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Part 1**Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Township of Cambria shall be the "Township of Cambria Code of Ordinances."

(Ord. 199, 2/9/2009)

§1-102. Citation of Code of Ordinances.

The Township of Cambria Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

(Ord. 199, 2/9/2009)

§1-103. Arrangement of Code.

1. This Code is divided into Chapters which are subdivided as follows:
 - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
 - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
 - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
 - A. Subsections, identified by Arabic numerals.
 - B. Paragraphs, identified by capital letters.
 - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
 - D. Clauses, identified by lower case letters enclosed within parentheses.
 - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
 - F. Items, identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified small Roman numerals.

(Ord. 199, 2/9/2009)

§1-104. Headings.

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify, or affect the scope, meaning, or intent of the Code. The headings of Sections, Subsections, or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection, or other division and shall not be deemed to be taken as titles of such Section, Subsection, or other division, nor as any part of said Section, Subsection, or other division unless expressly so provided.

(Ord. 199, 2/9/2009)

§1-105. Tenses, Gender, and Number.

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 199, 2/9/2009)

§1-106. Construction.

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. Effect of Repeal or Expiration of Code Section.

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired.

B. When any ordinance repealing a former Code Section, ordinance, clause, or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause, or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions, and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations of the Township of Cambria, it is the intention of the Board of Supervisors that no ordinance or regulation of the Township be amended, revised, or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Board of Supervisors of the Township of Cambria (in written form and designated “resolution”) which did not require prior public notice in accordance with the provisions of the Second Class Township Code, 53 P.S. §65101 *et seq.*, at the time of their passage by the Board of Supervisors. Such “resolutions” are included herein for ease of reference and the Board of Supervisors does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Board of Supervisors that such actions of the Board of Supervisors that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 199, 2/9/2009)

§1-107. Normal Numbering.

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, “§1-101” designates Chapter 1, Part 1, Section 1. Similarly, “§27-305” designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:

1. Subsection.
 - A. Paragraph.
 - (1) Subparagraph.
 - (a) Clause.
 - 1) Subclause.
 - a) Item.
 - i. Subitem.

(Ord. 199, 2/9/2009)

§1-108. Special Numbering Problems.

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part, or Section between existing Chapters, Parts, or Sections, the new Chapter, Part, or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part, or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, “§5A-101.” If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, “§5-5A01.” A new Section introduced between existing Sections 5 and 6 would be “§5-105A.” When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.

2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.

3. If it becomes necessary to introduce a unit smaller than a Subsection between existing units, the entire Subsection shall be revised and renumbered.

4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked: “[Reserved].”

(Ord. 199, 2/9/2009)

§1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses, or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Board of Supervisors.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter ____, Part ____, Section ____, Subsection ____, is hereby amended (revised) to read as follows” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter ____, Part ____, Section ____, Subsection ____, is hereby amended by the addition of the following” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter ____, Part ____, Section ____, Subsection ____, is hereby repealed in its entirety.”

3. It is the intention of the Board of Supervisors that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Board of Supervisors that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Board of Supervisors hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 199, 2/9/2009)

§1-110. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Board of Supervisors.

(Ord. 199, 2/9/2009)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Township any act is prohibited or is declared to be unlawful, or whenever in this Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety, and Welfare Provisions.* For violations of

ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution, and noise, the following penalty shall be provided:

(1) Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, “Motor Vehicles and Traffic” (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under the authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership, or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney’s fees and costs incurred by the Township. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 199, 2/9/2009)

Part 2**Board of Supervisors****A. Compensation****§1-201. Compensation of Supervisors.**

Each Supervisor of Cambria Township, elected or appointed to office after the effective date of this Chapter and beginning on and as of his/her newly elected term, shall receive compensation for attending duly advertised general or special public meetings or hearings of the Board of Supervisors, or meetings authorized by the Board of Supervisors, at the rate of (but not to exceed) \$2,500 per year.

(Ord. 144, 2/10/1997, §1)

§1-202. Payment.

Such compensation shall be paid in monthly or quarterly installments as per request of the individual Township Supervisor.

