

**CHAPTER 1**  
**ADMINISTRATION AND GOVERNMENT**

**PART 1**  
**ELECTED OFFICIALS**

- A. Mayor**
- §1-101. Compensation**
- B. Council**
- §1-111. Compensation of Councilmen**
- §1-112. Compensation of President**

**PART 2**  
**APPOINTED OFFICIALS**

- A. Borough Manager**
- §1-201. Office Created**
- §1-202. Appointment; Removal**
- §1-203. Duties**
- B. Secretary-Treasurer**
- §1-211. Same Person May Serve as Secretary and Treasurer**
- C. Auditor**
- §1-221. Office Created**
- §1-222. Appointment**
- §1-223. Appointment Not Required**

**PART 3**  
**BOARDS, COMMISSIONS AND AGENCIES**

- A. Civil Service Commission**
- §1-301. Commission Created; Powers and Duties**
- §1-302. Composition; Appointment and Tenure**

## ADMINISTRATION AND GOVERNMENT

### **B. Planning Commission**

- §1-311. Commission Established**
- §1-312. Composition; Appointment and Tenure**
- §1-313. Rules and Regulations Authorized**

### **C. Shade Tree Commission**

- §1-321. Creation of Commission**
- §1-322. Membership**
- §1-323. Annual Report**
- §1-324. Authority of Commission**
- §1-325. Responsibility of Commission**
- §1-326. Authority to Employ**
- §1-327. Prior Notice by Commission to Plant or Transplant any Shade Trees**
- §1-328. Cost Paid by Owner**
- §1-329. Filing of Certificate of Cost with the Council**
- §1-330. Violation**
- §1-331. Illegal to Tamper with Shade Tree**
- §1-332. Notice to Owner of Utility Service**
- §1-333. Responsibility of Owner to Trim Tree**
- §1-334. Prior Approval for Public Utility Permits**
- §1-335. Planting Restrictions**
- §1-336. Spacing of Trees**
- §1-337. Notice Necessary if Tree is Dangerous to Health**
- §1-338. Open Space Requirement for Tree**
- §1-339. Planting of Trees Restricted on Streets Without Curbs**
- §1-340. Cooperation Between Commission and Other Borough Departments**
- §1-341. Trees Approved by Borough**
- §1-342. Right to Dissolve**
- §1-343. Authority to Open Bank Account**

### **D. Millersburg Borough – Upper Paxton Township Zone Emergency Management Agency**

- §1-351. Creation of Agency**
- §1-352. Limitation of Power**
- §1-353. Intergovernmental Agreement**
- §1-354. Financing**
- §1-355. Membership**
- §1-356. Property and Supplies**
- §1-357. Power to Enter Into Contracts**

**PART 4**

**AUTHORITIES**

- A. Millersburg Area Authority**
  - §1-401. Intention to Organize Authority**
  - §1-402. Articles of Incorporation**
- B. Upper Dauphin Industrial Development Authority**
  - §1-411. Intention to Organize Authority**
  - §1-412. Articles of Incorporation**

**PART 5**

**POLICE DEPARTMENT**

- §1-501. Establishment; Composition**
- §1-502. Compensation**
- §1-503. Special Police**
- §1-504. Authority of Chief of Police to Make Purchases**

**PART 6**

**FIREMEN'S RELIEF ASSOCIATION**

- §1-601. Recognition of Firemen's Relief Association**
- §1-602. Certification to Auditor General**
- §1-603. Annual Appropriation**

**PART 7**

**PENSIONS**

- A. Police Pensions**
  - §1-701. Short Title**
  - §1-702. Membership**
  - §1-703. Prior Service**
  - §1-704. Sources of Funds**
  - §1-705. Outline of Agreement**
  - §1-706. Repealer**
  - §1-707. Effective Date**
  - §1-708. Agreement**

ADMINISTRATION AND GOVERNMENT

**B. Nonuniformed Employee Pension**

- §1-711. Member Benefits**
- §1-712. Mandatory Membership; Prohibited Membership**
- §1-713. Credited Service**
- §1-714. Payment of Obligation**
- §1-715. Acceptance of Agreement**
- §1-716. Membership Agreement**
- §1-717. Authorization of Borough Plan**
- §1-718. Effective Date**

