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**PART 1**  
**ELECTED OFFICERS**

**§1-101. Salary of Mayor.**

The salary of the Mayor of the Borough of Philipsburg is hereby fixed at \$1,000 per year, payable in quarterly installments.

(Ord. 337, 12/7/1953, §1; as amended by Ord. 888, 3/2/1981, §1)

**§1-102. Tax Collector's Commission; Real Estate Tax.**

From and after the first day of January, 1985, the compensation to be paid to the Tax Collector for the Borough of Philipsburg for the collection of all taxes levied upon real property and for the collection of all taxes upon all other subjects of taxation shall be 3% of the amounts collected.

(Ord. 268, 5/1/1950, §1; as amended by Ord. 914, 11/5/1984)

**§1-103. Tax Collector's Commission; Other Taxes.**

(Amended and combined with §1-102 hereof, by Ord. 914)

**§1-104. Compensation of Council.**

Compensation of each of the Council members of the Borough is hereby fixed at \$75 per month, payable quarterly from the general funds of the Borough, provided that the Council member attends the regular meeting of the month.

(Ord. 782, 4/17/1973; as amended by Ord. 888, 3/2/1981, §1; by Ord. 940, 3/12/1990, §1; and by A.O.)



**PART 2**

**APPOINTED OFFICERS**

**A. Borough Manager.**

**§1-201. Creation of the Office; Bond.**

Under and subject to the provisions of the General Borough Code, the office of the Borough Manager is hereby created. The Manager shall serve a term outlined by agreement of employment, as approved by Borough Council, upon furnishing a bond approved by Council in a sum to be determined by Council from time to time. The premium of said bond shall be paid by the Borough.

(Ord. 391, 1/3/1957, §1; as amended by Ord. 888, 3/2/1981, §1; and by A.O.)

**§1-202. Compensation.**

Salary of the Borough Manager shall be established by Council from time to time.

(Ord. 391, 1/3/1957, §2)

**§1-203. Qualifications.**

The Manager shall be chosen principally on the basis of his executive and administrative abilities, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office as herein outlined. The Manager need not be a resident of the Borough of Philipsburg or of the Commonwealth of Pennsylvania at the time of his appointment but, within a reasonable time thereafter (which time may be fixed by agreement of employment between the Manager and the Borough Council), he shall become and during his tenure shall remain a resident of the Borough of Philipsburg.

(Ord. 391, 1/3/1957, §3; as amended by A.O.)

**§1-204. Powers and Duties.**

The Manager shall be the Chief Administrative Officer of the Borough and he shall be responsible to the Council for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute imposed or conferred upon other Borough officers, and this Section shall not be construed to confer upon the Manager the powers and duties of the offices of Secretary, Treasurer and Collector of Taxes. Subject to the modification or recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:

## ADMINISTRATION AND GOVERNMENT

- A. He shall supervise and be responsible for the activities of all municipal departments, except the Police Department.
- B. He shall hire and, when necessary for the good of the service, shall suspend or discharge any temporary (seasonal) employees under his supervision. For full-time employees, the Manager shall deal with all disciplinary concerns that require immediate action, but will report the incident and his action dealing with said incident, in writing, to the Personnel Committee for review and possible further action. All persons covered by the Civil Service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions.
- C. He shall prepare and submit to Council before the close of the fiscal year, or on such alternate date as Council shall determine, a suggested budget for the next fiscal year and an explanatory budget message. In preparing the budget the Manager or an officer designed by him shall obtain from the head of each department, agency, board or officer estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review such estimates and may suggest revisions when submitting the suggested budget to Council.
- D. He shall attend all meetings of Council and its committees with the right to take part in the discussion and he shall receive notice of all special meetings of Council or its committees.
- E. He shall prepare the agenda for each meeting of Council and supply facts pertinent thereto.
- F. He shall keep the Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of the Borough finances and such other reports as the Council requests and make such recommendations to the Council as he deems necessary.
- G. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.
- H. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
- I. He shall attend to the letting of contracts in due form of law, subject to the approval of the Solicitor, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon other Borough officers by statute or ordinance.



- J. He shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all Borough claims.
- K. He shall be the purchasing officer of the Borough and he shall purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the various agencies, boards, departments and other offices of the Borough. He shall keep an account of all purchases and shall, from time to time or when directed by Council, make a full written report thereof. He shall comply with the orders, rules and regulations established by Council governing the requisition and purchasing of all Borough supplies and equipment.
- L. All complaints regarding services or personnel of the Borough shall be referred to the office of the Manager. He or an officer designated by him shall investigate and the Manager shall dispose of such complaints and the Manager shall report thereon to Council.
- M. He shall work to secure and to coordinate the acquisition of grants from any source that offers grants that prove to be beneficial to the Borough.
- N. When directed by Council, he shall serve as the Zoning and Code Enforcement Officer of the Borough.

(Ord. 391, 1/3/1957, §4; and amended by A.O.

**§1-205. Delegation of Mayor's Powers and Duties.**

The Mayor is hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of his nonlegislative and nonjudicial powers and duties.

(Ord. 391, 1/3/1957, §5)

**§1-206. Limitation of Council's Powers.**

Council will hire, fire, suspend, reprimand or discharge nontemporary employees, based upon recommendations of the Personnel Committee. Except for the purpose of inquiry and except as described in this section, the Council, its committees and its members shall deal with the administrative service solely through the Borough Manager, and neither the Council nor any of its committees or any of its members shall give orders, publicly or privately, to any subordinates of the Manager.

(Ord. 391, 1/3/1957, §6; as amended by A.O.

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**B. Borough Auditor.**

**§1-211. Office of Elected Auditor Abolished.**

The office of elected Borough Auditor is hereby abolished.