(Ord. 144, 2/10/1997, §2)

B. Meetings**§1-211. Order of Business for Meetings.**

1. All regular and special meetings of Cambria Township shall be conducted according to the following order of business:

- A. Call to Order.
- B. Pledge of Allegiance.
- C. Minutes of Previous Meeting.
- D. Agenda for Current Meeting.
- E. Public Comment.
- F. Correspondence.
- G. Administrative Actions.
- H. Staff Reports.
- I. Old Business.
- J. New Business.
- K. Adjournment.

2. The Board of Supervisors of Cambria Township may, from time to time, direct the publication and posting of the agenda for any regular or special meeting prior to such meeting in such manner as the Board may determine by resolution.

(Res. 326, 9/13/1993)

§1-212. Public Comment.

That public comment at regular or special meetings shall be governed by the following rules and regulations:

- A. A period of public comment shall be held at each meeting.
- B. The Chairman of the Board shall preside over the public comment period and may within his discretion:
 - (1) Recognize individuals wishing to offer comment.
 - (2) Require identification of such persons.
 - (3) Allocate available time among individuals wishing to comment.
 - (4) Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting.

C. The time allocated for the public comment period at each meeting shall be a maximum of 30 minutes.

(Res. 326, 9/13/1993)

Part 3**Tax Collector****A. Compensation****§1-301. Tax Collector's Compensation for Real Estate Taxes.**

1. The compensation to be paid to the elected Tax Collector collecting the taxes imposed by the Board of Supervisors of the Township of Cambria upon real estate located in the Township, shall be changed/reduced from the current rate of 2 percent of all taxes/monies collected, to a rate of \$3 per parcel of real estate located in the Township of Cambria on/from which such (ad valorem) tax is collected.

2. The aforesaid compensation rate set for the elected Tax Collector shall be effective beginning the fiscal year 2005.

3. Cambria Township *Res. 1997-400* shall remain in full force and effect as to collection and compensation/salary for the collection of all Act 511 Taxes, (53 P.S. §6901 *et seq.*, the Local Tax Enabling Act, imposed, i.e., per capita - 4 percent of all taxes/monies collected; earned income tax - 2 percent of all taxes/monies collected; emergency and municipal services tax (previously titled occupational privilege tax) - 2 percent of all taxes/monies collected; and streetlight assessments, 53 P.S. §68301 *et seq.* of Second Class Township Code - 2 percent of all assessments/monies collected.

4. The elected Tax Collector shall be allowed by the Board of Supervisors of the Township of Cambria, actual and needful expenditures for printing, postage, books, blanks and forms necessary and incident to the collection of the taxes imposed by the Board of Supervisors of the Township for real estate, streetlights, per capita tax, emergency and municipal services tax (previously occupational privilege tax) and earned income tax. (Such expenses to be shared on a prorata basis with the other taxing entities as to residents of Cambria Township who pay taxes to the County and School District.)

(*Res. 520, 2/14/2005*)

Part 4**Policies and Procedures****A. Drug and Alcohol Testing Policy****§1-401. Purpose.**

1. The purpose of this Policy is that Cambria Township may comply with Federal legislation and regulations thereto concerning commercial driver's licenses (CDL) in its employ.

2. To conform the employment policies of the Township with the requirements of said law and regulations.

(Res. 376, 12/4/1995, §I)

§1-402. Definitions.

Commercial Driver's License or *CDL* - the operating license given to an individual allowing that individual to operate a motor vehicle or combination of motor vehicles that has or have a gross weight rating of 26,001 or more pounds.

Consortium - the group of Cambria County Association of Township Officials that acts on behalf of Cambria Township in the alcohol or controlled substances testing.

Township - Cambria Township, Cambria County, Pennsylvania.

(Res. 376, 12/4/1995, §II)

§1-403. Application.

This Policy shall apply to only those employees and applicants for employment of the Township who are required to have a CDL license for their employment and who are assigned to operate vehicles or equipment requiring CDL licensure.

(Res. 376, 12/4/1995, §III)

§1-404. Federal Regulations.

The regulations of the Federal Highway Management Administration are hereby adopted by reference insofar as they apply to this Township and this Policy.

(Res. 376, 12/4/1995, §IV)

§1-405. Policy Established.

1. Employees shall not use, sell, possess, consume or receive alcohol, or illegal drugs, or distribute or sell prescription drugs while on duty.

A. Violation of this Policy will subject the employee to discipline and/or dismissal, subject to any applicable provisions and procedures of the collective bargaining agreement in effect, if any.