**PART 8**

**RESIDENCY REQUIREMENT FOR BOROUGH EMPLOYEES**

- §1-801. Residency Requirement**
- §1-802. Employees Must Maintain Residency During Employment**
- §1-803. Employees Living Outside of the Borough May Continue at Same Address**
- §1-804. Waiver by Full-Time Employees**

**PART 9**

**ATTORNEYS' FEES**

- §1-901. Attorneys' Fees Assessed**

**PART 10**

**INVOICES**

- §1-1001. Invoice Procedure**

**PART 1**  
**ELECTED OFFICIALS**

**A. Mayor**

**§1-101. Compensation.**

The salary of the Mayor of the Borough of Millersburg is hereby increased to \$960 per year.

(Ord. 9-1975, 11/13/1975, §1; as amended by Ord. 8-1994, 12/29/1994, §1; and by Ord. 7-1999, 12/9/1999, §1)

**B. Council**

**§1-111. Compensation of Councilmen.**

The salary of the Councilmen of the Borough of Millersburg is hereby increased to \$60 per month.

(Ord. 2-1973, 1/11/1973, §2; as amended by Ord. 1-1984, 1/12/1984, §2; by Ord. 8-1994, 12/29/1994, §2; and by Ord. 7-1999, 12/9/1999, §2)

**§1-112. Compensation of President.**

The salary of the President of the Council of the Borough of Millersburg is hereby increased to \$75 per month.

(Ord. 2-1973, 1/11/1973, §3; as amended by Ord. 1-1984, 1/12/1984, §3; by Ord. 8-1994, 12/29/1994, §3; and by Ord. 7-1999, 12/9/1999, §3)



**PART 2**

**APPOINTED OFFICIALS**

**A. Borough Manager**

**§1-201. Office Created.**

There is hereby created in the Borough of Millersburg, the office of Borough Manager.

(Ord. 1-1980, 2/19/1980)

**§1-202. Appointment; Removal.**

The Borough Manager shall be appointed by a vote of the majority of the members of the Borough Council and may be removed in the same manner.

(Ord. 1-1980, 2/19/1980)

**§1-203. Duties.**

The Borough Manager shall be the chief administrative officer of the Borough and shall be responsible to the Borough Council for the proper and efficient administration of the affairs of the Borough. The Borough Manager shall be appointed and removed by majority vote of Council. The specific duties and responsibilities of Borough Manager shall be determined by Council and shall be included in a job description for the position of Borough Manager which is subject to change upon majority vote of Council. The salary of Borough Manager shall be fixed at least annually by Borough Council.

(Ord. 1-1980, 2/19/1980; as amended by Ord. 1-2002, 8/8/2002, §1)

**B. Secretary-Treasurer**

**§1-211. Same Person May Serve as Secretary and Treasurer.**

The positions of Secretary of the Borough and Treasurer of the Borough may be held by the same individual, upon appointment by a majority of Borough Council. The duties and responsibilities of the Secretary and Treasurer shall be determined by Council and shall be included in a job description for the positions of Secretary and Treasurer which are subject to change upon majority vote of Council.

(Ord. 2-1976, 6/10/1976, §1; as amended by Ord. 1-2002, 8/8/2002, §II)

## ADMINISTRATION AND GOVERNMENT

### **C. Auditor**

#### **§1-221. Office Created.**

The Borough hereby establishes the office of appointed auditor in and for the Borough.

(Ord. 3-2002, 8/8/2002, §I)

#### **§1-222. Appointment.**

The Borough Council is hereby authorized, in the exercise of their best judgment, at any time following the effective date of this Part 2C and annually thereafter as they see fit, to appoint, by resolution, an accountant to act as auditor for the Borough, in accordance with the provisions of the Borough Code.

(Ord. 3-2002, 8/8/2002, §I)

#### **§1-223. Appointment Not Required.**

Nothing herein shall require Borough Council to appoint an auditor if, in the opinion and judgment of Borough Council, such appointment is not necessary and the task can be performed by the individuals elected to serve as auditors.

