

ORDINANCES

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ORDINANCES

#1455 AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW REPEALING 95-98
SECTION 140-24 OF THE CODE OF THE BOROUGH OF WEST VIEW AND ESTABLISHING
REQUIREMENTS FOR THE ERECTION AND MAINTENANCE OF FENCES IN THE BOROUGH
OF WEST VIEW - ADOPTED SEPTEMBER 8, 2010

#1456 AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW AMENDING 99-150
THE ZONING MAP, ZONING DEFINITIONS AND LAND USE CLASSIFICATIONS OF THE
BOROUGH OF WEST VIEW AND REPEALING SECTION 140-9 OF THE CODE OF THE
BOROUGH OF WEST VIEW - ADOPTED SEPTEMBER 8, 2010

(ORDINANCE #1456 CONTINUES IN NEW MINUTE BOOK, PAGES 1 - 70)

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1434

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW,
COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REPEALING
THE CIVIL SERVICE RULES AND REGULATIONS ENACTED BY ORDINANCE
NUMBER 1197 OF JULY 6, 1977 AND ENACTING NEW CIVIL SERVICE RULES
AND REGULATIONS FOR THE BOROUGH OF WEST VIEW.

RULES AND REGULATIONS

FOR THE

CIVIL SERVICE COMMISSION

OF THE

BOROUGH OF WEST VIEW

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ARTICLE I

Definitions

- 1.1 Unless otherwise expressly stated, the following words and phrases, wherever used in these Rules and Regulations, shall be construed to have the meaning indicated herein:
 - a. Applicant - Any individual who applies in writing to the Commission in response to an officially advertised notice of vacancy and/or examination for any position in the Police Department.
 - b. Appointing Authority - The Borough Council of the Borough of West View, Allegheny County, Pennsylvania.
 - c. Certification - The submission to the Appointing Authority pursuant to its request of three names taken from the eligible list developed by the Civil Service Commission.
 - d. Chairperson - The Chairperson of the Civil Service Commission of the Borough of West View, Pennsylvania.
 - e. Commission - The Civil Service Commission of the Borough of West View, Pennsylvania.
 - f. Eligible - A person whose name is recorded on a current eligible list or eligibility for recall from furlough list.
 - g. Eligible List - The list of names of persons who have passed all non-medical examinations for a particular position in the Police Department.

- h. Examination - The series of tests given to applicants to determine their qualifications for a position in the Police Department.
- i. Furlough List - The list containing the names of persons laid off from positions in the Police Department because of a reduction in the number of officers.
- j. M.P.O.E.T.C. - Municipal Police Officer's Education and Training Commission.
- k. Municipal Secretary - The Secretary of the Borough of West View, Allegheny County, Pennsylvania.
- l. Police Department - The Police Department of the Borough of West View, Allegheny County, Pennsylvania.
- m. Police Officer - For the purpose of these Rules and Regulations, a sworn full-time employee in the Police Department who meets the requirements established by the Borough of West View and the Commonwealth of Pennsylvania (including the Municipal Police Officers' Education and Training Commission).
- n. Probationer - An officer in the Police Department who has been appointed from an eligible list, but who has not yet completed the work-test period.
- o. Reduction in Rank - A change to a position or rank of reduced supervisory or managerial responsibility where the employee fulfilled all of the requirements of these Rules and Regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.
- p. Removal - The permanent separation of a police officer from the Police Department.
- q. Secretary - The Secretary of the Civil Service Commission of the Borough of West View, Pennsylvania.
- r. Suspension - The temporary separation without pay of a police officer from the Police Department.

1.2 Gender

The words "he", "his", "him" and "men" when used in these Rules and Regulations represent both the masculine and feminine genders.

ARTICLE II
THE COMMISSION

2.1 Officers

The Commission shall consist of three commissioners who shall be qualified electors of the Borough of West View and shall be appointed by the West View Borough Council initially to serve for terms of two (2), four (4), and six (6) years, and as terms thereafter expire shall be appointed for terms of six (6) years.

Any vacancy occurring in the Commission for any reason shall be filled by the West View Borough Council for the unexpired term within the period of thirty days after such vacancy occurs.

Each member of the Commission, before entering upon the discharge of the duties of their office, shall take an oath or affirmation to support the Constitutions of the United States and of the Commonwealth of Pennsylvania and to perform their official duties with fidelity. This oath shall be given by the Mayor or other appropriate official. No Civil Service Commissioner shall receive compensation.

2.2 Offices Incompatible with Civil Service Commissioner

No commissioner shall at the same time hold an elective or appointed office under the United States Government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the Commission may be a member of the West View Borough Council and one may be a member of the teaching profession.

2.3 Organization of Commission

The Commission shall meet and organize on the first Monday of February of each even numbered year. The Commission shall elect one of its members as the Chairperson, one as the Vice-Chairperson and one as the Secretary.

2.4 Duties of Chairperson

The Chairperson, or in his or her absence, the Vice-Chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any other duties required by law or these rules. He may be aided in these duties by a solicitor to the Commission. Any such solicitor or legal counsel must have an active license to practice law in Pennsylvania and cannot also function as the Borough Solicitor or be affiliated with the law firm of the Borough Solicitor.

2.5 Duties of Secretary

The Secretary shall carry on at the direction of the Commission all official correspondence of the Commission, send out all notices required by law and these rules and regulations, keep a record of each examination or other official action of the Commission, and perform all other duties required by law, by these rules and by the Commission.

2.6 Meetings

Except for the biennial organizational meeting, all non-judicial meetings of the Commission shall be held either at the call of the Chairperson or at the call of two members of the Commission. Unless all members shall waive the requirement, a minimum of twenty-four (24) hours written notice of each meeting shall be given to each Commissioner by the Secretary. Any official actions and any deliberations by a quorum (i.e. at least two (2) members) of the Commission shall take place in a meeting open to the public unless closed pursuant to 65 Pa. C.S.A. §708.

2.7 Quorum

Two members of the Commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members. Unless prevented by a conflict of interest, a Commissioner must vote "yea" or "nay" on every motion, decision or adjudication which comes before the Commission.

For purposes of hiring and promoting police officers under these rules, each step of the hiring or promotional process requiring official action by the Commission shall be considered a separate "matter or case" and each step of the hiring or promotional process need not be voted upon or approved by the same composition of commissioners, as the case may be, provided that the quorum requirement has been satisfied.

2.8 Order of Business

The order of business of all non-judicial meetings of the Commission shall be as follows:

- a. Roll Call;
- b. Approval/disapproval of the minutes of the previous meeting;
- c. Unfinished business;
- d. New business;
- e. Communications and reports.

2.9 Minutes

The Commission Secretary shall keep minutes showing the vote of each member upon each question, and records of examinations and other official actions. If a member is absent, cannot vote due to a conflict of interest or fails to vote, the Secretary shall indicate that fact in the minutes. All records of the Commission shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities under the authority of the Municipal Records Act, 1968 P.L. 961, No. 428, 53 P.S. § 9001, *et seq.* Commission minutes shall be kept in the manner required by 65 Pa. C.S. §706.

Commission records pertaining to all aspects of its business (except minutes) shall be maintained for five (5) years after which they shall be destroyed. A record of Commission minutes shall be permanently maintained. Records relating to litigation or probable litigation shall, in no case, be destroyed until such time as the litigation or litigation threat has been resolved. Documents and information qualifying as public records will be available to the public. The Commission adopts the procedures employed by the Borough, as they may from time-to-time be modified, relative to responding to requests for public records.

2.10 Rules and Regulations

The Commission shall have the power to prescribe, enforce and amend the rules and regulations governing the conduct of its activities. Before any changes to these rules or regulations become effective, those changes must be approved by Borough Council. These Rules and Regulations and any modifications or amendments thereto, shall be made available to the public for distribution or inspection.

2.11 Clerks and Supplies

The Borough Council shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. The Borough Council shall provide a suitable and convenient room for use of the Commission. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychologists/psychiatrists, as are necessary. The elected and appointed officials for the Borough shall assist the Commission with all reasonable and appropriate efforts including compensation for any counsel or experts retained by the Commission.

2.12 Investigations

The Commission shall have the power to make investigations concerning all matters relating to its scope of business as defined by 53 P.S. §46171-46195 and to the administration and enforcement of these Rules and Regulations to the extent authorized by the Borough Code. The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

2.13 Subpoenas

The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or his designee, to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for incidental expenses by the Commission. Parties in litigation before the Commission are responsible for the payment of witness fees to individuals for whom they have requested a Commission subpoena. Those parties are also responsible for the service of any such requested subpoena.

All officers in public service and employees of the Borough shall attend and testify when required to do so by the Commission.

If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect in a summary proceeding, that person shall be sentenced to pay a fine not to exceed \$100, and in default of the payment of such fines and costs, shall be imprisoned not to exceed thirty (30) days.

If any person shall refuse or neglect to obey any subpoena, the Commission or the requesting party may apply by petition to the Court of Common Pleas for Allegheny County to enforce that subpoena, requiring the attendance of such person before the Commission to testify and to produce any records and papers necessary, and shall seek and order that in default thereof such individuals shall be held in contempt of court.

2.14 Annual Report

The Commission shall make an annual report to Borough Council containing a brief summary of its work during the year and a full accounting of any expenditure of public monies. The annual report shall be available for public inspection.

ARTICLE III

APPLICATIONS AND QUALIFICATIONS

3.1 Eligibility for Examination

In order to be eligible for participation in the hiring/examination procedure for any entry-level patrol officer position with the Police Department, every applicant must submit a completed application form to the Commission, or its designee before the deadline stated by the Commission for that specific examination. The applicant must make an oath or affirmation that the application is completed truthfully, and the

applicant is subject to the penalties of 18 Pa. Cons. Stat. § 4904 relating to unsworn falsification to authorities.

3.2 Discrimination

The Borough is an equal opportunity employer. It is the Borough's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status or non job-related physical or mental handicap or disability. The Borough and the Commission will provide equal opportunities in regards to the examination process and in regards to employment and promotion.

3.3 Availability

Application forms shall be available to all interested persons in the office of the Chief of Police, and from such other offices and officers that the Commission, from time to time, may choose to designate. Application forms may be mailed upon written or telephone request. However, the Commission assumes no responsibility for missed filing deadlines due to a delay in the mail.

3.4 Age Requirements

All applicants must have reached their twenty first birthday before the deadline for submitting completed applications.

3.5 General Qualifications - All Applicants

Each applicant for a position in the police department shall be a citizen of the United States, and shall possess a high school diploma or an equivalent degree. Each applicant for a police officer position must have successfully completed Act 120 training and be able to be certified by the M.P.O.E.T.C. Every applicant must be physically and mentally fit to perform all of the essential functions of a police officer. Each applicant shall be of good moral character, and currently licensed to operate a motor vehicle in the State of Pennsylvania.

3.6 General Qualifications - Applicants for Lieutenant and Sergeant

a. In addition to meeting the qualifications in Section 3.5 above, all applicants for the position of Lieutenant and Sergeant, shall not have received a formal written reprimand for one year prior to the deadline for submitting applications, or have been demoted for disciplinary reasons or suspended without pay at any time five (5) years prior to the deadline for submitting applications. (Discipline which has been successfully challenged is not applicable.) Any formal written reprimand, disciplinary demotion or suspension to which the applicant has timely appealed pursuant to a contractual grievance procedure or these Rules and Regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.

b. All applicants [Note: prior service with the Borough Police Department is not a prerequisite for the position of Lieutenant and Sergeant] shall have continuous prior service with the Police Department of West View as follows:

- 1) An applicant for the position of Lieutenant shall have at least five (5) years of service at the Department or at the discretion of Borough Council may have a total of at least five (5) years of policing experience at the rank of lieutenant or above;
- 2) An applicant for the position of Sergeant shall have at least three (3) years of experience as a patrol officer within the Police Department, an applicant must demonstrate a working knowledge of police science and administration as ascertained by an appropriate promotional examination.
- 3) An applicant must demonstrate an ability to supervise the work of subordinates.
- 4) An applicant must have achieved at least a rating equivalent to "excellent" on their latest service rating, if such a rating system is established in the Police Department. At the discretion of the commission an evaluation of experience, training general background and other such records of performance of the applicant may augment, or be substituted for, the service rating.

c. The essential functions for the position of Lieutenant and Sergeant are contained in the job description.

3.7 General Qualifications - Applicants for Chief of Police

Every applicant for the position of Chief of Police must be a United States citizen, be physically and mentally fit to perform the essential functions listed in the job description for Police Chief, must be able to be certified by M.P.O.E.T.C, and, prior to appointment, possess a valid motor vehicle operators license issued by the Commonwealth of Pennsylvania.

3.8 Recording of Application

All applications for the police department shall be received at the Borough Building only after a hiring or promotional test has been properly advertised and before the deadline for receiving applications, which are set forth in the public advertisement.

The Borough, or its designee, shall review each application, upon receipt, for the purpose of determining that such application contains no errors or omissions. Any application received more than ten (10) days prior to the filing deadline, containing errors or omissions shall be returned to the applicant for correction or addition. An application received within less than ten (10) days prior to the filing of the deadline, and containing material errors or omissions shall not be considered, and will not be returned. The Commission, or its designee, shall date, number, and record, in the order of receipt, all

applications free of errors and omissions. The individual recording the applications shall note whether the individual has veteran's status and whether the individual has given notice of a need for a reasonable accommodation in the application or examination process. An application, once recorded, shall not be returned to the applicant.

3.9 Sequence of the Selection Process

To insure the proper order of the selection process, the following sequence of events shall be followed in the selection of entry level police officers:

- a. Application
- b. Physical Ability Examination
- c. Written Examination
- d. Oral Examination
- e. Background Investigation
- f. Conditional Offer of Employment
- g. Medical/Psychological Examination
- h. Probation
- i. Permanent Appointment

3.10 Disqualification/Rejection of Applicant

The Commission may refuse to examine, or, if examined, may refuse to certify as eligible after examination, any applicant who is found to lack any of the minimum qualifications for examination as prescribed below. The Commission may refuse to examine, or if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position to which he seeks employment, or who is a habitual substance abuser, who is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, who has been dismissed from public service for delinquency or misconduct in office.

Further, an applicant may be disqualified or rejected for one of the following criteria, such conduct may include, but is not limited to:

- a. Having been convicted of a crime for which the punishment can be more than one year imprisonment as defined in Title 18 of the Pennsylvania Crimes Code, as defined in the jurisdiction where the crime occurred or as defined in the Military Code of Conduct.
- b. Having been released from any military or civilian police department for actions or inactions which, though not committed while employed as a

Borough of West View police officer, could result in discipline if engaged in by a member of the Borough of West View Police Department.

- c. Having been released from any civilian police department during probation.
- d. Having a history of heavy gambling loss, or failure to remain current in the payment of taxes.
- e. Failure to provide support for minor children.
- f. Evidence of present improper use of controlled substances as defined in schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C.A. § 812.
- g. Physically or Mentally unfit to perform the full duties of the position to which he seeks employment.
- h. Any applicant who is a habitual substance abuser.
- i. Is guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct.
- j. Has been dismissed from public service for delinquency of misconduct in office.

3.11 Hearing for Disqualified Applicants

Any applicant or other person who believes that he is aggrieved by the actions of the Commission, in refusing to examine or to certify him as eligible after examination, may request a hearing before the Commission. The applicant or aggrieved party must make their request for a hearing in writing within ten calendar days of the date when the party knew or should have known of the Commission's action which is being challenged. Within ten days after such request, the Commission shall designate a time and place for the hearing where the applicant may appear personally and by counsel. The hearing shall be conducted pursuant to the procedures set forth in the Local Agency Law, 2 Pa. Cons. Stat. 101 *et seq.*

3.12 Penalty for False Statement

The statements made by the applicant in the official application shall contain no falsification, omission or concealment of material fact. Should investigation disclose any willful misstatement, falsification or concealment with respect to an application:

- a. The application shall be invalid and the applicant shall be disqualified from examination;
- b. If the applicant shall have been examined, the name of such applicant shall be removed from the eligibility list;

- c. If the applicant shall have been appointed, such deliberate falsification, omission or concealment shall constitute grounds for dismissal from the police department. [Such falsification, omission or concealment shall be grounds for dismissal no matter how long the timeframe between appointment and the discovery of the falsification, omission or concealment.]

Any applicant or other person who believes that they are aggrieved as a result of the actions of the Commission referenced in this section may request a hearing before the Commission pursuant to Section 3.11.

No person who shall make any application containing a deliberate misstatement, falsification, omission or concealment shall be permitted to make any future application for any position in the Police Department of the Borough.

3.13 Public Notice

The commission shall conspicuously post in the Borough Building an announcement of the hiring or promotional testing and set forth the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. In addition, at least two (2) weeks but not more than six (6) weeks prior to each examination, publication of the notice shall occur in at least one newspaper of general circulation or a newspaper circulating generally in the Borough.

ARTICLE IV

EXAMINATION AND GRADING PROCEDURE

4.1 General Examination Requirements for the Position of Police Officer

- a. The examination for police officer will consist of a written and an oral examination each of which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score. An applicant to be placed on the eligibility list must pass both the written and oral examinations. In addition, each applicant will undergo a physical performance test which will be graded on a pass/fail basis. Prior to the compilation of the eligibility list, each remaining applicant will undergo a background investigation. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination.

- b. Any applicant who has passed both the written and oral examinations and who is "soldier" as defined by 51 Pa. C.S. §7101 shall have his/her score credited with an additional ten (10) points (See 51 Pa. C.S. §7103(a).)

c. On each occasion where Borough Council seeks to fill an entry level police position the Commission shall certify the three highest ranking (as measured by combined written and oral test scores and veterans' preference points) available candidates. Council is free to select any one of the three (3) so certified unless one is a veteran. In the latter case, the one veteran must be the selectee. If two (2) or all three (3) of the applicants are veterans, Council may choose from among the veterans.

d. When the Commission has written notice from an applicant who has passed the written and oral examinations that he/she does not wish to be further considered for Borough employment [or where the Commission has similarly strong proof that such an applicant is no longer available] the Commission may remove the applicant's name from the eligibility list.

4.2 General Examination Requirements for the Positions of Lieutenant and Sergeant

a. The examination for the positions of Lieutenant and Sergeant, shall include a written and an oral examination each of which will be graded on a one hundred (100) point scale with the written examination representing fifty percent (50%) of the final score and the oral examination representing fifty percent (50%) of the final score.

b. Selection of an officer for a promotion shall be determined by his or her standing at the end of the testing procedure. The top three (3) names of the individuals with the highest combined score who have passed both the written and oral examinations shall be submitted to Borough Council for final consideration. The individual who in the opinion of Borough Council is the most qualified for the promotion will be selected. If it is necessary to promote more than one officer, each additional promotion shall be awarded using the same process described above.

c. Veterans' preference is not applicable to promotion decisions [per opinions of the Pennsylvania Supreme Court.]

d. The only promotion opportunities for which persons who are not already members of the West View Police Department may be considered is Chief. The position of Chief shall be filled as described in 53 P.S. §46184.

4.2.5 Eligibility List

The Council or the Commission, at their discretion, may void an eligible list at any time, but in no case shall any eligible list remain in effect for a period of more than two (2) years from the date of its certification by the Civil Service Commission, except that the Commission may, at its sole discretion, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the list for up to an additional year.

4.3 Appointment of Examiners

The Commission may appoint a written examination administrator, an oral examination administrator, a physical fitness examiner, a medical examiner and a psychological examiner to conduct the examinations required by these Rules and Regulations.

4.4 Admission to Written Examination

All applicants who meet the basic qualifications including passing the physical performance examination will be admitted to the written examination after providing proof of identification. The notification document shall service as the admission card to the examination, at which the right thumb print of the applicant shall be placed on the admissions card and the applicant shall sign the card. This procedure shall be followed at each segment of the examination process.

4.5 Physical Fitness Testing

(a) An applicant for the position of police officer must meet and pass the agility tests currently being conducted by the Allegheny County Police Training Academy. Any changes made by the Academy will automatically be changed for testing purposes.

(b) This test shall be graded on a pass/fail and applicants who successfully pass this portion of the testing will then be scheduled for a written examination.

Within thirty (30) days after the physical performance test, all applicants shall be given written notice of their test results, and passing applicants shall be scheduled for a written examination appointment.

4.6 Written Examinations

The written examination shall be constructed to test the non-physical capability of the applicants to perform and to be trained to perform the essential functions of the position. The exact design of the examination shall be altered from time to time but will be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the person examined to discharge the duties of a police officer.

The Commission may designate an examining agency or qualified individual(s) to act as examiner for or consultant on the written examinations. The Commission shall reserve the right to accept or reject for cause, in whole or in part, the recommendations of the regularly appointed examining and/or consulting agency.

The written examination shall be graded on a 100 point scale, and an applicant must score seventy percent (70%) or higher in order to continue in the application process. Applicants scoring less than seventy (70%) percent shall be rejected.

Within thirty (30) days after the administration of the written examination, all applicants shall be given written notice of their test results and passing applicants shall be scheduled for an oral examination appointment.

4.7 Oral Examination

Every applicant who scored seventy percent (70%) or higher in the written examination shall be given an oral examination which will be graded on a 100 point scale with a score of seventy percent (70%) or higher necessary for passing. Within thirty (30) days after the applicant's oral examination, he shall be informed of his score in his oral examination and total overall score.

Organizing the oral examination of applicants who passed the written examination shall be the responsibility of the Commission. The Commission shall empanel a board of examiners who shall ask each applicant interviewed a pre-determined series of basic questions (follow up questions may vary from applicant to applicant depending upon the responses given to the basic questions.) The basic questions shall relate to pre-determined scenarios or situations which shall be provided to the applicants being examined at the start of the examination. The board of examiners shall consist of five (5) individuals one of whom may be the Police Chief and one of whom may be a member of Council. The Commission shall select the five (5) members of this board of examiners with a view to the community's policing needs and with the goal of placing persons on the board of examiners who are knowledgeable about modern policing techniques, issues and/or concerns. Each member of the board of examiners shall interview and rate every applicant. Each applicant's responses to the five questions shall be rated on a scale of 0-20 [0-4 poor, unresponsive, incomplete, wrong or inadequate answers; 5-9 marginal to fair responses; 10-14 professional quality, appropriate, adequate to very good responses; 15-19 superior response; and 20 as good a response as one could ever expect a candidate to give]. Members of this board shall score the applicants without first consulting with any or all of the other board members. The applicant's score on each question shall be his/her average score on that question and his/her total score shall be the addition of the average scores on all five questions.

The persons assigned to conduct oral examinations shall complete a rating form after interviewing each applicant. The rating form shall be collected, tallied and recorded by the Secretary, or his designee. Applicants should be scored for their demeanor and for the content and relevance of their answers/responses.

4.8 Veteran's Preference Points

Pursuant to the Veterans' Preference Act, any applicant for the position of patrol officer who qualifies as a "soldier" under the Act, shall receive an additional ten (10) points on top of their total score if that applicant had received passing scores under Sections 4.5, 4.6 and 4.7. Soldier is defined as any individual who has served in the regular military, the National Guard or the Reserves since July 1953 and who has completed his military service commitment and has received (or will receive) an honorable discharge from such service at the time they take the Civil Service

appointment examination. An "honorable discharge" may include a general discharge under honorable circumstances". Applicants claiming Veteran's Preference must submit satisfactory proof of service and honorable discharge with the application, specifically Form DD-214.

4.9 Background Investigation

The Commission shall request the Chief of Police or his designee to conduct a background investigation on each of the top three applicants for each position declared vacant by Council. The number of applicants subject to the background check may be increased if the appointing authority has expressed an interest in hiring more than one officer. The application will provide the basis for the background investigation. The "Authority to Release" portion of the application form must have been completed by the applicant if the applicant is to continue in the selection process. The background investigation shall include interviews with the applicant's family, acquaintance, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the applicant's credit history and record of criminal convictions should be investigated. The applicant may be interviewed directly when the information collected during the background investigation requires clarification or explanation. The background check shall comply with the guidelines established by the M.P.O.E.T.C.

Each applicant shall be fingerprinted and the finger print cards shall be distributed to the Federal Bureau of Investigation, the Pennsylvania State Police and the Borough of West View Police Department.

After the background investigation is completed, the Chief, or his designee, shall make a written recommendation to the Commission on whether the applicant is appropriate for consideration for appointment as a police officer. Appropriateness of the applicant shall be based on the criteria set forth in these Rules and Regulations and in the Civil Service provisions of the Borough Code. Based upon the results of the background investigation, the Chief, the Mayor or a member of Council may request, pursuant to 53 P.S. §46184, that an individual be removed from the list. The applicant may oppose this request and in turn, pursuant to the Borough Code (53 P.S. §46183) request a hearing. This recommendation shall be in writing and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final administrative determination on whether the information collected during the background investigation warrants rejection of the candidate.

Within thirty (30) days or soon thereafter as possible after the Commission considers the recommendation of the Chief of Police or his designee, the applicant will be informed of whether he has passed the background investigation.

4.10 Improper Conduct

Should any applicant conduct himself in any manner during the course of the selection process so as to defeat the proper intent, conduct or course of the examination process, his name shall be removed from any list of eligibility derived from the examination process (assuming he was permitted to complete the process) and the applicant shall not be permitted to make any future application for any position in the Police Department.