(Ord. 903, 1/5/1983, §1)

**§1-212. Office of Independent Auditor Established.**

There is hereby established the office of Independent Auditor in accordance with the provisions of the Act of February 1, 1966, P.L. (1965), No. 581, §1005 [53 P.S. §46005(7)], as amended. Such Auditor shall be appointed annually by Council to make an independent examination of the accounting records of the Borough for such fiscal year. Such auditor shall also perform the duties and exercise the powers as conferred upon him by the Act of February 1, 1966, P.L. (1965), No. 581, §1196 et seq., as amended, which subdivision sets forth the general powers and duties of independent auditor.

(Ord. 903, 1/5/1983, §2)

**C. Zoning and Code Enforcement Officer.**

**§1-221. Definition.**

1. The Zoning and Code Enforcement Officer is responsible for the administration and enforcement of the Borough's Zoning Ordinance [Chapter 27]; and, in conjunction with the Police Department, is responsible for enforcement of all single purpose public health and safety ordinances of the Borough.
2. The Zoning and Code Enforcement Officer shall not take part in the design, construction, repair or demolition of any structure in the Borough. The Code Enforcement's Officer's responsibility is to ensure that these activities are performed within the requirement of the respective codes.
3. The Zoning and Code Enforcement Officer reports to Borough Council, but is under the supervision of the Borough Manager.

(A.O.)

**§1-222. Borough-Shared Duties (with UCC).**

The following are shared duties between the Code Enforcement Officer and the UCC state code:

1. Except as covered under the UCC, acts as Building, Fire and Zoning Ordinance Officer of the Borough.
2. Investigates, handles and reports the complaints of citizens concerning the provisions governing building and other regulating codes and ordinances (Borough).
3. Inspects construction sites for compliance with Borough adopted building and fire codes and Borough ordinances and for the prevention of construction without prior issuance of appropriate permits. Provides technical direction and assistance as necessary (UCC).
4. Monitors construction of driveways and installation of drainage pipe, diverting water to Borough property or roads (UCC).
5. Performs necessary enforcement work, including timing of inspections, issues letters of warning and prosecutes for persistent noncompliance (UCC).
6. Confers with the Borough Manager and the Borough Solicitor when necessary (Borough).
7. Attends all Planning Commission meetings and Zoning Hearing Board hearings. Attends Council meetings as required (Borough).
8. Makes recommendations for changes in the ordinances and regulations (Borough).
9. Maintains good public relations (Borough).
10. Maintains records of permits granted and inspections made (Borough and UCC).
11. Responsible for the maintenance of files (Borough).
12. Suggests methods to expedite field inspection process (UCC).
13. Keeps the necessary Borough management and Committee persons alerted to any conditions in the field which are potentially troublesome or controversial (UCC).
14. Performs related work as required under the direction of the Council President (Borough).
15. Meets with potential applicants for zoning approval and explains application procedures and application regulations (Borough).
16. Receives and records receipt of all applications submitted under the Borough Zoning Ordinance [Chapter 27], collects fees, maintains records and monitors deadlines for approval of all applications (Borough and UCC).
17. Reviews all applications for permitted use by right and grants or denies zoning approval for such uses (Borough and UCC).

## ADMINISTRATION AND GOVERNMENT

18. Refers all applications for conditional use approval to the Borough Planning Commission and Borough governing bodies in accordance with the procedures and time deadlines specified in Borough Zoning Ordinances [Chapter 27]. Upon approval by the Borough governing bodies, issues zoning approval and motions development to confirm compliance with any conditions attached to approval (Borough).
19. Provides technical assistance to the Borough Planning Commission and Zoning Hearing Board and attends all public meetings of these agencies, as directed (Borough).
20. Refers all applications for site plan approval to the Borough Planning Commission and Borough Council (Borough and UCC).
21. Refers all applications for re-zoning to Borough Planning Commission and Borough Council. Posts affected property owners, as required, prior to public hearings (Borough).
22. Refers all applications for variances and all appeals to the Borough Zoning Hearing Board. Maintains log of applications, monitors time deadlines and maintains records of decisions. Monitors development to confirm compliance with any conditions attached to approvals (Borough).
23. Schedules Borough Zoning Hearing Board hearings, prepares legal notice advertisements, post affected property and notifies property owners, as required (Borough).
24. Maintains registry of nonconforming uses (Borough).
25. Monitors land use and development activities in the Borough. Issues notices of violations of zoning ordinances and defends citations before the magisterial district judge and/or in Court of Common Pleas, as warranted (Borough and UCC).
26. Responds to citizen inquiries and complaints concerning Borough zoning ordinances (Borough).
27. Serves as the Borough's building inspector. Inspects sites which are under development and/or construction to document compliance with the zoning ordinances and any conditions of approval (UCC).
28. Maintains registry of all apartment landlord and tenants within the Borough (Borough).
29. Maintains current record of ED Us for all apartments and businesses within the Borough (Borough).

(A.O.)

**§1-223. Periodic Duties.**

Attends off-site conferences, seminars and meetings as directed.

(A.O.)

**§1-224. Required Knowledge, Skills and Abilities.**

1. Ability to conduct inspections and enforce codes, ordinances and regulations firmly, tactfully and impartially.
2. Ability to maintain records and write reports.
3. Ability to establish effective working relations with Council, associates and the public.
4. Ability to express ideas effectively, both orally and in writing.

(A.O.)

**D. Ordinance Enforcement Officers.**

**§1-231. Definition.**

Ordinance Enforcement Officers report to the Zoning and Code Enforcement Officer; in his absence, they report to the Borough Manager. They are responsible for the following:

- A. Maintaining files.
- B. Taking care of property maintenance.
- C. Enforcing all ordinances.
- D. Performing related work as required under the directions of the Zoning and Code Enforcement Officer

(A.O.)