(Ord. 3-2002, 8/8/2002, §I)



**PART 3**

**BOARDS, COMMISSIONS AND AGENCIES**

**A. Civil Service Commission**

**§1-301. Commission Created; Powers and Duties.**

A Civil Service Commission is hereby created in and for the Borough. Said Commission shall be constituted as provided by law and shall perform all duties and may exercise all powers conferred by law upon borough civil service commissions.

(Ord. 7-1972, 10/12/1972, §1)

**§1-302. Composition; Appointment and Tenure.**

The Civil Service Commission shall consist of three commissioners who shall be qualified electors of the Borough and shall be appointed by the Borough Council initially to serve for the term of 2, 4 and 6 years and as terms thereafter expire shall be appointed for terms of 6 years.

(Ord. 7-1972, 10/12/1972, §2)

**B. Planning Commission**

**§1-311. Commission Established.**

There is hereby established the Millersburg Borough Planning Commission.

(Ord. 2-1968, 2/8/1968, §1)

**§1-312. Composition; Appointment and Tenure.**

The Commission shall consist of five members. One member of said Commission shall be appointed for 1 year, one member for 2 years, one member for 3 years and two members for 4 years. The term of each of the members of the Commission shall be for 4 years, and no more than two members shall be reappointed or replaced during any future calendar year.

(Ord. 2-1968, 2/8/1968, §2; as amended by Ord. 4-1977, 2/10/1977, §1)

## ADMINISTRATION AND GOVERNMENT

### **§1-313. Rules and Regulations Authorized.**

The Commission shall make and alter rules and regulations for its own organization and procedure consistent with the ordinances of the Borough and the laws of the Commonwealth.

(Ord. 2-1968, 2/8/1968, §3)

## **C. Shade Tree Commission**

### **§1-321. Creation of Commission**

There is hereby created a commission to be known and designated as the "Shade Tree Commission of the Borough of Millersburg," pursuant to the provisions of the General Borough Act of May 4, 1927, P.L. 519, Article XXVII, §2730, as amended, and the Borough Code of Millersburg.

(Ord. 3-1991, 7/11/1991, §1)

### **§1-322. Membership.**

The Shade Tree Commission shall be composed of three residents of the Borough who shall be appointed by the Council for a term of 5 years and shall serve without compensation. The Borough Manager shall serve as a member ex officio for an indefinite term and shall be designated as Secretary of the Commission. Members first appointed pursuant to this Part shall be appointed so that the term of one member shall expire after 3 years, the term of another member shall expire after 4 years, and the term of the third member shall expire at the end of five 5 years. Vacancies shall be filled by appointment by the Council for the unexpired term. It is specially hereby provided that the terms of the members of the Commission are subject to §1-342 of this Part.

(Ord. 3-1991, 7/11/1991, §2)

### **§1-323. Annual Report.**

The Shade Tree Commission shall annually report in full to the Mayor and Council its transactions.

(Ord. 3-1991, 7/11/1991, §3)

### **§1-324. Authority of Commission.**

The Shade Tree Commission may make, publish and enforce regulations for the care and protection of the shade trees of the Borough. No such regulation shall be in force

until it has been approved and ordained by the Borough Council and published at least twice in not less than two newspapers of general circulation in the Borough.

(Ord. 3-1991, 7/11/1991, §4)

**§1-325. Responsibility of Commission.**

The Commission shall have exclusive custody and control of the shade trees in and upon the highways of the Borough, and of trees whose branches extend over and above such highways, or whose continued existence shall be a menace to the using of such highways, and is authorized to plant, remove, maintain and protect shade trees on said highways and on all property of the Borough of Millersburg.

(Ord. 3-1991, 7/11/1991, §5)

**§1-326. Authority to Employ.**

The Commission may, with the approval of the Borough Council, employ and pay such necessary assistants as may be required to perform the duties devolving upon it.

(Ord. 3-1991, 7/11/1991, §6)

**§1-327. Prior Notice by Commission to Plant or Transplant any Shade Trees.**

Whenever said Commission proposes to plant or transplant any shade trees or remove shade trees on any highways or within the parks, which may be a menace to the users of such highways, or within any parks, notice of the time and place of the meeting at which such work is to be considered shall be given once a week for two weeks immediately preceding the meeting, in a newspaper having general circulation in the Borough, which notice shall specify in detail the highways or parks thereof upon which the work is to be done; or by personal service of 10 days written notice thereof to the owner or owners; or by leaving 10 days written notice thereof to the owner or owners; or by leaving 10 days written notice thereof at the place of business of the owner; or if the owner is not found in Millersburg, Pennsylvania, then by sending 10 days written notice thereof by United States mail with the return address thereon to the last known address of said owner; or by posting copy of said written notice thereon in a conspicuous place on the property affected.

