

Chapter 11**ADMINISTRATIVE GENERAL PROVISIONS**

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4-5-76 as part of Ord. No. 614. Section 11.6.2.2 amended at time of adoption of Code; see Ch. 1, Adoption of Township Code. Other amendments noted where applicable.]

GENERAL REFERENCES

Administrative departments and regulations - See Charter, Art. VIII.

Definitions and rules of interpretation - See Ch. 3.

§ 11.1. Establishment of Administrative Code.

There is hereby established an Administrative Code for the government of the Township of Upper St. Clair, Pennsylvania, a home rule municipality, pursuant to its Home Rule Charter¹ and the laws of the Commonwealth of Pennsylvania. This code shall comprise Part II, Chapters 11 through 35, of the Code of the Township of Upper St. Clair, and shall be known and referred to as the "Administrative Code." Said code defines the responsibilities of such municipal departments, offices and agencies as the Board of Commissioners deems necessary for the proper and efficient conduct of municipal affairs.

¹ Editor's Note: For specific provisions pertaining to the Administrative Code, see C-802 of the Home Rule Charter.

§ 11.2. Continuation of existing provisions; continuity of authority and responsibilities.²

11.2.1. Provisions to be construed as restatements. The provisions of this Administrative Code, insofar as they are substantially the same as existing provisions of ordinances of the Township of Upper St. Clair relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

11.2.2. Continuity of authority and responsibility. The performance of functions pursuant to the provisions of this Administrative Code shall be deemed and held to constitute a continuation of the performance of previous functions for the purpose of succession to all rights, powers, duties and obligations attached to such functions. Any proceedings or other business undertaken or commenced prior to the effective date of this Administrative Code may be conducted and completed by the township officer or administrative unit responsible therefor under the Home Rule Charter or this Administrative Code.

§ 11.3. Transitional Matters.³

11.3.1. Fiscal affairs. In accordance with Article VI, § C-602B of the Home Rule Charter, the Township Manager shall be responsible for the collection, receipt, accounting for and depositing into the township treasury of all taxes, fees, assessments or charges that are levied or established by the township for general or special purposes. During the Home Rule Charter transitional period, designated as the period from January 1, 1976 through December 31, 1977, the elected Township Treasurer shall perform those fiscal functions outlined in Article VIII of the First Class Township Code of the Commonwealth of Pennsylvania. All other fiscal matters discussed in Chapter 25, Fiscal Affairs of this Administrative Code will be performed by the Township Manager or an officer designated by him. At any time during the designated transitional period that the office of Township Treasurer is vacated in accordance with Section 510 of the First Class Township Code of the Commonwealth of Pennsylvania,⁴ the Township Manager shall immediately assume all duties and powers assigned to that office.

11.3.2. Departments of government. In accordance with Article VIII, § C-801 of the Home Rule Charter, administrative departments are hereby established as designated in Chapter 21, Departments of Government, of this Administrative Code. During any transitional period after the date of adoption of this Administrative Code and prior to the actual establishment of the designated administrative departments, the Township Manager or an officer designated by him shall carry out the duties and responsibilities assigned to the administrative departments.

² Editor's Note: For provisions as to the succession of rights and liabilities of the township and the responsibilities, powers and duties of elected officials, and the continuation of ordinances, see Article XIII of the Home Rule Charter.

³ Editor's Note: For provisions as to the succession of rights and liabilities of the township and the responsibilities, powers and duties of elected officials, and the continuation of ordinances, see Article XIII of the Home Rule Charter.

⁴ Editor's Note: See 53 P.S. 55510.