2. *Prescription Drugs.*

A. Prescription drugs must be kept in their original container identifying the drug, dosage, date of prescription and physician.

B. Employees are required to notify their supervisor if they are taking a prescription drug that could impair their working ability or alertness.

(1) The term “illegal drugs” shall include drugs for which the employee does not have a valid prescription.

3. *Testing Programs.*

A. The testing programs will cover the following substances present in the body:

(1) Alcohol.

(2) Cocaine.

(3) Phencyclidine (PCP).

(4) Marijuana.

(5) Opiates (including heroin).

(6) Amphetamines.

(7) Such other illegal drugs as may be identified from time to time.

(Res. 376, 12/4/1995, §V)

§1-406. Tests Established.

1. Tests will be conducted by a licensed facility and will be analyzed by a medical review officer.

A. The medical review officer who is appointed shall be a doctor of medicine or osteopathy with knowledge of drug and alcohol abuse disorders and who is employed by the Township, or the Consortium which the Township has joined, to conduct alcohol and drug testing in accordance with the Federal regulations.

2. The following drug and alcohol test procedures shall be applicable to all employees and applicants for employment to whom this Policy applies:

A. *Pre-Employment.*

(1) All applicants for employment shall be tested for drugs prior to acceptance for employment by the Township.

(2) Any applicant testing positive shall not be considered for employment.

(3) Any refusal for failure by the applicant to submit to such test shall be deemed to be a positive result.

B. *Random.*

(1) The Township through the Consortium will implement a random testing procedure which meets the requirements of the Federal regulations.

(2) This testing procedure shall include tests of affected employees on a random basis and shall be conducted without any advance notice; but shall be done not less than a quarterly basis.

(3) The number of affected employees of the Consortium members selected shall be at least 50 percent of the employees of the Consortium for drug testing and 25 percent of the employees of the Consortium for alcohol testing annually.

C. *Reasonable Cause.* Any employee giving reasonable cause to believe that

he or she is in violation of the Policy established herein shall be subjected to testing immediately upon observation of such reasonable cause by trained supervisory personnel.

(1) Reasonable cause shall be limited to behavior or conduct observed at the workplace or en route to a workplace during working hours.

(a) Observation shall be by supervisory personnel who have received at least one hour of training in drug use detection and 1 hour of training in alcohol use detection.

(b) Supervisory personnel making reasonable cause observations shall make and file with the Township a written report of the attendant circumstances.

(2) All reports filed by Supervisory personnel making reasonable cause observations shall be confidential.

D. Post Accident.

(1) Any employee involved in an accident as defined herein shall be tested for drugs as soon as possible after an accident occurs, but no later than 32 hours, and for alcohol as soon as possible after an accident occurs, but no later than 8 hours.

(a) Post accident testing should not take precedence over needed medical treatment or other needed emergency measures.

(2) An accident shall include any occurrence involving a CDL vehicle where the following occur:

(a) There is a fatality regardless of fault.

(b) 1) Bodily injury requiring transportation of the injured person away from the accident scene for treatment.

2) Vehicular damage requiring the vehicle to be towed.

3) Issuance of a citation to the Township employee for a moving violation arising from the accident.

3. If for any reason the tests cannot be obtained within the times provided, the tests shall not be administered.

4. No employee shall consume alcohol or illegal drugs between the time of the accident and the test administration.

(Res. 376, 12/4/1995, §VI)

§1-407. Return to Duty.

1. Any employee whose drug or alcohol test results are positive shall subject the employee to either:

A. Disciplinary action.

B. Dismissal by the Township at the Township's discretion or in accordance with such other, further policy as the Township may adopt in the future.

2. If re-employment is offered to the employee, the employee shall, prior to returning to duty:

A. Consult such drug and alcohol abuse professional to whom the employee

has been referred at the employee's expense.

B. Undergo drug and alcohol tests at the employee's expense and obtain negative results.

(*Res. 376, 12/4/1995, §VII*)

§1-408. Follow-up.

Any employee returning to duty after a positive drug and/or alcohol test shall be subject to unannounced follow-up tests for a period of 60 months following return to duty.

A. At least six unannounced follow-up tests shall be conducted in the 12 months following return to duty.

(*Res. 376, 12/4/1995, §VIII*)

§1-409. Employee Assistance Program.

