

MUNICIPALITY OF MONROEVILLE

ORDINANCE 2588

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE AMENDING THE CODE OF THE MUNICIPALITY OF MONROEVILLE, CHAPTER 109 WHICH ESTABLISHES THE DUTIES, POWERS, RESPONSIBILITIES AND PROCEDURES FOR THE PURCHASING OF GOODS AND SERVICES

Section 109-1. Purchasing authority designated.

The purchasing authority shall be vested in the Municipal Manager or his/her designee, as pursuant to Article XIV, Section 1404 of the Monroeville Home Rule Charter. Nothing in this section shall diminish the authority of the Municipal Council to determine, change and approve expenditures nor that of the Municipal Manager pursuant to applicable ordinances and laws.

Section 109-2. Scope of power of purchasing authority.

- A. Scope of Power. The purchasing authority shall have the power and duty and it shall be his/her duty to purchase or contract for all supplies or contractual services within the dollar limit specified for activities which derive their support wholly or in part from the municipality in accordance with purchasing procedures as prescribed by this chapter and such rules and regulations as the authority shall adopt for the internal management and operation of the purchasing function and such other rules and regulations as shall be prescribed by the Municipal Manager and by the Municipal Council.
- B. Unauthorized purchases. Except as herein provided, it shall be unlawful for any municipal officer or officers to order the purchase of any supplies or make any contract within the purview of this chapter other than through the Municipal Manager or his/her designee, and any purchase ordered or contract made contrary to the provisions hereof shall not be approved by the municipal officials, and the municipality shall not be bound thereby.

Section 109-3. Additional powers and duties of purchasing authority.

In addition to other powers and duties conferred by this chapter, the purchasing authority shall:

- A. Minimum Expenditure Act. Procure for the municipality the highest quality of supplies and contractual service at the least expense to the municipality.
- B. Encourage competition. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

- C. Rules and regulations. Establish and amend, when necessary, all rules and regulations authorized by this chapter and any others necessary to its operation.
- D. Purchasing analysis. Keep informed of current developments in the field of purchasing prices, market conditions and new products and secure for the municipality the benefits of the research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition and private businesses and organizations.
- E. Forms. Prescribe and maintain such forms as he/she shall find reasonably necessary to the operation of this chapter.
- F. Standard nomenclature. Prepare and adopt a standard purchasing nomenclature for using agencies and suppliers.
- G. Vendors catalog file. Prepare, adopt and maintain a vendor catalog file. Said catalog shall be filed according to materials and shall contain descriptions of vendors' commodities, prices and discounts.
- H. Quantity purchases. Make purchases in sufficient quantity in order to take full advantage of discounts.
- I. Federal and state tax exemptions. Act so as to procure for the municipality all federal and state tax exemptions to which it is entitled.
- J. Disqualification of bidders. Have the authority to disqualify vendors who default on their quotations or are irresponsible bidders from conducting any business with the municipality for a period of time not to exceed three (3) years.

Section 109-4. Committee on Standardization and Specification.

There is hereby established a Purchasing Committee on Standardization and Specification.

- A. Composition. The Committee shall consist of the following eight (8) officials or their duly designated representatives, who shall serve without additional compensation: Director of Personnel and Finance, Superintendent of Public Works, Chief of Police, Director of Building, Engineering and Community Development, Executive Director of Senior Citizens, Library Director, Public Works Office Manager/Purchasing Coordinator and Vehicle Maintenance Coordinator. The Municipal Manager shall have the authority to make interim appointments should a vacancy occur in any of the above-named positions.
- B. Capacity of purchasing authority. The purchasing authority shall enforce the written specifications adopted by the Committee. He/she shall attend all meetings of the Committee as Chairman and shall have the authority to present his/her recommendations on any proposed standardization or specification. However, he shall not have the power to vote except in the case of a tie vote.
- C. Committee duties. It shall be the duty of the Committee:
 - (1) Classification. To classify all supplies used by the various branches of municipal government.
 - (2) Standardization. To adopt standards to ensure that the minimum number of quantity, sizes and varieties of supplies consistent with the successful operation of municipal government are purchased.

