

Chapter 1

ADOPTION OF TOWNSHIP CODE

- § 1.1. **Adoption of Code.**
- § 1.2. **Effect of Code on previous provisions.**
- § 1.3. **Repeal of ordinances not contained in Code.**
- § 1.4. **Ordinances saved from repeal; matters not affected by repeal.**
- § 1.5. **Inclusion of new legislation prior to adoption of Code.**
- § 1.6. **Changes and revisions in previously adopted ordinances; new provisions.**
- § 1.7. **Titles and headings; editor’s notes.**
- § 1.8. **Copies of Code on file.**
- § 1.9. **Amendments to Code.**
- § 1.10. **Code books to be kept up-to-date.**
- § 1.11. **Publication of notice of adoption.**
- § 1.12. **Severability of Code provisions.**
- § 1.13. **Altering or tampering with Code; penalties for violation.**
- § 1.14. **Effective date.**
- § 1.15. **Inclusion of ordinance in Code.**
- § 1.16. **Adoption of Code.**
- § 1.17. **Effect of Code on previous problems.**
- § 1.18. **Provisions of Prior Code.**
- § 1.19. **Ordinances saved from repeal; matters not affected by repeal.**
- § 1.20. **Inclusion of Ordinance in Code.**

[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 8-2-76 as Ord. No. 632. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of interpretation – See Ch. 3.

Enforcement of ordinances; penalties – See Ch. 5.

Be it ordained by the Board of Commissioners of the Township of Upper St. Clair, Allegheny County, Pennsylvania, as follows:

§ 1.1. Adoption of Code.

Pursuant to § C-505 of the Charter of the Township of Upper St. Clair and to Chapter 31 of the Administrative Code of the Township of Upper St. Clair, the codification of a complete body of ordinances for the Township of Upper St. Clair, County of Allegheny, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 135, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Upper St. Clair which shall be known and is hereby designated as the “Code of the Township of Upper St. Clair,” hereinafter referred to as the “Code.”

§ 1.2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Commissioners of the Township of Upper St. Clair, and it is the intention of said Board of Commissioners that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1.3 below, and only new or changed provisions, as described in § 1.6, shall be deemed to be enacted from the effective date of this Code, as provided in § 1.14 below.

§ 1.3. Repeal of ordinances not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Township of Upper St. Clair and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1.14 below, except as hereinafter provided.

§ 1.4. Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1.3 of this ordinance shall not affect the following ordinances, rights and obligations which are hereby expressly saved from repeal:

- 1.4.1. Any ordinance adopted subsequent to April 5, 2976 (Ord. No. 618).
- 1.4.2. Any franchise, license, right, easement or privilege heretofore granted or conferred by the township.
- 1.4.3. Any ordinance providing for laying, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property.
- 1.4.4. Any ordinance requiring the construction or reconstruction of sidewalks, curbs or gutters.
- 1.4.5. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money, or authorizing the issuance and delivery of any bond of the township or other instruments or evidence of the township's indebtedness.
- 1.4.6. Any ordinance adopting an annual budget or establishing an annual tax rate.
- 1.4.7. Any ordinance authorizing the purchase, sale, lease or transfer of property, or any lawful contract, obligation or agreement.
- 1.4.8. Any ordinance annexing land to the township.
- 1.4.9. Any ordinance establishing a water, sewer or other special purpose district and designating the boundaries thereof, or providing for a system of sewers or water supply lines.
- 1.4.10. Any ordinance providing for the salaries and compensation of officers and employees of the township.
- 1.4.11. The levy or imposition of special assessments or charges.
- 1.4.12. Any ordinance approving any plan of lots or approving and accepting any public improvement.
- 1.4.13. Any ordinance pertaining to pensions, insurance or other benefits for officers and employees of the township.

1.4.14. A resolution adopted March 17, 1950, pertaining to the creation of the Municipal Authority, and any amendments thereto.

1.4.15. An ordinance adopted September 5, 1961, as Ord. No. 175, pertaining to the Chartier's Valley District Flood Control Authority.

§ 1.5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1.4.1. and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such legislation shall be temporarily placed in the Code until printed supplements are included. In the event of any conflict or inconsistency between the provisions of this Code and the provisions of an ordinance adopted subsequent to the date specified in § 1.4.1. but prior to the date of adoption of this ordinance, the provisions of such prior ordinance shall be deemed to be controlling.

§ 1.6. Changes and revisions in previously adopted ordinances; new provisions.

1.6.1. In compiling and preparing the ordinances of the township for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Board of Commissioners that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to reach as such.