(Ord. 3-1991, 7/11/1991, §7)

**§1-328. Cost Paid by Owner.**

The cost of planting, transplanting or removing of any shade trees in the highways or parks, which are a menace to the public use of such highways or parks, the construction

## ADMINISTRATION AND GOVERNMENT

of guards, curbing or grading for the protection thereof, and the replacement of any pavement or sidewalk necessarily disturbed, shall be paid by the owner of the real estate in front of whose property the work is done, only after the property owner has been notified and the owner approves of the plantings, then will the property owner be subject to paying the cost, which cost as to each freeholder shall be ascertained by the Commission and certified to the Borough Council and to the Borough Treasurer.

(Ord. 3-1991, 7/11/1991, §8)

### **§1-329. Filing of Certificate of Cost with Council.**

Upon the filing of the certificate of cost with the Council, the Borough Manager shall cause 30 days written notice to be given by mail to the person or persons against whose property an assessment has been made, stating the amount of the assessment, the time and place of payment and accompanied with a copy of the certificate. Said cost so certified shall be a lien from the time of filing of the certificate with the Council and if not paid within 30 days from date of notice, a claim may be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.

(Ord. 3-1991, 7/11/1991, §9; as amended by A.O.)

### **§1-330. Violation.**

Any person or persons violating or failing to comply with any of the provisions of this Part or any regulations adopted in pursuance of this Part shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor 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 shall constitute a separate offense.

(Ord. 3-1991, 7/11/1991, §10; as amended by A.O.)

### **§1-331. Illegal to Tamper with Shade Tree.**

No person shall break, injure, mutilate, kill or destroy any shade tree or set fire or permit any fire to burn where such a fire or the heat thereof will injure any shade tree, and no person shall knowingly permit any leak to exist in any gas or steam pipe or main within the root zone of any such shade tree or permit any toxic chemical, either solid or liquid, to seep, drain or be emptied on or about any such shade tree, or permit any wire designed to carry electric current to come in contact with any shade tree unless protected by a method to be approved by the Shade Tree Commission. No person shall attach any electric installation to any shade tree or excavate any ditches, tunnels, or trenches or lay any driveway within a 10 foot radius of any shade tree without first obtaining a written permit from the Shade Tree Commission.

(Ord. 3-1991, 7/11/1991, §11)

**§1-332. Notice to Owner of Utility Service.**

Whenever the Shade Tree Commission determines it to be necessary to prune, remove or do other maintenance work to any shade tree, which may temporarily interrupt electric or other utility services, the owner of such utilities shall be given written notice of such work and will be allowed 24 hours in which to comply with said notice.

(Ord. 3-1991, 7/11/1991, §12)

**§1-333. Responsibility of Owner to Trim Tree.**

The owner of the property shall trim branches from any shade trees overhanging the streets and highways of the Borough so that they will not obstruct the light from any street light, and so that there shall be a clear height of 12 feet above the surface of the street and 8 feet over the sidewalk. If any property owner shall neglect or refuse to trim any shade tree as required by this Section, upon notice in writing by the Commission, within the time limits specified in such notice, the Commission may cause such trimming to be done at the expense of the owner.

(Ord. 3-1991, 7/11/1991, §13)

**§1-334. Prior Approval for Public Utility Permits.**

All permits issued for the installation of public utility facilities shall have prior approval of the Commission.

(Ord. 3-1991, 7/11/1991, §14)

**§1-335. Planting Restrictions.**

The Commission shall plant or permit to be planted trees of not less than 1 1/2 inch caliber, 18 inches above the ground, symmetrical in shape with a clean trunk, and straight without branches for a distance of 6 feet from the ground. The planting of any species other than those of the approved list on file in the Borough office is prohibited.