- (3) Specification. To prepare and adopt written specifications for all such standard supplies.
- (4) Meetings. To hold official meetings at such times as are necessary to carry out the responsibilities of the Committee, but at least twice annually.
- D. Effect of adoption.
 - (1) After its adoption, each standard specification shall, until revised or rescinded, apply in terms and effect to every future purchase and contract for the item designated in the specification.
 - (2) Exception. The purchasing authority, with the approval of the Committee, shall have the authority to exempt any department of the municipality from using the supply described in the standard specifications.
- E. Laboratory facilities. The Committee shall have the authority to make use of the laboratory and engineering facilities of the municipality and the technical staffs thereof in connection with its work of preparing and adopting standards and written specifications.
- F. Consultation with using agencies. The Committee shall consult with the department heads and other officials of the using department to determine their precise requirements and shall endeavor to prescribe those standards which meet the needs of the majority of such departments.
- G. Nature of specifications. All specifications shall be definite and certain and shall permit competition; provided, however, that the provisions of this subsection shall not apply to noncompetitive types and kinds of supplies as identified in Article XIV, Section 1403 of the Home Rule Charter.
- H. Use of consultants. When, in the opinion of the Committee, expert advice is required to develop specifications, a recommendation should be forwarded to that effect to the Municipal Manager setting forth the reasons for such recommendation and any other information which may be necessary.

Section 109-5. Requisitions and estimates.

All department heads shall file with the purchasing authority detailed requisitions or estimates of their requirements for supplies and contractual services in such manner, at such times and for such future periods as the purchasing authority shall prescribe.

- A. Unforeseen requirements. A department head shall not be prevented from filing with the purchasing authority at any time a requisition or estimate for any supplies and contractual services which were not foreseen when the detailed estimates were filed.
- B. Revisory power in agent. The purchasing authority shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality or estimated cost. But revision as to quality shall be in accordance with the standards and specifications established pursuant to this chapter.

Section 109-6. Encumbrance of funds.

Except in cases of emergency, the purchasing authority shall not issue any order for delivery on a contract or open market purchase until the department head shall have certified that there is to the credit of the using department concerned a sufficient unencumbered departmental appropriation balance to defray the amount of such order.

Section 109-7. Conflicts of interest; gifts and rebates.

- A. Prohibition of Interest. Any purchase order or contract within the purview of this chapter in which the purchasing authority or any officer or employee of the municipality is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract, the Council shall have the authority to waive compliance with this section when it finds such action to be in the best interest of the municipality.
- B. Gifts and rebates. The purchasing authority and every officer and employee of the municipality are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded any rebate, gift, money or anything of value whatsoever except when given for the use and benefit of the municipality.

Section 109-8. Competitive bids required.

All purchases and contracts for supplies and contractual services and all sales of personal property which have become obsolete and unusable shall, except as specifically provided herein, be based wherever possible on competitive bids.

Section 109-9. Formal contract procedure for purchases of \$18,900 or more.

All supplies and contractual services, except as otherwise provided herein, when the estimated cost thereof shall exceed eighteen thousand nine hundred dollars (\$18,900), shall be purchased by formal, written contract from the lowest responsible bidder after due notice inviting bids or Piggyback purchase. All sales of personal property which has become obsolete and unusable, when the estimated value shall exceed two thousand five hundred dollars (\$2,500), shall be sold by formal written contract to the highest responsible bidder after due notice inviting proposals.

A. Notice inviting bids.

(1) Newspaper.

- (a) Notice inviting bids shall be published in at least one (1) official newspaper in the municipality and at least two times at intervals of not less than three days where daily newspapers of general circulation are available for such publication, in case of weekly newspapers, such notice once a week for two successive weeks. The first advertisement shall be published not more than forty-five

days and the second advertisement not less than ten days prior to the date fixed for the opening of bids.

- (b) **Scope of notice.** The newspaper notice required herein shall include a general description of the articles to be purchased or sold and shall state where bid specifications may be secured and the time and place for opening bids.
- (2) **Bidders' list.** The purchasing authority shall also solicit sealed bids from all responsible prospective suppliers who have requested their names be added to a bidders list by sending them a copy of the newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
- (3) **Bulletin board.** The authority shall also advertise all pending purchases or sales by a notice posted on the Municipal website.