**PART 3**

**INDUSTRIAL DEVELOPMENT AUTHORITY**

**§1-301. Desire to Organize Industrial Development Authority.**

It is the desire of the said Council of the said Borough of Philipsburg in the Commonwealth of Pennsylvania, to organize an Industrial Development Authority in said Borough and Commonwealth under the Industrial Development Authority Law.

(Ord. 737, 4/5/1971, §1)

**§1-302. Articles of Incorporation.**

In pursuance of said desire and intention and in conformity with the terms and provisions of said Industrial Development Authority Law, the proposed Articles of Incorporation are hereby set forth in full as follows:

Articles of Incorporation of Industrial Development Authority

To the Secretary of the Commonwealth of Pennsylvania;

In compliance with the requirements of the Industrial Development Authority Law and pursuant of a resolution adopted by the Council of the Borough of Philipsburg, Pennsylvania, that an Industrial Development Authority be established, under the provisions of the aforementioned law, the Council of the Borough of Philipsburg, Pennsylvania, desiring that an Industrial Development Authority be established and that a Certificate of Incorporation be issued to said Authority, does hereby certify:

- A. The name of the Authority shall be Philipsburg Borough Industrial Development Authority.
- B. The Authority is formed under the Industrial Development Authority Law.
- C. The name of the incorporating municipality is: Philipsburg Borough, Pennsylvania. The names and addresses of the members of the Council of the Borough of Philipsburg, Pennsylvania, are as follows: [Here followed the names and addresses of the members of the Council]
- D. The names and addresses and terms of office of the first members of the Board of said Authority are as follows: [Here followed the names and addresses and terms of office of the first members of the Board of said Authority]
- E. The term of existence of the Authority shall be 50 years.

(Res. 737, 4/5/1971, §2)





**PART 4**

**PLANNING COMMISSION**

**§1-401. Desire and Intention to Organize.**

The Borough Council of the Borough of Philipsburg of Centre County, Pennsylvania, hereby signifies its intention and desire to organize a Planning Commission under the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, reenacted and amended by Act 170 of December 21, 1988, P.L. 1329.

(Ord. 973, 5/12/1997, §1)

**§1-402. Membership.**

1. The Planning Commission shall consist of five members, all of whom shall be citizens of the Borough of Philipsburg of Centre County, Pennsylvania.
2. The term of office of the members shall be four years and should expire on December 31, or until a successor is appointed, except that the terms of the members first appointed shall be so fixed that no more than two shall be reappointed during any future calendar year. In the event of vacancies, the Borough Council shall appoint a member to fill the unexpired term. No more than two members shall be members of the Borough Council.
3. No compensation shall be received by members of the Planning Commission.

(Ord. 973, 5/12/1997, §2; as amended by A.O.)

**§1-403. Powers and Duties.**

1. The Planning Commission shall, at the request of the Borough Council, have the power and shall be required to:
  - A. Prepare the Comprehensive Plan for the development of the Borough as set forth in the MPC and present it for the consideration of the Borough Council.
  - B. Maintain and keep on file, records of its actions. All records and files of the Planning Commission shall be in the possession of the Borough Council.
2. The Planning Commission at the request of the Borough Council may:
  - A. Make recommendations to the Borough Council concerning the adoption or amendment of an official map.

## ADMINISTRATION AND GOVERNMENT

- B. Prepare and present to the Borough Council of the Borough, a zoning ordinance and make recommendations to the Borough Council on proposed amendments to it.
- C. Prepare, recommend and administer Subdivision and Land Development [Chapter 22] and Planned Residential Development regulations.
- D. Prepare and present to the Borough Council of the Borough a building code and a housing code and make recommendations concerning proposed amendments thereto.
- E. Do such other acts or make studies as may be necessary to fulfill the duties and obligations imposed by the MPC.
- F. Prepare and present to the Borough Council of the Borough an environmental study.
- G. Submit to the Borough Council of the Borough a recommended capital improvements program.
- H. Prepare and present to the Borough Council of the Borough a water survey which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
- I. Promote public interest in and understanding of the Comprehensive Plan and planning.
- J. Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
- K. Hold public hearing and meetings.
- L. Present testimony before any board.
- M. Require from other departments and agencies of the Borough such available information as relates to the work of the planning agency.
- N. In the performance of its functions, enter upon any land to make examinations and land surveys with the consent of the owner.
- O. Prepare and present to the Borough Council a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Borough.

- P. Review the Zoning Ordinance [Chapter 27] Subdivision and Land Development Ordinance [Chapter 22], official map, provisions for planned residential development and such other ordinances and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.

(Ord. 973, 5/12/1997, §3)

**§1-404. Responsibilities.**

The Planning Commission may, with the consent of the Borough Council, accept and utilize any funds, personnel or other assistance made available by the County, the Commonwealth or the Federal government or any of their agencies or from private sources. The Borough Council may enter into agreements or contracts regarding the acceptance or utilization of the funds or assistance in accordance with the governmental procedures of the Borough.

(Ord. 973, 5/12/1997, §4)



**PART 5**

**POLICE DEPARTMENT**

**§1-501. Police Department Established; Chief of Police; Authority.**

A Police Department is hereby established in and for the Borough of Philipsburg. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and its members, in the exercise of their powers, duties and authority. The Police Department now in service in the Borough of Philipsburg shall constitute the Police Department hereby established.

(Ord. 693, 3/7/1969, §1)

**§1-502. Composition of Department.**

The Police Department shall be composed of the Chief of Police and any other officers and patrolmen as have been or may be appointed by the Borough Council, from time to time, subject to applicable Civil Service provisions in the law.

(Ord. 693, 3/7/1969; as amended by Ord. 888, 3/2/1981, §1)

**§1-503. Authority to Appoint Special Police.**

Nothing herein contained shall affect the authority of the Mayor to appoint special policemen during emergencies.

(Ord. 693, 3/7/1969, §3)



**PART 6**

**PENSIONS AND RETIREMENT**

**A. Non-Uniformed Employees Pension Plan.**

**§1-601. Establishment of Plan.**

A pension plan for the full-time non-uniformed employees of the Borough is hereby adopted and established under the terms and conditions hereinafter set forth.