Any applicant or other person who believes that they are aggrieved as a result of the actions of the Commission referenced in this section may request a hearing before the Commission pursuant to Section 3.11.

ARTICLE V

CERTIFICATION OF THE LIST OF ELIGIBLE AND APPOINTMENT

5.1 Creation of Patrol Officer Eligibility List

a. At the completion of the examination requirements set forth in Section 4, physical ability testing, written examination, oral examination, and background investigation, the Commission shall rank all passing applicants for the position of patrol officer on a list with the applicant receiving the highest score at the top of the list and the applicant receiving the lowest passing score at the bottom of the list. Applicants who qualify for veterans' preference points shall have those points added to their passing score prior to being ranked on the eligibility list. For promotional positions, fulfilling the performance requirement set forth in Section 3.6 is also required. In the case of tied scores, the tie will be broken by giving preference to the applicant who submitted a final completed application first. If both tied applicants submitted their complete applications on the same day, then the applicants shall be ranked in alphabetical order by surname.

b. The eligible list shall be effective for one (1) year from the date of its preparation, unless extended by the Commission for up to one (1) additional year. The Commission may, at its sole discretion, void an eligibility list at any time.

5.2 Removal of Names From Furlough or Eligible List

In addition to the reasons stated in these Rules and Regulations as grounds for removal, the name of any person appearing on the furlough list or an eligible list shall be removed from such list by the Commission if such person:

- a. is appointed to a position in the Police Department of the Borough;
- b. requests removal from the list in writing;

c. declines an appointment to a position in the Police Department of the Borough;

d. fails to make written reply to the Commission within seven (7) calendar days from the date of mailing of a notice of appointment in the case of initial appointment or failure to make reply to the Commission within thirty (30) calendar days from the date of mailing of a notice of reinstatement from furlough;

e. indicates availability for appointment and is appointed to fill a vacancy but fails to report for duty at the time prescribed by the appointing authority, unless, in the opinion of the appointing authority, such person can show good and sufficient reasons for failing to report. In the case of a new hire from an eligibility list reporting for duty means reporting for a medical and/or psychological examination.

5.3 Appointment

a. Borough Council may fill any vacancy in an existing position in the Police Department which occurs as a result of expansion of the police force, retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the police department who had been furloughed. (Note: Such events create vacancies only when Council has concluded that this is the case.) Except for physical and psychological examinations and background checks, no other testing shall be required for a furloughed employee.

b. If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered reemployment, every position, except that of Chief of Police, shall be filled only in the following manner:

1. Borough Council shall notify the Commission of any vacancy which is to be filled and shall request the certification of top three (3) names from the list of eligible;
2. If three (3) names are not available, then the Commission shall take the steps necessary to create a new list;
3. The Borough Council shall make an appointment from one of the three names certified with reference to the merits and fitness of the candidates. However, for initial appointment to the position of police officer, when one of the three applicants on the certified list is a veteran, that applicant shall be selected.

c. The Borough Council may object to one or more of the persons certified for the reasons set forth in Section 3.10 of these Rules and Regulations. If the candidate to whom the Borough Council objects fails to timely exercise his rights of appeal under Section 3.11 or if the Commission declines to uphold his appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next highest name for inclusion on the list of three candidates from each name stricken off.

5.4 Appointment of Chief of Police

In the case of vacancy in the office of Chief of Police, the appointing authority has full discretion in selecting the individual to fill the position of Chief of Police. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in Section 6.3

5.5 Physical and Psychological Examination

After the appointing authority selects a candidate from the certified list of three for appointment to the vacant position, that candidate shall submit to a physical examination which may include a drug screen by the appropriate medical experts. If the candidate successfully passes the physical and psychological examinations, then that employee shall be appointed to the vacant position in the police department for which the application was submitted. The appointment shall be contingent upon successfully passing both the physical and psychological examinations. The Commission adopts the medical and psychological requirements of the M.P.O.E.T.C. Failure to pass either examination shall result in the candidate being rejected from consideration. The rejected candidate may appeal this decision with under Section 3.11. The Commission shall then certify another name to be included with the two previously certified names for consideration by the appointing authority pursuant to Section 5.3.

5.6 Probationary Period

Every successful applicant to the position of patrol officer or a new promotional position with the Police Department shall serve a twelve (12) month probationary period. During the probationary period, a newly hired officer may only be dismissed for cause for the reasons set forth in section 3.10. A promoted officer, during his probationary period, may be returned to his prior rank only for cause for the reasons set forth in Section 3.10. However, at the end of the twelve (12) month probationary period, if the conduct of the probationer has not been satisfactory to the Borough Council, the probationer shall be notified in writing that he will not receive a permanent appointment. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to his previous rank. Any officer who is informed in writing that he will not receive a permanent appointment has no rights of appeal under these Rules and Regulations.

5.7 Provisional Appointments

Whenever there are urgent reasons for the filling of a vacancy in any position in the Police Department and there are no names on the eligible list for such appointment, the Borough Council may nominate a person to the Commission for noncompetitive examination, and such nominee may be certified by the Commission as qualified after such noncompetitive examination, he may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the Commission within six (6) weeks to hold a competitive examination and certify a

list of eligible and then a regular appointment shall then be made from the name or names submitted by the Commission: provided, that nothing within this Section shall prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergency.

ARTICLE VI

SUSPENSIONS, REMOVALS AND REDUCTIONS IN RANK

6.1 General Provisions

The Council shall have power to determine in each instance whether a decrease in salary shall constitute a reduction in rank. All suspensions, removals and reductions in rank shall be made only in accordance with these Rules and Regulations.

6.2 Restrictions

Persons employed in the Police Department of the Borough through the Civil Service process contained in these rules and regulations, shall not be suspended, removed or reduced in rank for any non-merit factor. No order of suspensions shall be for a longer period than one year.

6.3 Cause For Removal, Suspension and Reduction in Rank

No persons employed in the police department of the Borough through the Civil Service process contained in these Rules and Regulations shall be removed from employment, suspended, or reduced in rank except for the following reasons:

- a. Physical or mental disability affecting the officer's ability to continue in service, evidenced by the certification to that effect by a medical doctor and/or psychologist designated by the commission, in which cases the persons shall receive an honorable discharge from service;
- b. Neglect or violation of any official duty;
- c. Violation of any law of the Commonwealth which provides that such violations constitute a misdemeanor or felony;
- d. Inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer;
- e. Intoxication while on duty; or
- f. Engaging or participating in or conducting any political or election campaign for any reason other than to exercise his or her own right of suffrage.

Procedure

No officer shall be suspended, removed or reduced in rank until they have provided with a hearing of the type required in Cleveland Bd. of Pub. Ed. v. LaMill, 470 U.S. 532, 105 S.Ct. 1487 (1985). A hearing must occur before imposition of discipline except when it is imperative that Borough Administrators take immediate action, usually in the form of suspension without pay, to protect the interests of the Borough, its citizens, taxpayers, and/or the Department. Officers may, on so request, be accompanied by a fellow officer/union representative during LaMill proceeding.

Whenever any police officer is suspended, removed from service or reduced in rank by Council, the Mayor or the Chief of Police, the specific charges warranting such action shall be stated in writing. Any charges shall include a specific statement of facts made and shall specify the time, place and occurrence on which the charges are based. The charges shall be stated clearly and in sufficient detail to enable the accused to understand the charges made against him or her and to be able to answer them, and shall include the section of the law or regulation as well as the factual basis for the imposition of that law or regulation.

Within five (5) days of the receipt of any charges, the Commission shall deliver to the accused, either by personal service or by certified or registered mail, a copy of the charges filed against him or her.

Hearing on Removal, Suspension or Reduction in Rank

The officer who has been suspended, removed or reduced in rank may appeal the action of the Borough Council by written notice to the Secretary of the Commission requesting a hearing. Such written demand for hearing must be made and delivered within ten (10) days following the officer's receipt of the notice of discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any charges shall be deemed an admission by the officer.

The Commission shall schedule a hearing within ten (10) days of the filing of the charges, unless continued by the Commission for cause at the request of the Commission, the Borough or the officer. At any such hearing, the officer against whom charges have been made may be present and represented by counsel, may cross-examine witnesses and present testimony and documentation in defense. The Borough may

give for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Borough unless it finds that the penalty was arbitrary, discriminatory or an abuse of the Borough's discretion. In considering the appropriateness of the discipline, the Commission may request post hearing briefs, and shall issue a written decision containing specific findings of fact and conclusions of law. The Commission is the finder of facts including, but not limited to, findings regarding credibility.

6.6 Notice of Hearing

Notice of the date, time and place for each hearing shall be given in the following manner:

- a. Either by personal service or by certified or registered mail to each of the principals involved in the case, and
- b. By mailing a notice to all other parties who have stated an interest in the hearing; provided, however, that any failure to give the notice required by this subsection shall not invalidate any subsequent action taken by the Commission.

6.7 Hearing Procedure.

Each hearing shall be conducted in the following manner:

- a. The Chairperson shall call the hearing to order, state the general purpose of the hearing, and make note of the parties present;
- b. The Secretary, upon direction of the Chairperson, shall read the charges against the accused together with the record of action taken against such officer;
- c. The Secretary shall read any written reply of the accused;
- d. The Chairperson shall afford each person making charges, or his or her counsel, an opportunity to make further statement in support of the charges and to produce any witness;
- e. The Chairperson shall afford the accused, or his or her counsel, an opportunity to question or cross-examine the person making charges, and to question or cross-examine any witness produced by such person;
- f. The Chairperson shall afford each person making charges or his or her counsel an opportunity to cross examine or question any witness produced by the accused, and an additional opportunity to produce any witness and to make a summation;
- g. The Chairperson shall afford the accused, or his or her counsel, an opportunity to produce any witness and to sum up the defense;

- h. The Commission shall be the judge of admissible evidence and procedure, and shall not be bound by technical rules of evidence; and
- i. A stenographic record of all testimony taken at such hearings shall be filed with and preserved by the Commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.
- j. The Commission shall have the power to issue subpoenas

The Commission, at any time during the course of the hearing, may question the person making charges, the accused, or any witness for the purpose of obtaining clarification of the testimony. The Commission may appoint and utilize as a "hearing officer" an attorney experienced in Local Agency Law/Civil Service proceedings to advise it, make evidentiary rulings, respond to objections, etc.

6.10 Oaths

All testimony shall be given under oath. The Chairperson, or in her or her absence the Vice-Chairperson, shall administer all oaths.

6.11 Decision of the Commission

Within thirty (30) calendar days after receipt of the completed transcript(s) the hearing the Commission shall issue its decision in the form of a written order approved by at least two (2) members of the Commission. That written adjudication, to become official, must be adopted by majority vote of the Commission in a public meeting, appropriately advertised pursuant to the Sunshine Law. The written order shall be in the form: findings of fact, conclusions or law, discussion, order. The only aspect of the adjudication which shall be publicly read, and provided to the public, unless the affected/accused employee has requested an open hearing, shall be the "order" section. If resolving the charges involves the making of credibility determinations, the adjudication shall specify the resolution of those credibility determinations. Necessary findings of fact should be supported by substantial evidence of record. Absent evidence of arbitrary or discriminatory conduct, or an abuse of discretion, the Commission has no authority to modify the penalties imposed by borough officials where the charges brought against the affected/accused officer are found by the Commission to be supported by the evidence and where the penalties are not otherwise prohibited. The findings and decision of the Commission shall be delivered personally or by certified or registered mail to the parties.

6.12 Appeal to Court

In the event the Commission sustains the charges and orders the suspension, removal or reduction in rank, the person so suspended, removed or reduced in rank shall have immediate right to appeal to the Court of Common Pleas of Allegheny County, such appeal to be taken by petition to said court within thirty (30) days from the date of entry by the Commission of its final order. The Commission shall note on the letter

covering the adjudication to the affected/accused employee that the individual has a right to appeal, any such appeal must be perfected within thirty (30) days from the date of entry by the Commission of its final order. In the event that the Commission shall sustain or order a suspension of an employee, that order of suspension shall not be for a period longer than one (1) year.

6.13 Filing of Determinations of the Commission

All Commission findings, decisions and punishments shall be entered in the officer's personnel file. In the event that the Commission fails to uphold the charges, then the officer sought to be suspended, removed or demoted shall be reinstated with full back pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's personnel file.

6.14 Furloughs

a. If for reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of full-time police officers in the department, then the Borough shall apply the following procedure:

- (1) determine if any employee vested in the appropriate pension plan is interested in voluntarily retiring (if eligible) from Borough employment;
- (2) if the number of full-time police officers who voluntarily retire is insufficient to effect the necessary reductions in numbers, then the reductions shall be effected by furloughing the person or persons including probationers, last appointed to the respective force.

b. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event that the appointing authority decides to increase the Police Department, the furloughed officers shall be reinstated in order of their seniority in the department if the furloughed officer accepts reinstatement in writing within thirty (30) days of receiving notice of the opening. These reductions in force provisions are not applicable to the Chief of Police.

ARTICLE VII
INSPECTION OF RECORDS

7.1 Inspection in General

Except as otherwise provided in these Rules and Regulations and by the law, those records of the Commission qualifying as public records shall be open to the public and available for inspection during normal business hours. A member of the Commission, or any person who may, from time to time, be designated by the Commission, shall be present at all time during any inspection of any records of the Commission.

7.2 Inspection of Personnel Files

The Borough Manager shall, at reasonable times, upon request of an employee, permit that employee or an agent designated by the employee to inspect his own personnel files. The Borough Manager shall make these records available during the regular business hours of the office where these records are usually and ordinarily maintained, when sufficient time is available during the course of a regular business day, to inspect the personnel files in question. At the Borough Manager's discretion, the employee may be required to file a written form to request access to the personnel file or files or to indicate a designation of agency for the purpose of file access and inspection.

7.3 Inspection of Examination Material

All Commission examination materials shall be confidential and shall not be open to general public inspection. Any examined applicant may inspect his examination papers, provided that:

- a. He makes a written request to the Commission within seven (7) calendar days from the date the written examination scores were posted, and;
- b. He receives the written consent of the Commission to inspect his examination file;
- c. He makes his inspection within five (5) calendar days from the date of the mailing of the consent of the Commission.

Before any member of the Commission, or any person designated by the Commission, permits any inspection of examination files, he shall secure the consent of the Commission and he shall limit the inspection by the examined applicant to only those examination files indicated in the letter of consent. No examined applicant shall be permitted to inspect any examination file other than his own.

ARTICLE VIII

RECOMMENDATION

The foregoing rules and regulations were recommended by the Members of the Civil Service Commission by the following letter:

**Borough of West View
Civil Service Commission
441 Perry Highway
Pittsburgh, PA 15229-1889**

June 12, 2006

Mayor Richard E. Powell
Members of Town Council
Borough of West View
441 Perry Highway
Pittsburgh, PA 15229-1889

Re: Civil Service Rules & Regulations

Dear Mayor Powell and Members of Town Council:

Please find attached, a copy of the updated Rules and Regulations for the Civil Service Commission. The Civil Service Commission is recommending Town Council consider the adoption of these Rules and Regulations.

Sincerely,

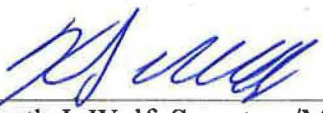


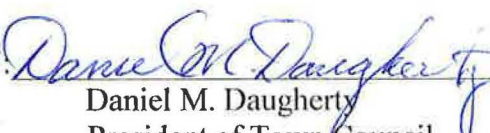
M. Kimberly Steele
Chairperson
Civil Service Commission

MKS/par


000030

ORDAINED and ENACTED this 12th day of July 2006

BY: 
Kenneth J. Wolf, Secretary/Manager

BY: 
Daniel M. Daugherty
President of Town Council

EXAMINED and APPROVED this 12th day of July 2006

BY: 
Richard E. Powell, Mayor

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE #1435

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING INVOICES FOR SEWER RENTAL AND USE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

WHEREAS, the Borough of West View provides directly or by contract for services for the sewer rental and sewer service charge within the Borough; and

WHEREAS, the Town Council finds that it is in the public interest to maintain high quality for the services; and

WHEREAS, the Town Council finds that general health, safety and welfare of the community requires a fee to defray the direct, indirect and administrative costs of providing the services; and

WHEREAS, the Town Council of the Borough of West View has found that a fee to defray the direct, indirect and administrative costs of providing the aforesaid services should be billed directly to the Property Owner of record at the same address to which real estate property taxes are billed; and

NOW, THEREFORE, be it ORDAINED and ENACTED as follows:

SECTION 1 "Borough" - Shall refer to the Borough of West View, Allegheny County, Pennsylvania.

"Sewage Fee" - Shall refer to the fee established for sewage rental and sewage service charges.

"Owner or Occupants" - Owner and/or Occupants shall refer to and include, but not be limited to, individuals, partnerships, corporations, municipalities, subdivisions of municipalities, school districts, joint school districts, authorities, hospitals and charitable institutions. Owner means the Owner of real estate of record by deed or documents recorded in the Office of the Recorder of Deeds of Allegheny County.

SECTION 2 Billing and Payment - Effective 30 days from the date of enactment of this Ordinance or as soon thereafter as is practical, all bills for the sewage fee will be in the name of the Owner of the property and will be mailed to their known address.

From and after the effective date of this Ordinance, all new Agreements and/or applications for sewer services shall be in the name of the Owner of Record of said property as evidenced by the deed for said property recorded in the Recorder of Deeds Office of Allegheny County, Pennsylvania. The Borough shall hereby require the Municipal Authority of the Borough of West View, Waste Water Project, to require compliance with this Ordinance.


000032

SECTION 3

Any Ordinance or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 12th day of July 2006

BY: 
Kenneth J. Wolf, Secretary/Manager

BY: 
Daniel M. Daugherty
President of Town Council

EXAMINED and APPROVED this 12th day of July 2006

BY: 
Richard E. Powell, Mayor

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1436

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW TERMINATING THE BUSINESS IMPROVEMENT AND ADMINISTRATIVE SERVICE AUTHORITY OF THE BOROUGH OF WEST VIEW.

WHEREAS, the Town Council of the Borough of West View incorporated the Business Improvement and Administrative Service Authority of the Borough of West View on the 12th day of November 1980; and

WHEREAS, the business of the Authority has been completed for sometime, and the Authority has not met in over twenty years; and

WHEREAS, the Authority never issued revenue bonds, nor incurred debt of any kind; and

WHEREAS, the Authority has no assets, nor any functioning Officers or Board Members.

NOW, THEREFORE, be it ENACTED by the Town Council of the Borough of West View, and it is hereby ENACTED by and with the authority of the same.

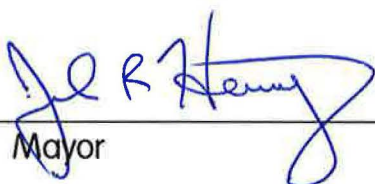
It is hereby requested that the Commonwealth of Pennsylvania terminate the Business Improvement and Administrative Service Authority of the Borough of West View.

ORDAINED and ENACTED this 13th day of September 2006

BY: 
Kenneth J. Wolf
Secretary/Manager

BY: 
Daniel M. Daugherty
President of Town Council

EXAMINED and APPROVED this 13th day of September 2006

BY: 
Mayor

000034

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1437

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, FIXING THE TAX RATE FOR THE YEAR 2007.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:

That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2007 as follows:

Tax Rate for general purposes, the sum of 5.68 Mills
on each Dollar of assessed valuation.

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

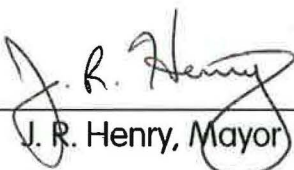
ORDAINED and ENACTED this 13th day of December 2006.

BOROUGH OF WEST VIEW

BY: 
Kenneth J. Wolf
Secretary/Manager

BY: 
Daniel M. Daugherty
President of Town Council

EXAMINED and APPROVED this 13th day of December 2006.

BY: 
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1438

000035

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2007.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:


SECTION 1 - That the revenues and expenses of the Fiscal Year 2007, the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the Year 2007 for the specific purposes set forth on the following pages.

2007 ANNUAL BUDGET					
Revenue Source	General Fund	Building Fund	Highway Aid Fund	Proprietary Fund	Total
Taxes & Fees	2,180,365				2,180,365
Licenses/Permits	112,810				112,810
Fines/Forfeits	55,600				55,600
Interest/Rents	15,000	115,350			130,350
Entitlements	232,805		127,900	647,970	1,008,675
Dept. Earnings	137,275				137,275
Misc. Revenue	53,375	24,015			77,390
TOTAL	2,787,230	139,365	127,900	647,970	3,702,465
Expenditure Category	General Fund	Building Fund	Highway Aid Fund	Proprietary Fund	Total
General Gov't.	289,730	107,640			397,370
Public Safety	983,535				983,535
Health & Welfare	11,500			647,970	659,470
Hwy./Roads/Streets	758,965		127,900		886,865
Rec./Parks/Lib/Civil	49,900				49,900
Debt Service	100,955	26,035			126,990
Ins. Prem./Ben.	592,395	5,690			598,085
Refunds/Prior Yr.	250				250
TOTAL	2,787,230	139,365	127,900	647,970	3,702,465

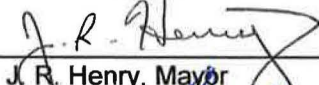
SECTION 2 - That any Ordinance, or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 13th day of December 2006.

BOROUGH OF WEST VIEW

BY 
Daniel M. Daugherty, President of Town Council

EXAMINED and APPROVED this 13th day of December 2006.

BY 
J. R. Henry, Mayor

ATTEST:

BY 
Kenneth J. Wolf, Secretary/Manager

ORDINANCE NO. 1439

ORDINANCE AUTHORIZING THE INCURRING OF NONELECTORAL DEBT FOR THE PURPOSE OF PROVIDING FUNDS FOR A CAPITAL PROJECT BY THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7.695,000; FINDING A SALE BY NEGOTIATION TO BE IN THE BEST INTEREST OF THE BOROUGH; PROVIDING FOR MATURITIES, INTEREST RATES AND REDEMPTION FEATURES; COVENANTING TO PAY DEBT SERVICE; PLEDGING FULL FAITH, CREDIT AND TAXING POWER FOR THE PAYMENT OF THE BONDS; APPOINTING A PAYING AGENT, REGISTRAR AND SINKING FUND DEPOSITORY; ESTABLISHING A SINKING FUND; APPROPRIATING THE BOND PROCEEDS; ACCEPTING A PROPOSAL; RATIFYING PRIOR ADVERTISEMENT AND DIRECTING FURTHER ADVERTISEMENT; AUTHORIZING THE PAYMENT OF EXPENSES; RATIFYING THE PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING APPROVAL OF THE FINAL OFFICIAL STATEMENT; AUTHORIZING THE OPENING OF A CLEARING FUND; ADOPTING A FORM OF BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE AGREEMENT; AUTHORIZING AMENDMENT OF THE SEWER SYSTEM MANAGEMENT AGREEMENT; AND REPEALING INCONSISTENT ORDINANCES.

As Enacted January 24, 2007

WHEREAS, the Borough of West View (the "Borough") desires to undertake a project (the "Capital Project") consisting of (a) the payment of the cost of the Borough's share of the acquisition, construction, and equipping of the Phase III Joint Trunk Sewer Expansion Project and the 1997 Millvale Joint Trunk Line Expansion, and the cost of capital improvements to the Borough sewer system; and (b) paying the costs of issuing the Bonds; and

WHEREAS, it is necessary that the Borough issue its general obligation bonds in order to accomplish the Capital Project; and

WHEREAS, the Borough intends to issue its bonds in accordance with the terms of this Ordinance and the Local Government Unit Debt Act, 53 Pa.C.S. §§8001 *et seq.* as amended (the "Debt Act"), to pay the costs of the Capital Project; and

WHEREAS, H-T Capital Markets, A Division of Northeast Securities, Inc. (the "Purchaser") has presented to the Borough a proposal (the "Proposal") for the purchase of bonds:

NOW, THEREFORE, BE AND IT HEREBY IS ORDAINED AND ENACTED by the Borough Council of the Borough of West View that:

SECTION 1. The Project.

The Borough hereby undertakes as a project the Capital Project. The description of the Capital Project contained in the recitals to this Ordinance is hereby incorporated into this Section by reference as if set out at length.

SECTION 2. Incurrence of Indebtedness.

For the purpose of providing funds for and toward the payment of costs, as such term is used in the Debt Act, of the Capital Project, the incurring of nonelectoral debt by the Borough in the amount of \$7,695,000 is hereby authorized. Such debt shall be evidenced by an issue of general obligation bonds of the Borough in the aggregate principal amount of \$7,695,000, designated "Borough of West View, General Obligation Bonds, Series of 2007" (the "Bonds").

SECTION 3. Approval of Private Sale.

After considering the advantages and disadvantages of a public sale of the Bonds, the Borough Council hereby determines that a private sale by negotiation is in the best financial interests of the Borough.

SECTION 4. Acceptance of Proposal.

