# ALBURTIS CODIFIED ORDINANCES

Chapter 4

**Boards and Commissions** 

# Chapter 4 — Boards and Commissions

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# Article I — Planning Commission

#### § 4-101 Commission Created.

§ 4-406

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The Borough of Alburtis hereby creates a Planning Commission, to be known as the "Alburtis Planning Commission."

#### § 4-102 Purpose, Function, and Powers.

The purpose, function, and powers of the Alburtis Planning Commission shall be to perform such services as directed from time to time or requested on behalf of the Borough Council within the scope of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 et seq.

#### § 4-103 Membership; Terms of Office.

The Alburtis Planning Commission shall be comprised of no less than five (5) members. Of the initial members, two (2) members shall serve for two (2) years; two (2) members shall serve for three (3) years; and one (1) member shall serve for four (4) years. Following the expiration of the initial terms, each term of appointment shall be for a period of four (4) years.

## Article II — Park and Recreation Commission

#### § 4-201 Establishment.

Council hereby establishes the Alburtis Park and Recreation Commission pursuant to the authority granted in sections 1203 and 2708 *et seq.* of the Borough Code, 8 PA. CONS. STAT. §§ 1203, 2708 *et seq.* 

#### § 4-202 Composition of Commission.

(a) In General. The Alburtis Park and Recreation Commission shall consist of nine (9) persons who shall be residents of the Borough. Each member shall be appointed by Council to serve for a term of five (5) years, except as provided in subsection (b). The terms of the members shall be staggered so that the term of one (1) or two (2) members shall expire each March 4 (the anniversary of the creation of the Commission). In the event of a vacancy on the Commission, Council shall appoint a qualified individual to serve for the remainder of the term (even if the position was previously appointed by the School Board of the East Penn School District). Members of the Park and Recreation Commission shall serve without pay. If an employee of the Borough voluntarily offers to serve as a member of the Commission, the employee shall not be entitled to any compensation for time devoted to such activities.

(b) Increase in Size of the Commission. As of March 4, 2023, the Commission consists of one member whose term expires March 4, 2025, one member whose term expires March 4, 2026, and one member whose term expires March 4, 2027. There are vacancies for a term which expires March 4, 2024 and a term which expires March 4, 2028. Council hereby creates four new positions whose initial terms expire on March 4, 2025, March 4, 2026, March 4, 2027, and March 4, 2028, respectively.

#### § 4-203 Organization of Commission.

The members of the Park and Recreation Commission shall elect their own Chair, Vice Chair, Secretary, the Coordinators described in § 4-206, and such other officers as they deem necessary. Each officer shall serve for a period of one (1) year, subject to the pleasure of the Commission. The Commission may adopt rules and regulations for the conduct of its business. The Commission shall meet monthly in accordance with a schedule adopted by them, and otherwise at the call of the Chair on at least two (2) calendar days notice to the members and compliance with the advertising requirements of the Sunshine Act, 65 PA. CONS. STAT. § 701 *et seq.* A majority of the Commission shall constitute a quorum to conduct business, and the Commission shall make decisions by a majority vote of those present and voting.

#### § 4-204 Duties and Powers.

The Park and Recreation Commission shall supervise, equip, operate, and maintain public parks, parkways, playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers, and/or gymnasiums owned or leased by the Borough, subject to the restrictions of § 4-205, promote recreational opportunities and special events for Borough residents, offer sponsorship programs to raise funds for recreational activities, special events, and other purposes as determined by Council, and advise Council on matters relating to parks, recreation, special events, and open space. In the exercise of these powers, the Park and Recreation Commission shall:

(a) Expand and help others to expand the range and variety of recreational programs available in the Borough.

(b) Help promote existing Borough recreation organizations.

(c) Encourage existing Borough recreation organizations to become more involved in meeting the leisure needs of Borough residents.

(d) Develop a master site plan which explores the feasibility of curing some or all of the facility deficiencies identified in the Alburtis Parks, Recreation, and Open Space Plan.

(e) Explore mechanisms for assisting quasi-public Borough recreation organizations in upgrading and maintaining their properties.

(f) Work with Lehigh County and the Lehigh County Wildlands Conservancy to improve existing recreational resources which are under their control.

(g) Continue to review plans and make recommendations to Borough Council with respect to Borough requirements that developers and subdividers dedicate suitable recreation land or pay fees in lieu of such dedication.

(h) Establish and maintain an annual maintenance calendar for all Borough-owned or leased park, recreation, or open space land.