1.6.2. In revising the ordinances of the township for adoption as part of the Code, certain general changes were made to bring consistency to the legislation of the township. It is the intent of the Board of Commissioners that such general changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to reach as such. Such general changes include but are not limited to the following:

1.6.2.1. Except where specific statutory provisions exist with respect to certain ordinances (such as Vehicles and Traffic, Subdivision and Land Development and Zoning), all penalty sections have been revised to deleted specific fine and imprisonment provisions and to refer to Chapter 5, Enforcement of Ordinances; Penalties, for such provisions.

1.6.2.2. Any definition which duplicate or are similar to definitions included in Chapter 3, Definitions; Rules of Interpretation have been deleted in individual chapters. If a definition is substantively different from the definition included in Chapter 3, it has been retained.

1.6.2.3.1. Changing "Township Secretary" to "Township Manager" pursuant to § C-601 of the Home Rule Charter.

1.6.2.3.2. Use of "Board of Commissioners" consistently rather than "Township Commissioners," "Board of Township Commissioners" or other variants thereof.

1.6.2.3.3. Changing “Justice of Peace” to “District Magistrate” in accordance with current statutory provisions.

1.6.2.3.4. Changing “Director of Public Safety” to “Chief of Police.”

1.6.2.4. Sections pertaining to severability, effective dates and repeals have been deleted since such provisions are included in this ordinance or are of no further effect.

1.6.2.5. Sections assigning titles to various ordinances have been deleted as all ordinances have been given chapter or Article titles as part of the Code.

1.6.3. Certain changes and revisions of a substantive were made to various ordinances found within the Code during the process of codification. These changes were made to bring the provisions into conformity with the desired policies of the Board of Commissioners, and it is the intent of the Board of Commissioners that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1.14. Such changes and revisions are cited in editor’s notes and within the historical statements of individual chapters by the phrase “...amended (or added) at time of adoption of Code...”¹

1.6.4. Certain new provisions included as chapters or Articles of the Code were approved by the Board of Commissioners during the process of codification to replace previously adopted ordinances deemed obsolete and/or inadequate, to reenact and continue necessary provisions from the First Class Township Code or to provide regulation and control on new subject matters. It is the intent of the Board of Commissioners that such new chapters and Articles be adopted as part of the Code as if such new chapters and Articles were adopted separately by ordinance, and such new chapters and Articles are deemed to be in effect as of the effective date of the Code specified in § 1.14. Such new chapters and Articles are cited within the historical statements for individual chapters by the phrase “Adopted...at time of adoption of Code...”²

§ 1.7. Titles and headings; editor’s notes.

¹Editor’s Note: Pursuant to § 1.6.3., the following sections were added or amended: §§ 11.6.2.2.; 15.10.1, .2.,.3.,4.,5 and .6; 15.12.2.2., 15.12.2.3.1., 15.12.3.2.3., 15.12.2.3.3., 15.12.2.4.1., 5.12.2.4.4., 15.12.2.4.5., 15.12.2.6.1., 15.12.2.6.2., 15.12.2.7.1 and 15.12.3.; 25.6.7.; 33.8.2.; 37.9.1.; 37.11.; 39.5.; 39.7.; 41.1.; 41.15.; 51.26.3.; 51.2.8., and 51.2.11.1.; 59.2.1.; 59.4., 59.5.; 59.6.; 61.2.4. and .5; 64.5.; 68.5.; 68.6.6.; 68.11.; 71.2.; 71.17.3.; 80.3.; 80.5.; 93.1.; 93.2.14.; 93.2.20. and 93.3.21.; 93.3.; 118.10.; 125.31.; 125.39.; 125.40.; 130.4.; 130.9.1.6. and 130.16.8.

²Editor’s Note: Pursuant to § 1.6.4., the following new chapters or Articles were adopted: Chapters 48, 56, 78, 83, 96, 102, 106, 109, 112 and 116 and Article III of Ch. 118.

1.7.1. Chapter and Article titles, headings and titles of sections and other divisions in the Code, or in supplements made to the Code, are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the ordinances.

1.7.2. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the ordinances.

§ 1.8. Copies of Code on file.

Three (3) copies of the Code in post-bound volumes shall be filed with the ordinance book in the office of the Township Manager and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Manager, as provided by law, and such certified copies shall remain on file in the office of the Township Manager available to persons desiring to examine the same during all times while said Code is in effect.

§ 1.9. Amendments to the Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form to indicate the intention of the Board of Commissioners to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing the said Code, as amendments and supplements thereto.

§ 1.10. Code books to be kept up-to-date.