The Proposal presented to this meeting by the Purchaser is hereby accepted. The Bonds are hereby awarded to the Purchaser at a negotiated sale at the price stated on Schedule A which is attached hereto and incorporated herein by reference as if set out here at length. The proper officers and officials are hereby authorized and directed to execute and deliver an acceptance of

the Proposal to the Purchaser. One counterpart of the Proposal shall be filed with the records of the Borough.

SECTION 5. Maturity and Interest Rates.

The Bonds shall bear interest and mature as set out on Schedule A.

SECTION 6. Appointment of Paying Agent, Registrar and Sinking Fund Depository.

The Bank of New York Trust Company, N.A., Pittsburgh, Pennsylvania, is hereby appointed Paying Agent (the "Paying Agent") and Registrar (the "Registrar") for the Bonds and Sinking Fund Depository (the "Sinking Fund Depository") for the Sinking Fund created hereby. The Secretary is hereby authorized and directed to contract with such entity for its services as Sinking Fund Depository, Paying Agent and Registrar at such initial and annual charges as shall be appropriate and reasonable for such services. The Borough may, by Ordinance, from time to time, appoint a successor Paying Agent, Sinking Fund Depository or Registrar to fill a vacancy or for any other reason.

SECTION 7. Form of Bond, Interest Payment Dates and Record Dates.

The Bonds shall be issued in fully registered form without coupons and shall be numbered in such manner as may be satisfactory to the Borough and the Paying Agent. Pursuant to recommendations promulgated by the Committee on Uniform Security Identification Procedures, "CUSIP" numbers may be printed on the Bonds. Each Bond shall be dated as of the date of its authentication. The Bonds shall be issued in denominations of \$5,000 or any whole multiple thereof. The Bonds shall bear interest from the appropriate February 1 or August 1 (each, an "Interest Payment Date") immediately preceding their respective dates of authentication, unless: (a) a Bond shall be authenticated as of a date after a Record Date and on or before the next succeeding Interest Payment Date, in which case such Bond shall bear interest from such next succeeding Interest Payment Date or (b) a Bond shall be authenticated on or prior to the Regular Record Date preceding August 1, 2007, in which case such Bond shall bear interest from January 15, 2007; or (c) as shown on the records of the Paying Agent, interest on the Bonds shall be in default, in which event the Bond shall bear interest from the date on which interest was last paid on the Bond until such sum is paid, or if no interest has been paid, from January 15, 2007.

The term "Regular Record Date" with respect to any Interest Payment Date shall mean the January 15 or July 15 immediately preceding such Interest Payment Date. The person in whose name any Bond is registered at the close of business on any Regular Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable on such Interest Payment Date notwithstanding the cancellation of such Bond upon any transfer or exchange thereof subsequent to such Regular Record Date and prior to such Interest Payment Date, except if and to the extent that the Borough defaults in the payment of the interest due on such Interest Payment Date, in which case such defaulted interest shall be paid to the persons in whose names outstanding Bonds are registered at the close of business on a Special Record Date established by the Paying Agent, notice of which shall have been mailed not less than ten (10)

days prior to such Special Record Date to the persons in whose name the Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

SECTION 8. Bond Register. Registrations and Transfer.

The Borough shall cause to be kept at the designated corporate trust office of the Paying Agent a register (the "Bond Register") in which, subject to such reasonable regulations as it may prescribe, the Borough shall provide for the registration of Bonds and the registration of transfers and exchanges of Bonds. No transfer or exchange of any Bond shall be valid unless made at such office and registered in the Bond Register.

Upon surrender of any Bond at the designated corporate trust office of the Paying Agent for registration of transfer, the Borough shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee or transferees, a new Bond or Bonds of any authorized denomination, of the same interest rate and maturity, and in the same aggregate principal amount as the Bond so surrendered.

Any Bond shall be exchangeable for other Bonds of the same maturity and interest rate, in any authorized denomination, in an aggregate principal amount equal to the principal amount of the Bond or Bonds presented for exchange. Upon surrender of any Bond for exchange at the principal corporate trust office of the Paying Agent, the Borough shall execute and the Paying Agent shall authenticate and deliver in exchange therefor the Bond or Bonds which the owner making the exchange shall be entitled to receive.

All Bonds issued upon any registration of transfer or exchange shall be valid obligations of the Borough, evidencing the same debt and entitled to the same benefits under this Ordinance as the Bonds surrendered for such registration of transfer or exchange.

Every Bond presented or surrendered for registration of transfer or exchange shall be duly endorsed, or be accompanied by a written instrument of transfer, in form and with guaranty of signature satisfactory to the Borough and the Registrar, duly executed by the Registered Owner thereof or his duly authorized agent or legal representative.

No service charge shall be made for any transfer or exchange of any Bond, but the Borough may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

The Borough shall not be required to register the transfer of or exchange any Bond: (a) in the case of Bonds then considered for redemption, during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is mailed; (b) once selected for redemption in whole or in part until after the redemption date; or (c) during a period beginning at the close of business on the fifteenth (15th) day next preceding the date of maturity of the Bond and ending at the close of business on the date of maturity.

SECTION 9. Execution and Authentication.

The Bonds shall be executed on behalf of the Borough by the President of the Borough Council, and shall have a facsimile of the corporate seal of the Borough affixed thereto, duly attested by the Secretary and said officers are hereby authorized and directed to execute the Bonds. The Bonds shall be authenticated by the manual execution of the Certificate of Authentication by a duly authorized officer of the Paying Agent. No Bond shall be valid until such Certificate of Authentication shall have been duly executed by the Paying Agent and such authentication shall be conclusive and the only proof that any Bond has been issued pursuant to this Ordinance and is entitled to any benefits conferred thereon under the provisions of this Ordinance. To the extent that any one signature on a Bond (including the signature of the officer of the Paying Agent) is manual, all other signatures may be by facsimile. The President of the Borough Council or Treasurer or Secretary or any of such officers is hereby authorized and directed to deliver the Bonds to the Purchaser and receive payment therefor on behalf of the Borough after sale of the same in the manner required by law and this Ordinance.

SECTION 10. General Obligation Covenant.

The Bonds are hereby declared to be general obligations of the Borough. The Borough hereby covenants with the Registered Owners from time to time of the Bonds outstanding pursuant to this Ordinance that it will include the amount of the debt service as specified in this Section, subject to appropriate adjustment in the event of the optional redemption of any Bonds prior to maturity, on the Bonds for each fiscal year in which such sums are payable, in its budget for that year, will appropriate such amounts for such payments and will duly and punctually pay or cause to be paid the principal of the Bonds and the interest thereon on the dates, at the places and in the manner stated therein, according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Borough does hereby pledge its full faith, credit and taxing power. The amount of the debt service which the Borough hereby covenants to pay on the Bonds in each year is shown on Schedule B which is attached hereto and incorporated herein by reference as if set out here at length.

As provided in the Debt Act, the foregoing covenants are specifically enforceable.

SECTION 11. Redemption.

(a) Optional. The Bonds are subject to redemption prior to maturity at the option of the Borough as shown on Schedule C.

(b) Mandatory. The Bonds are subject to mandatory redemption on the dates (each, a "Mandatory Redemption Date") and in the amounts shown on Schedule C. The Borough covenants to cause the Bonds to be redeemed on the Mandatory Redemption Dates and in the amounts shown on Schedule C, subject to its right which is reserved in Section 12, to satisfy that obligation by delivering to the Paying Agent and Sinking Fund Depository no later than forty-five (45) days before any Mandatory Redemption Date, for cancellation, Bonds of the maturity which are subject to mandatory redemption on that Mandatory Redemption Date.

(c) Notice. Notice of any redemption shall be given by mailing a notice of redemption by first class mail, postage prepaid, not less than thirty (30) nor more than sixty (60) days prior to the redemption date to the Registered Owners of Bonds to be redeemed at the addresses which appear in the Bond Register, provided, however, that neither failure to mail such notice nor any defect in the notice so mailed or in the mailing thereof with respect to any one Bond shall affect the validity of the proceedings for the redemption of any other Bond. If the Borough shall have duly given notice of redemption and shall have deposited with the Paying Agent funds for the payment of the redemption price of the Bonds so called for redemption, with accrued interest thereon to the date fixed for redemption, interest on such Bonds shall cease to accrue after such redemption date. Notices may be made conditional upon such deposits being timely made.

(d) CUSIP Numbers. Notices of redemption shall contain the applicable CUSIP numbers pertaining to the Bonds called for redemption (if then generally in use), and shall also contain the serial identification numbers printed on the Bonds.

(e) Selection by Lot. If less than all Bonds maturing on any one date are to be redeemed at any time, the Paying Agent shall select by lot the Bonds to be redeemed at such time.

(f) Portions of Bonds. Any portion of any Bond of a denomination larger than \$5,000 may be redeemed, but only in the principal amount of \$5,000 or any integral multiple thereof. Prior to selecting Bonds for redemption, the Paying Agent shall assign numbers to each \$5,000 portion of any Bond of a denomination larger than \$5,000 and shall treat each portion as a separate Bond in the denomination of \$5,000 for purposes of selection for redemption. Upon surrender of any Bond for redemption of a portion thereof, the Paying Agent shall authenticate and deliver to the Registered Owner thereof a new Bond or Bonds of the same maturity and in any authorized denominations requested by the Registered Owner in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered.

SECTION 12. Sinking Fund.

(a) Deposit. There is hereby established a sinking fund to be known as "Borough of West View, Series of 2007 Bonds Sinking Fund" (the "Sinking Fund") into which the Borough covenants to deposit, and into which the Treasurer is hereby authorized and directed to deposit (i) on or before August 1, 2007, and on or before each Interest Payment Date thereafter to and including August 1, 2036, amounts sufficient to pay the interest due on such dates on the Bonds then outstanding, and (ii) on or before August 1, 2007, and on or before each August 1 thereafter to and including August 1, 2036, amounts sufficient to pay the principal of the Bonds due on each such date at maturity or pursuant to the mandatory redemption requirements hereof. Should the amounts covenanted to be paid into the Sinking Fund be, at any time, in excess of the net amounts required at such time for the payment of interest and principal, whether by reason of funds already on deposit in the Sinking Fund or by reason of the purchase or redemption of Bonds, or for some similar reason, the amounts covenanted to be paid may be reduced to the extent of the excess.

(b) Credit for Bonds Delivered. The Borough may satisfy any part of its obligations with respect to clause (a)(ii) by delivering to the Paying Agent and Sinking Fund Depository, for cancellation. Bonds maturing or subject to mandatory redemption on the date on which such deposit is required. The Borough shall receive credit against such deposit for the face amount of the Bonds so delivered, provided that such Bonds are delivered to and received by the Paying Agent and Sinking Fund Depository (i) on or before the maturity date of the Bonds for which credit is requested, in the case of a deposit required for the payment of Bonds at maturity, or (ii) in the case of a deposit required to be made on a Mandatory Redemption Date, no later than forty-five (45) days prior to the Mandatory Redemption Date for which credit is requested.

(c) Application of Funds. All sums in the Sinking Fund shall be applied exclusively to the payment of principal and interest covenanted to be paid by Section 10 hereof as the same from time to time become due and payable and the balance of said moneys over and above the sum so required shall remain in the Sinking Fund, to be applied to the reduction of future required deposits; subject, however, to investment or deposit at interest as authorized by law and as permitted by Section 23 hereof. The Sinking Fund shall be kept as a separate account at the principal corporate trust office of the Sinking Fund Depository. The Sinking Fund Depository, without further authorization other than as herein contained, shall pay from the moneys in the Sinking Fund, the interest on the Bonds as and when due to the Registered Owners on the appropriate Record Date and principal of the Bonds, as and when the same shall become due, to the Registered Owners thereof.

(d) Optional Deposits. Notwithstanding the foregoing, in the case of optional redemption of any or all of the Bonds as permitted by Section 11 hereof, the Treasurer is hereby authorized and directed to deposit, from time to time, before the appropriate optional redemption date, funds which shall be sufficient when they, either alone or together with the interest to be earned thereon, if any, will equal the principal of the Bonds so called for redemption and the premium, if any, and the interest thereon to the date fixed for redemption.

SECTION 13. Disposition of Proceeds.

All moneys derived from the sale of the Bonds shall be deposited in the Clearing Account created pursuant to Section 21 hereof and shall be and hereby are appropriated substantially to payment of the costs of the Capital Project, including but not limited to payment of the costs and expenses of preparing, issuing and marketing the Bonds, and the payment of interest on the Bonds from January 15, 2007, to the date of delivery and shall not be used for any other purposes, except as to any insubstantial amounts of money which may remain after fulfilling the purposes set forth herein, which minor amounts of remaining moneys shall promptly upon their determination be deposited in the Sinking Fund and used for the payment of interest on the Bonds, or as otherwise directed by the Borough. Promptly on the deposit of the proceeds of the Bonds, the Borough shall cause the transfers to the 2007 Project Account described below.

SECTION 14. Cost and Realistic Useful Life.

Reasonable cost estimates have been obtained for the Capital Project with the assistance of architects, engineers, financial advisors and other persons qualified by experience. The

realistic estimated useful life of the Capital Project is at least thirty (30) years. Therefore, the maturities of the Bonds are in accordance with the Debt Act (53 Pa.C.S. §8142(a)(2)).

SECTION 15. Internal Revenue Code Covenants.

(a) General. The Borough hereby covenants with the Registered Owners, from time to time, of the Bonds that no part of the proceeds of the Bonds will be used, at any time, directly or indirectly, in a manner which would cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the Regulations thereunder proposed or in effect at the time of such use and applicable to the Bonds, and that it will comply with the requirements of that section and the Regulations throughout the term of the Bonds.

The Borough agrees to take all actions necessary to preserve and maintain the tax exempt status of the Bonds and of the interest thereon, under all laws currently in effect and any that may become effective. The Borough covenants that it will not intentionally use any portion of the proceeds of the Bonds to acquire, or to replace funds used directly or indirectly to acquire, investment property with a yield materially higher than the yield on the Bonds as prohibited by Section 148(a) of the Code. The Borough covenants to expend the proceeds of the Bonds within the temporary periods prescribed by Section 148(c) of the Code and the regulations thereunder.

(b) Rebate. The Borough covenants that it will rebate, to the extent required by law, to the U.S. Treasury, at the times and in the manner required by the Code, all investment income derived from investing the proceeds of the Bonds in an amount which exceeds the amount which would have been derived from the investment of the proceeds of the Bonds at a yield not in excess of the yield on the Bonds, but only if such rebate is required by the Code.

(c) Qualified Tax-Exempt Obligation Designation. The Borough hereby designates the Bonds as Qualified Tax-Exempt Obligations pursuant to Section 265(b)(3) of the Code and represents and expects that the total amount of its obligations so designated and to be designated during the current calendar year does not and will not exceed \$10,000,000.

(d) Filing. The Borough will file IRS Form 8038-G and any other forms or information required by the Code to be filed in order to permit the interest on the Bonds to be excluded from gross income tax for federal income tax purposes.

SECTION 16. Advertising.

The action of the officers of the Borough in advertising a summary of this Ordinance, as required by law, is ratified and confirmed. The officers of the Borough or any of them, are authorized and directed to advertise a notice of enactment of this Ordinance in a newspaper of general circulation in the Borough of West View within fifteen (15) days after final enactment. The Secretary is hereby directed to make a copy of this Ordinance available for inspection by any citizen during normal office hours.

SECTION 17. Appointment of Professionals.

The Borough hereby appoints Eckert Seamans Cherin & Mellott, LLC, as Bond Counsel, for the purpose of rendering any and all necessary opinions with respect to the Bonds.

SECTION 18. Filing With Department of Community and Economic Development.

The Secretary is hereby authorized and directed to prepare, verify and file with the Department of Community and Economic Development, in accordance with the Debt Act, a transcript of the proceedings relating to the issuance of the Bonds including the Debt Statement and Borrowing Base Certificate required by the Debt Act (53 Pa.C.S. §8110), and to take other necessary action, and to prepare and file all necessary documents with the Department of Community Affairs including, if necessary or desirable, any statements required to exclude any portion of the debt evidenced by the Bonds from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 19. General Authorization.

The officers and officials of the Borough are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effect the execution, issuance, sale and delivery of the Bonds, all in accordance with this Ordinance.

SECTION 20. Official Statements.

The Preliminary Official Statement prepared with respect to the Bonds is hereby approved. The President of the Borough Council is hereby authorized to execute and approve a Final Official Statement relating to the Bonds provided that the Final Official Statement shall have been approved by the Borough's Solicitor. The distribution of the Preliminary Official Statement is hereby ratified and the Purchaser is hereby authorized to use the Preliminary and the Final Official Statements in connection with the sale of the Bonds.

SECTION 21. Clearing Account and Project Account.

(a) The Borough hereby creates with the Paying Agent a special fund to be known as the Borough of West View 2007 Clearing Account (the "Clearing Account") which shall be held as a trust fund for the benefit of the Borough until disbursed in accordance with the provisions hereof. The Borough shall deliver the net proceeds (including accrued interest) derived from the sale of the Bonds to the Paying Agent for deposit to the Clearing Account. Upon written directions from the Borough signed by the President of the Governing Body and the Secretary, the Paying Agent shall pay, out of the Clearing Account the costs and expenses of the issuance of the Bonds, shall transfer the amount of accrued interest to the Sinking Fund, deposit the specified amount to the Project Account described in (b) below. The written direction from the Borough shall state the names of the respective payees, the purpose for which the expenditure has been incurred, for the purpose of the transfer, whichever is applicable, and shall contain a certification that each item of expense for which payment has been requested has been properly incurred and

is then unpaid, and that each transfer which is requested is in accordance with the provisions of this Ordinance.

(b) The Borough covenants to establish, and does hereby establish, a separate account in the name of the Borough to be known as the "Borough of West View 2007 Project Account" (referred to herein as the "Project Account"). The Project Account shall be constituted of the net proceeds from the sale of the Bonds (after payment of costs of issuance of the Bonds), all moneys earned from the investment of funds therein and any other moneys which the Borough shall desire to deposit therein. The Project Account shall be expended first for the payment of all necessary and proper costs of the Capital Project, and then for any other lawful purpose as provided in the Borough Code, the Debt Act and other applicable laws.

SECTION 22. Payment of Expenses.

All expenses incurred in connection with issuance of the Bonds shall be paid out of the proceeds derived from the issuance of the Bonds and deposited in the Clearing Account and the proper officers and officials are authorized to sign and deliver requests for payment of such expenses.

SECTION 23. Investment.

Any moneys in the Project Account may be invested or deposited as permitted by applicable law for funds of the Borough. Any moneys in the Sinking Fund not required for prompt expenditure may, at the direction of the Borough, be invested in bonds or obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States of America or may be deposited at interest in time accounts or certificates of deposit or other interest bearing accounts of any bank or bank and trust company, savings and loan association or building and loan association. To the extent that such deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or similar Federal agency, they need not be secured. Otherwise, such deposits shall be secured as public deposits or as trust funds. Any such investments or deposits shall mature or be subject to redemption at the option of the holder, or be subject to withdrawal at the option of the depositor, not later than the date upon which such moneys are required to be paid to the Registered Owners.

SECTION 24. Authorization of Officers.

Any authorization granted to, power conferred on, or direction given to the President, Manager, Secretary or Treasurer, shall be deemed to run to the Vice President, Assistant or Acting Secretary, Assistant or Acting Manager or Assistant Treasurer, respectively, as if such latter titles had been expressly included in the text hereof which grants such authorization, confers such power or gives such direction.

SECTION 25. Bond Form.

The form of the Bonds shall be substantially as follows:

000046

[FACE OF BOND]

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

BOROUGH OF WEST VIEW
GENERAL OBLIGATION BOND, SERIES OF 2007

No.
CUSIP

Interest Rate:
Maturity Date:

Borough of West View, County of Allegheny, Commonwealth of Pennsylvania (the "Borough"), for value received, and intending to be legally bound, promises to pay to _____, or registered assigns, (the "Registered Owner") the principal amount of _____ Dollars (\$ _____) on the maturity date stated above upon presentation and surrender of this Bond at the designated corporate trust office of The Bank of New York Trust Company, N.A. (the "Paying Agent") in Pittsburgh, Pennsylvania, and to pay interest thereon at the above-stated rate from the February 1 or August 1 immediately preceding the date hereof (unless this Bond is dated after a Regular Record Date but on or before the next succeeding February 1 or August 1 date, then from such next succeeding February 1 or August 1, or unless this Bond is dated on or prior to the Regular Record Date preceding August 1, 2007, then from January 15, 2007, or unless, as shown on the records of the Paying Agent, interest on the Bond shall be in default, in which event the Bond shall bear interest from the date on which interest was last paid on the Bond until such sum is paid, or if no interest has been paid, from January 15, 2007) semiannually on February 1 or August 1 of each year during the term of this Bond (beginning August 1, 2007), or until payment of said principal sum has been made or provided for.

The principal of, and premium, if any, and interest on this Bond are payable in such coin or currency of the United States of America as at the time and place of payment is legal tender for payment of public and private debts, at the designated corporate trust office of the Paying Agent; provided that, interest will be paid by check mailed to the person who is the registered owner on the appropriate record date at his address as it appears on the Bond Register described below, unless written demand is made by such person for payment in legal tender at such office.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE SIDE HEREOF AND SUCH TERMS AND PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HERE.

This Bond shall not be valid or become obligatory for any purpose unless the certificate of authentication hereon shall have been signed by the manual signature of an officer of the Paying Agent.

000047

IN WITNESS WHEREOF, the Borough has caused this Bond to be duly executed and dated as of the date of its authentication.

ATTEST:

BOROUGH OF WEST VIEW

/s/ Facsimile Signature

Secretary

By /s/ Facsimile Signature

President

[SEAL]

[BACK OF BOND]

This Bond is one of a duly authorized issue of \$7,695,000, principal amount, General Obligation Bonds, Series of 2007 (the "Bonds") of the Borough which have been issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, as amended (the "Act"), without the assent of the electors, pursuant to an Ordinance (the "Ordinance") of the Borough Council of the Borough of West View enacted on January 24, 2007. The Bonds have been issued for the purpose of obtaining funds to pay the costs of a capital project.

Interest payable on any interest payment date will be paid to the person in whose name this Bond is registered (the "Record Owner") at the close of business on the January 15 or July 15 (the "Regular Record Date") immediately preceding the relevant interest payment date. Any such interest which is not deposited with the Paying Agent on or before any such interest payment date for payment to the Record Owner on the Regular Record Date shall forthwith cease to be payable to the Record Owner on the Regular Record Date, and shall be paid to the person in whose name this Bond is registered on a special record date for the payment of such defaulted interest to be fixed by the Paying Agent, notice of which shall be given to all registered owners not less than ten (10) days prior to such special record date, all as provided in the Ordinance.

Bonds maturing on August 1 of the years 2019, 2021, 2024, 2026, 2031, and 2036 are subject to mandatory redemption prior to their stated maturity dates, in part, by lot, or by any other method deemed fair and appropriate by the Paying Agent, on the dates and in the amounts shown below upon payment of the redemption price of 100% of the principal amount, together with interest accrued to the date fixed for redemption.

August 1, 2019 Maturity
Redemption Date

<u>(August 1)</u>	<u>Amount</u>
2016	\$195,000
2017	205,000
2018	210,000
2019*	220,000

August 1, 2021 Maturity
Redemption Date

<u>(August 1)</u>	<u>Amount</u>
2020	\$230,000
2021*	240,000

August 1, 2024 Maturity
Redemption Date

<u>(August 1)</u>	<u>Amount</u>
2022	\$250,000
2023	260,000
2024*	270,000

000048

August 1, 2026 Maturity		August 1, 2031 Maturity		August 1, 2036 Maturity	
<u>Redemption Date</u>		<u>Redemption Date</u>		<u>Redemption Date</u>	
<u>(August 1)</u>	<u>Amount</u>	<u>(August 1)</u>	<u>Amount</u>	<u>(August 1)</u>	<u>Amount</u>
2025	\$280.000	2027	\$305.000	2032	\$375.000
2026*	290.000	2028	320.000	2033	390.000
		2029	330.000	2034	410.000
		2030	345.000	2035	425.000
		2031*	360.000	2036*	445.000

* At maturity

The Bonds maturing on or after August 1, 2013, are subject to redemption at the option of the Borough prior to their stated maturity dates, as a whole, or in part from time to time, on August 1, 2012, or on any date thereafter, in any order of maturity as selected by the Borough, in each case, upon payment of 100% of the principal amount to be redeemed together with interest accrued to the date fixed for redemption.

If less than all Bonds maturing on any one date are to be redeemed at any time, the Bonds to be called for redemption at such time shall be chosen by the Paying Agent, by lot or by any other method deemed fair and appropriate by the Paying Agent.

Notice of redemption of any Bond shall be given to the registered owner of such Bond by first class mail, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, in the manner and upon the terms and conditions set forth in the Ordinance. A portion of a Bond of a denomination larger than \$5,000 may be redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, a Bond or Bonds for the unredeemed balance of the principal amount of such Bond, all as more fully set forth in the Ordinance. If notice of redemption shall have been duly given, the Bonds or portions thereof specified in that notice shall become due and payable at the applicable redemption price on the redemption date designated in that notice, and if, on that redemption date, moneys are held by the Sinking Fund Depository for the payment of the redemption price of the Bonds to be redeemed, together with interest to the redemption date, then from and after the redemption date, interest on such Bonds shall cease to accrue.