B. **Bid deposits.** Whenever deemed necessary by the purchasing authority, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their surety if the purchasing authority required one. A successful bidder shall forfeit any surety required by the agent upon failure on his part to enter into a contract within ten (10) days after the award.

C. **Bid opening procedure.**

- (1) **Sealed.** Sealed bids shall be submitted to the agent and shall be identified as a sealed bid on the envelope.
- (2) **Opening.** Bids shall be opened in public at a time and place stated in the public notice. Once opened any member of the public can examine any bid for a reasonable time period in the presence of the agent.
- (3) **Tabulation.** A tabulation of all bids received shall be posted for public inspection. Any member of the public shall have the right to be present during tabulation.

D. **Rejection of bids.** The purchasing authority shall have the authority to recommend rejection of all bids, parts of all bids or a bid for any one (1) or more supply or contractual service included in the proposed contract when in the public interest and after consultation with the Solicitor. The purchasing authority shall provide a written recommendation stating the reasons for such rejection.

- (1) **Bidders in default to the municipality.** The purchasing authority shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other moneys due the municipality or any governmental agency.
- (2) **The purchasing authority shall have the authority to recommend disqualification of vendors who default on their quotations or are irresponsible bidders from conducting any business with the municipality for a period of time not to exceed three (3) years.**

E. Award of contract.

- (1) Authority. The purchasing authority shall have the authority to award contracts within the purview of this chapter, after approval by the Municipal Council for purchases in excess of eighteen thousand nine hundred (18,900).
- (2) Lowest responsible bidder. Contracts shall be awarded to the lowest responsible bidder. In determining the lowest responsible bidder the following, in addition to prices, shall be considered.
 - (a) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
 - (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
 - (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - (d) The quality of performance of previous contracts or services.
 - (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
 - (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
 - (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required.
 - (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
 - (i) The number and scope of conditions attached to the bid.
- (3) Award to other than lowest bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing authority and filed with the bid file relating to the transaction.
- (4) Tie bids.
 - (a) Local vendors. If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.
 - (b) Outside vendors. Where Subsection E(4)(a) is not in effect, the purchasing authority shall recommend the contract to one (1) of the tie bidders by drawing lots in public.
- (5) Performance bonds. Before entering into a contract, the purchasing authority shall have the authority to require a performance bond in such amount as he/she shall find reasonably necessary to protect the best interests of the municipality. The purchasing authority will develop a set standard in percentage amounts, giving professional, technical and legal reasons for approval by the Municipal Manager and Municipal Council.

F. Prohibitions against subdivision. No contract or purchase shall be subdivided to avoid the requirements of this section.

Section 109-10. Open market procedure of \$10,200 to \$18,900.

All purchases of supplies and contractual services with an estimated value of ten thousand two hundred dollars (\$10,200) shall be made in the open market without newspaper advertisement and without observing the procedure prescribed by Section 109-9 for the award of formal contracts.

- A. Minimum number of bids. All open market purchases shall be based on at least three (3) **written** competitive quotes and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in 109-9E(2) above.
- B. Notice inviting Quotes. The purchasing authority shall solicit quotes by either direct mail request to prospective vendors, by telephone and/or by public notice posted on the bulletin board of the Municipal Center and/or Public Works Garage.
- C. Recording. The purchasing authority shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.
- D. Award of contract.
 - (1) Authority. The purchasing authority shall have the authority to award contracts within the purview of this Section, after approval by the Municipal Manager.

Section 109-11. Open market procedure up to \$10,200.

All purchases of supplies and contractual services with an estimated value of up to ten thousand two hundred dollars (\$10,200) shall be made in the open market without newspaper advertisement and without observing the procedure prescribed by Section 109-9 for the award of formal contracts.