Pursuant to § C-505 of the Home Rule Charter and Chapter 31 of the Administrative Code of the township, it shall be the duty of the Township Manager, or someone authorized and directed by him, to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Township Manager for the use of the public. All changes in said Code and all ordinances adopted by the Board of Commissioners subsequent to the effective date of this codification which the Board of Commissioners shall adopt specifically as part of the Code shall, when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to said Code book at which time such supplements shall be inserted therein.

§ 1.11. Publication of notice of adoption.

The Township Manager, pursuant to § C-504 of the Home Rule Charter and Chapter 31 of the Administrative Code, shall cause to be published in the manner required a notice of the

adoption of this ordinance in a newspaper of general circulation in the township. The enactment and application of this ordinance, coupled with the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1.12. Severability of Code provisions.

If any clause, sentence, paragraph, section, Article or part of this Code shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 1.13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the township to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject to the provisions of Chapter 5, Enforcement of Ordinances; Penalties, of this Code.

§ 1.14. Effective date.

All provisions of the Code shall be in force and effect on and after August 2, 1976.

§ 1.15. Inclusion of ordinance in Code.

This ordinance shall be included in the Code as Chapter 1, Adoption of Township Code.

§ 1.16. Adoption of Code. [Added 8-1-88 by Ord. No. 1344]

Pursuant to Section C-505 of the Charter of the Township of Upper St. Clair and to Chapter 31 of the Administrative Code of the Township the codification of a complete body of ordinances for the Township, as revised, codified and consolidated into titles, chapters and sections by Robert N. Hackett, Township Attorney, and consisting of Chapters 1 through 135, together with an Appendix and Index, is hereby approved, readopted, ordained and enacted as a single ordinance of the Township which continues to be known and is hereby designated as the "Code of the Township of Upper St. Clair" hereinafter referred to as the "Code."

§ 1.17. Effect of Code on previous provisions. [Added 8-1-88 by Ord. No. 1344]

The provisions of this Code, insofar as they are substantively the same as the prior Code enacted August 2, 1976 (Prior Code) are intended as a continuation of the Prior Code and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of

the Prior Code. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Commissioners of the Township, and it is the intention of said Board of Commissioners that each such provision contained within the Prior Code is hereby reenacted and reaffirmed as it appears in the Code, and all ordinances adopted after April 6, 1987 up to April 4, 1988 are hereby codified.

§ 1.18. Provisions of Prior Code. [Added 8-1-88 by Ord. No. 1344]

The provisions of the Prior Code have been reformatted and edited and are hereby reenacted with the effective date of the Prior Code except for editorial and format changes made in this reenactment. The Repeal Provision of Ordinance 632 and all relevant provisions in Ordinance 632 are hereby adopted by reference as if set forth herein in full. It is the intent of the Board of Commissioners that this reenactment continues the Prior Code (and does not repeal the Prior Code) and the Provisions of Ordinance 632 with no gap in time or content or enforcement; it being the intent to reenact by this ordinance only for editorial and format purposes.

§ 1.19. Ordinances saved from repeal; matters not affected by repeal. [Added 8-1-88 by Ord. No. 1344]

The adoption of this Code shall not affect the following ordinances, rights and obligations which are hereby expressly saved from repeal:

- 1.19.1. Any ordinance adopted subsequent to April 4, 1988 (Ordinance No. 1321).
- 1.19.2. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township.
- 1.19.3. Any ordinance providing for laying, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property.
- 1.19.4. Any ordinance requiring the construction or reconstruction of sidewalks, curbs or gutters.
- 1.19.5. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money, or authorizing the issuances and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- 1.19.6. Any ordinance adopting an annual budget or establishing an annual tax rate.
- 1.19.7. Any ordinance authorizing the purchase, sale, lease or transfer of property, or any lawful contract, obligation or agreement.

- 1.19.8. Any ordinance annexing land to the Township.
- 1.19.9. Any ordinance establishing a water, sewer or other special purpose district and designating the boundaries thereof, or providing for a system of sewers or water supply lines.
- 1.19.10. Any ordinance providing for the salaries and compensation of officers and employees of the Township.
- 1.19.11. The levy or imposition of special assessments or charges.
- 1.19.12. Any ordinance approving any plan of lots or approving and accepting any public improvement.
- 1.19.13. Any ordinance pertaining to pensions, insurance or other benefits for officers and employees of the Township.
- 1.19.14. A resolution adopted March 17, 1950, pertaining to the creation of the Municipal Authority, and any amendments thereto.
- 1.19.15. An ordinance adopted September 5, 1961, as Ordinance No. 175, pertaining the Charter's Valley District Flood Control Authority.

§ 1.20. Inclusion of Ordinance in Code. [Added 8-1-88 by Ord. No. 1344]

This ordinance shall be included in the Code and added to Chapter 1, Adoption of Township Code, along with Ordinance 632.