The Borough, pursuant to recommendations made by the Committee on Uniform Security Identification Procedures, has caused CUSIP numbers to be printed on the Bonds, and has directed the Paying Agent to use such numbers in notices of redemption and other notices, if any, as a convenience to the registered owners of the Bonds. No representation is made by the Borough as to the accuracy of such numbers either as printed on the Bonds or as contained in any notice and reliance may be placed only on the identification number printed hereon.

This Bond may be transferred or exchanged only on the Bond Register (the "Bond Register") maintained by the Borough at the principal corporate trust office of the Paying Agent upon surrender hereof by the Registered Owner at such office duly endorsed by, or accompanied by a written instrument of transfer duly executed by, the Registered Owner or his duly authorized agent or legal representative, in each case, in form and with a guaranty of signature satisfactory to the Borough and the Paying Agent.

No service charge shall be made for any transfer or exchange of any Bond, but the Borough may require payment of any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

The Borough shall not be required to register the transfer or exchange of any Bond: (a) in the case of Bonds then considered for redemption, during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is mailed; (b) once selected for redemption in whole or in part; or (c) during a period beginning at the close of business on the fifteenth (15th) day next preceding the date of maturity of the Bond and ending at the close of business on the date of maturity.

Subject to the provisions of this Bond and of the Ordinance relating to payment of interest, the Borough and the Paying Agent may treat the Registered Owner of this Bond as the absolute owner hereof, for all purposes, whether or not this Bond shall be overdue, and neither the Borough nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon or on the Ordinance against any member, officer or employee, past, present or future, of the Borough or of any successor body, as such, either directly or through the Borough or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the issuance of this Bond.

It is hereby certified that the approval of the Department of Community and Economic Development of the Commonwealth of Pennsylvania for the Borough to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Borough is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania and applicable to the Borough; and that the Borough has established with the Paying Agent as Sinking Fund Depository a sinking fund for the Bonds and has agreed to deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable.

This Bond is hereby declared to be a general obligation of the Borough. The Borough, in the Ordinance authorizing the issuance of the Bonds, has covenanted with the registered owners, from time to time, of the Bonds that the Borough will include the amount of the debt service charges on the Bonds for each fiscal year in which such sums are payable, in its budget for that year, that it will appropriate such amounts to the payment of such debt service, and will duly and punctually pay or cause to be paid the principal of every Bond, and the interest thereon, on the dates and at the places and in the manner stated in the Bonds, according to the true intent and

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meaning thereof, and for such budgeting, appropriation and payment, the Borough has pledged its full faith, credit and taxing power. This covenant is specifically enforceable.

[FORM OF PAYING AGENT'S AUTHENTICATION CERTIFICATE FOR FACE OF BOND]

Paying Agent's Authentication Certificate

This Bond is one of the Borough of West View, General Obligation Bonds, Series of 2007, described in the within-mentioned Ordinance. The text of opinion printed hereon is the text of the opinion of Eckert Seamans Cherin & Mellott, LLC, Bond Counsel, of Pittsburgh, Pennsylvania, an executed counterpart of which, dated and delivered on the date of original delivery of and payment for said Bonds, is on file with the undersigned.

THE BANK OF NEW YORK TRUST COMPANY, N.A.,
Paying Agent

By _____
Authorized Officer

Dated:

* * * * *

[STATEMENT OF INSURANCE]

* * * * *

[TEXT OF OPINION OF ECKERT SEAMANS CHERIN & MELLOTT, LLC,
BOND COUNSEL, OF PITTSBURGH, PENNSYLVANIA]

* * * * *

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common
TEN ENT - as tenants by the
entireties
JT TEN - as joint tenants with
right of survivorship and
not as tenants in common

UNIF. TRANS. MIN. ACT-
Custodian
(Cust) (Minor)
under Uniform Transfers to Minors

Act _____
(State)

Additional abbreviations may also be used though not in the list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

Please insert Social Security
or other identifying number of
assignee

Please print or typewrite name and address
including postal zip code of transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ Agent
to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated _____

Signature(s) Guaranteed: _____

NOTICE: Signature(s) must be
guaranteed by a member of an
approved Signature Guarantee
Medallion Program.

NOTICE: The signature(s) to this
assignment must correspond with
the name(s) as written upon the face
of the Bond, in every particular,
without alteration or enlargement
or any change whatever.

SECTION 26. Bond Insurance.

The Borough hereby accepts a commitment from Ambac Assurance Corporation (the "Bond Insurer") to issue its financial guaranty insurance policy insuring the payment when due of the principal of and interest on the Bonds, authorizes the payment of an appropriate premium to the Bond Insurer, authorizes the printing of an appropriate statement of insurance on the Bonds and covenants to comply with the Bond Insurer's requirements set forth in such commitment.

(a) Definitions.

"Ambac Assurance" shall mean Ambac Assurance Corporation, a Wisconsin-domiciled stock insurance company.

"Financial Guaranty Insurance Policy" shall mean the financial guaranty insurance policy issued by Ambac Assurance insuring the payment when due of the principal of and interest on the Bonds as provided therein.

(b) Ambac Assurance Consent.

(1) Consent of Ambac Assurance. Any provision of this Ordinance expressly recognizing or granting rights in or to Ambac Assurance may not be amended in any manner which affects the rights of Ambac Assurance hereunder without the prior written consent of Ambac Assurance. Ambac Assurance reserves the right to charge the Borough a fee for any consent or amendment to the Ordinance while the Financial Guaranty Insurance Policy is outstanding.

(2) Consent of Ambac Assurance in lieu of Bondholder Consent. Unless otherwise provided in this Section, Ambac Assurance's consent shall be required in lieu of Bondholder consent, when required, for the following purposes: (i) execution and delivery of any supplemental Ordinance, or any amendment, supplement or change to or modification of the Ordinance; (ii) removal of the Sinking Fund Depository or Paying Agent and selection and appointment of any successor sinking fund depository or paying agent; and (iii) initiation or approval of any action not described in (i) or (ii) above which requires Bondholder consent.

(3) Consent of Ambac Assurance in the Event of Insolvency. Any reorganization or liquidation plan with respect to the Borough must be acceptable to Ambac Assurance. In the event of any reorganization or liquidation, Ambac Assurance shall have the right to vote on behalf of all Bondholders who hold Ambac Assurance-insured Bonds absent a default by Ambac Assurance under the applicable Financial Guaranty Insurance Policy insuring such Bonds.

(4) Consent of Ambac Assurance Upon Default. Anything in this Ordinance to the contrary notwithstanding, upon the occurrence and continuance of an event of default as described in the Debt Act, Ambac Assurance shall be entitled to control and direct the enforcement of all rights and remedies granted to the Bondholders or the Sinking Fund Depository for the benefit of the Bondholders under the Debt Act, including, without limitation: (i) the right to accelerate the principal of the Bonds as described in the Debt Act, and (ii) the right to annul any declaration of acceleration, and Ambac Assurance shall also be entitled to approve all waivers of events of default.

(5) Acceleration. Upon the occurrence of an event of default as described in the Debt Act, the trustee appointed by the holders of at least 25% of the Bonds pursuant to the Debt Act may, with the consent of Ambac Assurance, and shall, at the direction of Ambac Assurance or 25% of the Holders with the consent of Ambac Assurance, by written notice to the Borough and Ambac Assurance, declare the principal of the Bonds to be immediately due and payable, whereupon that portion of the principal of the Bonds thereby coming due and the interest thereon accrued to the date of payment shall, without further action, become and be immediately due and payable, anything in this Ordinance or in the Bonds to the contrary notwithstanding. In the event that the maturity of the Bonds is accelerated, Ambac Assurance

may elect, in its sole discretion, to pay all or a portion of the accelerated principal and interest accrued on such principal to the date of acceleration (to the extent unpaid by the Borough) with respect to the Bonds, and the trustee appointed by the holders of at least 25% of the Bonds pursuant to the Debt Act shall accept such amounts. Upon payment of all of such accelerated principal and interest accrued to the acceleration date as provided above, Ambac Assurance's obligations under the Financial Guarantee Insurance Policy shall be fully discharged.

(c) Notices to be given to Ambac Assurance.

(1) Notices to be sent to the Surveillance Department.

(A) While the Financial Guaranty Insurance Policy is in effect, the Borough shall furnish to Ambac Assurance, upon request, the following:

- (i) a copy of any financial statement, audit and/or annual report;
- (ii) such additional information Ambac Assurance may reasonably request.

Upon request, such information shall be delivered at the Borough's expense to the attention of the Surveillance Department

(B) A copy of any notice to be given to the registered owners of the Bonds, including, without limitation, notice of any redemption of or defeasance of Bonds, and any certificate rendered pursuant to this Ordinance, relating to the security for the Bonds, at no cost to Ambac;

(C) To the extent that the Borough has entered into a continuing disclosure agreement with respect to the Bonds, Ambac Assurance shall be included as a party to be notified.

(2) Notices to be sent to the attention of the General Counsel Office:

(A) The Borough shall notify Ambac Assurance of any failure of the Borough to provide relevant notices, certificates, etc.; and

(B) Notwithstanding any other provision of this Ordinance, the Borough and the Paying Agent and Sinking Fund Depository shall immediately notify Ambac Assurance if at any time there are insufficient moneys to make any payments of principal and or interest as required and immediately upon the occurrence of any event of default hereunder.

(3) Other Information. The Borough will permit Ambac Assurance to discuss the affairs, finances and accounts of the Borough or any information Ambac Assurance may reasonably request regarding the security for the Bonds with appropriate officers of the Borough. The Paying Agent and Sinking Fund Depository or Borough as appropriate will permit Ambac

Assurance to have access to and to make copies of all books and records relating to the Bonds at any reasonable time.

(4) Accounting. Ambac Assurance shall have the right to direct an accounting at the Borough's expense, and the Borough's failure to comply with such direction within thirty (30) days after receipt of written notice of the direction from Ambac Assurance shall be deemed a default hereunder; provided, however, that if compliance cannot occur within such period, then such period will be extended so long as compliance is begun within such period and diligently pursued, but only if such extension would not materially adversely affect the interests of any registered owner of the Bonds.

(d) Defeasance. Notwithstanding anything herein to the contrary, in the event that the principal and/or interest due on the Bonds shall be paid by Ambac Assurance pursuant to the Financial Guaranty Insurance Policy, the Bonds shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Borough, and all covenants, agreements and other obligations of the Borough to the registered owners shall continue to exist and shall run to the benefit of Ambac Assurance, and Ambac Assurance shall be subrogated to the rights of such registered owners.

(e) Payment Procedure Pursuant to the Financial Guaranty Insurance Policy. As long as the bond insurance shall be in full force and effect, the Borough, the Paying Agent and Sinking Fund Depository shall comply with the following provisions:

(1) At least one (1) day prior to all Interest Payment Dates, the Paying Agent and Sinking Fund Depository will determine whether there will be sufficient funds in the Funds and Accounts to pay the principal of or interest on the Bonds on such Interest Payment Date. If the Paying Agent and Sinking Fund Depository determines that there will be insufficient funds in such Funds or Accounts, the Paying Agent and Sinking Fund Depository shall so notify Ambac Assurance. Such notice shall specify the amount of the anticipated deficiency, the Bonds to which such deficiency is applicable and whether such Bonds will be deficient as to principal or interest, or both. If the Paying Agent and Sinking Fund Depository has not so notified Ambac Assurance at least one (1) business day prior to an Interest Payment Date, Ambac Assurance will make payments of principal or interest due on the Bonds on or before the first (1st) day next following the date on which Ambac Assurance shall have received notice of nonpayment from the Paying Agent and Sinking Fund Depository.

(2) The Paying Agent and Sinking Fund Depository shall, after giving notice to Ambac Assurance as provided in (1) above, make available to Ambac Assurance and, at Ambac Assurance's direction, to The Bank of New York, as insurance trustee for Ambac Assurance or any successor insurance trustee (the "Insurance Trustee"), the registration books of the Borough maintained by the Paying Agent and Sinking Fund Depository, and all records relating to the Funds and Accounts maintained under this Ordinance.

(3) The Paying Agent and Sinking Fund Depository shall provide Ambac Assurance and the Insurance Trustee with a list of registered owners of Bonds entitled to receive principal or interest payments from Ambac Assurance under the terms of the Financial Guaranty

Insurance Policy, and shall make arrangements with the Insurance Trustee (i) to mail checks or drafts to the registered owners of Bonds entitled to receive full or partial interest payments from Ambac Assurance and (ii) to pay principal upon Bonds surrendered to the Insurance Trustee by the registered owners of Bonds entitled to receive full or partial principal payments from Ambac Assurance.

(4) The Paying Agent and Sinking Fund Depository shall, at the time it provides notice to Ambac Assurance pursuant to (1) above, notify registered owners of Bonds entitled to receive the payment of principal or interest thereon from Ambac Assurance (i) as to the fact of such entitlement, (ii) that Ambac Assurance will remit to them all or a part of the interest payments next coming due upon proof of Bondholder entitlement to interest payments and delivery to the Insurance Trustee, in form satisfactory to the Insurance Trustee, of an appropriate assignment of the registered owner's right to payment, (iii) that should they be entitled to receive full payment of principal from Ambac Assurance, they must surrender their Bonds (along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee to permit ownership of such Bonds to be registered in the name of Ambac Assurance) for payment to the Insurance Trustee, and not the Paying Agent and Sinking Fund Depository, and (iv) that should they be entitled to receive partial payment of principal from Ambac Assurance, they must surrender their Bonds for payment thereon first to the Paying Agent and Sinking Fund Depository, who shall note on such Bonds the portion of the principal paid by the Paying Agent and Sinking Fund Depository, and then, along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee, to the Insurance Trustee, which will then pay the unpaid portion of principal.

(5) In the event that the Paying Agent and Sinking Fund Depository has notice that any payment of principal of or interest on a Bond which has become Due for Payment and which is made to a Bondholder by or on behalf of the Borough has been deemed a preferential transfer and theretofore recovered from its registered owner pursuant to the United States Bankruptcy Code by a trustee in bankruptcy in accordance with the final, nonappealable order of a court having competent jurisdiction, the Paying Agent and Sinking Fund Depository shall, at the time Ambac Assurance is notified pursuant to (1) above, notify all registered owners that in the event that any registered owner's payment is so recovered, such registered owner will be entitled to payment from Ambac Assurance to the extent of such recovery if sufficient funds are not otherwise available, and the Paying Agent and Sinking Fund Depository shall furnish to Ambac Assurance its records evidencing the payments of principal of and interest on the Bonds which have been made by the Paying Agent and Sinking Fund Depository and subsequently recovered from registered owners and the dates on which such payments were made.

(6) In addition to those rights granted Ambac Assurance under this Ordinance, Ambac Assurance shall, to the extent it makes payment of principal of or interest on Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Financial Guaranty Insurance Policy, and to evidence such subrogation (i) in the case of subrogation as to claims for past due interest, the Paying Agent and Sinking Fund Depository shall note Ambac Assurance's rights as subrogee on the registration books of the Borough maintained by the Paying Agent and Sinking Fund Depository upon receipt from Ambac Assurance of proof of the payment of interest thereon to the registered owners of the Bonds, and

(ii) in the case of subrogation as to claims for past due principal, the Paying Agent and Sinking Fund Depository shall note Ambac Assurance's rights as subrogee on the registration books of the Borough maintained by the Paying Agent and Sinking Fund Depository upon surrender of the Bonds by the registered owners thereof together with proof of the payment of principal thereof.

(f) Reimbursement of Ambac Assurance. The Borough hereby covenants and agrees that it shall reimburse Ambac Assurance for any amounts paid under the Financial Guaranty Insurance Policy and all costs of collection thereof and enforcement of this Ordinance and any other documents executed in connection with this Ordinance, together with interest thereon, from the date paid or incurred by Ambac Assurance until payment thereof in full by the Borough, payable at the Insurer Payment Rate (as hereinafter defined), including without limitation (to the extent permitted by applicable law) interest on claims paid by Ambac Assurance in respect of interest on the Bonds. Such payment obligation shall be payable on demand and on a parity with, and from the same sources and secured by the same security as, regularly scheduled principal and interest payments in respect of the Bonds. For purposes of the foregoing, "Insurer Payment Rate" shall mean the lesser of (a) the maximum rate permissible under applicable usury or similar laws limiting interest rates and (b) the greater of (i) the then applicable highest rate of interest on the Bonds and (ii) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank, N.A. ("Chase") at its principal office in the City of New York, as its prime or base lending rate ("Prime Rate") (any change in such Prime Rate to be effective on the date such change is announced by Chase) plus 3 percent. The Insurer Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. In the event that Chase ceases to announce its Prime Rate publicly, Prime Rate shall be the publicly announced prime or base lending rate of such national bank as Ambac Assurance shall specify.

(g) Interested Parties.

(1) Ambac Assurance as Third Party Beneficiary. To the extent that this Ordinance confers upon or gives or grants to Ambac Assurance any right, remedy or claim under or by reason of this Ordinance, Ambac Assurance is hereby explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right, remedy or claim conferred, given or granted hereunder.

(2) Parties Interested Herein. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give or grant to, any person or entity, other than the Borough, Ambac Assurance, the Paying Agent and Sinking Fund Depository, and the registered owners of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the Borough shall be for the sole and exclusive benefit of the Borough, Ambac Assurance, the Paying Agent and Sinking Fund Depository, and the registered owners of the Bonds.

SECTION 27. Disclosure Agreement.

The Borough covenants that it will enter into and comply with a Continuing Disclosure Agreement (the "Disclosure Agreement") for the benefit of the owners of the Bonds at or prior to

the closing for the issuance of the Bonds. Pursuant to the Disclosure Agreement, the Borough will provide certain financial and operating information on an annual basis and notice of certain events to each Nationally Recognized Municipal Securities Information Repository, the appropriate state repository, if any, and the Municipal Securities Rulemaking Board, if applicable, in accordance with United States Securities and Exchange Commission Rule 15c2-12. The Disclosure Agreement is hereby approved in the form presented to this meeting. The President or Vice President of the Borough Council is hereby authorized and directed to execute and deliver the Disclosure Agreement on behalf of the Borough with such changes as have been approved by the Solicitor and Bond Counsel, and the Secretary of the Borough is hereby authorized and directed to seal and attest the Disclosure Agreement.

SECTION 28. Management Agreement Amendment.

The President or Vice President of the Borough Council is hereby authorized and directed to execute and deliver on behalf of the Borough an Amendment to the Agreement of Management dated September 19, 1984, by and between the Borough and the Municipal Authority of the Borough of West View to clarify the Borough's ownership of the Borough's sewer system, with such changes as have been approved by the Solicitor, and the Secretary of the Borough is hereby authorized and directed to seal and attest the Amendment.

SECTION 29. Repealer.

All ordinances and resolutions or parts thereof, not in accordance with this Ordinance are hereby repealed insofar as they conflict with this Ordinance.

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ENACTED by the Borough Council of the Borough of West View, in lawful session assembled, on January 24, 2007.

ATTEST:

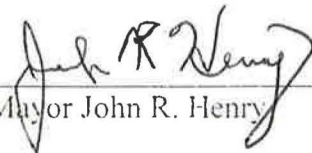

Secretary

[SEAL]

BOROUGH OF WEST VIEW

By 
Daniel M. Daugherty
Council President

Examined and Approved by Me This
__th Day of January, 2007:

By 
Mayor John R. Henry

SCHEDULE A

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2007
\$7.695.000

Dated: January 15, 2007

Due: August 1 as shown below

<u>Maturity Date</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>Price</u>
2007	\$ 5.000	3.500%	3.600%	99.954%
2008	145.000	3.500%	3.600%	99.860%
2009	150.000	3.600%	3.650%	99.882%
2010	160.000	3.625%	3.700%	99.758%
2011	165.000	3.625%	3.750%	99.492%
2012	170.000	3.700%	3.800%	99.511%
2013	175.000	3.700%	3.840%	99.207%
2014	180.000	3.750%	3.870%	99.229%
2015	190.000	3.800%	3.900%	99.285%
2019	830.000	4.000%	4.050%	99.513%
2021	470.000	4.100%	4.170%	99.244%
2024	780.000	4.150%	4.220%	99.139%
2026	570.000	4.200%	4.250%	99.340%
2031	1.660.000	4.300%	4.360%	99.100%
2036	2.045.000	4.350%	4.000%	99.176%

Purchase Price \$7,561,613.05 net of underwriting discount of \$76,950.00 and net original issue discount of \$56,436.95, plus accrued interest to the date of delivery and payment for the Bonds.

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SCHEDULE B

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2007
\$7,695,000

<u>Date</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Interest</u>	<u>Total Principal and Interest</u>	<u>Annual Total</u>
8/1/07	\$ 5.000	3.500%	\$ 173,287.82	\$ 178,287.82	\$ 178,287.82
2/1/08			159,054.38	159,054.38	
8/1/08	145.000	3.500%	159,054.38	304,054.38	463,108.76
2/1/09			156,516.88	156,516.88	
8/1/09	150.000	3.600%	156,516.88	306,516.88	463,033.76
2/1/10			153,816.88	153,816.88	
8/1/10	160.000	3.625%	153,816.88	313,816.88	467,633.76
2/1/11			150,916.88	150,916.88	
8/1/11	165.000	3.625%	150,916.88	315,916.88	466,833.76
2/1/12			147,926.25	147,926.25	
8/1/12	170.000	3.700%	147,926.25	317,926.25	465,852.50
2/1/13			144,781.25	144,781.25	
8/1/13	175.000	3.700%	144,781.25	319,781.25	464,562.50
2/1/14			141,543.75	141,543.75	
8/1/14	180.000	3.750%	141,543.75	321,543.75	463,087.50
2/1/15			138,168.75	138,168.75	
8/1/15	190.000	3.800%	138,168.75	328,168.75	466,337.50
2/1/16			134,558.75	134,558.75	
8/1/16	195.000*	4.000%	134,558.75	329,558.75	464,117.50
2/1/17			130,658.75	130,658.75	
8/1/17	205.000*	4.000%	130,658.75	335,658.75	466,317.50
2/1/18			126,558.75	126,558.75	
8/1/18	210.000*	4.000%	126,558.75	336,558.75	463,117.50
2/1/19			122,358.75	122,358.75	
8/1/19	220.000	4.000%	122,358.75	342,358.75	464,717.50
2/1/20			117,958.75	117,958.75	
8/1/20	230.000*	4.100%	117,958.75	347,958.75	465,917.50
2/1/21			113,243.75	113,243.75	
8/1/21	240.000	4.100%	113,243.75	353,243.75	466,487.50
2/1/22			108,323.75	108,323.75	
8/1/22	250.000*	4.150%	108,323.75	358,323.75	466,647.50
2/1/23			103,136.25	103,136.25	
8/1/23	260.000*	4.150%	103,136.25	363,136.25	466,272.50
2/1/24			97,741.25	97,741.25	
8/1/24	270.000	4.150%	97,741.25	367,741.25	465,482.50
2/1/25			92,138.75	92,138.75	
8/1/25	280.000*	4.200%	92,138.75	372,138.75	464,277.50
2/1/26			86,258.75	86,258.75	
8/1/26	290.000	4.200%	86,258.75	376,258.75	462,517.50

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SCHEDULE B

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2007
\$7.695.000

<u>Date</u>	<u>Principal</u>	<u>Interest Rate</u>	<u>Interest</u>	<u>Total Principal and Interest</u>	<u>Annual Total</u>
2/1/27			80.168.75	80.168.75	
8/1/27	305.000*	4.300%	80.168.75	385.168.75	465.337.50
2/1/28			73.611.25	73.611.25	
8/1/28	320.000*	4.300%	73.611.25	393.611.25	467.222.50
2/1/29			66.731.25	66.731.25	
8/1/29	330.000*	4.300%	66.731.25	396.731.25	463.462.50
2/1/30			59.636.25	59.636.25	
8/1/30	345.000*	4.300%	59.636.25	404.636.25	464.272.50
2/1/31			52.218.75	52.218.75	
8/1/31	360.000	4.300%	52.218.75	412.218.75	464.437.50
2/1/32			44.478.75	44.478.75	
8/1/32	375.000*	4.350%	44.478.75	419.478.75	463.957.50
2/1/33			36.322.50	36.322.50	
8/1/33	390.000*	4.350%	36.322.50	426.322.50	462.645.00
2/1/34			27.840.00	27.840.00	
8/1/34	410.000*	4.350%	27.840.00	437.840.00	465.680.00
2/1/35			18.922.50	18.922.50	
8/1/35	425.000*	4.350%	18.922.50	443.922.50	462.845.00
2/1/36			9.678.75	9.678.75	
8/1/36	445.000	4.350%	9.678.75	454.678.75	464.357.50
	\$7.695.000		\$ 5.963.827.86	\$ 13.658.827.86	\$ 13.658.827.86

*To be paid by mandatory redemption.

000062

SCHEDULE C

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2007
\$7.695.000

1. Optional Redemption

The Bonds maturing on or after August 1, 2013, are subject to redemption at the option of the Borough prior to their stated maturity dates, as a whole, or in part from time to time, on August 1, 2012, or on any date thereafter, in any order of maturity as selected by the Borough, in each case, upon payment of 100% of the principal amount to be redeemed, together with interest accrued to the date fixed for redemption.