- A. Minimum number of bids. All open market purchases shall, wherever possible, be based on at least three (3) competitive quotes and shall be awarded to the lowest responsible bidder in accordance with the standards set forth in 109-9E(2) above.
- B. Notice inviting Quotes. The purchasing authority shall solicit quotes by either direct mail request to prospective vendors, by telephone and/or by public notice posted on the bulletin board of the Municipal Center and/or Public Works Garage.
- C. Recording. The purchasing authority shall keep a record of all open market orders and the bids submitted in competition thereon, and such records shall also be open to public inspection.
- D. Award of contract.
 - (1) Authority. The purchasing authority shall have the authority to award contracts within the purview of this Section, after receiving written approval by the Municipal Manager for all purchases

Section 109-12. Petty cash fund.

There is hereby appropriated from the Municipal Treasury five hundred dollars (\$500.), which shall be known as the "petty cash fund." From this fund all purchases of not more than fifty dollars (\$50.) each shall be paid if made by a department head for incidentals and approved by the agent.

- A. Accounting. At the end of each month, the purchasing authority shall render a statement showing the actual expenditures for each department made out of the petty cash fund, and the Municipal Treasurer shall reimburse the fund for those expenditures in the same manner as other expenditures of the departments are paid.
- B. Rules and regulations. The purchasing authority shall promulgate rules and regulations for use of the petty cash fund.

Section 109-13. Control and supervision of storerooms and warehouses.

The agent shall control and supervise storerooms and warehouses. The purchasing authority shall maintain a perpetual inventory record of all materials, supplies or equipment stored in storerooms and warehouses.

Section 109-14. Price agreement contracts.

The head of the using department shall have the authority to submit requisitions to the agent for supplies available under the terms of a price agreement contract made by the agent.

Section 109-15. Emergency procedures.

- A. By agent.
 - (1) In case of an apparent emergency which requires immediate purchase of supplies or contractual services, the Municipal Manager shall be empowered to authorize the purchasing authority to secure, by open market procedures as herein set forth, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditure.
 - (2) Recorded explanation. A full report of the circumstances of an emergency purchase shall be filed by the Municipal Manager with the Municipal Council and shall be entered in the minutes of the Council and shall be open to public inspection.
- B. By head of department. In case of actual emergency, with the approval of the Municipal Manager, the department head may purchase directly any supplies whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health or convenience of citizens.

- (1) Recorded explanation. Each department head shall send to the purchasing authority a requisition and a copy of the delivery record, together with a full written report of the circumstances of the emergency. The report shall be filed with the Council as provided in Subsection A(2) above.
- (2) Emergency procedure. The purchasing authority shall prescribe the rules and regulations under which emergency purchases by department heads may be made.

Section 109-16. Inspection and testing.

The purchasing authority shall inspect, or supervise the inspection of, all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

- A. Inspection by using agency. The purchasing authority shall have the authority to authorize departments having the staff and facilities for adequate inspection to inspect all deliveries made to the departments under rules and regulations which the purchasing authority shall prescribe.
- B. Tests. The purchasing authority shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing authority shall have the authority to make use of laboratory facilities of any department of the municipal government or of any outside laboratory.

Section 109-17. Surplus supplies and equipment.

All departments shall submit to the purchasing authority, at such times and in such form as he shall prescribe, reports showing stocks of all supplies and equipment which are no longer used or which have become obsolete, worn out or scrapped.

- A. Transfer. The purchasing authority shall have the authority to transfer surplus stock to other departments.
- B. Sale.
 - (1) Sell, trade or exchange. The purchasing authority shall have the authority to sell, trade or exchange all supplies which have become unsuitable for public use.
 - (2) Competitive bidding. Sales under this subsection shall be made to the highest responsible bidder and in conformance with Section 109-9 or 109-10, whichever is applicable.

Section 109-18. Cooperative purchasing.

The purchasing authority shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the municipality would be served.

Section 109-19. Administration of budget.

The responsibility for administering the annual budget of the municipality is vested in the Municipal Manager. The Municipal Manager can delegate this authority and responsibility to the respective department heads.