The Township shall establish the following:

A. A list of consultative and treatment services available in the area for drug and alcohol abuse problems.

(1) The list of consultative and treatment services shall be posted at a place readily accessible to employees.

B. A list of educational and training resources available in the area for drug and alcohol abuse problems.

(1) The list of educational and training resources shall be posted at a place readily accessible to employees.

C. A place or service for referring employees who test positive for drugs or alcohol for consultation and treatment.

D. A 1 hour training and education program for employees.

E. One hour training each in drug and alcohol detection and related matters for supervisory personnel.

(1) Supervisory training programs shall include the following components:

(a) Effects of drug and alcohol abuse on health and safety.

(b) Manifestations of abuse and abuse detection.

(c) Documentation of training and implementation of this Policy.

(*Res. 376, 12/4/1995, §IX*)

§1-410. Test Results.

1. Employees will be notified if their drug or alcohol test result is positive.

2. Test results shall be retained by the medical review officer responsible for testing.

A. Test results shall be held in strictest confidence and shall be accessible only to the employee, the employer, and such other persons authorized by law and shall not be released to any other person except with the written consent to the employee.

(1) The results of tests made known to the Township may be released to future employers in accordance with the Federal regulations.

(Res. 376, 12/4/1995, §X)

§1-411. Confidentially of Documents.

All files, documents, and records of the Township related to the application of this Policy to individual employees shall be deemed and kept confidential by the Township.

(Res. 376, 12/4/1995, §XI)

§1-412. Record Keeping.

1. All of the records relating to the administration and results of the Township's alcohol and drug testing program for its CDL drivers will be maintained for a minimum period of 5 years, except that individual negative test results will be maintained for a minimum of 12 months.

2. The medical review officer shall be the sole custodian of individual test results.

A. The medical review officer shall retain the reports of individual test results for a minimum of 5 years.

3. The Township shall retain in the employee's personnel file information indicating only the following:

A. The employee submitted to a drug and/or alcohol test.

B. The date of such test.

C. The location of such test.

D. The identity of the person or entity performing the test.

E. Whether the test finding was "positive" or "sub-negative."

4. The Township will also maintain an annual (calendar) year summary of the records related to the administration and results of the testing program for its drivers under the Federal regulations.

(Res. 376, 12/4/1995, §XII)

§1-413. Access to Test Results and Findings.

1. No person may obtain the individual test results retained by the medical review officer.

2. No medical review officer shall release the individual test results of any employee to any person, without first obtaining written authorization from the tested individual, unless otherwise requested by law.

(Res. 376, 12/4/1995, §XIII)

§1-414. Miscellaneous.

1. This Policy shall be implemented with the constitutional and legal rights of the employees subjected to it.

2. This Policy shall not be deemed to be a covenant of employment or other form of covenant or contract between the Township and any employee.

3. Any collective bargaining agreement entered by the Township subsequent to

the adoption of this Policy shall conform with the provisions of this Policy.

4. Any agreement for the sharing, leasing, lending, or other transfer of CDL employees between the Township any other municipality or private enterprise shall address in writing the status of said employees as to whether they are employees of the receiving entity during the period of the transfer.

5. Any contract for services involving CDL employees shall expressly state whether the contracting party is an independent contractor or employee/agent of the Township.

6. The definition of terms shall be as contained in the relevant Federal regulations.

7. A copy of this Policy shall be delivered to every employee and applicant for employment who is subject to it and to all supervisory personnel.

A. All employees shall sign an acknowledgment of receipt of the Policy.

8. A copy of the controlling law and Federal regulations shall be maintained in the Township offices and shall be accessible to employees, upon requested.

9. This Policy will be limited by any applicable Federal or State law or municipal ordinance, and by any applicable collective bargaining agreements.

A. Any portion of this Policy which directly conflicts with such a law, ordinance, or agreement will not be implemented in that jurisdiction or bargaining unit, but shall be severable and shall not affect the validity and enforcement of the remainder of the Policy.

10. Employees agree to waive any liability against the Township or the Consortium arising out of the Township's administration of this Policy and its administration of the program established pursuant to the Federal law or regulations regarding the Township's responsibility for CDL drivers.