(Ord. 3-1991, 7/11/1991, §15)

**§1-336. Spacing of Trees.**

The spacing between newly planted shade trees shall be not less than 40 feet. No shade tree shall be planted less than 30 feet from a curb intersection, or less than 10 feet from a fire hydrant, sewer inlet, light standard or utility pole.

## ADMINISTRATION AND GOVERNMENT

(Ord. 3-1991, 7/11/1991, §16)

### **§1-337. Notice Necessary if Tree is Dangerous to Health.**

When any tree along the streets or highways of the Borough, or growing on private property but overhanging any street or highway, in the opinion of the Commission, endangers the life, health, safety or property of the public, or is affected by any contagious disease or insect infestation, it shall be within the discretion of the Commission to determine what remedy is necessary and whether or not such tree must be removed. The owner of the property shall be notified in writing of the existence of the danger, disease or insect infestation and shall be given reasonable time for removal of the same, except when trees are infected with Dutch Elm disease. In such case, no notice is necessary, and the Borough shall immediately take steps to remove such trees. If a dangerous, diseased or infested tree is not removed or corrected within the allotted time by the property owner, the Commission shall cause the matter to be corrected or the tree removed, and the costs thereof shall be assessed to the owner of the property.

(Ord. 3-1991, 7/11/1991, §17)

### **§1-338. Open Space Requirement for Tree.**

An open space of at least 50 inches by 30 inches must be allowed for the planting of a shade tree. When a tree has outgrown this space, or when a sidewalk has been laid without allowing for such space, the sidewalk must be repaired at the expense of the property owner, so that at least 12 inches will be left between the base of the tree and the edge of the pavement.

(Ord. 3-1991, 7/11/1991, §18)

### **§1-339. Planting of Trees Restricted on Streets Without Curbs.**

No shade tree shall be planted on any street or highway on the Borough where curbs have not been constructed.

(Ord. 3-1991, 7/11/1991, §19)

### **§1-340. Cooperation Between Commission and Other Borough Departments.**

There shall be close cooperation between the Commission and other Borough Departments when their work affects shade trees on or along the streets and highways of the Borough. The Commission shall approve all building permits that may affect shade trees of the Borough. All sewer, lighting and paving plans shall be cleared with the Commission.

(Ord. 3-1991, 7/11/1991, §20)

**§1-341. Trees Approved by Borough.**

A list of the following trees are approved by Millersburg Shade Tree Commission:

- A. Bradford Pear (*pyrus calleryana* “bradford”).
- B. Russian Olive (*elaeanus angustifolia*).
- C. Flowering Dogwood (*cornus florida*).
- D. Golden Rain Tree (*koelreuteria paniculata*).
- E. Lavalley Hawthorn (*crataegus lavalleyi*).
- F. Washington Hawthorn (*crataegus phaenopyrum*).
- G. Pyramidal European Hornbeam (*Carpinus betulus fastigiata*).
- H. American Hop Hornbeam (*ostrya virginiana*).
- I. Imperial Thornless Honey Locust (*gleditsia triocanthos inermis* “Imperial”).
- J. Eastern Redbud (*cercis canadensis*).
- K. Sorrel Tree-Sourwood-Lily of the Valley Tree (*osydendrum arboreum*).
- L. Purpose Leaf Plum (*prunus cerasifera atropurpurea* “thundercloud”).
- M. Flowering Ash (*fraxinus ornus*).
- N. Moraine Ash (*fraxinus holotricha* ‘Moraine’).
- O. Mountain Ash (*sorbus aucuparm*).
- P. Kwanzan oriental Cherry (*prunus serrulata* ‘kwanzan’).
- Q. Lemoine Purple Crabapple (*malus purpurea lembinei*).
- R. Crabapple-Snowdrift (*malus* spp.).
- S. Japanese Dogwood (*cornus kousa*).
- T. Paul’s Scarlet Hawthorn (*crataegus oxyacantha paulii*).

## ADMINISTRATION AND GOVERNMENT

U. Any other tree has to be approved by the Commission and Borough Council.

(Ord. 3-1991, 7/11/1991, §21)

### **§1-342. Right to Dissolve.**

Borough Council shall have the right to dissolve the Commission at the sole discretion of the Borough Council providing that the Millersburg Borough Council provides a 30 day written notice to the Commission of its intention to dissolve the Commission.