- A. Procedure. Managing the budget involves ensuring that all purchases are made within the policy guidelines established by the Municipal Council for the work to be performed in that year. This requires monitoring each department's purchases against the total appropriation for that department to ensure that sufficient funds are available for each purchase.
- B. Department head responsibility. Before requesting any goods or service, it is the responsibility of each department head to ensure that the proposed expenditure is necessary for the competition of the work program authorized in the annual budget and that budgeted funds are available. By signing the requisition order, the department head is signifying that this is true. If a department exceeds its budget, a detailed request for additional funds will be sent to the Municipal Manager explaining why the funds are necessary and why the budget was exceeded.
- C. On a monthly basis, the Municipal Manager will review the fiscal status of the department with the department head and submit a report of each meeting to the Municipal Council.

Section 109-20. Records to be kept.

- A. Department heads. Each department head is responsible for maintaining all records necessary to validate a departmental purchase for a period of three (3) months after final payment for that purchase has been made.
- B. Purchasing authority. The purchasing authority is responsible for maintaining a complete record of all municipal purchases for a period of seven (7) years following the completion of the annual financial audit.

Section 109-21. Selection of professional consultants.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

COUNCIL COMMITTEE -- An ad hoc committee of the Municipal Council appointed by the Deputy Mayor having jurisdiction of the involved project.

FIRM -- Any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice architecture, engineering or land surveying or to provide management consultant services in the Commonwealth of Pennsylvania.

PROFESSIONAL SERVICES -- Those services within the scope of practice of architecture, engineering, land surveying, finance, planning, management and administration, as defined by the laws of the Commonwealth of Pennsylvania, or those performed by any architect, professional engineer, registered land surveyor, management or finance consultant, planner, etc., in connection with this professional employment or practice.

STAFF COMMITTEE -- The Committee on Standardization and Specification.

B. Roster of consultants.

- (1) The purchasing authority or designated staff will maintain a roster, classified by category of professional service, of qualified firms interested in performing professional services for the municipality. Names of firms will be placed on the roster upon their request, at the request of members of the Municipal Council or when recommended by municipal departments.
- (2) Each firm meeting the following minimum qualifications shall be deemed to be a qualified firm and meeting the qualifications of the municipality:
 - (a) Duly authorized to conduct business in the Commonwealth of Pennsylvania in its particular profession.
 - (b) Professional registration by the Commonwealth of Pennsylvania when required.
 - (c) At least one (1) staff professional assigned to each project. Adequacy of personnel will be determined on a contract-by-contract basis against the municipality's estimate of manpower required to perform the work in the desired time frame.
- (3) Resumes and data.
 - (a) Each person or firm listed on the roster shall be responsible for maintaining a current resume describing his or its qualifications and experience with the purchasing authority's office.
 - (b) Data which should be included is as follows:
 - [1] The firm name, address and telephone numbers.
 - [2] The year established and former firm names.
 - [3] The types of services for which it is qualified.
 - [4] The names of principals of the firm and states in which they are registered.
 - [5] The names of key personnel, with experience of each and length of time in the organization.
 - [6] The number of staff available for assignment.
 - [7] Outside consultants and associates usually retained.

- [8] A list of completed projects on which the firm was principal consultant.
- [9] Current projects underway and the estimated cost of each.
- [10] Data gathering methods, if appropriate.
- [11] Evaluation techniques, if appropriate.

C. Classes of services. Projects will be divided into two (2) classes, as follows:

- (1) Class A: Services for projects where fees will exceed fifty thousand dollars (\$50,000). The members of the Council Committee will act as the screening and selection committee and recommend the firm and appropriate contract to the Municipal Council for its approval.
- (2) Class B: Services for projects where fees will exceed one thousand five hundred dollars (\$1,500) and are less than forty-nine thousand nine hundred ninety-nine dollars (\$49,999) will be selected by the Committee on Standardization and Specification, which will recommend the firm and appropriate contract to the Municipal Manager for its approval.