(Ord. 953, 12/13/1993, §I)

**§1-602. Eligibility.**

To be a plan participant, an employee must work no less than 35 regularly scheduled hours per week.

(Ord. 953, 12/13/1993, §II)

**§1-603. Normal Retirement.**

A participant may retire after he/she has attained the age of 65 years and has completed 5 years of service, whichever comes later.

(Ord. 953, 12/13/1993, §III; as amended by Ord. 983, 5/10/1999, Art. I)

**§1-604. Early Retirement.**

A participant may retire early after he/she has attained the age of 62 years and has completed 20 years of service, whichever comes later. However, the retirement benefit available at early retirement will be reduced proportionately for each month retirement takes place prior to age 65.

(Ord. 953, 12/13/1993, §IV)

**§1-605. Disability.**

Participants who are vested in the plan and who are permanently separated from the Borough work force by any injury or condition which permanently prevents said participant from returning to full-time employment with the Borough shall be entitled to receive a reduced deferred benefit commencing on said participant's normal retirement date.

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(Ord. 953, 12/13/1993, §V)

### **§1-606. Separation from Employment.**

Any participant whose employment with the Borough ends for any reason and who later returns to employment with the Borough shall not receive credit for said participant's prior employment with the Borough.

(Ord. 953, 12/13/1993, §VI)

### **§1-607. Retirement Formula.**

A participant will be credited for each year of full-time service with the Borough. He/she will receive a credit of 2 1/2% for each year of service (maximum credit 45%) times the average salary for the sixty-month period immediately preceding retirement. For partial years of full-time service, the participant will receive no credit for partial years of employment of less than six months and full credit for partial years exceeding six months.

(Ord. 953, 12/13/1993, §VII; as amended by Ord. 983, 5/10/1999; Art. II)

### **§1-608. Vesting.**

Vesting shall occur upon completion of five years of service. No vesting shall occur prior to five years of service and the participant shall be fully vested after five years of service.

(Ord. 953, 12/13/1993, §VII; as amended by Ord. 983, 5/10/1999, Art. III)

### **§1-609. Prior Retirees.**

Any benefits being paid to any individual as a beneficiary under the Borough's prior non-uniformed pension plan shall become the responsibility of the plan created by this Part.

(Ord. 953, 12/13/1993, §IX)

### **§1-610. Funding.**

The participants shall not be required to make contributions to fund this plan.

(Ord. 953, 12/13/1993, §X)



**§1-611. Chief Administrative Officer.**

Borough Council shall, by resolution, designate an individual to act as chief administrative officer of the plan created by this Part.

(Ord. 953, 12/13/1993, §XI)

**§1-612. Consultants.**

Borough Council may retain such consultants and investment advisors as it deems necessary and appropriate and open such accounts as are required to effectuate the plan.

(Ord. 953, 12/13/1993, §XII)

**B. Police Pensions and Benefits.**

**§1-621. Definition of Terms.**

**ACCRUED BENEFIT** — a participant's accrued benefit as of any date shall be equal to the normal retirement benefit determined in accordance with §1-623(2) multiplied by the years of service to the date employment was terminated, and then divided by the number of years of service the participant would have earned if the participant continued to work to the normal retirement date, as defined in §1-623(1). [Ord. 1015]

**CONTRIBUTION** — the money paid by the Borough to the pension plan established pursuant to this Part or by a member of said plan.

**COUNCIL** — the governing body of the Borough of Philipsburg, acting in the capacity of administrator of the Police Pension Plan established pursuant to this Part.

**EMPLOYER** — the Borough of Philipsburg.

**FUTURE SERVICE LIABILITY** — the value of any participant's benefits which shall accrue by the virtue of service rendered subsequent to the enactment of this Part.

**PARTICIPANT** — every person duly appointed, from time to time, by the Borough as a full-time police officer working not less than 35 hours per week at a definite salary, subject to reasonable vacation and sick leave, to be included in the plan upon date of hire.

**PLAN** — the police pension plan established pursuant to this Part.

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**SALARY** — the amount of compensation received by a participant in each and every month, including base pay, overtime pay, longevity pay, night differential, any other such increments. The term salary shall include regular payments made for vacation time, sick time, compensation time, personal days and bereavement leave, but shall not include lump sum payments for any unused days for any of the foregoing listed benefits.

**SERVICE** — total aggregate service beginning upon date of hire. Years of service in excess of six months shall be credited as an additional year, years of service of less than six months shall be disregarded.

**TERMINATION** — the cessation of service by the participant for any reason, including disability, resignation and employer termination. Death shall not be considered a termination within the meaning of this Part. Voluntary leaves of absence without pay shall not be considered a termination for purposes of this Part, but no period of such leave shall be computed in the total service for pension benefit purposes. Leaves of absence with pay shall not be considered a termination within the meaning of this Part, but such leaves may be computed in the total service for pension benefit purposes.

**UNFUNDED LIABILITY** — the present value of any participant's benefits accrued prior to the enactment of this Part by virtue of his/her prior service.

(Ord. 969, 9/9/1996; as amended by Ord. 1015, 3/10/2003, §1)

### **§1-622. Administration.**

1. The Council shall administer the plan established pursuant to this Part by such regulations as shall, from time to time, be necessary for the effective maintenance of the plan; provided, that no regulation shall be contrary to the statutes of the Commonwealth of Pennsylvania and/or applicable Federal regulations. Borough Council shall have the authority to designate a trustee or other fund manager for the assets of said pension; provided, that it is governed by a written contract between the Borough and the trustee or fund manager, setting forth the duties and obligations of each.
2. All such reasonable expenses incurred in the administration of the plan, including actuaries, accountants and legal counsel shall be approved by the Council and may be paid from the plan; provided, that no such payment shall be contrary to the statutes of the Commonwealth of Pennsylvania.
3. No member of the Council shall incur any liability for any action or failure to act, excepting only liability for its own gross negligence or willful misconduct. The employer shall indemnify each member of the Council against any and all claims, loss, damages, expense and liability arising from any action or failure to act, except for such that is the result of gross negligence or willful misconduct of such member.