2. Mandatory Redemption

The Bonds maturing on August 1 of the years 2019, 2021, 2024, 2026, 2031, and 2036 are subject to mandatory redemption, in part, in the order of maturity and by lot within a maturity, on the following dates and in the following principal amounts, upon payment of 100% of the principal amount to be redeemed, together with interest accrued to the date fixed for redemption:

August 1, 2019 Maturity	
<u>Redemption Date</u>	<u>Amount</u>
<u>(August 1)</u>	
2016	\$195,000
2017	205,000
2018	210,000
2019*	220,000

August 1, 2021 Maturity	
<u>Redemption Date</u>	<u>Amount</u>
<u>(August 1)</u>	
2020	\$230,000
2021*	240,000

August 1, 2024 Maturity	
<u>Redemption Date</u>	<u>Amount</u>
<u>(August 1)</u>	
2022	\$250,000
2023	260,000
2024*	270,000

August 1, 2026 Maturity	
<u>Redemption Date</u>	<u>Amount</u>
<u>(August 1)</u>	
2025	\$280,000
2026*	290,000

August 1, 2031 Maturity	
<u>Redemption Date</u>	<u>Amount</u>
<u>(August 1)</u>	
2027	\$305,000
2028	320,000
2029	330,000
2030	345,000
2031*	360,000

August 1, 2036 Maturity	
<u>Redemption Date</u>	<u>Amount</u>
<u>(August 1)</u>	
2032	\$375,000
2033	390,000
2034	410,000
2035	425,000
2036*	445,000

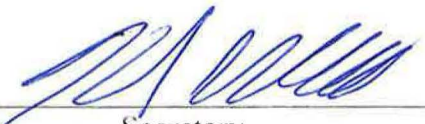
* At maturity

CERTIFICATE

I, the undersigned, Secretary of the Borough of West View, Allegheny County, Pennsylvania (the "Borough"), hereby certify that: (a) attached to this Certificate is a true, correct and complete copy of an Ordinance (the "Ordinance") which was duly enacted at a meeting of the Borough Council of the Borough on January 24, 2007, at which a quorum was present and acting throughout, and which was at all times open to the public; (b) the Ordinance was duly recorded in the Borough's Ordinance Book, and a summary of the Ordinance was published as required by law in a newspaper of general circulation in the Borough; (c) the Borough met the advance notice requirements of Act No. 1998-93 by advertising the date of the meeting and posting a notice of the meeting at the public meeting place of the Borough Council; (d) the total number of members of the Borough Council is seven (7); and (e) the vote upon the Ordinance was called and duly recorded upon the minutes and that the members voted in the following manner:

	Yes	No	Abstain	Absent
Daniel M. Daugherty	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>
Mary Kay Bernhard	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>
Joseph J. Nowark	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>
John W. Koerts	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>
Barry G. Schell	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>
William Aguglia	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>
Ralph Burchell	<u>XX</u>	<u> </u>	<u> </u>	<u> </u>

WITNESS my hand and seal of the Borough of West View on January 24, 2007.

By 
Secretary

[SEAL]

APPLICATION FOR APPROVAL
AND
APPLICATION FOR EXCLUSION OF SELF-LIQUIDATING DEBT
under the
Local Government Unit Debt Act
To
THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
HARRISBURG, PENNSYLVANIA

BOROUGH OF WEST VIEW
(Allegheny County, Pennsylvania)
\$7.695.000 GENERAL OBLIGATION BONDS, SERIES OF 2007

The undersigned duly authorized officer of the Borough of West View herewith makes application pursuant to the Local Government Unit Debt Act (53 Pa.C.S. § 8111) for approval to deliver the above-described Bonds and for approval of exclusion of self-liquidating debt to determine net nonelectoral debt in accordance with Section 8026.

The complete transcript of the proceedings which is herewith submitted in support of this Application for Approval and Application for Exclusion consists of the following: to the extent that any of the following items is a copy each such item is hereby certified to be a true and correct copy of the original:

1. Ordinance authorizing the issuance and sale of the Bonds.
2. Proof of Publication of Summary Notice and Notice of Final Enactment.
3. Accepted Proposal of H1 Capital Markets, A Division of Northeast Securities, Inc.
4. Debt Statement including the Borrowing Base Certificate.
5. Filing fee in the amount of \$290.47.
6. A utility consultant's report as required by §8026 in support of exclusion of the Bonds as self-liquidating.

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IN WITNESS WHEREOF I have hereunto set my hand and the seal of the Borough of West
View this 24th day of January, 2007.

BOROUGH OF WEST VIEW



Borough Secretary

000066

**BORROWING BASE CERTIFICATE
OF THE BOROUGH OF WEST VIEW**

Prepared pursuant to the Local Government Unit Debt Act, 53 Pa.C.S. §§8001 *et seq.*

The undersigned, President of Council and the Secretary of the Borough of West View, a local government unit, for himself or herself, hereby certifies pursuant to the provisions of the Local Government Unit Debt Act (53 Pa.C.S. §8002(c)): (a) that he or she is a duly elected and acting official of said local government unit. (b) that he or she has been duly authorized to certify this Borrowing Base Certificate. (c) that the revenues received by the local government unit for the three full fiscal years ended next preceding the date of incurrence of debt are as follows:

Fiscal Year	<u>2004</u>	<u>2005</u>	<u>2006</u>
All moneys received	\$3,519,548	\$3,428,089	\$4,280,864
Less			
(i) Subsidies or reimbursements from U.S.A. or Com. of Pa. in connection with particular projects financed by debt	0	0	0
(ii) Project rates, receipts, user charges, special assessments and special levies pledged or budgeted for specific self-liquidating debt, or for payments under leases, guaranties, etc.	0	0	0
(iii) Interest on moneys in sinking funds, reserves, and other funds, which interest is pledged or budgeted in connection with outstanding debt, and on bond or note proceeds, if so pledged	37,755	39,959	40,555
(iv) Grants and gifts in connection with construction or acquisition of specific projects	163,547	163,666	227,287
(v) Proceeds from disposition of capital assets and other nonrecurring items	425,000	400,000	413,621
Total exceptions	<u>\$ 626,302</u>	<u>\$ 603,625</u>	<u>\$ 681,463</u>
Total Revenues	<u>\$2,893,246</u>	<u>\$2,824,464</u>	<u>\$3,599,401</u>

and (d) that the Borrowing Base, i.e., the annual arithmetic average of the total revenues for the said three full fiscal years is \$3,105,704.

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WITNESS my hand this 24 day of January, 2007.


President, Borough Council


Secretary

DEBT STATEMENT
BOROUGH OF WEST VIEW

Prepared pursuant to the Local Government Unit Debt Act, 53 Pa.C.S §§8001 *et seq.* (the "Debt Act").

The undersigned, Secretary of the Borough of West View, a local government unit situated in the County of Allegheny, Pennsylvania, hereby states pursuant to the provisions of the Debt Act (53 Pa.C.S. § 8110) (a) that he or she is a duly elected and acting official of said local government unit, (b) that he or she has been duly authorized to prepare and verify under oath this Debt Statement, and (c) that the following statements relative to the indebtedness and fiscal affairs of the local government unit are true and correct to the best of his or her knowledge and belief:

1. The **GROSS INDEBTEDNESS** of the Borough is:

	<u>Electoral</u>	<u>Nonelectoral</u>	<u>Lease Rental</u>
A. Electoral Debt	None		
B. Nonelectoral Debt			
i. AIM Loan 2004 (§8109 small borrowing)		\$ 30.000	
ii. DCED Loan 2004 (§8109 small borrowing)		22.954	
iii. General Obligation Bonds, Series of 1996 GOB-12746		330.000	
iv. General Obligation Bonds, Series of 2007 (this issue)		7.695.000	
Total Nonelectoral Debt		\$8.077.954	
C. Lease Rental Debt			None
Totals	None	\$8.077.954	None

2. The following credits and exclusions are being claimed:

	<u>Electoral</u>	<u>Nonelectoral</u>	<u>Lease Rental</u>
A. Self-liquidating debt			
i. General Obligation Bonds, Series of 2007 (this issue)		(\$7.695.000)	
Totals		(\$7.695.000)	

3. Net Indebtedness of the Borough is as follows:

	<u>Nonelectoral</u>	<u>Lease Rental</u>
Net Nonelectoral Debt	\$382.954	
Net Lease Rental Debt		\$0
Net Nonelectoral plus Lease Rental Debt	\$382.954	

4. The principal amount of General Obligation Bonds, Series of 2007 being issued is shown in 1(B)(iv) above.

6. The **BORROWING BASE** for the Borough, as set forth in the accompanying Certificate, is \$3,105,704.

7. The **DEBT LIMITS**, computed as provided in the Debt Act, are as follows:

(A) Nonelectoral Debt (250% of the Borrowing Base):	\$7,764,260
(B) Nonelectoral and Lease Rental Debt (350% of the Borrowing Base):	\$10,869,964

[Remainder of this page intentionally left blank]

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BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1440

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA AMENDING SECTION 4.6 OF THE BOROUGH CIVIL SERVICE REGULATIONS (ORDINANCE #1434, ADOPTED JULY 12, 2006)

WHEREAS, the Borough desires to amend certain provisions of its Civil Service Regulations relating to the examination and grading procedure to be used in determining an Individuals qualifications to be a Police Officer; and

WHEREAS, the Borough has considered the applicable laws of the Commonwealth of Pennsylvania, and upon advice of Counsel, has determined the following changes to be consistent with Law and a better procedure for examination and grading;

NOW, THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View, and it is hereby ORDAINED and ENACTED by and with the authority of the same;

SECTION ONE: Section 4.6, Paragraph 3, shall be deleted, which currently reads:

The written examination shall be graded on a 100 point scale, and an Applicant must score seventy percent (70%) or higher in order to continue in the application process. Applicants scoring less than seventy percent (70%) shall be rejected

New Section 4.6, Paragraph 3, shall read as follows:

The written examination shall be graded on a 100 point scale, and an Applicant must achieve a score of seventy percent (70%) on each Section of the written examination and an overall score of at least seventy percent (70%) or higher in order to continue in the application process. Applicants scoring less than seventy percent (70%) on any Section of the written examination or an overall score shall be rejected.

SECTION TWO: Any Ordinance or Ordinances, or parts of an Ordinance or Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

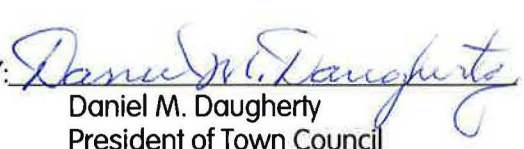
SECTION THREE: Should this Ordinance or any part hereof be deemed to be unlawful or unconstitutional, then the remaining portions determined to be lawful and constitutional shall remain, it being the intent of this Ordinance to comply with the Law and Constitution.

ORDAINED and ENACTED this 11th day of April 2007

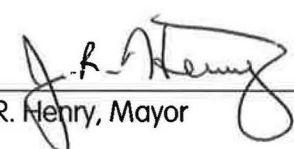
BOROUGH OF WEST VIEW

ATTEST:

BY: 
Kenneth J. Wolf
Secretary/Manager

BY: 
Daniel M. Daugherty
President of Town Council

EXAMINED and APPROVED this 11th day of April 2007

BY: 
J. R. Henry, Mayor

OFFICIAL**BOROUGH OF WEST VIEW****ORDINANCE NUMBER 1441****AMENDMENT TO THE****BOROUGH OF WEST VIEW
MUNICIPAL EMPLOYEES' PENSION PLAN
(as amended and restated, effective January 1, 2002)**

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF BOROUGH EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE EMPLOYEES OF SAID BOROUGH.

WHEREAS, the Borough of West View (the "Borough") has previously enacted an Ordinance establishing the Borough of West View Municipal Employees' Pension Plan (the "Plan"); and

WHEREAS, the Plan was totally amended and restated effective January 1, 2002; and

WHEREAS, the Employer reserves the right to amend the Plan pursuant to section 11.01; and

WHEREAS, the Employer now desires the Plan to be further amended to comply with Federal law and certain changes made in collective bargaining;

BE IT ORDAINED AND ENACTED by the Town Council of the Borough and it is HEREBY ORDAINED AND ENACTED by authority of the same:

Effective October 10, 2007 sections 1.20 and 4.06 shall be amended in their entirety by deleting said sections and substituting new sections 1.20 and 4.06 in their place as follows:

- 1.20 "Final Monthly Average Compensation" shall mean the greater of the highest three (3) calendar years of total Compensation from 1990 through the last year of Employment prior to retirement, divided by thirty-six (36), or the Compensation earned by the Participant for services rendered as an Employee in Employment during the last thirty-six (36) months immediately preceding retirement or other termination of Employment, divided by thirty-six (36); provided, however, that any month during which a Participant

has not been receiving Compensation for Employment shall be excluded from such thirty-six (36) months and another month shall be substituted therefore, such that the averaging period shall include the last thirty-six (36) months of receipt of Compensation for Employment.

Salary used to determine Final Monthly Average Compensation shall be limited on an annual basis to the amount specified for government plans in accordance with Code section 401(a)(17), as adjusted under Code section 415(d).

- 4.06 Maximum Benefit Limitations - Notwithstanding any provision of this Plan to the contrary, no benefit provided under this Plan attributable to contributions of the Employer shall exceed, as an annual amount, the amount specified in Code Section 415(b)(1)(A) as adjusted pursuant to Code Section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this section 4.06 shall be governed by the following conditions and definitions:
- (a) benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the Employee contributes to the Plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis in accordance with applicable regulations to determine the limitation contained herein;
 - (b) in the case of a benefit which commences prior to the attainment of age sixty-two (62) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this section commencing at age sixty-two (62); however, in the case of a qualified Participant (A Participant with respect to whom a period of at least fifteen (15) years of service, including applicable military service, as a full-time employee of a police or fire department is taken into account in determining the amount of benefit), the limitation contained herein shall not apply;
 - (c) in the case of a benefit which commences after attainment of age sixty-five (65) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis in accordance with applicable regulations to the amount determined commencing at age sixty-five (65);
 - (d) benefits paid to a Participant which total less than ten thousand dollars (\$10,000.00) from all defined benefit plans maintained by the Employer expressed as an annual benefit shall be deemed not to exceed the limitation of this section provided that the Employer has not at any time maintained a defined contribution plan in which the Participant has participated; however, in the case of a Participant who is not receiving a Death Benefit under Article VII or a Disability Benefit under Article VI, with fewer than ten (10) years of participation the limitation expressed in this subsection (d) shall be reduced by one-tenth (1/10) for each year of participation less than ten (10) but in no event shall this limitation be less than one thousand dollars (\$1,000.00);

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purposes, shall be applied to all defined benefit plans maintained by the Employer as to the defined benefit plan and to all of the defined contribution plans maintained by the Employer as one (1) defined contribution plan; and shall be applied and interpreted consistent with Code Section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular, and

- (f) in the case of a Death Benefit pursuant to Article VII or a Disability Benefit under Article VI, the adjustment under subsection (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient

Effective October 10, 2007, section 5.08 shall be added to the Plan as follows:

5.08 Direct Rollovers

- (a) Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- (b) For purposes of this section, the following definitions shall apply:
- (1) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code section 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

For purposes of the direct rollover provisions in this section of the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of

- (e) the limitations expressed herein shall be based upon Plan Years for calculation purposes, shall be applied to all defined benefit plans maintained by the Employer as one (1) defined benefit plan and to all defined contribution plans maintained by the Employer as one (1) defined contribution plan, and shall be applied and interpreted consistent with Code Section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular; and
- (f) in the case of a Death Benefit pursuant to Article VII or a Disability Benefit under Article VI, the adjustment under subsection (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient.

Effective October 10, 2007, section 5.08 shall be added to the Plan as follows:

5.08 Direct Rollovers

- (a) Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- (b) For purposes of this section, the following definitions shall apply:
 - (1) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code section 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

For purposes of the direct rollover provisions in this section of the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of

such distribution which is includible in gross income and the portion of such distribution which is not so includible.

- (2) "Eligible Retirement Plan" is a qualified trust described in Code section 401(a), an individual retirement account described in Code section 408(a), an individual retirement annuity described in Code section 408(b), an annuity plan described in Code section 403(a), an annuity contract described in Code section 403(b), an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan.
- (3) "Distributee" includes a Participant or former Participant. In addition, the Participant's or former Participant's surviving spouse and the Participant's or former Participant's spouse or former spouse who is the alternate payee under a Qualified Domestic Relations Order, as defined in Code section 414(p), are distributees with regard to the interest of the spouse or former spouse.
- (4) "Direct Rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee or the Plan Administrator, if the distributee does not make an election.

ORDAINED AND ENACTED this 10th day of October, A.D., 2007.

ATTEST:

BOROUGH OF WEST VIEW

BY: 

Kenneth J. Wolf
Secretary/Manager

BY: 

Mary C. Bernhard
Vice President of Town Council

EXAMINED AND APPROVED this 10th day of October, A. D., 2007

BY: 

J. R. Henry, Mayor

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1442

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND VERIZON PENNSYLVANIA, INC.

WHEREAS, pursuant to Title VI of the Communications Act (*see* 47 U.S.C. §601 *et seq.*), the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, West View Borough in Allegheny County is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Verizon of Pennsylvania, Inc. ("Verizon") is upgrading its existing telecommunications system under Title II of the Communications Act (*see* 47 U.S.C. §201 *et seq.*) And has applied for a nonexclusive cable franchise agreement from the Borough to operate a cable system under Title VI of the Communications Act (*see* 47 U.S.C. §521 *et seq.*); and

WHEREAS, Verizon is in the process of installing a Fiber to the Premise Telecommunications Network ("FTTP Network") in the Borough for the transmission of non-cable services pursuant to authority granted by the Commonwealth of Pennsylvania; and

WHEREAS, the FTTP Network will occupy the public rights-of-way within the Borough, and Verizon desires to use portions of the FTTP Network once installed to provide cable services in the Borough; and

WHEREAS, Verizon has made application to the Borough for a cable franchise to construct, install, maintain, extend and operate a cable system in the Borough; and

WHEREAS, the Borough wishes to grant a nonexclusive franchise to Verizon to construct, install, maintain, extend and operate a cable system in the Borough; and

WHEREAS, the Borough desires to protect and manage the public rights-of-way, require high standards of customer service, receive financial compensation for Verizon's use of the public rights-of-way as provided by Federal law, obtain public, educational and governmental channels; establish certain reporting requirements, and provide for the future cable-related needs of its residents; and

WHEREAS, the Borough has determined Verizon to be financially, technically and legally qualified to operate the cable system to provide cable services; and

WHEREAS, the Borough has determined that the public interest would be served by granting a franchise to Verizon according to the terms and conditions contained in the franchise agreement with representatives of Verizon.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Council of the Borough of West View as follows:

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SECTION 1 - GRANT OF FRANCHISE; EXECUTION OF FRANCHISE AGREEMENT

The Borough hereby grants Verizon a nonexclusive cable franchise subject to and in accordance with the terms and conditions of the Cable Franchise Agreement between the Borough and Verizon (the "Verizon Franchise Agreement"). A copy of the Verizon Franchise Agreement is attached hereto and made a part hereof as Exhibit A.

SECTION 2 - OTHER FRANCHISES UNAFFECTED

Nothing in this Ordinance, including the Verizon Franchise Agreement, shall alter the terms of any other Franchise, Franchise agreement or Franchise license previously granted by the borough, each of which shall remain in effect according to their particular terms and conditions.

SECTION 3 - SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

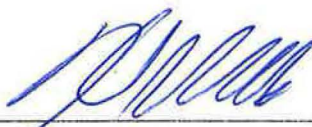
SECTION 4 - ENACTMENT

ENACTED AND ORDAINED this 10th day of October 2007


ATTEST:

BOROUGH OF WEST VIEW

BY: _____

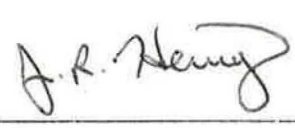

Kenneth J. Wolf
Secretary/Manager

BY: _____


Mary C. Bernhard
Vice President of Town Council

EXAMINED AND APPROVED this 10th day of October 2007

BY: _____


J. R. Henry, Mayor

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OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1443

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, FIXING THE TAX RATE FOR THE YEAR 2008.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:

That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2008 as follows:


Tax Rate for general purposes, the sum of 5.68 Mills
on each Dollar of assessed valuation.

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.


ORDAINED and ENACTED this 12th day of December 2007

BOROUGH OF WEST VIEW

BY:

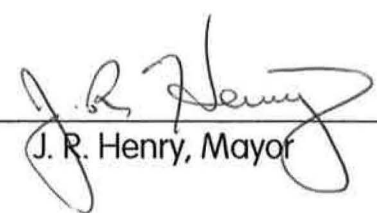

Kenneth J. Wolf
Secretary/Manager

BY:


Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 12th day of December 2007

BY:


J. R. Henry, Mayor

000080

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1444

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2008.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenses of the Fiscal Year 2008, the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the Year 2008 for the specific purposes set forth on the following pages.

2008 ANNUAL BUDGET

Revenue Source	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
Taxes & Fees	2,213,900				2,213,900
Licenses/Permits	120,405				120,405
Fines/Forfeits	67,150				67,150
Interest/Rents	16,625	117,355			133,980
Entitlements	217,795		141,735	722,440	1,081,970
Dept. Earnings	147,360				147,360
Misc. Revenue	66,040	17,970		463,110	547,120
TOTAL	2,849,275	135,325	141,735	1,185,550	4,311,885

Expenditure Category	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
General Gov't.	303,405	109,320			412,725
Public Safety	1,021,045				1,021,045
Health & Welfare	11,500			722,440	733,940
Hwy./Roads/Streets	767,705		141,735		909,440
Rec./Parks/Lib/Civil	52,630				52,630
Debt Service	93,145	20,650		463,110	576,905
Ins. Prem./Ben.	599,595	5,355			604,950
Refunds/Prior Yr.	250				250
TOTAL	2,849,275	135,325	141,735	1,185,550	4,311,885

SECTION 2 - That any Ordinance, or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 12th day of December 2007

BOROUGH OF WEST VIEW

BY Mary C. Bernhard
Mary C. Bernhard, President of Town Council

EXAMINED and APPROVED this 12th day of December 2007

BY J. R. Henry
J. R. Henry, Mayor

ATTEST:

BY Kenneth J. Wolf
Kenneth J. Wolf, Secretary/Manager

OFFICIAL
BOROUGH OF WEST VIEW

000081

ORDINANCE NUMBER 1445

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW ADOPTING BY REFERENCE THE ACT 167 STORMWATER MANAGEMENT PLAN UPDATE PROVISIONS AND REGULATIONS FOR THE GIRTY'S RUN, PINE CREEK, SQUAW RUN AND DEER CREEK WATER SHEDS IN ALLEGHENY COUNTY, PROVIDING REQUIREMENTS FOR PLANNING, DESIGN CRITERIA, STORMWATER RELEASE RATES, AS WELL AS OPERATION AND MAINTENANCE SYSTEMS REGULATIONS. THIS ORDINANCE SHALL REPEAL SECTION 115 OF THE CODE OF THE BOROUGH OF WEST VIEW, ENACTED APRIL 25, 1988. FURTHER TO THE EXTENT THIS ORDINANCE CONFLICTS WITH ORDINANCE NUMBER 1415 OF THE BOROUGH OF WEST VIEW, PASSED FEBRUARY 11, 2004, IT IS THE INTENTION OF BOROUGH COUNCIL THAT THE STRICTER PROVISIONS OF EITHER ORDINANCE SHALL APPLY.

WHEREAS, the Town Council of the Borough of West View is committed to comply fully to the requirements set forth by the County of Allegheny Act 167 Stormwater Management Plan (hereby referred to as "Act 167"), and

WHEREAS, the Town Council of the Borough of West View realizes the necessity to adopt an Ordinance that repeals Section 115 of the Code of the Borough of West View in order to enable the Borough to adhere to all facets pertaining to Act 167, and

WHEREAS, due to the voluminous text of this Ordinance, same is hereby adopted by reference thereto as "THE ACT 167 STORMWATER MANAGEMENT PLAN UPDATE PROVISIONS AND REGULATIONS FOR THE GIRTY'S RUN, PINE CREEK SQUAW RUN AND DEER CREEK WATER SHEDS IN ALLEGHENY COUNTY," and

NOW, THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the Same:

SECTION ONE: The Town Council of the Borough of West View officially adopts the Act 167 Stormwater Management Plan Update in its entirety and officially adopts all provisions and regulations for the Girty's Run, Pine Creek, Squaw Run and Deer Creek Water Sheds in the County of Allegheny set forth within the context of Act 167.

SECTION TWO: Chapter 115 of the Code of the Borough of West View is hereby repealed.

SECTION THREE: To the extent this Ordinance or provisions of this Ordinance conflict with Ordinance Number 1415 of the Borough of West View, enacted February 11, 2004, it is the intention of the Town Council of the Borough of West View that the stricter provisions of either Ordinance shall apply.

