

## CHAPTER 1

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Part 1

Recognition of Firemen's Relief Association

§101. Recognition of Firemen's Relief Association.

1. The following association is hereby recognized as actively engages in providing fire protection and/or emergency services in the Borough.

Everett Volunteer Firemen's Relief Association

The above named association has been formed 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 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 in premiums from foreign fire insurance companies.  
(Ord. 2/2/31; as revised by Ord. 271, 6/8/1992)

§102. Certification to Auditor General. The Borough Council shall annually certify to the Auditor General of the commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General. (Ord. 2/2/31; as revised by Ord. 271, 6/8/1992)

§103. 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(s) within sixty (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. (Ord. 2/2/31; as revised by Ord. 271, 6/8/1992)

Part 2

Police Department

§201. Police Department Established; Membership Thereof. A Police Department is hereby established in and for the Borough of Everett, to be composed of one Chief of Police and one or more Patrolmen, the precise number thereof, as well as the compensation of each, to be determined by the Borough Council from time to time. The Chief of Police, under the direction of the Mayor, shall be in charge of the Police Department. (Ord. 215, 4/7/69, §1)

§202. Appointment of Special Policemen by Mayor. Nothing in this Part shall affect the authority of the Mayor to appoint special policemen during emergencies. (Ord. 215, 4/7/69, §2)

§203. Drug Task Force.

1. Preamble

A. WHEREAS, the Borough Council of the Borough of Everett, Bedford County, Pennsylvania, recognizes that the use and trafficking of narcotics and illegal drugs is an increasing problem throughout Bedford County; and

B. WHEREAS, The use and trafficking of narcotics and illegal drugs have tended to extend beyond and across municipal boundaries; and

C. WHEREAS, The Attorney General of the Commonwealth of Pennsylvania has officially requested that the District Attorney of Bedford County create a District Attorney-controlled county drug task force to be know as the Bedford County Drug Task Force; and

D. WHEREAS, The Attorney General of the Commonwealth of Pennsylvania has agreed to hold harmless and indemnify municipalities which allow their officers to perform task force activities with regard to issues which arise as a result of the officer's performance of task force activities in accordance with the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. § 8951, et. seq.; and

E. WHEREAS, The Borough of Everett, Bedford County, Pennsylvania, intends to participate in the Bedford Drug Task Force in conjunction with the County District Attorney's Office.

F. NOW, THEREFORE, The Borough of Everett, Bedford County, Pennsylvania, acting pursuant to the Intergovernmental Cooperation Act, Act of July 12, 1972, No. 180 (53 P.S. § 481, et. seq.) hereby enacts this ordinance adopting a Municipal Police Cooperative Agreement (hereinafter referred to as "Agreement") with the Bedford County District Attorney's Office of enforce narcotics and illegal drug laws and thereby to preserve the safety and welfare of the community.

2. The Borough has evidenced its intent to participate in the Bedford County Drug Task Force activities in cooperation with the

Bedford County District Attorney's Office designed to interdict the illegal use and trafficking of narcotics and other illegal drugs within its municipal boundaries as well as within the boundaries of nearby communities.

3. The Agreement may include intergovernmental cooperative activities with adjacent and nearby municipal governments as part of a regional effort to interdict illegal drug activities.

4. The Borough shall utilize the services of its police force, both full-time as well as part-time, under the conditions set forth in the Agreement and in compliance with the Municipal Police Jurisdiction Act, 42 Pa. C.S.A. §8953.

5. The Borough shall establish, pursuant to the terms of the Agreement which is incorporated as part of this ordinance, appropriate procedures to comply with all relevant provisions of the Agreement and relevant regulations, direction, and guidance from the Bedford County District Attorney's Office.

6. The term of the Agreement shall commence on May 11, 2004, and may be terminated at any time upon thirty (30) days written notice.

7. The purpose and objectives of the Agreement include region-wide coordination of municipal police activities in an effort to combat illegal narcotics and drug trafficking.

8. The Agreement shall be financed with the assistance of funds supplied by the Office of the Attorney General of the Commonwealth of Pennsylvania and the Bedford County District Attorney's Office.

9. The organizational structure necessary to implement the terms of the Agreement shall be covered by directives, procedures, and guidance from the Bedford County District Attorney's Office.

10. All property, real or personal, acquired, managed, or disposed of pursuant to the Agreement shall be in accordance with both the terms of the Agreement as well as the directives, procedures, and guidance of the Bedford County District Attorney's Office.

11. The Borough shall retain responsibility for the management, control and direction of its employees with assistance, financial or otherwise, from the Bedford County District Attorney's Office.

(Ord. 2004-05-01, 5/10/04)

Part 3

Fire Department

§301. Composition of Fire Department; Fire Chief. The Fire Department of the Borough of Everett shall be composed of the Everett Volunteer Fire Company No. 1, which shall be in charge of the Fire Chief who shall be elected annually by the qualified members thereof, but whose election shall be subject to the approval of the Borough Council. (Ord. 223, 4/7/69, §1)

§302. Authorized Activities of Members of Fire Department. In addition to fighting fires and traveling to or returning from fires, the members of the Fire Department are authorized to do the following things:

A. Answer any type of fire alarm or call, whether general alarm, private call or investigation of fire report, or emergency call of any type, including but not limited to flood need, within or without the limits of the Borough of Everett

B. Engage in any type of drill, training, ceremonial, practice, test, parade or other duty when duly called or authorized by the Fire Chief, or, in his absence, by his duly appointed assistant. (Ord. 223, 4/7/69, §3)