(i) Coordinate the distribution to Borough residents of information describing recreation activities and special events in and around the Borough, including through the Borough newsletter and Borough or Commission internet websites and/or social media platforms.

(j) Re-evaluate the Alburtis Parks, Recreation, and Open Space Plan every two (2) years.

(k) Submit an annual report to Council in connection with the preparation of the Borough budget, which shall include an analysis of community recreation areas, facilities, programs, projects, events, and leadership, with particular reference to the extent or adequacy of the programs and their effectiveness in view of the public expenditures involved and public needs.

(1) Create, implement, and revise from time to time, sponsorship programs as described in § 4-208.

(m) Plan, coordinate, support, assist, and/or operate special events (*e.g.*, a Halloween parade).

**ADMINISTRATION** 

(n) Perform all other duties necessary or convenient to carry out its powers, or to provide helpful and timely advice and recommendations to Council on matters relating to parks, recreation, special events, and open space within the Borough or for the benefit of Borough residents. The enumeration of specific duties in subsections (a) through (m) above shall not be construed as being an exhaustive list of the functions to be performed by the Alburtis Park and Recreation Commission.

#### § 4-205 Limitations.

The Park and Recreation Commission shall not employ any persons, engage any consultants, expend any funds, or enter into any obligations unless such actions have been authorized by Council. Council may authorize Borough employees to assist in executing the duties of the Park and Recreation Commission. However, all Borough employees assigned any duties or responsibilities in connection with the supervision, equipment, operation, and maintenance of Borough recreation places shall remain subject at all times to their regular supervisors and, ultimately, Council, and shall not be directed by the Park and Recreation Commission or any of its members. Council reserves the right to rescind any action taken by the Park and Recreation Commission at any time.

#### § 4-206 Coordinators.

(a) In General. The Park and Recreation Commission shall appoint from among its members one person for each subject area identified in subsection (b) to serve as the Coordinator with particular responsibilities in that subject area. A member may serve as the Coordinator for more than one subject area, and a member need not be assigned as a Coordinator for any subject area. Although the Coordinator has a special responsibility to address matters within the particular subject area, all members of the Park and Recreation Commission have overall responsibility and control over all activities of the Commission.

#### (b) Subject Areas.

(1) Vendor Relations — coordination with persons or entities to be engaged or permitted to provide goods or services on Borough property or public streets, or in connection with events or projects of the Park and Recreation Commission, for a fee, whether charged to the Borough or members of the public (*e.g.*, food trucks at a parade event). The Commission may charge (and remit to the Borough Treasurer) the vendors fees for permitting their operations.

(2) Marketing - coordinating the production and distribution of physical materials and electronic information (including through Borough and Commission newsletters and mailings, websites, and social media); coordinating relations with outside media such as newspapers, radio and television stations, websites, and streaming services; and coordinating the sponsorship programs described in § 4-208.

(3) Commission Events — coordinating the planning and operation of special events directed by the Commission (*e.g.*, a Halloween parade).

(4) Outside Events — coordinating Commission assistance to special events primarily directed by persons or organizations other than the Commission (*e.g.*, National Night Out, events of youth or adult athletic organizations, etc.).

(5) AACC – coordinating activities with the Alburtis Area Community Center.

(6) Borough Recreation Property — coordinating the planning, inspection, and maintenance of Borough owned or leased recreation property; coordinating the planning, acquisition, installation, and construction of equipment and facilities on Borough owned or leased recreation property (*e.g.*, a new piece of playground equipment, a roller hockey rink, a new fence on a baseball field, a basketball court, etc.); coordinating the use of equipment and facilities on Borough owned or leased recreation property.

#### § 4-207 Phases of Operation.

The Park and Recreation Commission shall conduct its operations in phases devoted to general planning, event or project planning, and implementation as follows:

(a) General Planning Phase. The Park and Recreation Commission shall appoint from among its members one person for each subject area identified in subsection (b) to serve as the Coordinator with particular responsibilities in that subject area. A member may serve as the Coordinator for more than one subject area, and a member need not be assigned as a Coordinator for any subject area. Although the Coordinator has a special responsibility to address matters within the particular subject area, all members of the Park and Recreation Commission have overall responsibility and control over all activities of the Commission.

(b) Event or Project Planning Phase. This phase involves the planning to conduct a particular event or undertake a particular project. The Commission shall establish plans for individual events and projects from time to time, and submit them to Council for its approval prior to proceeding further. For purposes of this Article, the term—

(1) "Event" means an activity conducted over a short period of time, such as a parade, concert, festival, game, tournament, or limited-time fundraiser.