(Res. 376, 12/4/1995, §XIV)

B. Nondiscrimination Policy**§1-421. Nondiscrimination Policy.**

The Board of Supervisors of the Township of Cambria, hereby set the following nondiscrimination policy:

A. The Township of Cambria shall not discriminate against any employee, applicant for employment, independent contractor, or any other person because of race, color, religious creed, ancestry, national origin, age, or sex. The Township shall take affirmative action to insure that applicants are employed, and that employees or agents are treated equally during employment, without regard to their race, color, religious creed, handicaps, ancestry, national origin, age, or sex.

B. Such affirmative actions shall include, but is not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

C. In advertisements or requests for employment placed by the Township, it shall be stated that the Township is an Equal Opportunity Employer.

D. In order to fulfill this Policy, the Township shall act affirmatively to assure they will:

(1) Recruit, hire and promote for all job classifications without regard to race, creed, color, sex, national origin, age, religion, handicap, ancestry, union membership, disability, or veteran status.

(2) Base decisions on employment solely upon the individual's qualifications and interest in the position being filled.

(3) Make promotions and hiring decisions only on the individual's qualifications as related to the requirements of the position for which the employee is being considered without regard to race, creed, national origin, age, religion, handicap, ancestry, union membership, disability, veteran status, or sex.

(4) Ensure that all other personnel actions such as compensation, benefits, transfers, layoffs, returns from layoffs, company sponsor training, education, tuition assistance, social and recreation programs, will be administered without regard to race, creed, color, national origin, age, religion, handicap, ancestry, union membership, disability, veteran status, or sex.

(5) Ensure that sexual harassment in the workplace is prohibited.

(Res. 6/24/2002)

C. Sexual Harassment Policy

§1-431. Sexual Harassment.

The Board of Supervisors of the Township of Cambria, hereby set the following Sexual Harassment Policy:

A. This Policy, among other things, prohibits any official, employee, or agent of the Township from making unsolicited or unwanted sexual advances of a verbal or physical nature toward another employee or applicant for employment. No personnel decisions shall be made based on an individual's submission to, rejection of, or reporting of such activity.

B. Sexual harassment in the workplace is prohibited. Sexual harassment is any unwelcome sexual advance, request for sexual favors, and any other verbal or physical conduct of a sexual nature when submission of such conduct is made either explicitly or implicitly a term or condition of employment; submission to, or rejection of such conduct is used as the basis for employment decisions affecting the individual; or when such conduct has the effect of unreasonable interference with the individual's work performance or creating an offensive working environment.

C. Examples of acts of sexual harassment which shall not be tolerated include, but are not limited to:

(1) Written, suggestive, or obscene letters, poems, notes or invitations.

(2) Verbal derogatory comments, epithets, slurs or jokes.

(3) Physical impeding or blocking movement, touching, patting, pinching, or any other unnecessary physical interference with normal work.

(4) Visual sexually oriented gestures, displays of sexually suggestive or derogatory objects, pictures, cartoons, posters, or drawings.

(5) Other threats or insinuations that lack of sexual favors will result in reprisal, punitive action, change or assignments, or a poor performance evaluation, without support for appointment, promotion, or transfers.

D. In keeping with the above Policy, employees who believe that they have been or are being discriminated against or sexually harassed should contact the Chairman or Vice-Chairman of the Board of Supervisors. In addition, in accordance with law, at any time an employee may file a formal complaint with any local, State or Federal agency.

(Res. 501, 6/24/2002)

D. Standards of Conduct**§1-441. Polices for Township Supervisors and Employees.**

1. Township pickup truck not to be used anytime on weekends except with approval of all three Supervisors.
2. Township pickup not to be used for personal use at anytime.
3. Township pickup to be lettered.
4. Township pickup should not be parked at residence for more than 5 minutes.
5. No plowing of alleys on a regular basis.
6. No clean shale to be place in alleys (shale from street sweeping only).
7. Supervisors and employees must pay to utilize pavilions.
8. Seventy dollars a day allowance for conventions, schooling, etc. (all receipts must accompany expenditures). Lodging will be paid in full. Mileage is set with Federal mileage guidelines.

(Res. 1/-/2008)

E. Board of Supervisors Health Care Insurance**§1-451. Board of Supervisors Health Care Insurance.**

Due to the rising cost of the Townships Health Care that, for the Supervisors only, if their spouse has health care insurance at their place of employment comparable to the Townships coverage, that they must participate in their spouse's insurance.