(Ord. 3-1991, 7/11/1991, §22)

### **§1-343. Authority to Open Bank Account.**

1. The Shade Tree Commission shall have the authority to open a treasury account, to make deposits into the account and draw checks upon the account.
2. The Shade Tree Commission shall make semiannual reports of donations and disbursements and shall submit an annual financial statement to the Millersburg Borough Council.
3. The effective date of this Section shall be January 1, 1993.

(Res. 11/12/1992A, 11/12/1992)

## **D. Millersburg Borough — Upper Paxton Township Zone Emergency Management Agency**

### **§1-351. Creation of Agency.**

Millersburg Borough does hereby join with Upper Paxton Township in the creation of the Millersburg Borough – Upper Paxton Township Zone Emergency Management Agency.

(Ord. 4-1990, 10/11/1990, §1)

### **§1-352. Limitation of Power.**

Said Emergency Management Agency shall, subject to ratification of its actions by each municipality, perform the duties imposed upon the separate emergency agencies in each of the municipalities by the Emergency Management Services Code, as amended.

(Ord. 4-1990, 10/11/1990, §2)



**§1-353. Intergovernmental Agreement.**

The Millersburg Borough Council shall enter into an Intergovernmental Cooperation Agreement with the Upper Paxton Township upon terms to be agreed upon which agreement shall remain in force until notified of its cancellation by either party by 30 days written notice.

(Ord. 4-1990, 10/11/1990, §3)

**§1-354. Financing.**

Financing shall be provided by each municipality on a per capita basis or any other basis which may be agreed upon.

(Ord. 4-1990, 10/11/1990, §4; as amended by A.O.

**§1-355. Membership.**

Each municipality shall appoint two individuals to serve as the council of said agency. One person therefrom shall be designated as the Zone Emergency Management Coordinator and another as Deputy.

(Ord. 4-1990, 10/11/1990, §5)

**§1-356. Property and Supplies.**

Property supplies and equipment shall be purchased as needed and, in the event of dissolution, said assets shall become the property of the respective municipalities in proportion to their respective contributions.

(Ord. 4-1990, 10/11/1990, §6)

**§1-357. Power to Enter Into Contracts.**

The said agency is hereby empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

(Ord. 4-1990, 10/11/1990, §7)



**PART 4**

**AUTHORITIES**

**A. Millersburg Area Authority**

**§1-401. Intention to Organize Authority.**

The Council of this Borough signifies its intention and desire to organize an Authority jointly with the Township of Upper Paxton, Dauphin County, Pennsylvania, under provisions of the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, known as the Municipality Authorities Act of 1945, as amended and supplemented (the "Act"), for the purposes of exercising any and all powers conferred by the Act.

(Ord. 15-1974, 12/12/1974, §1)

**§1-402. Articles of Incorporation.**

The Mayor, President or Vice President of Council and the Secretary, respectively, of this Borough are authorized and directed to execute, in behalf of this Borough, Articles of Incorporation for such Authority in substantially the following form:

**Articles of Incorporation**

**To the Secretary of the Commonwealth of Pennsylvania**

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, known as the Municipality Authorities Act of 1945, as amended and supplemented, and pursuant to ordinances duly enacted by the municipal authorities of the Borough of Millersburg and the Township of Upper Paxton, both situate in Dauphin County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipalities to organize an Authority, jointly, under provisions of said Act, said incorporating municipalities certify:

1. The name of the Authority is "Millersburg Area Authority."
2. The Authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945.
3. No other Authority has been organized under the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945, or under the Act of Assembly approved June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for an incorporating municipality, except that the following municipality Authority heretofore has been

## ADMINISTRATION AND GOVERNMENT

organized under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945, and is in existence in or for an incorporating municipality:

- A. The following Authority heretofore was organized by the Borough of Millersburg, Dauphin County, Pennsylvania:

Millersburg Borough Authority

4. The names of the incorporating municipalities are:
  - A. Borough of Millersburg, Dauphin County, Pennsylvania.
  - B. Township of Upper Paxton. Dauphin County, Pennsylvania.
5. The names and addresses of all of the municipal authorities of said incorporating municipalities are: [Here followed the names and addresses of the Mayor and Council of the Borough of Millersburg and the Board of Supervisors of Upper Paxton Township.]
6. The members of the Board of the Authority shall be seven in number, with five members being appointed by the Borough of Millersburg, and two members being appointed by the Township of Upper Paxton.
7. The names, addresses and terms of office of office of the first members of the Board of the Authority, each of whom is a citizen of the incorporating municipality by which he is appointed, are as follows: [Here followed the names, addresses and terms of office of the first board members.]