(2) "**Project**" means a program to acquire, install, and/or construct particular equipment or facilities; a commitment to provide assistance (financial or otherwise) to the general activities or specific events of an outside organization; or the creation or revision of a sponsorship program under § 4-208.

(c) Implementation Phase. This phase involves the execution or implementation of an event or project previously approved by Council. Unless otherwise directed by the Park and Recreation Commission, the Coordinator of the subject area most closely associated with the event or project shall have authority to supervise the implementation, execution, and conduct of the event or project, and may purchase items or services needed for the event or project up to a total cost of One Thousand Dollars (\$1,000.00) per event or project from funds budgeted or designated for recreation purposes, or raised under a sponsorship program under § 4-208 and designated for such purposes by Council. All other expenditures must be specifically approved by Council.

#### § 4-208 Sponsorship Programs.

(a) Creation and Revision. The Park and Recreation Commission may, from time to time, create and revise sponsorship programs to raise funds for the purposes of the Borough, the Commission, and/or Cooperating Organizations. All new sponsorship programs and all revisions must be approved by Council as described in § 4-207(b) and (c) before any commitments may be made on behalf of the Borough or any funds are collected or distributed by the Borough.

(b) In General. A sponsorship program offers participating businesses, organizations, or other persons the ability to advertise on specified Advertising Media for a limited period of time in exchange for a fee payable to the Borough. The particular fees and conditions and levels of advertising exposure on each type of Advertising Media shall be established for each sponsorship program. The sponsorship program may require the participants to provide physical advertising materials and electronic advertising content or other reproducible templates in addition to the fee. Each participant must certify that it has the full right to use all text, logos, or other content to be displayed in the advertising, and that such use will not violate any copyright, trademark, or other intellectual property rights of others.

(c) Advertising Media. For purposes of this Section, the term "Advertising Media" includes (1) physical objects, such as banners which are hung on property owned, leased, or controlled by the Borough or a Cooperating Organization, and t-shirts or other promotional items, newsletters, brochures, posters, and programs sold or distributed by the Borough or a Cooperating Organization, (2) electronic or virtual locations where the right to display content is owned or controlled by the Borough or a Cooperating Organization, such as websites and social media accounts, and (3) event or project advertising by the Borough or a Cooperating Organization in other print, electronic, or digital media, in which a portion is to be utilized for the advertisement of a participant in the sponsorship program.

(d) Cooperating Organization. For purposes of this Section, the term "Cooperating Organization" means a person, entity, association, or organization which permits the Borough to utilize some of the Cooperating Organization's property or rights for the use of Advertising Media in the sponsorship program (*e.g.*, a banner to be hung on property of the Cooperating Organization). The Borough may agree to pay a portion of the fees collected by the Borough through the sponsorship program to the Cooperating Organization or its designee in exchange for the property or rights of the Cooperating Organization permitted to be used by the sponsorship program, *provided* that the Cooperating Organization agrees it will not directly or indirectly use any of its property or rights to allow others to advertise there for a fee (not just the particular Advertising Media locations granted to the sponsorship program), and the Borough's rights are exclusive.

#### § 4-209 Mobile Food Facilities.

The Park and Recreation Commission shall insure that all Mobile Food Facilities (*e.g.*, food trucks, food carts, etc.) permitted to operate on Borough recreational property or in connection with any Commission-sponsored event:

(a) have a current Retail Food License issued by the Pennsylvania Department of Agriculture (unless exempt), and post a copy of such license in public view during all hours of operation. Mobile Food Facilities shall comply with all applicable requirements of the Retail Food Facility Safety Act, 3 PA. CONS. STAT. § 5701 *et seq.*; and

(b) provide the Borough with a certificate issued by an insurance company licensed to conduct business in the Commonwealth of Pennsylvania showing Commercial General Liability coverage for the period of operation in the Borough with limits of not less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate, and naming the Borough of Alburtis as an Additional Insured.

# Article III — Pension Committee

#### § 4-301 Establishment.

The Borough Council hereby re-establishes the Borough of Alburtis Pension Committee to advise Borough Council on matters relating to retirement benefits for employees of the Borough, and to perform such other duties and have such other powers and responsibilities as has been or shall be determined, from time to time, by Ordinance or Resolution of Borough Council. *See, e.g.*, Chapter 17 (relating to Police Pension Plan) and Chapter 18 (relating to Nonuniformed Employees Pension Plan).