(Ord. 969, 9/9/1996)

**§1-623. Retirement Requirements and Benefits.**

1. Eligibility for Normal Retirement.
  - A. A participant in the plan may retire from active employment on the first day of the month following the attainment of age 50 or on the first day of the month following the completion of 25 or more years of service. [Ord. 1018]
  - B. A participant shall retire on the first day of the month following the attainment of age 70. [Ord. 1015]
2. Normal Retirement Benefit. A participant who shall complete the age and service requirements set forth in this Part shall receive a pension for life, payable in equal monthly installments in an amount of 50% of the average monthly salary over the last 36 months of employment.
3. Disability Benefits. In the event of any participant's total and permanent disability incurred in service, such participant shall become eligible for a monthly disability pension. Council shall have the right to require the member to submit to a medical examination by a physician selected by Council to confirm the participant's total disability and to submit to periodic reevaluations in order to establish continuing total disability. Such disability pension shall be equal to 50% of the participant's salary at the time of disability. If any participant should receive benefits for the same injury under the Social Security Act (40 Stat. 620, 42 U.S.C. §301 et seq.), the participant shall have his disability benefits offset by the amount of such benefits. [Ord. 1018]
4. Death Benefit for Retirees and Those Eligible to Retire.
  - A. Upon the death of a participant who is retired on pension or in the case of a participant who, though not retired is eligible to retire, the participant's spouse (or certain children described below) shall be entitled to receive a pension benefit. Upon the death of the spouse (or upon the death of the participant if there is no surviving spouse), the benefit will be paid to surviving children until they reach the age of 18 (age 23, if "attending college").
  - B. The amount of this death benefit shall be 50% of the pension the participant was receiving or would have been receiving had he retired at the time of his death.
  - C. Definition of "Attending College." For the purpose of this Section, "attending college" means being registered at an accredited institution of higher learning and carrying a minimum course load of seven credit hours per semester.

## ADMINISTRATION AND GOVERNMENT

[Ord. 1015]

### 5. Pre-Retirement Death Benefit.

- A. Non-Service Related Death. If a participant dies before his pension has vested, the participant's beneficiary shall be entitled to receive a refund of the participant's contributions to the plan with interest at the rate of 6% per annum. The beneficiary shall be the participant's surviving spouse, or if no spouse survives or if he or she survives and subsequently dies, the child or children under the age of 18 years (age 23 if "attending college"), unless the participant has designated another beneficiary to receive the benefit. [Ord. 1015]
- B. Service Related Death. When a participant is killed in service, the participant's spouse (or certain children described below) shall be entitled to receive a pension benefit. Upon the death of the spouse (or upon the death of the participant if there was no surviving spouse), the benefit will be paid to surviving children until they reach the age of 18 (age 23, if "attending college"). The amount of pension for participants killed in service shall be 100% of the participant's salary at the time of death. [Ord. 1018]
- C. Definition of "Attending College." For the purpose of this Section, "attending college" means being registered at an accredited institution of higher learning and carrying a minimum course load of seven credit hours per semester. [Ord. 1015]

### 6. Cost of Living Adjustment (COLA).

- A. A cost of living adjustment (COLA) shall be granted automatically to all retirees, on a yearly basis. Except where otherwise provided herein, the amount of said adjustment shall be equal to the percentage increase in the Consumer Price Index for the year preceding the year of the increase.
- B. The amount of the cost of living adjustment shall not exceed the percentage increase in the Consumer Price Index from the year in which the officer last worked.
- C. In no case shall the total police pension benefits exceed 75% of the average monthly salary used for computing basic retirement benefits.
- D. The total cost of living adjustment shall not exceed 30% of the retirement benefit.
- E. No cost of living adjustment shall be made that would impair the actuarial soundness of the Police Pension Plan. Prior to the implementation of any cost of living adjustment, the Fun Actuary shall submit to the Police Pension Board a written cost estimate of the funding cost of such adjustment.

[Ord. 1015]

7. Vesting. Plan participants shall be 100% vested in the accrued benefit after 12 years of service. Such vested deferred monthly benefit shall be paid to a member upon attainment of his/her retirement date as set forth in this Part. [Ord. 1015]
8. Non-Alienation of Benefits and Vesting.
  - A. No benefit under the plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge encumbrance or charge. Nor shall any benefits be in any manner liable for or subject to garnishment, attachment, execution levy or other legal process.
  - B. Further, all benefits granted herein shall vest in the participant upon completion of the requirements for eligibility and he/her benefits shall continue in the amount and in the form in which he/she first became entitled to them.

[Ord. 1015]

9. Effective Date. The effective date of this plan shall be April 28, 1996. [Ord. 1015]

(Ord. 969, 9/9/1996; as amended by Ord. 1015, 3/10/2003, §§3-7; and by Ord. 1018, 8/11/2003, §§1, 4, 5)

**§1-624. Contributions.**

1. Contribution of the Borough.
  - A. It shall be the liability of the Borough to fund the past service liability as determined by the actuary; provided, that such liability may be funded over a period not to exceed 10 years, such period commencing with the passage of this Part.
  - B. It shall be the liability of the Borough to fund for the future service cost of the plan.
  - C. It shall be the responsibility of the Borough to maintain the actuarial soundness of the plan.
  - D. Contributions to the plan paid by the Borough shall be at an amount determined by an annual calculation which shall be completed on a calendar year basis.
  - E. Members of the fund will contribute at a rate of 5% of their monthly wage and have the Borough deduct the same from the member's salary. [Ord. 1018]

## ADMINISTRATION AND GOVERNMENT

- F. The contributions of the members may be reduced or eliminated by the Borough by ordinance or resolution, if a study shows the fund is and will remain actuarially sound.
2. Allocation of Assets of Existing Pension Plans. Any assets of any existing pension plans for the police officers of the Borough are hereby transferred to the plan established pursuant to this Part and all liabilities of the existing plan shall also be transferred.
3. Gifts, Bequests and Grants. All other monies and property received by the plan, including gifts, bequests, devises and grants shall, unless otherwise specifically provided, be applied equally against the participant and the Borough portions of the future service cost.