Part 4

Planning Commission

§401. Borough Planning Commission Created. A Borough Planning commission is hereby created in and for the Borough of Everett. The said Commission shall be constituted as provided by law, and shall perform all the duties and may exercise all the powers conferred upon borough planning commissions by law. Provided: The Planning Commission previously erected in and for the Borough of Everett shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the same manner and for the term provided in the law governing Borough planning commissions, in affect at the time of the happening of the said vacancy. (Ord. 214, 4/7/69 §1; as revised by Ord. 271, 6/8/1992)

Part 5

Borough of Everett Area Municipal Authority

§501. Intention to Organize an Authority. The Council of this Borough signifies its intention and desire to organize an authority under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945" (the Authorities Act). (Ord. 8/17/1981, §1)

§502. Article of Incorporation of Borough of Everett Area Municipal Authority. The Mayor, the President of the Council and the Secretary of this borough are authorized and directed to execute, in behalf of this borough, Articles of Incorporation for such Authority in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," and pursuant to an ordinance duly enacted by the municipal authorities of the Borough of Everett, Bedford County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipality to organize an authority under provisions of said Act, said municipality certifies:

1. The name of the Authority is "The Borough of Everett Area Municipal Authority."
2. The authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945."
3. No other authority has been organized under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," or under provisions of the Act of Assembly approved June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the incorporating municipality except the Everett Municipal AutoRoute organized by the Borough of Everett, Bedford County, Pennsylvania, on July 11, 1949.
4. The name of said incorporating municipality is:

Borough of Everett, Bedford County, Pennsylvania  
(Ord. 8/17/1981, §2)

§503. Authorization to Cause Notice. The President of the Council and the Secretary of this Borough are authorized and directed to cause notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act. (Ord. 8/17/1981, §3)



§504. Authorization of Filing. The President of the Council and the Secretary of this Borough are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of required filing fees. (Ord 8/17/1982, §4)

§505. Members of the Board of Authority. The following named persons are appointed the first members of the Board of the Authority for the following terms of office.

[Here followed the named persons appointed as the Board of the Authority and their the of office.]  
(Ord. 8-17-1981, §5)

Part 6

Bedford County Association of Municipalities

§601. Authority. Pursuant to the provision of the Intergovernmental Cooperation Act, Act of December 19, 1996, P.L. 1158 No. 177 (53 Pa. C.S.A. Section 2301, et seq.) local governments may enter into intergovernmental cooperation agreements for the purpose of cooperatively performing intergovernmental powers and duties. The Everett Borough Council hereby authorizes the Borough of Everett to enter into an intergovernmental cooperation agreement (Agreement) with townships and other boroughs in Bedford County, Pennsylvania, for the purpose of establishing the "Bedford County Association of Municipalities" (hereinafter referred to as "BCAM").

§602. Purposes, Objectives, and Scope of Authority. The purpose and objectives of the Agreement as well as the scope of authority being authorized hereby, are as follows:

1. Enforcement of the Uniform Construction Code and/or any similar construction Code adopted by the Commonwealth of Pennsylvania, including rules and regulations enacted thereunder, and contracting with such entity(ies) as is necessary to facilitate and administer the enforcement thereof;
2. Consolidation for the purpose of purchasing materials, supplies, equipment, and services;
3. Consolidation for the purpose of entering into contracts to offer participation by member municipalities in policies for group insurance and employee benefits for the employees of the participating municipalities, including Everett Borough, and those of BCAM.
4. Establishment of a process or system for review of building permit applications; issuance and administration of building permits; performance of inspections of buildings as required by law; and appeal of decisions with respect thereto as more particularly set forth in the Agreement authorized by this Part, made a part hereof, and incorporated herein by reference as if set forth at length, as well as the development by the BCAM Program Board (Program Board) of By-Laws, Rules, and Regulations, if necessary, with respect thereto.

§603. Term of Agreement and Renewal. The Agreement shall continue for five (5) years commencing with the date of execution hereof. The Agreement shall be automatically renewed for an additional term of one (1) year at the conclusion of the initial term and each renewal term thereafter unless, at least ninety (90) days prior to the beginning of the fiscal year, Everett Borough gives written notice of such refusal to BCAM in writing.

§604. Funding. The Agreement shall be financed by equal contributions by the participating municipalities of \$500.00 each to fund start-up costs with respect thereto and thereafter be pro rata or proportionate contributions by municipalities in relation to their share of materials, supplies, equipment, and services purchased, and acceptance of gifts, grants, or similar subsidies. In the event that additional administrative costs require yearly contributions by the participating municipalities, those participating herein shall be responsible, if necessary, for up to \$500.00 in contribution fees per year.

§605. Administration. The Agreement shall be administered by the Program Board composed of one person appointed by each municipal member of the group as set forth in the agreement, which municipal member shall be entitled to one vote. The Board shall elect a chairman, secretary, and treasurer by a majority vote of the Program Board.

§606. Representation. In accordance with the provisions of the Agreement, the Everett Borough Council will, from time to time, designate one person to be a representative for the Program Board, who shall be a member of the Everett Borough Council.

§607. Acquisition of Property. The property, whether real or personal, necessary for the proper functioning of the provisions of the Agreement shall be acquired and is hereby authorized to be acquired in accordance with the provisions of the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 et seq. and applicable law and shall be licensed, managed, and/or disposed of by BCAM in accordance with applicable law and as is necessary for the proper functioning of BCAM and pursuing and facilitating the purposes and objectives herein set forth.

§608. Authority to Execute Agreement. The president of the Borough Council is hereby authorized to execute the Agreement as described hereinabove on behalf of Everett Borough.

§609. Group Insurance and Employee Benefits. BCAM shall be empowered to enter into contracts to offer participation by member municipalities in policies for group insurance and employee benefits for the employees of the participating municipalities, including Everett Borough, and those of BCAM.

(Ord. 2003-11-01, 11-10-03)