(Ord. 15-1974, 12/12/1974, §2)

### **B. Upper Dauphin Industrial Development Authority**

#### **§1-411. Intention to Organize Authority.**

It is the desire of the said Borough of said Dauphin County in the Commonwealth of Pennsylvania to organize an industrial development authority in said County, and Commonwealth, under the Industrial Development Authority Law.

(Ord. 3-1974, 1/10/1974, §1)

#### **§1-412. Articles of Incorporation.**

In pursuance of said desire and intention 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 presented at this meeting and filed with the Secretary of Borough Council:

**Articles of Incorporation of Upper Dauphin Industrial Development Authority**

**To the Secretary of the Commonwealth of Pennsylvania Harrisburg, Pennsylvania.**

In compliance with the requirements of the Industrial Development Authority Law and pursuant to a resolution adopted by the Council of the Borough of Millersburg, Dauphin County, Pennsylvania, that an industrial development authority be established, under the provisions of the aforementioned law, the Council of the Borough of Millersburg, Dauphin County, 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: Upper Dauphin Industrial Development Authority.
- B. The Authority in formed under the Industrial Development Authority Law, approved August 23, 1967.
- C. The name of the incorporating municipality is: Millersburg, Pennsylvania.
- D. The names and addresses of the Council of the Borough of Millersburg, Pennsylvania, are as follows: [Here followed the names and addresses of the members of Council.]
- E. 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, addresses and terms of office of the first Board.]

(Ord. 3-1974, 1/10/1974, §2)



**PART 5**

**POLICE DEPARTMENT**

**§1-501. Establishment; Composition.**

A Millersburg Police Department is hereby established in and for the Borough of Millersburg. The Department shall consist of the Chief of Police and such other officers as the Council shall from time to time designate.

(Ord. 3-1967, 5/11/1967, §1; as amended by Ord. 3-1977, 2/10/1977, §1; and by Ord. 3-1990, 10/11/1990)

**§1-502. Compensation.**

The compensation of each officer shall be fixed by the Borough Council.

(Ord. 3-1967, 5/11/1967, §2)

**§1-503. Special Police.**

Nothing herein contained shall affect the authority of the Mayor to appoint special police during emergency.

(Ord. 3-1967, 5/11/1967, §3)

**§1-504. Authority of Chief of Police to Make Purchases.**

The Millersburg Borough Council does hereby authorize the Millersburg Borough Chief of Police to make such purchases of supplies and equipment for the Millersburg Police Department as may be reasonable and necessary for the operation of the Millersburg Borough Police Department up to a maximum of \$250 per item. Council will review the purchase of such items at the regular Council meeting and may revoke this resolution and the authority provided in this resolution at any regularly scheduled or special meeting of the Millersburg Borough Council.

(Res. 9/13/1990C)





**PART 6**

**FIREMEN'S RELIEF ASSOCIATION**

**§1-601. Recognition of Firemen's Relief Association.**

1. The following association is hereby recognized as actively engaged in providing fire protection and/or emergency services in the Borough.

Millersburg Volunteer Firemen's Relief Association

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

(Ord. 4-1930, 11/14/1930; as revised by A.O.)

**§1-602. Certification to Auditor General.**

The Borough Council shall annually certify to the Auditor General of the Commonwealth, the names 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.

(Ord. 4-1930, 11/14/1930; as revised by A.O.)

**§1-603. 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 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.

(Ord. 4-1930, 11/14/1930; as revised by A.O.)



**PART 7**  
**PENSIONS**

**A. Police Pensions**

**§1-701. Short Title.**

Millersburg Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its police pension benefits in that system as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said law and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the Borough under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

(Ord. 2-2003, 7/10/2003, §I)

**§1-702. Membership.**

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time police officers of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

(Ord. 2-2003, 7/10/2003, §II)

**§1-703. Prior Service.**

Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire or the expiration of the members probationary period, if one so existed. Benefits provided to members in the agreement dated July 10, 2003, shall accrue based on all credited service granted and earned in accordance with this Section.