(Ord. 969, 9/9/1996; as amended by Ord. 1015, 3/10/2003, §8; and by Ord. 1018, 8/11/2003, §2)

### **§1-625. Credit for Military Service.**

Any police officer of the Borough for at least six months who thereafter shall enter the military service of the United States shall have credited to his/her employment record for pension benefit purposes all of the time spent by him/her in such military service; provided, that such person returns to his/her employment with the Borough within 6 months after his/her separation from such service.

(Ord. 969, 9/9/1996)

### **§1-626. Amendments.**

The Council reserves the right to amend at any time, in whole or in part, any or all of the provisions of the plan; provided, that no such amendment shall authorize or permit any part of the plan to be used or diverted to purposes other than for the exclusive benefit of the participants, their beneficiaries or their estates, nor shall any amendments divest a participant of benefits vested by §623(7). All such amendments shall comply with the applicable statutes of the Commonwealth of Pennsylvania.

(Ord. 969, 9/9/1996)

### **§1-627. Termination of the Plan.**

Upon termination of the plan, the assets shall be distributed as follows:

- A. Sufficient funds shall be maintained to provide the pension benefits prescribed in §1-623 for all participants who have retired prior to the termina-

tion of the plan or who are eligible to retire at the time of the termination of the plan.

- B. Sufficient funds shall be maintained to provide the vested pension benefits prescribed in §1-623 for all participants who are eligible for such benefits.
- C. Contributions with interest at the rate of 6% as provided in §1-624(E) shall be refunded to any and all participants who terminate service at the time of the termination of the fund.
- D. Of the remaining funds, those which can be identified as Borough contributions or contributions other than from participants shall be distributed as the Council sees fit; provided, that such distribution is made on a uniform basis.
- E. All funds in excess of the funds described in Subsections A, B, C and D above shall be returned to the Commonwealth as unused funds.

(Ord. 969, 9/9/1996)

**§1-628. Participant's Rights and Borough's Rights to Terminate.**

- 1. Neither the establishment of the plan hereby created, nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits shall be construed as giving to any participant or other person any legal or equitable right against the Borough or any officer or employee thereof or the Council, except as herein provided or as provided by law. Under no circumstances shall the plan created hereby constitute a contract for continuing employment for a participant or in any manner obligate the Borough to continue or discontinue the services of an employee.
- 2. This plan has been established and shall be maintained by the Borough in accordance with the laws of the Commonwealth of Pennsylvania. The plan shall continue for such period as may be required by such laws; provided, that the Borough may, by its own action, discontinue this plan should such laws provide and the Borough reserves the right to take such action in its sole and absolute discretion. Upon determination, the Borough shall have no liability hereunder other than that imposed by law.

(Ord. 969, 9/9/1996)

**§1-629. Construction of Plan.**

- 1. This Plan shall be constructed according to the laws of the Commonwealth of Pennsylvania and all provisions hereof shall be administered according to the laws of such Commonwealth.

## ADMINISTRATION AND GOVERNMENT

2. Should any Section, subsection, sentence, clause or phrase of this Part be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Part in its entirety or of any part thereof other than that portion declared to be invalid.
3. Any ordinance or part of an ordinance which is inconsistent herewith is hereby repealed.
4. Wherever any words are used herein in the masculine gender, they shall be construed as though they were also used in the feminine gender in all cases where they would so apply and wherever any words are used herein in the singular form, they shall be construed as though they were also used in the plural form in all cases where they would so apply.
5. Headings of Parts and Sections of this instrument are inserted for convenience of reference. They constitute no part of this plan and are not to be considered in the construction thereof.

(Ord. 969, 9/9/1996)



**PART 7**

**REAL ESTATE REGISTRATION**

**§1-701. Real Estate Registry Established.**

For the purpose of securing accurate information in reference to the ownership of all real estate within the corporate limit of the Borough of a registry thereof shall be made and kept as hereinafter provided.

(Ord. 213, 10/28/1936, §1)

**§1-702. Books, Maps and Plans Required; Duties of the Borough Secretary.**

The Secretary shall cause to be kept all necessary books, shall cause to be made maps and plans as will show the situation and dimensions of each property in the Borough of Philipsburg, which books, maps or plans shall be prepared so as to show the Borough number and the owner of each lot, with provision for the names of future owners and date of future transfer of title. The said books, maps and plans shall be carefully preserved in the Borough and shall be so kept by addition, from time to time, or otherwise, as to show the ownership of every lot or piece of real estate or the subdivision thereof, within the Borough limits, with the successive transmission of title from the date of the commencement of such plans and certified copies, under the hand of the Borough Secretary of any of the entries in said book or upon such maps or plans may be furnished any person desiring the same for the fee or compensation in an amount to be established, from time to time, by resolution of Borough Council, for the use of the Borough.

(Ord. 213, 10/28/1936, §2; as amended by A.O.)