D. General procedures and responsibilities.

- (1) Project initiation. When a department of the municipality identifies a project for which professional services will be necessary, the department will draft a scope of services for the specific project. This scope of services will be submitted to the Committee on Standardization and Specification for authorization to initiate the project and a determination as to whether the Council Committee or the staff committee will act as the screening and selection committee.
- (2) Expressions of interest. The purchasing authority will contact those firms on the roster for a written expression of interest in the specific project. The request should invite comment as to the special experience of the firm for the project being considered and describe previous experience with similar projects and the availability of the firm to provide required service within any time limitation.
- (3) A request for proposal will be advertised in a newspaper of general circulation as defined by Section 109-9 of this chapter.
- (4) Initial screening and requests for proposals.
 - (a) The expressions of interest will then be presented to the appropriate screening and selection committee for initial screening. Factors to be determined in the initial screening will include:
 - [1] Specialized experience in the type of work required.
 - [2] The record of the firm in accomplishing work on other projects in the required time.
 - [3] The quality of work previously performed by the firm for the municipality.
 - [4] Recent experience showing accuracy of cost estimates.

- [5] Community relations, including evidence of sensitivity to citizen concerns.
 - [6] The geographic location of the principal offices of the firm.
 - (b) The committee shall designate at least three (3) firms which will be requested to present detailed proposals on the project.
- (5) Detailed proposals.
- (a) Firms submitting detailed proposals will be asked to provide a resume of the proposed project supervisor, the name of the principal who would be responsible for the work, the amount of work presently under way, the ability of the firm to meet required time schedules and a description of how the project would be conducted, as well as other facts they wish to present in favor of their firm.
 - (b) A contract form will be provided to each firm asked to provide a detailed proposal so that the firm can be fully informed of the parameters of the proposed project and general municipal contracting policies. The contract form will be prepared by the department responsible for the project with the assistance of the Solicitor.
- (6) Interview and selection. Upon receipt of the detailed proposals, the selection and screening committee will be convened to review the proposals, interview the prospective firms and make the final selection as to the firm for the project.
- (7) Contract negotiation.
- (a) The selected firm will then be requested to come in for a final conference with the screening and selection committee to define precisely the scope of service to be provided and to submit a proposal covering the compensation requirements for the work. A fee is then negotiated for the project, which is fair and reasonable. A contract is prepared and submitted to the Solicitor for review and then submitted to the Municipal Manager for proper approval.
 - (b) If, after reasonable effort, a contract cannot be negotiated, the negotiations with the designated firm shall be terminated, and negotiations shall be started with the next firm recommended.

E. Prohibition against contingent fees.

- (1) Each contract entered into for professional services shall contain a prohibition against contingent fees as follows:
"The consultant providing professional services warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for him, to solicit or secure a person, company, corporation, individual or firm, any fees, commission, percentage, gift or any other consideration contingent upon or resulting from the award or making of this agreement."

- (2) For the breach or violation of the foregoing provision, the Municipal Council shall have the right to terminate the agreement without liability and, at its discretion, to deduct from the contract price or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

- F. The Municipal Council in its sole and absolute discretion may waive any and all aforementioned procedural requirements when deemed in the best interests of the municipality.

Section 109-22. Violations and penalties.

Any person or persons, firm or corporation violating any provisions of this chapter, as determined after hearing before the District Justice having jurisdiction thereof or other proper judicial body, shall be fined a sum not to exceed five thousand dollars (\$5,000.) or the maximum allowable under other application provisions of law, whichever is greater. Said fine shall be applicable for each and every offense and, in default of payment thereof, the violator shall be committed to the Allegheny County Jail for a period of not more than thirty (30) days.

Section 109-23. Severability.

If a final decision of a court of competent jurisdiction holds any provision of this ordinance, or the application of any provision to any circumstances, to be illegal or unconstitutional, the other provisions of this ordinance or the application of such provision to other circumstances shall remain in full force and effect. The intention of the Council is that the provisions of this Ordinance shall be severable and that this Ordinance would have been adopted if any such illegal or unconstitutional provisions had not been included.

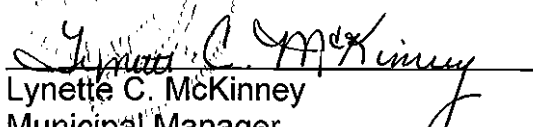
Section 109-24. Ordinances Repealed.

Any ordinance or part thereof conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED THIS 11th of June, 2013.

(SEAL)

ATTEST:


Lynette C. McKinney
Municipal Manager

MUNICIPALITY OF MONROEVILLE

Gregory Erosenko
Mayor

Entered in Legal Book: June 21, 2013