#### § 4-302 Membership.

The Borough of Alburtis Pension Committee shall consist of five (5) members, as follows:

- (a) One member shall be the President of Borough Council, ex officio;
- (b) Two members shall be members of Borough Council;
- (c) One member shall be a full-time non-uniformed employee of the Borough; and
- (d) One member shall be a full-time police officer of the Borough.

#### § 4-303 Appointment; Term of Service.

All members of the Borough of Alburtis Pension Committee, except the President of Borough Council who serves *ex officio*, shall be appointed by Borough Council. Members shall continue to serve on the Borough of Alburtis Pension Committee without annual or other periodic reappointment until the earliest of the following events:

(a) the death or resignation of the member;

(b) the first day the member fails to remain qualified under § 4-302 for the position to which the member was appointed;

- (c) the removal of the member by action of Borough Council; or
- (d) the appointment of a successor to the member by action of Borough Council.

#### § 4-304 Quorum; Necessary Vote.

Three members of the Borough of Alburtis Pension Committee shall constitute a quorum. No action shall be taken by the Borough of Alburtis Pension Committee without the concurrence of three members.

#### § 4-305 Organization; Conduct of Business.

Borough Council shall, from time to time, appoint one of the three Committee members who are members of Borough Council to serve as the Chair of the Borough of Alburtis Pension Committee. The Committee may appoint, from time to time, such other and further officers and subcommittees, and establish, from time to time, such rules and regulations for the conduct of its business as it shall deem appropriate, subject to the provisions of any Ordinance or Resolution of Borough Council.

# Article IV — Environmental Advisory Council

#### § 4-401 Environmental Advisory Council Created.

The Alburtis Environmental Advisory Council is hereby created and shall continue to function until this Article is revoked.

#### § 4-402 Members of Environmental Advisory Council.

(a) Qualification. All members of the Alburtis Environmental Advisory Council shall be residents of the Borough of Alburtis throughout their terms of office.

(b) Number of Members. There shall be three (3) members of the Alburtis Environmental Advisory Council.

(c) Term of Office. The terms of the first three members of the Alburtis Environmental Advisory Council shall be as follows:

- (1) One member shall be appointed for a term ending May 28, 2003;
- (2) One member shall be appointed for a term ending May 28, 2004; and
- (3) One member shall be appointed for a term ending May 28, 2005.

Thereafter, the term of each member of the Alburtis Environmental Advisory Council shall be three (3) years, ending on the May 28<sup>th</sup> which is three years after the expiration of the preceding term.

(d) Appointment. All members of the Alburtis Environmental Advisory Council shall be appointed by Borough Council. In the event any position on the Alburtis Environmental Advisory Council shall become vacant, Borough Council shall appoint a qualified individual to serve for the remainder of the unexpired term. If, at any time an appointment is being made (whether for a full term or to fill a vacancy), none of the other members of the Alburtis Environmental Advisory Council is also a member of the Alburtis Planning Commission, Borough Council shall appoint at least one member of the Alburtis Planning Commission to the Alburtis Environmental Advisory Council.

(e) Chair. The Borough Council shall, from time to time, designate the Chair of the Alburtis Environmental Advisory Council.

(f) Compensation. Members of the Alburtis Environmental Advisory Council shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

(g) Meetings. The Alburtis Environmental Advisory Council shall meet at the call of its Chair, two (2) other members of the Alburtis Advisory Council, or the Borough Council. Each member shall be given at least five (5) calendar days notice of each meeting. The Alburtis Environmental Advisory Council shall keep minutes of its meetings and forward a copy of the same to Borough Council.

#### § 4-403 Advisory Role.

The Alburtis Environmental Advisory Council is strictly an advisory organization, and shall coordinate all of its functions with the Borough Council and, as appropriate, the Alburtis Planning Commission, the Alburtis Park and Recreation Commission, or the Alburtis Zoning Hearing Board.