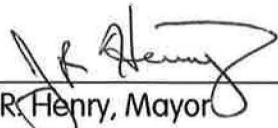
ORDAINED and ENACTED this 10th day of September 2008

BOROUGH OF WEST VIEW

BY: 
Kenneth J. Wolf
Secretary/Manager

BY: 
Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 10th day of September 2008

BY: 
J. R. Henry, Mayor

000082

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1446

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, FIXING THE TAX RATE FOR THE YEAR 2009.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:

That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2009 as follows:

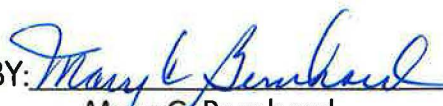
Tax Rate for general purposes, the sum of 5.68 Mills
on each Dollar of assessed valuation.

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.


ORDAINED and ENACTED this 10th day of December 2008

BOROUGH OF WEST VIEW

BY: 
Kenneth J. Wolf
Secretary/Manager

BY: 
Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 10th day of December 2008

BY: 
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1447

000083

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2009.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenses of the Fiscal Year 2009, the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the Year 2009 for the specific purposes set forth on the following pages.

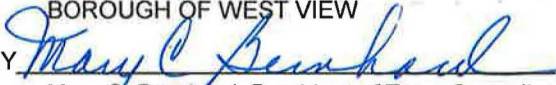
2009 ANNUAL BUDGET

Revenue Source	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
Taxes & Fees	2,250,110				2,250,110
Licenses/Permits	125,420				125,420
Fines/Forfeits	80,100				80,100
Interest/Rents	14,000	104,275			118,275
Entitlements	214,240		135,965	756,870	1,107,075
Dept. Earnings	159,210				159,210
Misc. Revenue	64,665	19,995	53,125	463,035	600,820
TOTAL	2,907,745	124,270	189,090	1,219,905	4,441,010

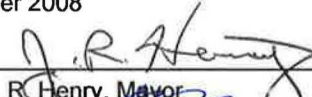
Expenditure Category	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
General Gov't.	310,415	114,550			424,965
Public Safety	1,042,730				1,042,730
Health & Welfare	11,500			756,870	768,370
Hwy./Roads/Streets	780,080		189,090		969,170
Rec./Parks/Lib/Civil	53,070				53,070
Debt Service	91,335	5,250		463,035	559,620
Ins. Prem./Ben.	618,365	4,470			622,835
Refunds/Prior Yr.	250				250
TOTAL	2,907,745	124,270	189,090	1,219,905	4,441,010

SECTION 2 - That any Ordinance, or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 10th day of December 2008

BOROUGH OF WEST VIEW
BY 
Mary C. Bernhard, President of Town Council

EXAMINED and APPROVED this 10th day of December 2008

BY 
J. R. Henry, Mayor

ATTEST:

BY 
Kenneth J. Wolf, Secretary/Manager

000084

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE #1448

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, ESTABLISHING PURSUANT TO THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA, SPECIFICALLY THE LOCAL TAX COLLECTION LAW, AS AMENDED, AND SECTION 36.1 ADDED BY SECTION 2 OF THE ACT OF MAY 16, 1951, P. L. 314 AS AMENDED 72 P. S. 5511.36a, THE COMPENSATION OF THE ELECTED TAX COLLECTOR OF THE BOROUGH OF WEST VIEW.

WHEREAS, the Borough of West View along with the North Hills School District, as well as numerous other governmental entities compensate their elected tax collector by way of salary, and

WHEREAS, the Borough of West View deems it to be in the best interest of the Borough to set the salary for the term of the elected tax collector for four (4) years.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Town Council of the Borough of West View as follows:

SECTION 1 - Pursuant to the laws of the Commonwealth of Pennsylvania, more specifically the "Local Tax Collection Law", as amended, and Section 36.1, added by Section 2 of "The Act of May 16, 1951, P. L. 314, as amended; 72 P.S. 5511.36a, providing governmental bodies and specifically Boroughs the right to establish the compensation of elected tax collectors by either salary or commissions, the Borough of West View hereby establishes and ordains that the method of compensation for the elected tax collector shall be by salary for the period of January 1st, 2010 through and including December 31st, 2013.

SECTION 2 - The amount of said compensation by salary shall be as follows:

- a. For the Calendar Year of 2010 - \$ 25,500.00
- b. For the Calendar Year of 2011 - \$ 25,750.00
- c. For the Calendar Year of 2012 - \$ 26,000.00
- d. For the Calendar Year of 2013 - \$ 26,250.00

Said salary to be paid monthly by the Borough, together with the reasonable expenses as set forth under law.

SECTION 3 - Any Ordinance or Ordinances, or parts of an Ordinance or Ordinances, or a Resolution or Resolutions, or parts thereof, in conflict with the provision or provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 11th day of February 2009

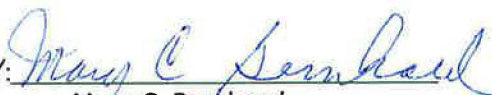
BOROUGH OF WEST VIEW

BY:



Kenneth J. Wolf
Secretary/Manager

BY:

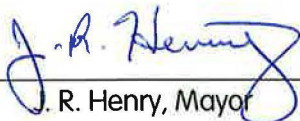


Mary C. Bernhard
President of Town Council



EXAMINED and APPROVED this 11th day of February 2009

BY:



J. R. Henry, Mayor

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1449

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW INCREASING THE INDEBTEDNESS OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, PENNSYLVANIA, THE ISSUE OF A GENERAL OBLIGATION NOTE IN THE AMOUNT OF \$100,000.00 FOR THE PURCHASE OF A STREET SWEEPER; FIXING THE FORM, NUMBER, DATE, INTEREST AND MATURITY THEREOF; MAKING A COVENANT FOR THE PAYMENT OF THE DEBT SERVICE OF THE NOTE; PROVIDING FOR THE FILING OF THE REQUIRED DOCUMENTS; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AND AUTHORIZING THE EXECUTION, SALE AND DELIVERY THEREOF.

WHEREAS, it is necessary that the indebtedness of the Borough of West View, Allegheny County, Pennsylvania be increased for the following purpose: The project consisting of the purchase of a Street Sweeper (hereinafter called the "Project"); and

WHEREAS, the Municipality has received preliminary and realistic cost estimates from professional engineers indicating the sum of \$188,048.00 will be needed to complete the project; and

WHEREAS, the proposed increase of debt, together with its non-electoral indebtedness and any lease rental indebtedness presently outstanding, will not cause the limitation of the Municipality's debt incurring power, pursuant to constitutional and statutory authority, to be exceeded.

NOW, THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View, and it is hereby ORDAINED and ENACTED by the authority of the same in lawful session assembled, a full quorum being present and acting throughout, as follows:

SECTION 1 - That the aggregate principal amount of the Note of the Municipality is \$100,000.00, the same to be used for the foregoing purpose and same to be incurred as non-electoral debt.

SECTION 2 - The period of useful life of the improvements for which this obligation is to be issued is estimated to be in excess of 5 years.

SECTION 3 - Said indebtedness shall be evidenced by one general obligation Note (known as the AIM Loan Agreement and attached hereto), in proper form, in the principal sum of \$100,000.00, dated and bearing interest from the earliest date of possible issue of said Note under the statutory time requirements as set forth in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978; being Act 52 of 1978 Session, at the rate of interest of 2.22% per annum, payable annually on the unpaid balance of said Note on the anniversary date of said Note during the term of said Note, together with interest on overdue principal, and to the extent permitted by law, on overdue penalty interest, at the rate of 6.66% per annum (computed on the basis of 365 days to the year) until paid, which Note shall mature in installments on the annuyl anniversary date of said Note as follows:

	PRINCIPAL	INTEREST
Fiscal Year 2010	\$20,000.00	\$2,220.00
Fiscal Year 2011	\$20,000.00	\$1,776.00

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Fiscal Year 2012	\$20,000.00	\$1,332.00
Fiscal Year 2013	\$20,000.00	\$ 888.00
Fiscal Year 2014	\$20,000.00	\$ 444.00

It is further acknowledged that the Loan Agreement has a litigation clause which the Municipality acknowledged and which clause calls for payment by the Municipality of the AIM Solicitor in the event of any litigation caused by the borrower's delinquencies.

The Municipality reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty.

The principal and interest of said Note shall be payable at the office of the Sinking Fund Depository selected for the Note as hereinafter provided.

SECTION 4 - The said Note is hereby declared to be a general obligation of the Municipality. The Municipality hereby covenants that it shall include the amount of the debt service on the Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the Note and the interest thereon at the dates and places and in the manner stated in the Note according to the true intent and meaning thereof, and for such proper budgeting, appropriation and payment, the full faith, credit and taxing power of the Municipality is hereby irrevocably pledged.

The amounts which the Municipality hereby covenants to pay in each of the following fiscal years on the basis of a penalty interest rate of 6.66% are as follows:

<u>YEAR</u>	<u>PRINCIPAL</u>	<u>INTEREST</u>
2010	\$ 20,000.00	\$ 6,660.00
2011	\$ 20,000.00	\$ 5,328.00
2012	\$ 20,000.00	\$ 3,996.00
2013	\$ 20,000.00	\$ 2,664.00
2014	\$ 20,000.00	\$ 1,332.00

SECTION 5 - The form of said Note shall be the Loan Agreement which is attached hereto and incorporated in this Ordinance as part and parcel thereof, showing the obligation arising out of the Loan Agreement to the Municipality.

SECTION 6 - The said Note shall be executed and guaranteed in the name and under the corporate seal of the Municipality by its President of Town Council and its Secretary and attested to by the Secretary and/or Mayor. The Secretary of the Municipality are authorized and directed to prepare, certify and file the Debt Statement required by Section 410 of Act 52 of 1978, and to take other necessary action, including, if necessary or desirable, any statement required to qualify any portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 7 - PNC Bank is hereby designated as the Sinking and Depository for the obligation herein authorized, and a Sinking Fund will be created and known as "Sinking Fund 2009 General Obligation

Note," for the payment of principal and penalty interest there-on which shall be deposited into the Sinking Funds no later than the date upon which the same becomes due and payable. The Treasurer will then deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall then, as and when said payments are due, without further action by the Municipality, withdraw available monies in the Sinking Fund and apply said monies to payment of the principal and penalty interest on the obligation.

SECTION 8 - The President of Town Council and the Secretary of the Municipality are hereby authorized to contract with PNC Bank for its service as Sinking fund Depository for the Note and paying agent for the same.

SECTION 9 - In compliance with Section 701 of Act 52 of 1978, the members of the governing body have agreed that a private sale by negotiation rather than public sale is in the best interest of the Borough. Therefore, the general obligation Note in the amount of \$100,000.00, herein authorized to be issued and sold, is hereby awarded and sold to the Authority for Improvements in Municipalities (AIM) in accordance with AIM's proposal to purchase the Note at Par; provided the said Note is dated the date of delivery thereof to AIM and is in the form set forth in the attached Loan Agreement between AIM and the Borough; and further provided that the proceedings have been approved by the Department of Community and Economic Development if such approval is required under the provisions of the Act.

SECTION 10 - The action of the proper officers and the advertising of a summary of the Ordinance as required by Law in a newspaper of general circulation is ratified and confirmed. The advertisement in said paper of the enactment of the Ordinance is hereby directed within fifteen (15) days following the day of final enactment.

It is further acknowledged that for the consideration given by AIM, the Loan Agreement contains as indemnification clause for AIM, its officers, directors, administrators, employees and their successors and assigns.

SECTION 11 - All Ordinance or parts of Ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict with.

ORDAINED and ENACTED this 10th day of June 2009

BOROUGH OF WEST VIEW

BY: _____

Kenneth J. Wolf, Secretary/Manager

BY: _____

Mary C. Bernhard, President

APPROVED AS TO FORM:

BY: _____

J. R. Henry, Mayor

BY: _____

Fred E. Baxter, Solicitor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE #1450

**AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW
AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE
BOROUGH OF WEST VIEW AND COMCAST OF
CALIFORNIA/PENNSYLVANIA/UTAH/WASHINGTON, INC.**

WHEREAS, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, the Borough of West View (hereinafter the "Borough") is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Comcast of California/Pennsylvania/Utah/Washington, Inc. ("Comcast") currently holds a cable franchise from the Borough which expired on December 31, 2008; and

WHEREAS, the aforesaid cable franchise authorizes Comcast to maintain, construct, operate, and upgrade its cable system over, under and along the public rights-of-way for use by the Borough's residents; and

WHEREAS, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Borough at significant expense to the Borough's taxpayers and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Borough desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a state-of-the-art cable system, obtain complimentary services for its public buildings, receive financial compensation for Comcast's use of the Borough's rights-of-way as provided by federal law, establish certain reporting requirements and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Borough has determined that Comcast has the financial, legal and technical ability to provide cable services to subscribers located in the Borough; and

WHEREAS, the Borough, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Comcast's franchise

according to the terms and conditions contained in the cable franchise agreement negotiated between the Borough and Comcast.

NOW THEREFORE, BE IT ORDAINED that the Town Council of the Borough of West View does hereby approve the cable franchise agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ENACTED AND ORDAINED this 9th day of September 2009

ATTEST:

WEST VIEW BOROUGH

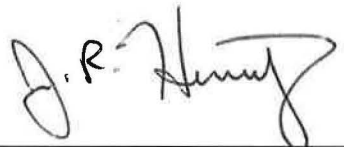


Kenneth J. Wolf
Secretary/Manager



Mary C. Bernhard
President of Town Council

EXAMINED AND APPROVED this 9th day of September 2009



J. R. Henry, Mayor

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1451

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW AMENDING THE CODE OF THE BOROUGH OF WEST VIEW, ARTICLE II, EXCAVATION PERMITS ON CONTINUATIONS OF STATE HIGHWAYS, ADOPTED FEBRUARY 9, 1932, ORDINANCE NUMBER 676 TO INCLUDE THE FOLLOWING LANGUAGE REGULATING PERMITTEES AS SET FORTH HEREIN.

WHEREAS, the Borough of West View (Borough) desires to amend its regulations regarding the responsibilities of entities occupying Borough rights-of-way; and

WHEREAS, in order to accomplish same Article II, Section 117-4 of the Code of the Borough of West View and Ordinance Number 676 of 1932 needs amended, and shall be amended hereby; and

WHEREAS, the Borough has reviewed certain regulations adopted by the Pennsylvania Department of Transportation it deems to be applicable to the best interests of the Borough;

NOW, THEREFORE, be it ORDAINED and ENACTED, by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same;

SECTION ONE. Any entity (permittee) receiving or holding a highway occupancy permit to install or maintain its facilities within the rights-of-way owned and maintained by the Borough of West View hereby agrees to the following regulations as to the repair of a damaged structure or facility as set forth herein.

"Section 117-4-1 Damaged structure or facility to be repaired. If a structure or facility becomes damaged, the permittee shall promptly have it removed, repaired or otherwise made safe. The permittee is responsible for repair or restoration of the portion of the Borough highway, street or alley damaged by a structure or facility. The permittee's obligation to repair or restore the highway necessitated by a damaged structure or facility under this paragraph is separate from the obligations to restore the highway and obtain a bond relating to restoration and maintenance of the highway.

Damage to highway, street or alleyway. Responsibility of the permittee for restoration of the highway, street or alleyway includes the following:

(I) If there is a failure of the highway, including a slope or other appurtenance thereto, in the area of the permitted work within 2 years after the acknowledged completion of the permitted work and there is no similar failure of the highway beyond the area of the permitted work, the permittee has absolute responsibility to make temporary and permanent restoration of this area unless the permittee delivers clear and convincing evidence to the Borough demonstrating that the highway failure was caused by another person.

(ii) In situations where the permittee has the responsibility to restore the highway, including the slope or another appurtenance thereto, under subparagraph (l), the permittee has the duty to restore the improved area in accordance with the permit. If the permittee fails to restore the improved area properly, the Borough will have the authority to do the work at the expense of the permittee. The permittee shall reimburse the Borough for the costs within 30 days after receipt of the Borough's invoice.

SECTION TWO. Failure of the permittee to meet the obligations of this Ordinance shall be subject to a revocation of said permit and be ordered to remove its facilities from the Borough right-of-way, as well as any other remedies available to the Borough under law or in equity.

ORDAINED and ENACTED this 9th day of September 2009

BOROUGH OF WEST VIEW

BY:



Kenneth J. Wolf
Secretary/Manager

BY:



Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 9th day of September 2009

BY:



J. R. Henry, Mayor

000092

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1452

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, FIXING THE TAX RATE FOR THE YEAR 2010.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:

That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2010 as follows:


Tax Rate for general purposes, the sum of 6.68 Mills
on each Dollar of assessed valuation.

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 9th day of December 2009

BOROUGH OF WEST VIEW

BY: 
Kenneth J. Wolf
Secretary/Manager

BY: 
Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 9th day of December 2009

BY: 
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1453

000093

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2010.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenses of the Fiscal Year 2010, the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the Year 2010 for the specific purposes set forth on the following pages.

2010 ANNUAL BUDGET

Revenue Source	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
Taxes & Fees	2,501,000				2,501,000
Licenses/Permits	130,790				130,790
Fines/Forfeits	81,100				81,100
Interest/Rents	2,000	101,425			103,425
Entitlements	247,680		130,745	802,280	1,180,705
Dept. Earnings	161,380				161,380
Misc. Revenue	67,090	15,040	43,480	467,635	593,245
TOTAL	3,191,040	116,465	174,225	1,269,915	4,751,645

Expenditure Category	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
General Gov't.	325,850	111,995			437,845
Public Safety	1,080,110				1,080,110
Health & Welfare	11,500			802,280	813,780
Hwy./Roads/Streets	791,485		174,225		965,710
Rec./Parks/Lib/Civil	53,545				53,545
Debt Service	112,430			467,635	580,065
Ins. Prem./Ben.	815,870	4,470			820,340
Refunds/Prior Yr.	250				250
TOTAL	3,191,040	116,465	174,225	1,269,915	4,751,645

SECTION 2 - That any Ordinance, or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 9th day of December 2009

BOROUGH OF WEST VIEW
BY Mary C. Bernhard
Mary C. Bernhard, President of Town Council

EXAMINED and APPROVED this 9th day of December 2009

BY J. R. Henry
J. R. Henry, Mayor

ATTEST:

BY Kenneth J. Wolf
Kenneth J. Wolf, Secretary/Manager

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE #1454

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW EXTENDING THE TERM OF ORDINANCE NUMBER 1370 FOR AN ADDITIONAL FIVE YEARS, FOR THE BOROUGH'S PARTICIPATION IN THE ROSS/WEST VIEW - NORTH HILLS SCHOOL DISTRICT INTERGOVERNMENTAL COOPERATION AGENCY.

WHEREAS, the Borough of West View desires to renew the term of the Agency.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the authority of the same:


Section 2 of Ordinance Number 1370 reads: the term of the Agency shall be for five (5) years and the same shall be renewable for additional five (5) year terms thereafter.

The Borough of West View elects to renew the Agency as per Section 2 of Ordinance Number 1370 permits, for an additional term of five (5) years.

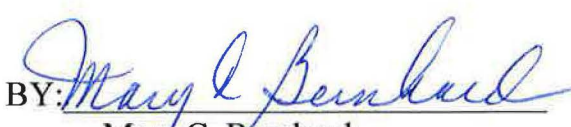
ORDAINED and ENACTED this 11th Day of August, 2010.

BOROUGH OF WEST VIEW

BY: _____



Kenneth J. Wolf
Secretary/Manager

BY: _____


Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 11th Day of August, 2010.

BY: _____


J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE # 1455

**AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW
REPEALING SECTION 140-24 OF THE CODE OF THE BOROUGH OF WEST
VIEW AND ESTABLISHING REQUIREMENTS FOR THE ERECTION AND
MAINTENANCE OF FENCES IN THE BOROUGH OF WEST VIEW.**

WHEREAS, the Planning Commission of the Borough of West View has received recommendations from the Zoning Hearing Board of the Borough of West View to amend the fence requirements in the Borough; and

WHEREAS, the Town Council of the Borough of West View agrees with the Planning Commission and the Zoning Hearing Board that the current requirements are too restrictive;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Town Council of the Borough of West View and it is hereby **ORDAINED** and **ENACTED** by and with the authority of the same:

1. Section 140-24 (Fences) of the Code of the Borough of West View is hereby repealed and revoked in its entirety and the following substituted therefore as a new Chapter 140-24 of the Code of the Borough of West View as follows:

For the purposes of this Chapter of the Code of the Borough of West View 140-24, fences, hedges and screening walls shall be designated fence, privacy fence, security

fence, or ornamental fence. All fences shall meet the following minimum requirements:

A. Fence privacy

1. Privacy fences may be erected only in a side yard; rear yard or portion of lot behind the building set back line.

2. Privacy fences exceeding a height of four feet (4') to a maximum of six feet (6') shall be permitted in R-1 and R-3 Zoning Districts.

B. Security fences

1. Security fences shall be erected only in side yards, rear yards, or on other portions of the lot behind the building set back line.

2. Security fences may be erected with a ratio of the open portion of not less than one to one (1:1), provided, however, that the solid portions exclusive of the poles or posts supporting such fences shall be limited to a maximum of six inches (6") in either its horizontal or vertical dimensions.

3. Security fences shall not exceed four feet (4') in height in residential districts and six feet in height in commercial districts.

4. Security fences shall not have any sharp points or edges protruding from there from.

5. A security fence provided for schools, playgrounds and parks in any district shall be an open fence with a ratio of the open portion to the solid portion of not less than six to one (6:1), not more than ten feet (10') in height, located in a side or rear yard.

C. Ornamental Fence

1. Only ornamental fences having a ratio of open areas to solid area of not less than ten to one (10:1), such as a two rail split rail fence, shall be permitted in required front yard portions of the lot in front of the building set back line.

2. The maximum height of an ornamental fence shall be four feet (4') or as limited in other parts of the Code of the Borough of West View. The height shall be measured from the highest part of the ornamental fence, including the posts.

3. The "finished side" of any fence shall face the exterior of the lot upon which the same is erected and the "unfinished" portion of the same shall face the interior of the lot upon which it is erected.

4. The height of any fence shall be the vertical distance measured from the average finished grade level to the highest point of the fence excluding any support structures. The average finished grade level shall be the average of the horizontal distance between two adjacent supporting structures, a minimum of six feet (6') apart. The support structures of the fence shall not exceed six inches (6") over the average height of the fence.

5. Hedges, shrubs, and other landscape screening, shall not exceed the height requirements for fencing in the corresponding zoning district.

6. Any Ordinance or parts of Ordinance conflicting with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and **ENACTED** this 8th day of September 2010

BOROUGH OF WEST VIEW

BY: _____

Kenneth J. Wolf
Secretary/Manager

BY: _____

Mary C. Bernhard
President of Town Council

EXAMINED and **APPROVED** this 8th day of September 2010

BY: _____

J. R. Henry, Mayor

**OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE # 1456**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST
VIEW AMENDING THE ZONING MAP, ZONING DEFINITIONS AND LAND USE
CLASSIFICATIONS OF THE BOROUGH OF WEST VIEW AND REPEALING
SECTION 140-9 OF THE CODE OF THE BOROUGH OF WEST VIEW.**

WHEREAS, the Planning Commission of the Borough of West View has received recommendations from the Zoning Hearing Board of the Borough of West View, to amend the Zoning Map of the Borough of West View, to eliminate the land use zoning classification of R-2 as designated on the Zoning Map, as well as set forth in the Zoning Ordinance, and to revise Zoning Terms defined under Section 140-9; and

WHEREAS, the Town Council of the Borough of West View agrees with the Planning Commission and the Zoning Hearing Board that these changes are more in keeping with the comprehensive plans for the Borough of West View.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Town Council of the Borough of West View and it is hereby **ORDAINED** and **ENACTED** by and with the authority of the same:

SECTION 1. The official Zoning Map of the Borough of West View is hereby amended to eliminate all zoning districts designated as R-2, and to repeal any and all references in the Zoning Ordinance of the Borough of West View that relates to R-2 zoning and use requirements. As a result, all R-2 type construction and occupancy shall be prohibited in the Borough except for those areas currently occupied as R-2 structures or

uses. Said current R-2 Uses shall be consider non conforming uses and the laws applicable to same shall be in effect and followed under law. (See the amended Zoning Map attached hereto and incorporated herein.)

SECTION 2. The Zoning Map is hereby amended to change the Zoning in the Cross Creek development from R-3 to R-1. (See the amended Zoning Map attached hereto and incorporated herein.)

SECTION 3. The following definitions shall replace the definitions found in Section 140-9 of the Code of the Borough of West View, to wit:

Interpretations and Definitions \ Interpretation.

2. Interpretations and Definitions

§200. Interpretation.....	2-1
§201. Definitions.....	2-2

§200. Interpretation.

1. Unless a contrary intention appears clearly, the following words and phrases shall have for the purpose of this Ordinance the meanings given in the following clauses. Any word or phrase not defined specifically herein is intended to be used with its meaning in standard usage.
2. For the purpose of this Ordinance, words and phrases used herein shall be interpreted as follows:
 - A. Words Used in the present tense include the future.
 - B. The word "person" includes a corporation, partnership, association or other legal entity as well as an individual.
 - C. The word "lot" includes the word "plot" or "parcel."
 - D. The term "shall" is mandatory.

