

**Chapter 31****ORDINANCES AND CODES**

- § 31.1. General provisions.**
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- § 31.3. Adoption of codes and standards by reference.**
- § 31.4. Ordinance codifications.**

**[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair 4-5-76 as part of Ord. No. 614. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Ordinances and resolutions - See Charter, Art. V.**

**Adoption of ordinances through initiative and referendum procedure - See Charter, Art. XIV.**

**Definitions and rules of interpretation - See Ch. 3.**

**Enforcement of ordinances; penalties - See Ch. 5.**

**§ 31.1. General provisions.**

Ordinances shall be adopted by the Board of Commissioners in accordance with the provisions of Article V of the Home Rule Charter and this chapter of the Administrative Code. This chapter contains certain provisions pertaining to the adoption of ordinances and codes by reference which are not covered under Article V of the Home Rule Charter or which are expansions of the provisions of Article V.

**§ 31.2. Ordinance adoption procedures generally.**

31.2.1. All ordinances proposed for adoption shall be submitted in writing to each Commissioner at least forty-eight (48) hours prior to the time when the ordinance is to be considered for adoption. Ordinances requiring prior public notice as provided in § C-506 of the Home Rule Charter shall be submitted to each Commissioner at least forty-eight (48) hours prior to the time when such ordinance is to be finally introduced and a date designated for a public hearing thereon.

31.2.1.1. For the purposes of this subsection, "submission" shall be deemed to mean delivery to the Commissioner's residence.

31.2.1.2. The time requirements of this subsection may be waived by action of a majority of the Commissioners present and entitled to vote at a meeting open to the public.

31.2.2. Any public notice of a hearing to be held with respect to the adoption of an ordinance shall specify the place where copies of such ordinance are available for public examination during reasonable hours.

31.2.3. Each ordinance, when introduced, shall be assigned a bill number by the Township Manager. The bill, if adopted, shall then be assigned a chronological ordinance number. The assignment of the final ordinance number need not be done during a public meeting.

31.2.4. The minutes of a meeting at which an ordinance is introduced may identify such ordinance by bill number and title only. A permanent record of all ordinances introduced shall be kept, in chronological bill number order.<sup>1</sup> This record of bill numbers (ordinances introduced) shall contain a statement as to the disposition of each bill, including the ordinance number assigned upon final adoption, if such is the case.

31.2.5. Except as provided in § C-506 of the Home Rule Charter, any ordinance may be finally adopted, with or without amendments, at the same meeting at which it is introduced. The minutes of the meeting shall identify any ordinance adopted by bill number and title and shall indicate the ordinance number finally assigned.

31.2.6. Ordinances shall be published after final adoption, as provided in § C-504 of the Home Rule Charter. If such publication consists only of the title or a general summary of the substance of the ordinance, the title or summary shall be of sufficient content to provide reasonable public notice of the general purpose and effect of the ordinance. The publication shall also specify the place where copies of the ordinance are available for public examination during reasonable hours.

31.2.7. Ordinances shall take effect as provided in § C-504 of the Home Rule Charter or as may be specifically provided in the laws of the Commonwealth of Pennsylvania; provided, however, that any ordinance shall take effect immediately with respect to any person upon whom personal service is made, unless otherwise restricted by the laws of the commonwealth.

### **§ 31.3. Adoption of codes and standards by reference.**

31.3.1. The Board of Commissioners may adopt by reference any nationally recognized and/or professionally prepared code or standard, in whole or in part, by adoption of an ordinance specifying:

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<sup>1</sup> Editor's Note: For provisions pertaining to preservation of records generally, see Ch. 11, Administrative General Provisions, § 11.7.

31.3.1.1. The title of the code or standard.

31.3.1.2. The name of the agency or professional person or organization responsible for the preparation of the code or standard.

31.3.1.3. The date of publication or preparation of the code or standard.

31.3.1.4. The general content and purpose of the code or standard.

31.3.2. Any amendments, deletions or insertions to be made in a code or standard adopted by reference shall be described in the ordinance adopting the code or standard, and any penalty shall be specifically set forth.

31.3.3. Upon introduction of an ordinance adopting a code or standard by reference, at least three (3) copies of such code or standard, marked so as to indicate any amendments, deletions or insertions, shall be placed on file in the office of the Township Manager, available for public use and examination. Upon final adoption of the ordinance, one (1) of the three (3) copies of the code or standard shall be kept on file in the office of the chief enforcement officer for the code or standard. As much as is possible, the township shall make available to the general public, at a reasonable charge, copies of such codes or standards.

31.3.4. The public notice of adoption of any ordinance adopting by reference a code or standard shall specify the title of said code or standard, indicate its general content and purpose, specify whether or not any changes are being made in said code or standard and designate the place where copies of said code or standard are on file for public examination during reasonable hours.

#### **§ 31.4. Ordinance codifications.<sup>2</sup>**

31.4.1. In accordance with the provisions of § C-505 of the Home Rule Charter, the Board of Commissioners shall provide for the codification of all general and permanent ordinances of the township. Such codification shall be adopted, by reference, by an ordinance duly enacted by the Board of Commissioners. The adopting ordinance may provide for the repeal of all ordinances of a general and permanent nature not included in the codification, saving from repeal such ordinances as may be desired, or the adopting ordinance may provide for the repeal of specific ordinances.

31.4.2. The ordinance adopting a codification by reference shall be deemed to validate any nonsubstantive organizational, numbering and stylization changes and grammatical corrections required in the preparation of the codification, any substantive textual changes to previously adopted ordinances and any new ordinances which may be authorized by the Board of Commissioners during the process of codification.

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<sup>2</sup> Editor's Note: For the adoption of the current township ordinance codification, see Ch. 1, Adoption of Township Code.

31.4.3. At least three (3) copies of the codification shall, upon introduction of the adopting ordinance, be placed on file in the office of the Township Manager and shall remain there on file for public use and examination during the time when such codification is in effect. Copies of the codification may be made available for purchase by the general public at a reasonable charge.