(Res. 592, 12/22/2008)

Part 5**Commissions and Authorities****A. Planning Commission****§1-501. Creation of Commission.**

Cambria Township Planning Commission, to be composed of five members, appointed as provided by law, 53 P.S. §10202, is hereby created in and for the Township of Cambria. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Township planning agencies; provided, the Planning Commission previously created in and for the said Township of Cambria 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 manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

(Ord. 199, 2/9/2009)

B. Cambria Township Sewer Authority**§1-511. Intent.**

It is the desire and intention of the Board of Supervisors of the Township of Cambria to organize a Sewer Authority under the provisions of the Municipal Authorities, Act of May 2, 1945, P.L. 382, 53 P.S. §301 *et seq.*, as amended.

(*Ord. 21, 10/8/1970, §I*)

§1-512. Articles of Incorporation.

In furtherance of said desire and intention and in compliance with said Municipalities Authorities Act, the proposed Articles of Incorporation of the Cambria Township Sewer Authority are hereby set forth in full as follows: See Exhibit A¹ attached hereto and made a part hereof.

(*Ord. 21, 10/8/1970, §II*)

§1-513. Execution of Articles of Incorporation.

The proposed Articles of Incorporation of said Authority shall be executed by and on behalf of the Township of Cambria by the Chairman of the Board of Supervisors, and the seal of said Township shall be thereto affixed and attested by the Secretary.

(*Ord. 21, 10/8/1970, §III*)

§1-514. Duties of the Solicitor.

The Solicitor of the Township of Cambria is authorized and directed to cause to be published a notice of the adoption of this Chapter and the intention to file the Articles of Incorporation of the proposed Authority with the Secretary of the Commonwealth of Pennsylvania in compliance with the aforesaid Act. When said Articles of Incorporation are properly executed by the incorporating municipality, they shall be filed with the Secretary of the Commonwealth on the 8th of October, 1970, as specified in said notice.

(*Ord. 21, 10/8/1970, §IV*)

¹Editor's Note: Exhibit "A" is on file in the Township.

Part 6**Fire Insurance Proceeds Escrow****§1-601. Appointment of Designated Official.**

The Board of Supervisors of the Township of Cambria or such officials' designee(s) is/are hereby appointed as the designated officer(s) who is/are authorized to carry out all responsibilities and duties stated herein.

(Ord. 139, 5/8/1995, §I)

§1-602. Duties of Designated Official.

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth shall pay a claim of a named insured for fire damage to a structure located within the Township of Cambria (hereinafter the "Township") where the amount recoverable for the fire loss to a structure under all policies exceeds \$7,500, unless the named insured or insuring agent is furnished by the Township Treasurer with a certificate pursuant to Act 93 of 1994, 40 P.S. §638, which is to be issued only if there is compliance with said Act and the provisions of this Part.

(Ord. 139, 5/8/1995, §II)

§1-603. General.

Where, pursuant to Act 93 of 1994, 40 P.S. §638, the Township Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured, provided, however, that if the loss is agreed upon by the named insured and the insuring agent equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be follows:

A. The insuring agent shall transfer from the insurance proceeds to the designated officer(s) of the Township in the aggregate of \$2,000 for each \$15,000 of the aggregate of a claim or each fraction of that amount of the claim; this Section to be applied as such that if the claim is \$15,000 or less, the amount to be transferred shall be \$1,000.

B. If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Township from the insurance proceeds the amount specified in the estimate.

C. The transfer of proceeds shall be on a pro rata basis by all companies, associates, or exchanges insuring the building or other structure.

D. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, and the designated officer(s) shall return the amount of the funds transferred to the Township in excess of the estimate to the named insured, if the Township has not commenced to remove, repair, or secure the building or other

structure.

E. Upon receipt of proceeds under this Section, the Township shall do the following:

(1) The designated officer(s) shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the Township. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township in connection with such removal, repair or securing of the building or any proceedings related thereto.

(2) It is the obligation of the insuring agent when transferring the proceeds to provide the Township with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer(s) shall contact the named insured, certify that the proceeds have been received by the Township and notify the named insured that the procedures under this subsection shall be followed.

(3) When repairs, removal, or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Township and the required proof of such completion received by the designated officer(s), and if the Township has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Township has incurred costs for repairs, removal, or securing of the building or other structure, the costs for repairs, removal, or securing of the building or other structure shall be paid from the fund and if excess funds remain, the Township shall transfer the remaining funds to the named insured.