- E. The words “used” or “occupied” as applied to any land or building shall be constructed to include the words “intended, arranged or designed to be occupied.”
- F. Words used in the singular number shall include the plural and the plural for the singular, unless the context indicates clearly to the contrary.
- G. The words “West View Borough” and “Borough” refer to the Borough of West View.
- H. The word “Commission” and the words “Planning Commission,” refer to the West View Borough Planning Commission.
- I. The words “Governing Body” or “Borough Council” refer to the Town Council of the Borough of West View.
- J. The words “Municipal” or “Municipality” refer to West View Borough.
- K. The word “Board” or the words “Zoning Hearing Board” refer to The West View Borough Zoning Hearing Board.
- L. The words “Comprehensive Plan” refer to the West View Borough Strategic Plan.
- M. The words “Strategic Plan” refer to the West View Borough Strategic Plan.

§201. Definitions

The following definitions shall apply to this Ordinance:

ACCESSORY

1. **ACCESSORY BUILDING** – See “Building, Accessory.”

2. **ACCESSORY USE** – See “Use, Accessory.”

ADULT RELATED FACILITIES – A business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas.”

ALLEY – A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties, and is not intended for general traffic

circulation.

ALTERATIONS

1. As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
2. **STRUCTURAL** – Any change in the supporting members of a building, such as bearing walls, partitions, columns, beams, foundations or girders; any substantial change in the roof or the piercing of exterior walls.

APARTMENT – Multi-family dwelling units where individual dwelling units share a common access. Each unit shares with other units a common yard area.

APPLICATION FOR DEVELOPMENT – Every application, whether preliminary, tentative or final required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AREA

1. **FLOOR AREA (GROSS)** – The sum of the areas of the several floors of the building or structure, as measured: from the exterior faces of the walls. It does not include basements, unenclosed porches, attics not usable for human occupancy, nor any floor space in an accessory building nor in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, nor any such floor space intended and designed for accessory heating and ventilating equipment.
2. **LOT AREA** – The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this Ordinance, excluding any area within an existing or designated future street right-of-way, or the area of any easement which would interfere with the proposed use. For all proposed residential uses having a lot area greater than one (1) acre, there shall be an area within the overall lot of at least one (1) acre for the primary building, accessory building, driveways, parking areas and on-site sewer and water systems. This area shall not contain flood plains, lakes, ponds, or watercourses. For all proposed residential uses having a lot area of one (1) acre or less, the lot area shall

not contain any of these noted natural features.

ARTERIAL STREET – A major street serving as a principal or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunications between large areas.

BANK – An establishment for the custody, loan, exchange or issue of money; the office of a banking company.

BASEMENT OR CELLAR – An enclosed area partly or completely below grade. No basement or cellar in a dwelling may contain a dwelling unit.

BED AND BREAKFAST – An owner occupied Single Family Dwelling, containing a common kitchen and dining room, in which not more than five (5) guests' bedrooms for lodging, long- or short-term, is provided for compensation and in which meals for lodgers may also be provided. This use shall not include Group Homes.

BOARD – Refers to the West View Borough Zoning Hearing Board.

BOARDER – A person occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without rearrangement or for less than a week at a time shall be classified for purposes of this Ordinance not as a roomer, boarder or lodger, but as a guest of a commercial lodging establishment (motel or hotel).

BOARDING OR ROOMING HOUSE – A dwelling, or part thereof, in which lodging is provided for compensation by an owner or operator to three (3) or more non-transient adults who are unrelated to the provider, and who require no special assistance or service beyond food and shelter.

BOROUGH – "Borough" refers to the Borough of West View.

BUILDABLE AREA – The portion of lot bounded by required yards.

BUILDING – A structure under roof, used for the shelter or enclosure of persons, animals, or property. The word "building" shall include any part thereof and refers to the main building.

1. **BUILDING, ACCESSORY** – A subordinate building located on the same lot as a main building and clearly incidental and subordinate to the main building. Any portion of a main building

devoted to an accessory use is not an accessory building.

2. **BUILDING, PRINCIPAL** – A building in which is conducted, or is intended to be conducted, the primary use of the lot on which it is located.

BUILDING HEIGHT – A vertical distance measured from the average elevation of the proposed finished grade around and at the structure to the highest point of the roof and flat roofs, to the deck lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING INSPECTOR – The person appointed by the Borough to such office or any duly authorized deputy of such Building Inspector.

BUILDING LINE – A line parallel to the lot line, a distance there from as prescribed in this Ordinance for a required yard and, where there is no required yard, then the lot line.

BUILDING SETBACK LINE – An established line within a property defining the minimum required distance between the face of any structure to be erected, and an adjacent right-of-way or street line.

BUILDING SPACING – The minimum distance between two (2) buildings. The minimum building spacing shall be measured from the outermost wall or projection, excluding bay windows, chimneys, flues, columns, ornamental features, cornices and gutters. These exceptions may encroach no more than two (2') feet.

CAR WASH – A building, or portion thereof, wherein: (a) one or more vehicles may be washed simultaneously using mechanized laundry equipment; or (b) a self-service car wash within a partially enclosed structure.

CELLAR – See "Basement."

CENTER LINE OF STREET – See "Street."

COLLECTOR STREET – A street which carries traffic from minor streets to arterial or major streets including the principal entrance streets of a residential development and the streets for circulation within such a development.

COMMERICAL LOGGING – The act of cutting live trees for cord wood, pulp, or any other commercial purpose, excepting therefrom the clearing of no more than one (1) acre of wooded area on a lot per year or the clearing of land which is incidental to imminent development, as defined herein.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of resident sofa development, not including streets, off-street parking areas, and areas set aside for public facilities.

CONDITIONAL USE – A use permitted in a particular zoning district by the Borough council pursuant to the provisions of this Chapter and Article VI of the Pennsylvania Municipalities Planning Code, 53P.S. §10601 et seq.

CONVERSION – The division of an existing single family detached dwelling to two (2) or more apartments as defined herein.

COURT – An open, unoccupied space, other than a yard, bounded on two (2) sides or more, with a building, and beginning at main floor or grade level unless otherwise permitted.

DAY CARE FACILITY – An establishment in which care is provided for a fee, and where the care areas are not being used as a family residence and the provider meets the requirements of day care facilities as specified by the Commonwealth of Pennsylvania, Department of Public Welfare, the Borough Building and Fire Codes, and which is registered with the Borough.

DECISION – Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Chapter to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decision shall be appealable to the court of common please of the county and judicial district wherein the Borough lies.

DENSITY

1. **GROSS DENSITY** – That ratio of the total number of dwelling units to the total acreage comprising a given parcel.
2. **NET DENSITY** – That ratio of the total number of dwelling units to the acreage within a given tract of land devoted to residential use, including streets, parking areas and open space, yards and courts which abut and serve residences, but exclusive of those areas devoted to common space, those areas containing grades (slopes) of twenty-five (25%) percent or greater after development, and those areas preserved by virtue of their significance or unique natural amenity.

DETERMINATION – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. The Borough council;
2. The Zoning Hearing Board; or
3. The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development or planned residential development ordinances. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN – The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of development plan” when used in this Chapter shall mean the written and graphic materials referred to in this definition.

DRIVEWAY – A minor vehicular way providing access between a street and a parking area or garage within a lot or property.

DWELLING

1. **DWELLING IN COMBINATION** – A single family dwelling unit in combination with an existing or permitted office or commercial use, provided parking requirements for the nonresidential units are met.
2. **DWELLING, PREFABRICATED** – A dwelling, the framework, siding, walls, floors, ceilings or roof of which is constructed at some point other than the lot upon which it is to be placed and the plans and specifications of which have been approved by the Planning Commission in the case of each and every application for a building permit therefor.
3. **DWELLING UNIT** – Any room or group of rooms located within a residential building and forming a single, habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating by one (1) family.

EASEMENT – A grant of the specified use of a parcel of land to the public, a corporation or a person. Any structure within an easement shall conform to zoning district requirements in which it is located.

EATING PLACE – An establishment designed and operated for the express purpose of providing food and beverages service within the confines of a structure and generally excluding any encouragement, orientation or accommodation of services or products to the patron's automobiles on or within the premises. The sale of alcoholic beverages must be incidental to the sale and consumption of food.

1. **HIGH TURNOVER** – An eating place where food is inexpensive or moderately priced and the customer turnover time is generally less than one hour, including drive-in and takeout establishments.
2. **LOW TURNOVER** – An eating place where food is more expensive and where the customer turnover time is generally one hour or longer.
3. **FAST FOOD** – An eating place characterized by a limited menu and generally catering to drive-thru traffic.

ENVIRONMENTALLY SENSITIVE AREA – An area that due to, but not limited to steep slopes, wetlands, landslide prone hillsides, undermining, or watershed issues requires a more thorough evaluation of the impacts of development in order to protect the health, safety, and general welfare of the community at large.

ENLARGEMENT – An addition to the floor area of an existing building, an increase in size of another structure, or an increase in that portion of a tract of land occupied by an existing use.

EROSION – The removal of surface materials by the action of natural elements.

ESSENTIAL SERVICES – The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal systems and their essential buildings.

FAMILY – One (1) or more persons related by blood, foster relationship, marriage or adoption and in addition, any domestic servants or gratuitous guests thereof; or a group of not more than five (5) persons who need not be so related, and in addition, domestic servants or gratuitous guests thereof, who are living together in a single, non-profit dwelling unit and maintaining a common household, with

single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.

FENCE – A barrier, constructed of materials other than shrubbery and erected for the purpose of protection, confinement, enclosure or privacy.

1. **FENCE, PRIVACY** – A Fence erected or constructed to block the view of the enclosed property.
2. **FENCE, SECURITY** – A Fence erected or constructed to serve as a Barrier to persons, animals or vehicles entering the property.

FLAG – A piece of cloth or similar material varying in size, color and design, used as a symbol, standard or emblem.

FRONTAGE – All the property, measured along the street line, fronting on one side of a street between intersections or intersecting streets, or a street and waterway, or right-of-way, or end of dead-end street, or municipal boundary.

FLOODPLAIN – Any streams, ponds or lakes subject to a one-hundred (100) year recurrence-interval flood as delineated by the U.S. Army Corps of Engineers or subject to erosion caused by a one-hundred (100) year recurrence interval flood. In addition, any areas identified in the future by studies, and/or the determination of flood lines, so long as they are subject to the review by experts experienced in the preparation of hydrological evaluations, and upon approval of a professional engineer selected by the Borough.

FLOOR AREA – See "Area," .

FRATERNAL ORGANIZATION MEETING FACILITY – Land and buildings used by a nonprofit fraternal organization, which organization is dedicated primarily to the education, entertainment and betterment of its members and to charitable purposes, the use of which land and buildings may include lodge and meeting rooms, auditorium and related stage facilities, office areas ancillary to the activities of the nonprofit fraternal organization and relates uses.

GARAGE – A building or portion thereof to be used for the storage or servicing of vehicles, but not including automobile sales.

1. **COMMUNITY GARAGE** – A garage, one (1) story in height, arranged with a common means of access for the use of the occupants of the same, or adjacent or nearby property, or customers or organization members.
2. **PRIVATE GARAGE** – A garage with a capacity of not more than three (3) vehicles for storage only, in which space for only one (1) vehicle may be rented to a person who is not an occupant of the premises.

3. **PUBLIC GARAGE** – Any garage available to the general public not included within the definition of “private garage.” This includes public parking structure or ramps.

GASOLINE SERVICE STATION – Any premises used for the storage and/or sale at retail of gasoline, petroleum products and automotive accessories and/or the rendering of services in connection with these products, including inspection, greasing, washing, polishing, servicing and adjustment of vehicles. An automobile car rental service is permitted, provided that the number of vehicles visible on the premises at one (1) time does not exceed three (3) vehicles (trucks, cars or trailers). This definition does not include separate automobile laundering or washing facilities commonly known as a “car wash” or “auto spa.”

GROUP CARE FACILITY – A facility, licensed or certified by a governmental or sponsoring agency, which provided room and board and specialized services for six (6) or more residents who are mentally or physically handicapped or any number of residents who are recovering alcoholics, abused or battered persons, persons in a prison work-release program or delinquent children adjudicated by the Criminal Court system under the age of eighteen (18) who are in need of supervision for specialized health, social and/or rehabilitative services.

GROUP HOME – A dwelling where room and board is provided to not more than five (5) permanent residents, including and limited to dependent children (excluding those adjudicated by the Criminal Court system), mentally retarded or physically handicapped persons of any age or elderly persons, 62 or more years of age, who are in need of supervision and specialized services and no more than two (2) supervisors on any shift who may or may not reside in the dwelling and who provide health, social and/or rehabilitative services to the residents. The services shall be provided only by a governmental agency, its licensed or certified agents, or any other responsible nonprofit social services corporation and the facility shall meet the minimum requirements of the sponsoring agency.

A group home shall be considered a single family dwelling and shall be authorized wherever a single family dwelling is permitted subject to the requirements of the District applicable to single family dwellings.

HEALTH CARE CAMPUS WITH ANCILLARY RETAIL – A full scale health services community and campus and hospital complex or any elements thereof, which shall include any one (1) or more of the following uses: hospitals, clinics, weight loss clinics, teaching and research facilities; heliports and related facilities; laboratories; supply facilities for medical equipment and accessories (e.g., dentures, geriatric aids, wheelchairs, crutches, walkers, home beds and bathroom accessories for the disabled, hairpieces, wigs and other hair products for cancer patients, hearing aids, orthopedics, oxygen tanks, prosthetics, sports medicine

bicycles, weights and whirlpools, uniforms, lab equipment and religious supplies; childcare facilities; nursing facilities; nursing homes; sports medicine facilities; life care facilities (long term care, skilled nursing and continuing care facilities); dormitories; hotels, motels and other lodging which are primarily accessory or incidental to the operation of a Health Care Campus; parking, including parking structures; conference centers; Automated Teller Machines ("ATM"); hospital related pharmacies; medical school bookstore; auto center for the maintenance of hospital/medical vehicles; post office substation (as opposed to a full-service post office); food preparation and serving facilities; and medical office buildings, healthcare administrative buildings and other office buildings primarily incidental or accessory to the operation of the Health Care Campus or other health related operations. Ancillary retail shall mean retail businesses, including but not limited to, retail shops, barber and beauty shops, dry cleaners and shoe repair shops, banking facilities, pharmacies (other than hospital related) and restaurants which are primarily accessory or incidental to the operation of a Health Care Campus

HIGHWAY, MAJOR – A street or road of considerable continuity used primarily as a traffic artery.

HOME OCCUPATION – An activity for gain customarily carried on in a dwelling clearly incidental and secondary to the use of the dwelling for residential purposes.

HOSPITAL – An establishment (including sanitariums) for the short-term care of patients suffering from physical or mental illnesses, but not including narcotic addiction or those found to be criminally insane, and which may or may not include facilities for major surgery and which may be publicly or privately operated.

HOUSING FOR THE ELDERLY – A residential building containing three (3) or more dwelling units where each dwelling unit is designed to be occupied by at least one (1) person who is fifty-five (55) years of age or older and which may contain special accessory features associated with the needs of the elderly which are not usual in the construction of multifamily dwellings, including but not limited to common dining facilities, branch post offices, personal services, gift shops, pharmacies; medical offices and similar facilities.

IMMINENT DEVELOPMENT – Development which is reasonably expected to commence, and for which there are realistic plans to commence, on a minimum: eight (8) hours per day, forty (40) hours per week basis, utilizing a five (5) on, two (2) off standard work week basis within thirty (30) days of the completed cutting activated and for which a development plan has been submitted and approved by the Borough.

IMPERVIOUS SURFACE – Those surfaces with a coefficient of run-off greater than

.85. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by a professional engineer selected by the Borough to be impervious within the meaning of this definition will also be classified as impervious surfaces.

INTERMEDIATE NURSING CARE – Health-related care and services, above the level of room and board, provided on a regular basis to resident individuals who do not require hospital or skilled nursing care, but who, because of mental or physical condition, require services under a plan of care supervised by licensed and qualified personnel.

JUNKYARD – An area of land, with or without buildings, used for the storage outside of a completely enclosed building, or used or discarded materials, including but not limited to wastepaper, rags, glass, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

LAKES AND PONDS – natural or artificial bodies of water which retain water year-around. Artificial ponds may be created by dams or result from excavation. The shoreline of such water bodies shall be measured from the maximum condition rather than permanent pool if there is any difference. Lakes are bodies of water two (2) acres in extent.

LODGER – See “Boarder.”

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

1. **CORNERLOT** – A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines.
2. **DEPTH OF LOT** – The mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.
3. **LEGAL LOT** – A legally-created parcel held under separate ownership at the time of the enactment of this Ordinance or a lot in a plan of lots or subdivision plat of record on the date of the enactment of this Ordinance or a lot in a plan of lots or subdivision plat of record on the date of the enactment of the former Zoning Ordinance, that is shown to be either a separate and distinct numbered lot, or a lot at least equal in area to the recorded lots in the same plan; also a separate and distinct numbered lot in a plan of lots or subdivision plan officially and authoritatively approved

more than three (3) permanent residents who are not relatives of the operator and who are mobile or semi-mobile and require specialized services in such matters as bathing, dressing, diet and medication prescribed for self-administration for a period exceeding twenty-four (24) hours, but who are not in need of hospitalization or skilled or intermediate nursing care.

PLANNED RESIDENTIAL DEVELOPMENT – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development land for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of this Ordinance.

PRINCIPAL

1. **PRINCIPAL BUILDING** – See “Building.”
2. **PRINCIPAL USE** – See “Use.”

PRIVATE – Any procedure, function or establishment limited to members of an organization or to other persons specifically invited or permitted where no advertisement or inducement has been made to the general public.

PRIVATE STREET – A private way used or intended to be used for passage by motor vehicles.

PUBLIC – Of, or pertaining to, buildings, structures, uses or activities belonging to, or affecting, any duly authorized governmental body, available for common or general uses by all.

PUBLIC GROUNDS – Includes:

1. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
3. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Borough council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING – A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. -84), known as the “Sunshine Act,” 53 P.S. §271 et seq.[]

PUBLIC NOTICE – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC RECREATION – Leisure-time activities, including but not limited to, sports and entertainment, that are open to anyone without restriction, except for rules and standards of conduct and use.

PUBLIC SERVICE CORPORATION STATION – Land or a building and its equipment erected and used for the purpose of facilitating service to the public, including off-street loading facilities for public conveyances; but where approved by the Public Utilities Commission for location in a residential district, shall not include public business office facilities, storage of materials, trucks or repair facilities, or housing or repair crews. See also “Essential Services.”

RECREATIONAL USE – The utilization of land, buildings and structures for athletic or educational amusement and/or diversion, providing that facilities are erected on such land, for the accommodation of such use, such land, buildings, structures and facilities being owned and operated by a person, firm, corporation, association, charity, or other entity.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie there from. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RETAIL SALES AREA – That area of a structure used for displays and sales purposes involving stocks of goods, wares or merchandise incidental to such purposes and accessible to the public; including but not limited to, retail stores, shops, sales rooms and markets.

RELIGIOUS WORSHIP, PLACE – any structure or structures used for worship or religious instruction, including social and administrative rooms, and day care facilities accessory thereto, but not including any activity conducted for profit.

RIGHT-OF-WAY

1. **EXISTING RIGHT-OF-WAY** – The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.
2. **FUTURE RIGHT-OF-WAY** – The right-of-way deemed necessary as appropriate to provide adequate width for future street improvements.
3. **RIGHT-OF-WAY** – Land set aside for use as a street, alley or other means of travel. With respect to use by utilities, see "Easement."

ROOMER – See "Boarder."

SCHOOL – Any public, private or parochial place of instruction having regular sessions, with regularly employed instructors, which teaches those academic subjects that are fundamental and essential in general education and which provide pre-primary and/or kindergarten through twelfth grade, or a vocational school, all meeting the requirements of the Department of Education of the Commonwealth of Pennsylvania, but excluding any privately operated school of trades, vocations, avocations or business.

SELF-STORAGE MINI WAREHOUSE – A building or group of buildings containing one (1) or more individual compartmentalized storage units for inside storage of customers goods or wares where no unit exceeds five hundred (500) square feet in floor area.

SEMI-PRIVATE – Non-profit organizations requiring registration and/or membership including fraternal organizations, lodges, swimming clubs, tennis clubs or other athletic clubs.

SEMI-PUBLIC – Places of religious worship, parsonages and other related functions, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

SEWER (SANITARY)

1. **PRIVATE SEWER** – An "on-lot" disposal system providing for disposal of effluent for one (1) building and its accessory building on a single lot subject to the approval of the Allegheny County Health Department.

2. **PUBLIC SEWER** – any sewer system, owned and operated by the Borough or authority created by the Borough, in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as an “off-site” sewer. This shall include capped sewers when installed to Borough specifications.

SHOPPING CENTER – A group of retail stores and other authorized uses, developed as a single entity on a site whether developed at one time or in phases or by different owners.

SINGLE FAMILY DETACHED – Dwellings for the purpose of housing a single family as defined herein situated on individual lots with no public or community open space. All dwelling units shall be situated on permanent masonry foundations, including footings constructed below the frost line.

SITE – Shall be defined as a parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one (1) or more lots.

SITE AREA – All land area within the site as defined in the deed actual area shall be from actual site survey rather than deed description.

SKILLED CARE – Professional supervised nursing care and related medical or other health services provided for a period exceeding twenty-four (24) hours to an individual who is not in need of hospitalization but whose needs are such that they can only be met in a nursing home on an inpatient basis and who needs the care because of age, illness, disease, injury, convalescence or physical or mental infirmity. This term includes the provision of daily inpatient services that are needed on a daily basis by the patient, ordered by a physician, which require the skills of and are furnished directly by or under the supervision of technical or professional personnel, including but not limited to registered nurses, licensed practical nurses, physical therapists, occupational therapists, speech pathologists or audiologists.

SLOPES – The ratio of the vertical change in elevation of land over a specified distance, often expressed as a percent.

SPECIAL EXCEPTION – A use permitted in a particular zoning district pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning code, 53 P.S. §10601 et seq., 10901 et seq.[]

STORY (OF A BUILDING) – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be considered a building story if more than one-third of the walls are five

(5') feet or more above the average exterior grade.

STREET – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET LINE – The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

1. **STRUCTURE, ACCESSORY RESIDENTIAL** – Includes: Parking spaces for the parking of passenger automobiles, fences, walls, storage sheds, bath houses, private greenhouses, carports, facilities for domestic servants or caretakers employed on the premises, facilities for occasional gratuitous guests, recreational facilities such as tennis courts, paddle tennis platforms and swimming pools.
2. **STRUCTURE, ACCESSORY COMMERCIAL** – Includes: Commercial accessory buildings or structures, or uses customarily incidental to the uses permitted in the commercial and industrial districts in connection with such uses, except outside storage.

STRUCTURAL ALTERATION – Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SWIMMING POOL – Any pool which is constructed, used or maintained to provide recreational facilities for swimming, bathing or wading, and which is capable of containing water to a depth of greater than twelve (12") inches and all buildings, equipment and appurtenances thereto.

TAVERN – An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

TOWNHOUSE – Single-family, attached dwelling unit, with one (1) dwelling unit from ground to roof, having no more than two (2) walls in common and each unit having individual outside access. In any one structure containing townhouses, three (3) units is the minimum number permitted and six (6) units is the maximum number permitted.

TWO-FAMILY DWELLING – Single-family, semi-detached dwelling unit having only one (1) wall in common with any other dwelling unit. Duplex and double house are both two-family dwelling unit types.

USE – Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land

1. **USE, ACCESSORY** – A use located on the same lot with a main use and clearly incidental or subordinate to and in connection with the principal use.
2. **USE, MAIN** – The primary use on a lot.
3. **USE, TEMPORARY PRINCIPAL** – A primary use of a land site or portion of a land site for a temporary period of time. This includes, but is not limited to carnivals, circuses, outdoor gatherings (not neighborhood block parties), fairs, street vendors and/or seasonal/holiday events or sales.
4. **USE, TEMPORARY ACCESSORY** – Activities and facilities accessory to the development and construction of a permanent principal use or dwelling, usually a mobile home, temporarily allowed on the same lot with a permanent principal dwelling. Land development accessory uses include, but are not limited to, tents, trailers and mobile home offices for contractors, caretakers, equipment storage, real estate sales office and model home.

UTILITIES – Those services customarily rendered by public utility corporations, municipalities or municipal authorities in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (building, wires, pipes, poles and the like).

VARIANCE – Relief granted pursuant to the provisions of the Chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code, 53P.S. §10101 et seq.[]

VEHICLE SALVAGE YARD – Any land or structure used for a salvaging operation of

two (2) or more unlicensed, inoperative vehicles. Salvaging includes storage and sale of vehicular parts or vehicles.

WATER SURVEY – An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough.

WAY – Dedicated public or private thoroughfare other than a street. Not to be construed to include right-of way.

WIRELESS COMMUNICATIONS ANTENNA – Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

WIRELESS COMMUNICATION TOWER – A structure other than a building, such as a monopole, self-supporting lattice or guyed tower, designed and used to support wireless communication antennas.

WIRELESS COMMUNICATIONS EQUIPMENT BUILDING – An unmanned building or cabinet containing solely the communications equipment required for the operation of communications antennas.