**§1-703. Owners of Real Estate to Furnish Information and Have Deeds Registered.**

It shall be the duty of all owners of unregistered real estate within the Borough limits within 1 month from the date of the approval of this Part and of any subsequent purchaser, devisee or person acquiring title in any manner whatsoever to any real estate therein, within 1 month after acquiring such title, to furnish to the said Secretary, at Borough office, descriptions of their respective properties, upon blanks to be furnished by the Borough and at the same time present their conveyances to be stamped by the Secretary. The Borough Secretary shall thereupon cause all conveyances or other instruments evidencing title to be entered upon the real estate registry and shall cause a notation to be made upon every instrument so presented that the same was duly indexed in said registry. A fee in an amount to be established, from time to time, by resolution of Borough Council for so indexing and recording such instruments shall be collected by the Borough Secretary prior to the registry thereof.

## ADMINISTRATION AND GOVERNMENT

(Ord. 213, 10/28/1936, §3; as amended by Ord. 398, 3/19/1957, §1; by Ord. 463, 6/6/1960, §1; and by A.O.

### **§1-704. Duties of Sheriff and Recorder of Deeds.**

The Sheriff of Centre County shall present for registry the deeds of all property within the Borough limits sold by him at judicial sales, whether in partition or otherwise and the Recorder of Deeds of said County shall not admit for record any deed for any Borough property bearing date subsequent to the approval of this Part, unless the same shall have first been duly stamped as herein directed as proof of registry.

(Ord. 213, 10/28/1936, §4; as amended by Ord. 332, 12/7/1953, §2)

### **§1-705. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 223, 10/28/1936; as amended by Ord. 332, 12/7/1953, §3; by Ord. 888, 3/2/1981, §1; and by A.O.

**PART 8**

**FIRE INSURANCE ESCROW**

**§1-801. Appointment of Designated Officer.**

The Borough Secretary or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

(Ord. 971, 12/9/1996, §1)

**§1-802. Borough Certificate Required.**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within Philipsburg Borough (hereinafter the "municipality") where the amount recoverable for the fire loss to the structure under all policies exceed \$5,000, unless the named insured or insuring agent is furnished by the Borough Treasurer with a Borough certificate pursuant to §508(B) of Act 98 or 1992, and unless there is compliance with §§503(C) and (D) of Act 98 of 1992, and the provisions of this Part.

(Ord. 971, 12/9/1996, §II)

**§1-803. Issuance of Certificate.**

Where pursuant to §508(B)(1)(I) of Act 98 of 1992, the Borough Treasurer issues a certificate indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured; provided, however, that if the loss is agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building restructure, the following procedures must be followed:

- A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Borough in the aggregate of \$1,000 for each \$20,000 of a claim and for each fraction of that amount of a claim, this Section to be applied such that if the claim is \$20,000 or less, the amount transferred to the Borough shall be \$1,000.
- B. If at the time of a proof of loss agreed to-between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Borough from the insurance proceeds the amount specified in the estimate.

## ADMINISTRATION AND GOVERNMENT

- C. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- D. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure and the designated officer shall return the amount of the funds transferred to the Borough in excess of the estimate to the named insured, if the Borough has not commenced to remove, repair or secure the building or other structure.
- E. Upon receipt of proceeds under this Section, the Borough shall do the following:
  - (1) The designated officer shall place the proceeds in the separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Borough. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing of the building or any proceedings related thereto.
  - (2) It is the obligation of the insuring agent when transferring the proceeds to provide the Borough with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this subsection shall be followed.
  - (3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Borough and the required proof of such completion received by the designated officer and if the Borough has not incurred any costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Borough shall transfer the remaining funds to the named insured.
  - (4) To the extent that interest is earned on proceeds held by the Borough pursuant to this Section and not returned to the named insured, such interest shall belong to the Borough. To the extent that proceeds are returned to the named insured, interest on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
- F. Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Borough and the named insured from entering into

an agreement that permits the transfer of fund to the named insured of some other reasonable disposition of the damaged property has be negotiated.

(Ord. 971, 12/9/1996, §III)

**§1-804. Fees.**

The Borough Council of Philipsburg Borough may, by resolution, adopt procedures and regulations to implement Act 98 of 1992 and this Part and may, by resolution, fix reasonable fees to be charged for Borough activities or services provided pursuant to Act 98 of 1992, and this Part including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(Ord. 971, 12/9/1996, §IV)

**§1-805. Penalty.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 971, 12/9/1996, §V; as amended by A.O.



**PART 9**

**FIREMEN'S RELIEF ASSOCIATION**

**§1-901. Recognition of Firemen's Relief Association.**

1. The following association(s) are hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough of Philipsburg:

Reliance Fire Company No. 1

Hope Fire Company No. 2

The above named association(s) have been formed for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.

2. The above named association(s) of the Borough are designated the proper association(s) to receive such funds as are due and payable to the Borough of Philipsburg Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(A.O.)

**§1-902. Certification to Auditor General.**

The Borough Council shall annually certify to the Auditor General of the Commonwealth the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General.

(A.O.)

**§1-903. Annual Appropriation.**

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies pursuant to the Foreign Fire Insurance Tax Distribution Law, the Act of December 18, 1984, P.L. 1005, No. 205, 53 P.L. §895.701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(A.O.)





**PART 10**

**OPEN RECORDS POLICY**

**§1-1001. General Rule.**

Unless otherwise prohibited by law, the Borough of Philipsburg shall make all public records as defined by the Pennsylvania Open Records Law accessible for inspection and duplication by a requestor in accordance with 65 P.S. §66.1 et seq. A public record shall be provided to a requestor in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists. Public records shall be available for access during the regular business hours of the Borough. Nothing in this Part shall provide for access to a record which is not a public record.

(A.O.)

**§1-1002. Request for Access to Public Records.**

1. All requests for public records shall be in writing and shall be set forth on the Borough Request Form, a sample of which is attached hereto as Exhibit "A" incorporated herein by reference. The form shall include, among other things, the requestor's contact information, date received and specific records requested. Requests may be submitted in person or by mail or fax.
2. Requests must be specific enough for the Borough to determine what records are needed.

