HIV; as amended by Ord. 79-21, 11/19/1979; by Ord. 80-4, 11/19/1979; and by A.O.*)

**§1-805. Personal Expense on Official Duty.**

When an employee is authorized to use his privately owned vehicle on official Borough business, he shall be reimbursed at the rate per mile established by legislature for State employees. An official or employee engaged in official business authorized by Borough Council may be reimbursed for all or part of necessarily incurred expenses.

*(Ord. 77-6, 5/12/1977, §V as amended by Ord. 79-21, 11/19/1979)*

**§1-806. Resignation of Employees.**

To remain in good standing, an employee must give at least 14 calendar days notice unless, because of extenuating circumstances, the Borough agrees to permit a shorter period of notice.

*(Ord. 77-6, 5/12/1977, §VI)*



**Part 9****Fire Insurance Proceeds****§1-901. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter “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 Troy where the amount recoverable for the fire loss to the structure under all policies exceed \$7,500, unless the insurer is furnished by the Borough Treasurer 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 procedures set forth in §508(c) and (d) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property (“municipal claims”) or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively “municipal expenses”), the Manager of the Borough of Troy shall immediately render a bill for such work, if he 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 Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. 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 subsection (1) of this Section, the insurer shall transfer to the Treasurer 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 Treasurer has issued a certificate described in subsection (2)(A) 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 percent 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 of \$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 Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an

amount less than calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer 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 Treasurer 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 Part. Such costs shall include, without limitation, 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 the proceeds have been received by 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 cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer 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, 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 manager, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Borough Manager 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 Borough.

(6) 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 Part, or to insurance proceeds, by an action at law or in 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 responsible.

*(Ord. 3/15/1993; as revised by A.O.*

### **§1-902. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in, excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

*(Ord. 3/15/1993; as revised by A.O.*



**§1-903. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment, including all rights or subrogation and of assignment.

*(Ord. 3/15/1993; as revised by A.O.)*

**§1-904. Construction.**

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

*(Ord. 3/15/1993; as revised by A.O.)*

**§1-905. Notification of Pennsylvania Department of Community and Economic Development.**

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

*(Ord. 3/15/1993; as revised by A.O.)*

**§1-906. Penalty.**

Any owner of property, any named insured or insurer who violates the provisions of this part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 3/15/1993; as revised by A.O.)*



**Part 10****Municipal Authorities****A. Troy Borough Municipal Authority.****§1-1001. Desire and Intention of Municipal Authorities of the Borough.**

It is the desire and intention of the municipal authorities of the Borough of Troy, Bradford County Pennsylvania, to organize an Authority under the “Municipality Authorities Act of 1945,” approved May 2, 1945, its supplements and amendments, for the purpose of exercising any and all of the powers conferred by said Act.

(*Ord. 4-1952, 5/19/1952, §1; as reenacted by Ord. 7-1964, 12/7/1964*)

**§1-1002. Name of Authority.**

The name of the proposed Authority is Troy Borough Municipal Authority.

(*Ord. 4-1952, 5/19/1952, §2; as reenacted by Ord. 7-1964, 12/7/1964*)

**§1-1003. Articles of Incorporation.**

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

Municipal Authority

Articles of Incorporation

To The Secretary of the Commonwealth of Pennsylvania:

In compliance with the Municipality Authorities Act of 1945, its supplements and amendments, the Borough of Troy, County of Bradford, Pennsylvania, pursuant to an ordinance duly adopted by the municipal authorities of said municipality, signifying its desire and intention to form an Authority, hereby certifies:

1. The name of the Authority shall be “Troy Borough Municipal Authority.”
2. This Authority is formed under the Municipality Authorities Act of 1945, its supplements and amendments.
3. No other Authority organized under the Municipality Authorities Act of 1945, its supplements or amendments, or under the Act approved June 28, 1939, P.L. 463, its supplements or amendments, is in existence in or for the incorporating municipality named herein.
4. The name of the incorporating municipality is the Borough of Troy.
5. The names and addresses of the Mayor and the members of the Council of the Borough of Troy, such persons being the municipal authorities of said municipality, are as follows:

[Here followed the names and addresses of the municipal authorities of the Borough.]

6. The membership of the Board of the Authority to be formed hereby shall consist of five members who are citizens of the municipality and shall be appointed to the Board by the Council of the Borough of Troy for a term of 5 years, except that for

the original Board one member shall be appointed for 1 year, one for 2 years, one for 3 years, one for 4 years and one for 5 years, and after the expiration of any original Board member's term, the new appointee shall take office for a 5 year term.

7. The names, addresses and terms of office of the first members of the Board of the Authority to be formed hereby are as follows:

[Here follow the names, addresses and terms of office of the first members of the Board of the Authority]

8. Whenever a vacancy shall, for any reason, exist in the Board of the Authority, the vacancy shall be filled by the municipal authorities of the Borough.