WOODLANDS – Areas, groves or stands of mature or largely mature trees (i.e., greater than six (6") inches caliper (diameter) at a height of fourteen (14") inches above the ground, covering an area greater than one-quarter (.25) of an acre; or groves of mature trees greater than twelve (12") inches caliper at a height of fourteen (14") inches above the ground consisting of more than ten (10) individual trees.

YARD – An open space unobstructed from the ground up, on the same lot with a structure extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

1. **YARD, FRONT** – A yard between a structure and a street line and extending the entire length of the street line.
2. **YARD, REAR** – A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
3. **YARD, SIDE** – A yard between a structure and a side lot line, extending

from the front yard to the rear yard in the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

ZERO LOT LINE - Single family detached dwelling unit located in such a manner that on (1) or more of the building's sides rests directly on a lot line.

ZONING DISTRICT - A section of the Borough for which uniform regulations governing the use, height, area density and intensity of use of buildings and land and open space about buildings are herein established.

SECTION 4. Section 140-41C "Special Exceptions shall be repealed and the following language shall replace said repealed section;

"SPECIAL EXCEPTION - a use permitted in a particular zoning district pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipal Planning Code, 53 P. S. §§10601 et seq., 10901 et seq.


RECOMMENDED and APPROVED by the Planning Commission of the Borough of West View after a public hearing held on the 8th day of September 2010

BY: _____
Thomas Duncan, Chairperson
Planning Commission

ORDAINED and ENACTED by the Town Council of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania on this 8th day of September 2010

BOROUGH OF WEST VIEW

BY: 
Kenneth J. Wolf
Secretary/Manager

BY: 
Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 8th day of September 2010

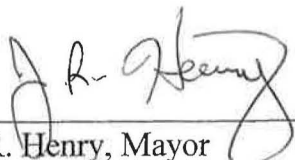
BY: 
J. R. Henry, Mayor

Table of Use Regulations

Zoning District	R-1	R-3	C-1
A. Residential Uses			
Single Family Detached	P	P	N
Two-Family	N	P	C
Townhouse	N	P	C
Multi-Family	N	P	C
Dwelling in Combination	N	N	C
Boarding House	N	N	S
Institutional & Recreation Uses			
Place of Worship	C	C	P
School	C	C	P
Commercial School	N	N	P
Library or Museum	N	N	P
Day Care Facility	C	C	C
Group Home	N	N	S
Group Care Facility	N	N	S
Personal Care Boarding Home	N	N	C
Health Care Campus with Ancillary Retail	N	N	C
Hospital	N	N	C
Nursing Home	N	N	C
Public Recreation Facility	N	N	P
Private Recreational Facility	N	N	P
Golf Course	C	C	C
Private Club	N	N	P
Emergency & Municipal Facility	C	C	C
Fraternal Organization Meeting Facility	N	N	P
OFFICE USES			
Medical Office	N	N	P

Zoning District	R-1	R-3	C-1
Office Uses	N	N	P
RETAIL & CONSUMER USES			
Retail Store	N	N	P
Service Business	N	N	P
Financial Establishment	N	N	P
Convenience Store	N	N	P
Eating Place	N	N	P
Repair Shop	N	N	P
Upholsterer/ Cabinet Maker	N	N	P
Funeral Home/ Mortuary	N	N	P
Motel, Hotel	N	N	C
Bed & Breakfast	N	N	C
Entertainment	N	N	P
Tavern	N	N	P
Veterinary	N	N	P
Gasoline Station	N	N	C
Automobile Sales, New/ Used	N	N	P
Vehicle Repair & Inspection	N	N	C
Vehicular Accessories	N	N	P
Greenhouse	N	N	P
Public Lot/ Garage	N	N	P
Shopping Center	N	N	C
Public Utility Building And Storage Yard	S	S	S
Public Solid Waste Disposal Site	N	N	N
Adult Related Facilities	N	N	C
Windmill	S	S	S
Car Wash	N	N	C
Manufacturing	N	N	C
Research	N	N	C
Wholesale	N	N	C
Printing	N	N	

Zoning District	R-1	R-3	C-1
Contracting	N	N	C
Truck Terminal	N	N	N
Crafts	N	N	P
Vehicle Salvage Yard	N	N	N
Junk Yard	N	N	N
Warehouse	N	N	N
Heliports or other Aircraft Landing Area	N	N	N
1, Self-Storage/ Mini Warehouse	N	N	S
ACCESSORY USES			
Home Occupation	C	C	P
No Impact Home Business	P	P	P
Accessory Office	C	C	P
Residential Accessory Structure	P	P	P
Commercial Accessory Structure	N	N	P
Commercial Outdoor Storage & Display	N	N	P
Temporary Structure	C	C	C
Parabolic or Satellite Dish Antennas	S	S	S
Wireless Communications Antennas, Towers, or Buildings	S	S	S

Use Regulations.

1. Residential Uses.

A. Single-Family Detached.

- (1) Parking: Two (2) off-street spaces per dwelling unit, provided at least one (1) parking space shall be in a garage.

B. Two-Family.

- (1) Parking: Two (2) off-street spaces per dwelling unit, provided at least one (1) parking space shall be in a garage.

C. Townhouse.

- (1) Individual access is required for each Townhouse unit.
- (2) Six (6) units is the maximum number permitted in any one (1) structure.
- (3) Parking: Two (2) off-street spaces per dwelling unit, provided at least one (1) parking space shall be in a garage.

D. Apartment.

- (1) Each unit shares with other units a common yard area, which

is the sum of the required lot areas of all dwelling units within the building(s).

- (a) Minimum lot area per dwelling unit in the R-3 districts shall be 1,500 square feet.
 - (b) Minimum lot area per dwelling unit in the C-1, shall comply with the area requirements of this ordinance.
- (2) A penthouse is permitted in the R-3 District, located above the uppermost story of a building, which structure is not in excess of fourteen (14') feet in height and which contains an area not in excess of eighty (80%) percent of the total area of the floor below. This structure may or may not have dwelling units therein, and the height of the same shall not be included in computing the allowable height of the entire building, if restricted.
- (3) Parking: One and one-half (1.5) off-street spaces for two (2)-bedroom units or less, two (2) off-street spaces for three (3)-bedroom or more units.

E. Conversion.

- (1) All exterior structural changes are subject to the approval of the

West View Town Council.

- (2) Stairways leading to the second or any higher floor shall be located within the walls of the building wherever practical, and stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or side wall facing a street.
- (3) Minimum lot area per dwelling unit is two thousand (2,000) square feet. Yard requirements are applicable upon conversion of the structure. Maximum height of the structure shall not exceed the requirements of the district.
- (4) Parking: One and one-half (1.5) off-street parking spaces per dwelling unit, with maximum of two (2) parking spaces in front yard.

F. Dwelling in Combination.

- (1) Dwelling in Combination units shall be only single-family units.
- (2) Parking requirements for the nonresidential units must be met.
- (3) Parking: One and one-half (1.5) off-street parking spaces per

dwelling unit.

G. Boarding House.

- (1) A dwelling used for the housing of boarders, roomers or lodgers with or without common eating facilities, including fraternity, sorority, or other buildings of charitable, educational, or philanthropic institution, subject to the following provisions:

- (a) The minimum lot area per sleeping room shall be one thousand (1,000) square feet in addition to any other lot area requirements.
- (b) Conversion of an existing building for boarding house purposes shall meet the applicable provisions of Subsection (1)(F).
- (c) Lot dimensions shall be as specified in Subsection (1)(G).

- (2) Parking: One (1) off-street space per sleeping room.

2. Institutional and Recreational Uses.

A. Place of Worship.

Place of religious worship provided that the following requirements

are met:

- (1) Provide safe and adequate traffic flow.
- (2) Provide adequate ingress and egress of pedestrian flow.
- (3) Prohibit glare due to site lighting.
- (4) Provide buffering in conformance with the provisions of This Ordinance .
- (5) Parking: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each twenty-five (25) square feet of gross

floor area used or intended to be used for service to patrons, guests or members whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee. In determining the total number of off-street parking spaces for any church, the following parking spaces shall qualify as available off-street parking spaces:

- (a) Any parking space on a lot or lots occupied by the church building or accessory church building.
- (b) Any parking space in public parking areas in the

vicinity of the church, the owner thereof having consented to such use by the members of the church and which space is customarily unoccupied during the hours of worship.

- (c) Any parking space in public parking areas of public parking garages operated by a governmental agency in the vicinity of the church.

B. School.

- (1) In all districts, access to a primary street is required.
- (2) The use must meet the following requirement:
 - (a) Provide safe and adequate traffic flow;
 - (b) Prohibit glare due to site lighting;
 - (c) Provide sufficient screening of outdoor play areas to protect the neighborhood from inappropriate noise and other disturbance;
 - (d) Provide fencing to control pedestrian ingress and egress.
- (3) Parking:
 - (a) Elementary School: One (1) off-street parking space

for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

- (b) Junior High School: One (1) off-street parking space for each faculty member and employee plus one and a half (1½) spaces per two (2) classrooms and offices.
 - (c) Senior High School: One (1) off-street parking space per faculty member and employee plus three (3) spaces per ten (10) students of projected building capacity.
 - (d) College and Junior College: One (1) off-street parking space per faculty member and employee plus three (3) spaces for each ten (10) classroom seats, or three (3) off-street parking spaces for each ten (10) auditorium seats, whichever requires the greater number of off-street parking spaces.
- (4) In any R-1 District, upon the cessation of the public use of public school building, or other public building, the following uses, all of which are classified as conditional uses, shall be permitted or denied after review and recommendation by the West View Planning Commission , and after review and approval

by the Town Council:

- (a) Office Buildings which shall mean a building designed or primarily used for office purpose, no part of which is used for manufacturing or a dwelling other than sleeping quarters for a watchman or custodian.
- (b) Private School (including but not limited to trade, general, special education, vocational, a vocational and business).
- (c) Parks or Playgrounds.
- (d) Public Library or other Public Building.
- (e) Day Care Center.
- (f) Townhouse Dwelling.
- (g) Multi-Family Dwelling having a four-story maximum.
- (h) Mini-Mall (self-enclosed shopping center, including outlets for clothing, apparel and clothing accessories, furniture, home furnishings, eating establishments, sporting goods, drugs, specialty food shops, paint stores, electrical supplies, variety shops, department stores, bakeries, dairy product stores, household appliances, and similar retail or general commercial

outlets).

- (i) A Diagnostic Laboratory in an area of the building which is equipped and utilized to evaluate metabolic mediums such as blood, blood levels, urine specimens, culture mediums, and the like for the purpose of aiding physicians, hospitals, and other medical care facilities in the diagnosis of a patient's health.
 - (j) Personal Care Residence for the elderly which shall consist of separate or semi-private living facilities for persons fifty-five (55) years of age and older who require living assistance, which living facilities, however, shall provide no private cooking facilities, but the use shall include dining halls where such residents can take their meals.
- (5) In any C-1 District, upon the cessation of the public use of a public school building, or other public building, the public uses, all of which are classified as Conditional Uses shall be permitted or denied after review and recommendation by the West View Borough Planning Commission and after review and approval by the Town Council.

- (a) Office Building shall mean a building designed or primarily used for office purpose, no part of which is used for manufacturing or a dwelling other than sleeping quarters for a watchman or custodian; no retail sales shall be permitted from the premises.
- (b) Private School (including but not limited to trade, general, special education, vocational, a vocational and business).
- (c) Parks or Playgrounds.
- (d) Public Library or other Public Use.
- (e) Day Care Center.

C. Commercial School.

- (1) Trade or professional school, music or dancing school.
- (2) Parking: One (1) off-street parking space per faculty member and employee, plus one (1) space per three (3) non-resident students, plus one (1) space per five (5) resident students if residents are permitted to have cars.

D. Library or Museum.

- (1) Library or museum, open to the public or connected with a

permitted educational use and not conducted as a private gainful business.

- (2) Parking: One (1) space per five (5) seats or one (1) space per two hundred and fifty (250) square feet of gross floor area used or intended to be used by visitors where no seats are provided.

E. Community Center.

- (1) Community Center, adult education center or other similar facility operated by an educational, philanthropic or religious institution. The use must meet the following requirements:
 - (a) The use shall not be conducted as a private gainful business.
 - (b) No outdoor recreation area shall be located nearer to any lot line than the required front yard depth.
 - (c) Provide the safe and adequate traffic flow.
 - (d) Prohibit glare due to site lighting.
 - (e) Provide sufficient screening for outdoor play areas to protect the neighborhood from inappropriate noise and other disturbance.

- (f) Provide fencing to control pedestrian ingress and egress.
- (g) In all districts, access to a collector street is required.
- (2) Parking: One (1) off-street parking space for each four (4) seats provided for patron use or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.

F. Day Care Facility.

- (1) In Residential District R-1 , the use shall be conducted in a building designed as a single-family detached residence or in a structure used for religious purposes.
 - (a) Day care in a single-family detached residence shall be limited to seven (7) or less persons including persons under care related to the operator.
 - (b) Day care in a structure used for religious purposes shall be limited to no more than one (1) person per fifty (50) gross feet of area used or intended for use in

the care of persons attending the care facility.

- (2) In Residential Districts R-3, and Commercial Districts C-1, the use shall be conducted in structures used for religious purposes or in areas of other structures not used for residential use. Day care in both instances shall be limited to no more than one (1) person per fifty (50) gross feet of area or intended to be used in the care of persons attending the day care facility.
 - (a) Outdoor play areas shall be screened and enclosed with fencing, as seen necessary by the Town Council, so as to protect the neighborhood from inappropriate noise and other disturbance.
 - (b) The minimum lot size shall be ten thousand (10,000) square feet unless the facility is for the care of four (4) or less children.
- (3) Parking: At least one (1) off-street space for each teacher, administrator and maintenance employee.

G. Group Home.

- (1) The exterior of the structure shall appear as a single-family dwelling.

- (2) No Group Home shall be located within 1,000 feet of another Group Home, measured property line to property line.
- (3) Parking: Two (2) off-street spaces per dwelling unit, provided at least one (1) parking space shall be in a garage.

H. Group Care Facility.

- (1) The minimum area and bulk regulations shall be the same as those required in this Ordinance for the district in which the facility is located.
- (2) No Group Care Facility shall be located within 1,000 feet of another Group Care Facility or a Personal Care Boarding home, measured property line to property line.
- (3) Adequate provisions shall be made for access for emergency medical and fire vehicles.
- (4) The site proposed shall have frontage on and direct vehicular access to an artery or collector street, as defined by this Ordinance.
- (5) Twenty-four (24) hour supervisions shall be provided by staff qualified by the sponsoring agency.
- (6) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their

needs and the area shall be secured by a security fence with a self-latching gate.

- (7) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy. A copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- (8) Parking: One (1) off-street parking space for each employee on peak shift, plus one (1) off-street parking space per resident authorized to drive, plus two (2) off-street parking space for each six (6) beds.

I. Personal Care Boarding Home.

- (1) The minimum area and bulk regulations shall be the same as those required in this Ordinance for the district in which the facility is located.
- (2) No Personal Care Boarding Home shall be located within 1,000 feet of another Personal Care Boarding Home or a Group Care Facility, measured property line to property line.
- (3) Adequate provisions shall be made for access for emergency

medical and fire vehicles.

- (4) Twenty-four (24) hour supervisions shall be provided by staff qualified by the sponsoring agency.
- (5) Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs and the area shall be secured by a security fence with a self-latching gate.
- (6) Where applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy. A copy of the annual report with evidence of continuing certification shall be submitted to the Zoning Officer in January of each year.
- (7) Parking: One (1) off-street parking space for each employee on peak shift, plus one (1) off-street parking space per resident authorized to drive, plus two (2) off-street parking space for each six (6) beds.

J. Health Care Campus with Ancillary Retail.

- (1) The minimum site area for a Health Care Campus shall be twenty (20) acres.

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- (2) A Health Care Campus shall be permitted to have one (1) free-standing sign for every twenty (20) acres located within the Health Care Campus and two (2) ground signs per building subject to the requirements of Part 16 of this Ordinance.
- (3) The total square footage of the Ancillary Retail permitted in conjunction with a Health Care Campus (exclusive of Ancillary Retail located in Health Care Campus hotels) shall be subject to the limitations set forth in the following schedule:

Total Square Footage of Buildings Located on the Health Care Campus	Maximum Square Footage of all Ancillary Retail Permitted on the Health Care Campus Site
Less than 500,000 sq. ft.	10% of total square footage of all buildings
500,001 to 1,000,000 sq. ft.	The greater of 50,000 square feet or 9% of the total square footage of all buildings

1,000,001 to 1,500,000 sq. ft.	The greater of 120,000 square feet or 7% of the total square footage of all buildings
1,500,001 to 2,500,000 sq. ft.	The greater of 140,000 square feet or 6% of the total square footage of all buildings
Greater than 2,500,000 sq. ft.	The greater of 150,000 square feet or 5% of the total square footage of all buildings

- (4) The total square footage of Ancillary Retail which is located in free-standing buildings which do not house a permitted Health Care Campus use shall not exceed one percent (1%) of the total square footage of all buildings located on the Health Care Campus site.

- (5) Parking:

- (a) One and one-half (1.5) off-street parking spaces per in-

patient bed.

- (b) Ancillary Retail Permitted on the Health Care Campus
Site shall meet the parking requirements for that
Specific use as stipulated in this Part 9.

K. Hospital.

- (1) A hospital is subject to the following additional provisions:
 - (a) Provide adequate facilities for passenger loading and
unloading, in accordance with this Ordinance;
 - (b) Provide safe and adequate traffic flow;
 - (c) Prohibit glare due to site lighting;
 - (d) Provide adequate ingress and egress of pedestrian flow;
 - (e) Provide buffering in conformance with the provisions
of this Ordinance.
- (2) Parking: One and one-half (1.5) off-street parking spaces per
in-patient bed or one (1) off-street parking space per six
hundred (600) square feet of gross floor area (excluding
mechanical and storage space), whichever is greater.

L. Nursing Home.

- (1) The minimum site area for a Nursing Home shall be one (1) acre.
- (2) The Nursing Home must be licensed by the Commonwealth of Pennsylvania. Proof of this license if required.
- (3) Ingress, egress, and internal traffic circulation shall be designed to ensure access by emergency vehicles.
- (4) Nursing Homes shall have a bed capacity of at least twenty (20) beds but no more than two hundred (200) beds.
- (5) Provide sufficient screening so as to protect surrounding uses from inappropriate noise and other disturbance.
- (6) Parking: One (1) off-street parking space per three (3) beds and one (1) off-street parking space for each employee on the peak working shift.

M. Cemetery.

- (1) A burial place or graveyard including mausoleum, crematory or columbarium subject to the following additional provision:
 - (a) Provide safe and adequate ingress and egress of traffic flow.

- (2) Parking: One (1) off-street parking space for each employee and one (1) off-street space for each four (4) visitors in total capacity of mausoleum, crematory or columbarium.

N. Public Recreational Facility.

- (1) Recreational facility or park owned or operated by the Borough or other governmental agency.
- (2) The use must meet the following requirements:
 - (a) Provide safe and adequate traffic flow;
 - (b) Prohibit glare due to site lighting;
 - (c) Provide screening and buffering, as seen necessary by the Town Council, to protect the area from inappropriate noise and other disturbance.
- (3) Parking: The number of off-street parking spaces shall be dependent upon the specific uses of the facility including but not limited to:
 - (a) One (1) off-street space per every four (4) seats in assembly room.
 - (b) One (1) off-street space per every three hundred (300) gross square feet of a social or community room.

- (c) One and one-half (1.5) spaces per playing court.
- (d) One (1) space per one hundred (100) square feet of gross floor area in eating areas of the facility.
- (e) Five (5) spaces per lane for bowling alleys.
- (f) One (1) space for every three (3) spectator seats or per one thousand (1,000) square feet of developed area, at any kind of sports field, including but not limited to soccer fields, baseball fields, football fields, and multipurpose fields.
- (g) One (1) space per every two (2) employees on largest shift.
- (h) Applicant shall be responsible for demonstrating to the Building Inspector adequate spaces for specific facility uses.

O. Private Recreational Facility.

- (1) A recreational facility owned or operated by a non-governmental agency, subject to the following additional provisions:
 - (a) Provide safe and adequate traffic flow;
 - (b) No outdoor active recreation area shall be located nearer to any lot line than the required front yard

depth;

(c) Provide sufficient screening so as to protect the neighborhood from inappropriate noise and other disturbance;

(d) Provide fencing to control pedestrian ingress and egress.

(2) Parking: The number of off-street parking spaces shall be required dependent upon the specific uses of the facility including but not limited to:

(a) One (1) off-street space per every four (4) seats in assembly room.

(b) One (1) off-street space per every three hundred (300) gross square feet of a social or community room.

(c) One and one-half (1.5) spaces per playing court.

(d) One (1) space per one hundred (100) square feet of gross floor area in eating areas of the facility.

(e) Five (5) spaces per lane for bowling alleys.

(f) One (1) space per every two (2) employees on largest shift.

- (g) Applicant shall be responsible for demonstrating to the Building Inspector adequate spaces for specific facility uses.

P. Golf Course.

- (1) Golf course (not including miniature golf course), including club house, restaurant and other accessory uses, provided these are clearly accessory to the golf course, subject to the following additional provisions:
 - (a) A lot area of not less than sixty (60) acres shall be required.
 - (b) No building shall be closer than one hundred (100') feet to any lot line.
- (2) Parking: Three (3) off-street parking spaces for each hole. An additional requirement for club house, restaurant and other recreational uses shall be fifty (50%) percent of the requirements of that specific use.

Q. Private Club.

- (1) Private club or lodge other than Private Recreational Facility,

as defined herein, subject to the following additional provisions:

- (a) Shall be for members and their authorized guests only;
 - (b) Provide safe and adequate traffic flow;
 - (c) No outdoor active recreation area shall be located nearer to any lot line than the required front yard depth;
 - (d) Provide sufficient screening so as to protect the neighborhood from inappropriate noise and other disturbance;
 - (e) Provide fencing to control pedestrian ingress and egress.
- (2) Parking: One (1) off-street parking space for every five (5) members of total membership or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.

R. Emergency Service and Municipal Facility.

- (1) Fire, ambulance, rescue and other emergency service and government buildings of a municipal or volunteer nature, on parcels with a minimum size of one (1) acre.
- (2) The use must meet the following requirements:
 - (a) Provide safe and adequate traffic flow;
 - (b) Prohibit glare due to site lighting;
 - (c) Provide sufficient screening to protect the neighborhood from inappropriate noise and other disturbance.
- (3) Public Recreational Facilities shall be an authorized accessory use to an Emergency Service and Municipal Facility provided all conditions for a Public Recreational Facility as provided in this Ordinance are met.
- (4) Community Centers shall be an authorized accessory use to an Emergency Service and Municipal Facility provided all conditions for a Community Center as provided in this Ordinance are met.
- (5) Parking: One (1) off-street parking space for the maximum number of employees and/or volunteer staff who are working at any one time. In addition, one (1) off-street space for every

four (4) seats in assembly room.

S. Fraternal Organization Meeting Facility.

- (1) Minimum lot size shall be fifteen (15) acres.
- (2) If not located in a "C" Zoning District, the property must be located within one hundred (100) linear feet of other property within a "C" Zoning District classification.
- (3) Buildings erected on the property may not be located closer than three hundred (300) linear feet from any building used as a one (1) or two (2) family residential dwelling.
- (4) The property must have five hundred (500) feet of frontage on an arterial street and primary access to the property shall not abut property zoned R-1 Residential.
- (5) Building setbacks shall be as follows:
 - (a) Front yard. One hundred (100) feet.
 - (b) Rear yard. Thirty-five (35) feet.
 - (c) Side yard. Fifty (50) feet.
- (6) Building height shall not exceed forty (40) feet; provided, however, that flagpoles, fire towers, elevator bulkheads,

ornamental spires, stage towers and scenery lofts, mechanical towers and similar structural elements may exceed that building height limit, but in no event shall exceed sixty (60) feet in height.

- (7) Parking. One (1) off-street parking space for every two hundred (200) gross square feet of building floor area, or one (1) parking space for every three (3) auditorium seats, whichever calculation requires the greater number of off-street parking spaces, plus one (1) additional parking space for each full-time employee.

3. Office Uses.

A. Medical Office.

- (1) Office or clinic other than home occupation, for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto.
- (2) Parking: Six (6) off-street parking spaces per doctor plus one (1) additional space per each employee.

B. Office.

- (1) Business, professional, real estate or government office.
- (2) Parking: One (1) off-street parking space for each three hundred (300) square feet of gross floor area used or intended

to be used for servicing employees and customers.

4. Retail and Consumer Service Uses.

A. Retail shops and stores selling apparel, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, records, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, and fabrics, provided all products produced on the premises are sold on the premises at retail. Also included within this use shall be the sale of soft drinks, beer, alcoholic beverages in sealed containers not for consumption on premises.

(1) Any establishment which furnishes cars or mobile baskets as an adjunct to shopping, shall provide definite areas within the required parking space areas for storage of carts. Each designed storage area shall be clearly marked for storage of shopping carts.

(2) Parking: One (1) off-street parking space for each two hundred (200) square feet of gross area used or intended to be