(4) To the extent that interest is earned on proceeds held by the Township pursuant to this Section and not returned to the named insured, such interest shall belong to the Township. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

F. Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured where some other reasonable disposition of the damaged property has been negotiated.

(Ord. 139, 5/8/1995, §III)

§1-604. Duties of the Board.

The Board of Supervisors of the Township of Cambria may by resolution adopt procedures and regulations to implement Act 93 of 1994, 40 P.S. §638, and this Part and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 93 of 1994, 40 P.S. §638, and this Part; including, but not limited to, issuance of certificates and bills, performance and inspections, and opening separate fund accounts.

(Ord. 139, 5/8/1995, §IV)

§1-605. Fines and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 139, 5/8/1995, §V; as amended by Ord. 199, 2/9/2009)

Part 7**Right to Know Policy****§1-701. Open Records Officer.**

1. The Township hereby designates its Secretary (Norma Cicero) as the Township Open Records Officer.”

2. The Open Records Officer may be reached at: 184 Municipal Road (Cambria Township) Ebensburg, PA 15931, or mailing address: P.O. Box 248, Revloc, PA 15948. Phone: 814-472-8810. E-mail: camtwp@verizon.net.

(Res. 593, 12/22/2008)

§1-702. General.

All documents deemed public records shall be available for inspection, retrieval, and duplication at the municipal building during established business hours (8 a.m. to 4 p.m.) with the exception of weekends and holidays.

(Res. 593, 12/22/2008)

§1-703. Requests.

Requests shall be made in writing to the Township Open Records Officer on a form provided by the Township. (See attached form.)

(Res. 593, 12/22/2008)

§1-704. Fees.

Paper copies shall be available for a fee in an amount as established from time to time by resolution of Board of Supervisors. Specialized documents including, but not limited to blue prints, color copies and nonstandard size documents shall be charged the actual cost of production. If mailing is requested, the cost of postage will be charged. The Township shall require prepayment if total fees are expected to exceed an amount as established from time to time by resolution of Board of Supervisors.

(Res. 593, 12/22/2008; as amended by Ord. 199, 2/9/2009)

§1-705. Response.

1. The Township shall make a good faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Township documents while taking reasonable measure to protect Township documents from the possibility of theft damage, and/or modification.

2. The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than 5 business days after reviewing a written request to access public records, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the Right to Know Law.

3. The Open Records Officer shall have the right to obtain additional time to respond in accordance with the reasons set forth in Act 3 of 2008, the Right to Know

Law. (§902)

(Res. 593, 12/22/2008)

§1-706. Contact Information for Appeals.

1. If written request is denied or deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.

2. Appeals of criminal records shall be made to the District Attorney of Cambria County, Patrick T. Kiniry, Esquire, District Attorney's Office, Courthouse Building, 1680 Second Floor, Ebensburg, PA 15931, 814-472-1680.

(Res. 593, 12/22/2008)

§1-707. Appeals Process.

The appeal shall be filed within 15 business days of the mailing date of the Township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.

(Res. 593, 12/22/2008)

**TOWNSHIP OF CAMBRIA
CAMBRIA COUNTY
PENNSYLVANIA**

RIGHT TO KNOW REQUEST FORM

DATE REQUESTED:

REQUEST SUBMITTED BY: E-MAIL ___ U.S. MAIL ___ FAX ___ IN-PERSON ___

NAME OF REQUESTOR: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

*Provide as much specific detail as possible so the agency can identify the information. (If more space is needed please attach a list)

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY 5-DAY RESPONSE DUE:

The Township will not fill an anonymous request. Request should be in writing to insure applicability of the relief and remedies provided in the Act (§702).

**TOWNSHIP OF CAMBRIA
DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE**

Date of Denial: _____

Requester's Name: _____

Requestor's Address: _____

Re: Denial of Request to Review and/or duplicate _____

Date of Request: _____

Dear _____:

Please be advised that your request to review/duplicate the following records:

Has been denied for the following reason(s):

This denial is based upon the following legal authority:

You have the right to appeal this decision. If you appeal, you must

1. Within 15 days of the notice of denial or deemed denial, file an appeal with the Commonwealth of Pennsylvania, Department of Community and Economic Development, Office of Open Records. The appeal shall state the grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.