(*Ord. 4-1952, 5/19/1952, §3; as reenacted by Ord. 7-1964, 12/7/1964*)

#### **§1-1004. Members of the Board of the Authority.**

The following persons, hereinafter designated as appointees of the Borough of Troy, are hereby appointed members of the Board of the Authority with the following terms of office:

[Here followed the names and addresses and the respective terms of office of the first persons appointed to the Board of the Authority]

(*Ord. 4-1952, 5/19/1952, §4; as reenacted by Ord. 7-1964, 12/7/1964*)

#### **§1-1005. Execution of Articles of Incorporation.**

The Articles of Incorporation of said Authority in substantially the form set forth in §27-1003 of this subpart shall be executed on behalf of the Borough of Troy by the President of Council and the Mayor of the Borough of Troy and under its municipal seal attested by the Secretary of the said Borough, and such officers are hereby authorized, empowered and directed to do all things necessary and appropriate to effect and establish the said Authority in conformity with the "Municipality Authorities Act of 1945," its amendments and supplements.

(*Ord. 4-1952, 5/19/1952, §5; as reenacted by Ord. 7-1964, 12/7/1964*)

#### **§1-1006. Adoption of this Subpart.**

The adoption of this subpart is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare of the people of the Borough of Troy.

(*Ord. 4-1952, 5/19/1952, §6; as reenacted by Ord. 7-1964, 12/7/1964*)

**B. Troy Industrial Development Authority.****§1-1011. Desire to Organize Industrial Development Authority.**

It is the desire of the municipality of the Borough of Troy, in the County of Bradford, in the Commonwealth of Pennsylvania, to organize an industrial development authority under the Industrial and Commercial Development Authority Law, Act of August 23, 1967, P.L. 251, as amended.

*(Res. 4/6/1974, §1)*

**§1-1012. Adoption of Articles of Incorporation of Troy Industrial Development Authority.**

Pursuant thereto, and in conformity with the requirements of the Industrial and Commercial Development Authority Act, the articles of incorporation for such an authority, in a form attached to this subpart and incorporated into it by reference, are adopted in full:

Articles of Incorporation  
of  
Troy Industrial Development Authority

To the Secretary of the Commonwealth of Pennsylvania, Harrisburg, Pennsylvania:

In compliance with the requirements of the Industrial and Commercial Development Authority Law and pursuant to a resolution adopted by the Council of Troy Borough, Pennsylvania, that an industrial development authority be established, under the provisions of the aforementioned law, the Mayor of the Borough of Troy, Pennsylvania, that a certificate of incorporation be issued to said Authority does hereby certify:

1. The name of the Authority shall be "Troy Industrial Development Authority."
2. The Authority is formed under the Industrial and Commercial Development Authority Law, Act of August 23, 1967, P.L. 251.
3. The name of the incorporating municipality is Borough of Troy, Pennsylvania, in the County of Bradford.
4. The names and addresses of the members of Council of Troy Borough, Pennsylvania are as follows:

[Here followed the names and addresses of the members of Troy Borough Council at the time of incorporation.]

5. The names and addresses and terms of office of the first members of the Board of said Authority are as follows:

[Here followed the names and addresses and the respective terms of office of the first persons appointed to the Board of the Authority.]

All of whom reside in and are citizens of Troy Borough, Bradford County, Pennsylvania.

6. The term of existence of the Authority shall be 50 years.

*(Res. 4/6/1974, §2)*

**§1-1013. Duty of Mayor in Connection with Industrial Development Authority.**

The Mayor is authorized and empowered to take such other steps as may be necessary or desirable to create the Authority and to effectuate this subpart.

*(Res. 4/6/1974, §7)*

**Part 11****Independent Auditor****§1-1101. Independent Accountant.**

In accordance with the 1963 amendments to the Borough Code, the Borough of Troy does hereby ordain that the office of elected Borough Auditor be abolished and that Troy Borough shall appoint a competent, independent accountant to audit the books of the Borough.

*(Ord. 2-1964, 2/11/1964)*





**Part 12****Examination of Borough Records****§1-1201. Examination of Records; Application.**

1. Any citizen of the Commonwealth, except Borough officials and employees, wishing to examine and inspect the public records of the Borough of Troy shall present his or her written, signed application to the official in charge of the pertinent record.

2. Said writing shall specify the type of record the citizen wishes to examine or copy "Catch-all" requests shall not be honored.

3. Before the Borough Secretary shall permit examination of the Borough records in his possession, the citizen's application shall be approved by a majority of a standing committee of three, composed of two members of Council and the Mayor who shall be authorized to examine the applicant orally to ascertain that the request is made in good faith for information and not for the purpose of harassing Borough operations and that the examination will not disclose material to which the citizen has no right of access under the Right to Know Act, 65 P.S. §66.1 *et seq.* Each such approval shall appoint the time and hour limits for the inspection, which shall not exceed 2 hours in any one day, per applicant. All hours shall be within the regular business hours of the Borough office.

4. The Council members of the Committee above mentioned shall be appointed by the President of Council. The Committee shall act within 3 days after receipt by one of its members of a written application by a citizen. One member of the Committee or the Borough Solicitor may act immediately upon the application if the citizen shall establish that time is of essence of his inquiry.

(*Ord. 2-1960, 1/26/1960; as reenacted by Ord. 7-1964, 12/7/1964*)