(A.O.)

**§1-1003. Redaction.**

If the Borough determines that a public record contains information which is subject to access as well as information which is not subject to access, the Borough's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be separated, the Borough shall redact from the public record the information which is not subject and the response shall grant access to the information which is subject to access. The Borough may not deny access to the public record if the information which is not subject to public access is able to be redacted. Information which the Borough redacts in accordance with this Section shall be deemed a denial under §1-1003(3) of this Part.

(A.O.)

## ADMINISTRATION AND GOVERNMENT

### **§1-1004. Borough's Response to Requests for Access.**

1. General Rule. Upon receipt of a written request for access to a record, the Borough shall make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, but shall not exceed five business days from the date the written request is received by the Borough. Except as set forth in Subsection 2 below, if the Borough fails to respond within five business days of receipt of the written request for access, the written request for access shall be deemed denied.
2. Exception. Upon receipt of a written request for access, if the Borough determines that one of the following applies, the Borough shall send written notice to the requestor within five business days of the Borough's receipt of the request notifying the requestor that the request for access is being reviewed, the reason for the review and a reasonable date that a response is expect to be provided. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed under Subsection 1 above, the request for access shall be deemed denied:
  - A. The request for access requires redaction of a public record in accordance with §1-1003 (Redaction).
  - B. The request for access requires the retrieval of a record stored in a remote location.
  - C. A timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations.
  - D. A legal review is necessary to determine whether the record is a public record subject to access under 65 P.S. §66.1 et seq.
  - E. The requestor has not complied with the Borough's policy regarding access to public records.
  - F. The requestor refuses to pay applicable fees as set forth in §1-1007, Fees.
3. Denial. If the Borough's response is a denial of a written request for access, whether in whole or in part, a written response shall be issued and include:
  - A. A description of the record requested.
  - B. The specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is not a public record, the specific reasons for the Borough's determination that the record is not a public record shall be included.

- C. The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
- D. Date of the response.
- E. The procedure to appeal the denial of access under 65 P.S. §66.1 et seq.

(A.O.)

**§1-1005. Final Borough Determination.**

1. Filing of Exceptions. If a written request for access is denied or deemed denied, the requestor may file exceptions with the Borough Manager within 15 business days of the mailing date of the Borough's response or within 15 days of a deemed denial. The exceptions shall state grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Borough for delaying or denying the request.
2. Determination. Unless the requestor agrees otherwise, the Borough Manager or his/her designee shall make a final determination regarding the exceptions within 30 days of the mailing date of the exceptions. Prior to issuing the final determination regarding the exceptions, the Borough Manager or his/her designee may conduct a hearing. The determination shall be the final order of the Borough. If the Borough Manager or his/her designee determines that the Borough correctly denied the request for access, the Borough Manager or his/her designee shall provide a written explanation to the requestor of the reason for the denial.

(A.O.)

**§1-1006. Judicial Appeal.**

1. Within 30 days of the denial by the Borough pursuant to §1-1004(3) of this Part, or of the mailing date of a final determination of the Borough affirming the denial of access, a requestor may file a Petition for Review or other document as might be required by court rules with the Court of Common Pleas of Centre County, Pennsylvania, or bring an action in the local magisterial district. A requestor is entitled to a reasoned decision containing finding of fact and conclusions of law based upon the evidence as a whole which clearly and concisely states and explains the rationale for the decisions so that all can determine why and how a particular result was reached.
2. Notice. The Borough shall be served notice of actions commenced in accordance with Subsection 1 of this Section and shall have an opportunity to respond in accordance with applicable court rules.

## ADMINISTRATION AND GOVERNMENT

(A.O.)

### **§1-1007. Fees.**

1. The Borough may charge the following fees for requests for access to public records:
  - A. Postage. Fees for postage shall be the actual cost of mailing.
  - B. Copying. Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be the same as the per copy fee set forth in the Borough's fee schedule, as amended, from time to time, by resolution of Borough Council.
  - C. Certification. The fee for official certification of copies, if an official certification is requested by the requestor for the purpose of legally verifying the public record, shall be in an amount as established, from time to time, by resolution of Borough Council.
  - D. Conversion to Paper. If a public record is only maintained electronically or in other than non-paper media, duplication fees shall be those imposed by Subsection B of this Section.
2. The Borough may waive the fees for duplication of a public record including, but not limited to, when:
  - A. The requestor duplicates the public record.
  - B. The Borough deems it is in the public interest to do so.
3. Prepayment. Prior to granting a request for access in accordance with this Part, the Borough may require a requestor to prepay an estimate of the fees authorized under this Section if the fees required to fulfill the request are expected to exceed \$100.
4. Limitations. Except as otherwise provided by statute, no other fees may be imposed unless the Borough necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for the Borough's review of a record to determine whether the record is a public record subject to access in accordance with 65 P.A. §66.1 et seq.

(A.O.)

**§1-1008. Borough Contact.**

The person at the Borough to whom all record requests should be addressed shall be the Borough Manger and mailed to the following address:

Borough Manager  
Borough of Philipsburg  
4 N. Centre Street  
Philipsburg, PA 16866

(A.O.)

**§1-1009. Regular Business Hours.**

The regular business hours of the Borough shall be 8:00 a.m. to 4:00 p.m.

(A.O.)

**§1-1010. Person Designated to Accept Exceptions Filed When a Record is Denied.**

The individual at the Borough who shall receive and respond to exceptions filed when a record is denied and the requestor disagrees with the denial shall be the Borough Manager.

(A.O.)

**§1-1011. Miscellaneous.**

1. The Borough shall not ask for or require a purpose or motive for requesting a particular record.
2. The Borough shall not limit the number of public records that may be requested.
3. If the requested record is only kept in electronic form, the Borough shall make it available in paper on request.
4. This Part shall be posted prominently at the Borough municipal building.

(A.O.)