11.3.3. Members of restructured boards and commissions. The terms of all members of the following boards and commissions in existence prior to the adoption of this Administrative Code shall terminate upon the adoption of this Administrative Code: Zoning Hearing Board, Civil Service Commission, Building and Fire Codes Appeals and Advisory Board, Library Board, Planning Commission and Safety Council. Within twenty-four (24) hours after the adoption of this Administrative Code, members shall be appointed to all boards and commissions established in Chapter 15 of this Administrative Code, except the Parks and Recreation Board. In making such appointments, consideration will be given to appointment of persons who have served on previously existing boards and commissions. The terms of all members so appointed will be staggered in accordance with Chapter 15, with the terms of all members of such boards and commissions to expire on December 31 of a given year.

11.3.4. Members of the Parks and Recreation Board. The terms of all members of the following boards and commissions in existence prior to the adoption of this Administrative Code shall terminate no later than seventy-five (75) days after the date of adoption of this Administrative Code: Parks Commission, Recreation Board and Shade Tree Commission. Within seventy-five (75) days after the adoption of this Administrative Code, members shall be appointed to the Parks and Recreation Board established in Chapter 15 of this Administrative Code. In making such appointments, consideration will be given to appointment of persons who have served on previously existing boards and commissions. The terms of all members so appointed will be staggered in accordance with Chapter 15, with the terms of all members to expire on December 31 of a given year.

§ 11.4. Municipal Authority not affected.

The provisions of this Administrative Code shall not be deemed to affect the organization, authority, powers, duties or obligations of the Municipal Authority of the Township of Upper St. Clair as created March 17, 1950, pursuant to a resolution of the Board of Supervisors of the Second Class Township of Upper St. Clair. The Municipal Authority of the Township of Upper St. Clair shall continue to exist and function under the provisions of its Articles of Incorporation and the laws of the Commonwealth of Pennsylvania.

§ 11.5. Construction of provisions.

The provisions of this Administrative Code shall be construed broadly in favor of the Township of Upper St. Clair within the limitations of its Home Rule Charter and the laws of the Commonwealth of Pennsylvania. Any specific mention of particular functions, authorities, powers and duties in this Administrative Code shall not be construed in any way as limiting the general powers of the Board of Commissioners or of the Township Manager as set forth in the Home Rule Charter, in providing for the most efficient and beneficial administration of government for the Township of Upper St. Clair.

§ 11.6. Citizen's right to examine and copy township records.⁵

11.6.1. Any person who is a citizen of the commonwealth (hereinafter "citizen") shall have the right to examine and copy any account, voucher, contract, minute, order or decision of the township ("township records") in accordance with the laws of the Commonwealth of Pennsylvania and the procedure hereinafter set forth.

11.6.2. Rules and Regulations for access to Public Records shall be promulgated by the Township Manager in accordance with the Laws of the Commonwealth of Pennsylvania.

Rules and Regulations shall be posted in the office of the Township Manager, throughout Township Departmental Offices and Receptions areas, as well as the Township Library and website. [Amended 12-2-02 by Ord. No. 1876]

11.6.3. Records not open to citizen access. No citizen shall have the right to examine or copy any records to which the laws of the Commonwealth of Pennsylvania or the township deny public access.

11.6.4. Appeals from the denial of the right to examine records. Any citizen shall have the right to appeal the denial of access to township records in accordance with the laws of the Commonwealth of Pennsylvania.

§ 11.7. Preservation of records.⁶

The Board of Commissioners hereby declares its intent to follow the Municipal Records Retention and Disposition Schedule approved by the Local Government Records Committee pursuant to the Municipal Records Act.⁷ All records of the township shall be preserved for such period of time as may be designated in said schedule for each particular kind and character of municipal public record.

⁵ Editor's Note: For provisions pertaining to the disclosure of confidential information by township officials or employees, see Ch. 23, Ethics, Code of, Para. 23.4. For provisions pertaining to unauthorized disclosure of records or township business to the public by township officials or employees, see Ch. 33, Personnel System, Para. 33.11. See also Para C-402 of the Home Rule Charter.

⁶ Editor's Note: See C-402 of the Home Rule Charter.

⁷ Editor's Note: See 53 P.S. Para. 9001 et seq.