#### § 4-404 Duties and Powers.

The Alburtis Environmental Advisory Council shall have the following duties and powers, consistent with § 4-403 (relating to Advisory Role) and § 4-406 (relating to Limitations):

(a) To identify environmental problems and recommend plans and programs to the appropriate Borough agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the territorial limits of the Borough of Alburtis;

(b) To make recommendations as to the possible use of open land areas of the Borough;

(c) To promote a community environmental program;

(d) To keep an index of all open areas, publicly or privately owned, including floodprone areas, swamps, and other unique natural areas, for the purpose of obtaining information on the proper use of those areas;

(e) To advise Borough Council and, as appropriate, the Alburtis Planning Commission or the Alburtis Park and Recreation Commission, in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise, or lease, in matters relating to the protection, conservation, management, promotion, and use of natural resources and the protection and improvement of the quality of the environment;

(f) To prepare an annual report of its activities and present the same to Borough Council in or about October of each year. The report shall be printed in the annual report of the Borough, if any; otherwise, it shall be made known and available; and

(g) To undertake such other environmental tasks as requested from time to time by Borough Council.

#### § 4-405 Initial Project.

Borough Council authorizes and directs the Alburtis Environmental Advisory Council to apply for a grant(s) from Commonwealth and/or other public or private agencies in order to develop a GIS-based environmental resource inventory—a compilation of maps and accompanying text showing and explaining the natural characteristics and environmental features of the Borough of Alburtis. No Borough funds shall be expended for or committed to this project without specific authorization from Borough Council.

#### § 4-406 Limitations.

(a) The Alburtis Environmental Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency.

(b) The Alburtis Environmental Advisory Council shall not employ any persons, engage any consultants, expend any funds, or enter into any obligations unless such actions have been authorized and funds appropriated by Borough Council. Borough Council may authorize Borough employees to assist in executing the duties of the Alburtis Environmental Advisory Council, but all Borough employees shall remain subject at all times to their regular supervisors and, ultimately, Borough Council, and shall not be directed by the Alburtis Environmental Advisory Council or any of its members.

(c) Borough Council reserves the right to rescind any action taken by the Alburtis Environmental Advisory Council at any time.

# **Appendix**

#### **J** 4-A Disposition of Ordinance 166.

Ordinance 166	<u>1981 Code</u>	2003 Codified Ordinances
§ I § II 8 II	§ 12-1 § 12-2 § 12-3	§ 4-101 § 4-102 § 4-103
§ III	§ 12-3	§ 4-103

#### **J 4-B** Disposition of Ordinance 177.

Ordinance 177	<u>1981 Code (prior to Ord. 387)</u>
§ I	§ 23-1
§ II	§ 23-2
§ III	§ 23-3
§ IV	§ 23-4
§ V	§ 23-5

#### **J** 4-C Disposition of Ordinance 326.

Ordinance 326	<u>1981 Code</u>	2003 Codified Ordinances
§ 1	never codified to 1981 Code	§ 4-301
§ 2	٠٠	§ 4-302
§ 3	٠٠	§ 4-303
§ 4	٠٠	§ 4-304
§ 5	"	§ 4-305

#### **J** 4-D Disposition of Ordinance 399.

Ordinance 399	<u>1981 Code</u>	2003 Codified Ordinances
§ 1	never codified to 1981 Code	§ 4-401
§ 2	دد	§ 4-402
§ 3	"	§ 4-403

Ordinance 399	<u>1981 Code</u>	2003 Codified Ordinances
§ 4	دد	§ 4-404
§ 5	٠٠	§ 4-405
§ 6	٠٠	§ 4-406

### **J** 4-E Disposition of 1981 Code, Chapter 12.

<u>1981 Code</u>	2003 Codified Ordinances
§ 12-1	§ 4-101
§ 12-2	§ 4-102
§ 12-3	§ 4-103

### **J** 4-F Disposition of 1981 Code, Chapter 23 (after Ord. 387).

<u>1981 Code, after Ord. 387</u>	2003 Codified Ordinances
§ 23-1	§ 4-201
§ 23-2	§ 4-202
§ 23-3	§ 4-203
§ 23-4	§ 4-204
§ 23-5	§ 4-205

### **J** 4-G Source Ordinances.

Ordinance 166	03-04-1974
Ordinance 184	02-09-1977
Ordinance 215	11-11-1981
Ordinance 326	01-31-1996
Ordinance 387	07-25-2001
Ordinance 399	05-29-2002
Ordinance 415	10-29-2003
Ordinance 579	03-08-2023

#### **J** 4-H Prior Ordinances Concerning Related Subject Matter.

Ordinance 177	02-11-1976
Ordinance 276	12-27-1989

### **¶** 4-I Cross-Reference.

Certain other boards and commissions are provided for under other Chapters of the Codified Ordinances, including:

Board/Commission	2003 Codified Ordinances
Zoning Hearing Board	§ 21-1801 et seq.

Civil Service Commission

§ 21-1801 *et seq.* § 13-401 *et seq.*