(Ord. 2-2003, 7/10/2003, §III)

**§1-704. Sources of Funds.**

Payment for any obligation established by the adoption of this subpart and the agreement between the system and Millersburg Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

## ADMINISTRATION AND GOVERNMENT

(Ord. 2-2003, 7/10/2003, §IV)

### **§1-705. Outline of Agreement.**

As part of this Part 7A, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Millersburg Borough, dated July 10, 2003. The passage and adoption of this subpart by Millersburg Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Millersburg Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above – referenced agreement.

(Ord. 2-2003, 7/10/2003, §V)

### **§1-706. Repealer.**

Millersburg Borough intends this Part 7A to be the complete authorization of the Borough's Police Pension Plan and, therefore, specifically repeals the previous agreement and Ord. 2-1998.

(Ord. 2-2003, 7/10/2003, §VI)

### **§1-707. Effective Date.**

A duly certified copy of this Part 7A and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the police pension plan of Millersburg Borough in the Pennsylvania Municipal Retirement System shall be effective June 1, 1986, with the revised plan structure reflected in the agreement dated July 10, 2003, effective May 1, 2003.

(Ord. 2-2003, 7/10/2003, §VII)

### **§1-708. Agreement.**

1. Coverage.
  - A. This plan shall cover all full-time police officers, hereafter referred to as "member," of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited as is membership for individuals paid only on a fee basis. Individual membership shall be effective as of the date the Borough entered into the Pennsylvania Municipal Retirement System or upon the expiration of the individual's probationary status, whichever is more recent.

- B. Credited service shall accrue from the original member's date of hire at the expiration of the member's probationary period, if one so existed. Credited service time earned prior to the enrollment of the Borough into the system shall be known as prior service.
  - C. No credited service time shall be granted for time employed in a status other than active employee of the Borough excluding credit for purchased military service, reinstatement of previous service or service earned and credited under subsection (12), the portability section of this agreement.
2. Superannuation Retirement. Eligibility for a superannuation retirement shall occur upon the member's attainment of 50 years of age or older and the completion of at least 12 years of credited service.
  3. Basic Benefit. The basic annual benefit shall be equal to 2% of the member's final salary multiplied by all years of credited service; provided, however, in no event shall the basic benefit exceed 50% of the member's final salary.
  4. Final Salary. The final salary shall be the average annual compensation earned and paid during the member's final 3 consecutive years of employment, or if not so long employed, then the average annual compensation earned and paid during the whole period of such employment.
  5. Early Retirement. A member who has been involuntarily terminated after 8 years of credited service or who has separated voluntarily after 24 years of credited service may retire early. Benefits will be actuarially reduced for each year or partial year thereof that early retirement takes place prior to age 50.
  6. Permanent Disability Benefits.
    - A. A member who has 10 or more years of credited service may, upon application or on application of one acting in the member's behalf, or upon application of a responsible official of the Borough, be retired by the Pennsylvania Municipal Retirement Board on a disability allowance if the physician designated by the Board, after medical examination of the member, shall certify to the Board that the individual is unable to engage in any gainful employment and that said member ought to be retired. When the disability of a member is determined to be service-connected, as defined in Act 15 of 1974, no minimum period of service shall be required for eligibility.
    - B. A disability annuity shall be payable from the total disability reserve account which, together with the municipal annuity and the member's annuity, if any, shall be sufficient to produce a retirement allowance of 30% of the member's final salary. Where the disability of the member is determined to be service-connected, the disability allowance shall equal 50% of the member's final salary. The disability annuity shall be reduced by the amount of any payments for which the member shall be eligible under the

## ADMINISTRATION AND GOVERNMENT

Act of June 2, 1915 (P.L. 736, No. 338), known as the "Pennsylvania Workmen's Compensation Act" or the "Act" of June 21, 1939 (P.L. 566, No. 284), known as the "Pennsylvania Occupational Disease Act."

- C. Any member with 8 or more years of credited service entitled to retire for disability may, in lieu of such retirement, elect to retire not voluntarily under the provisions of subsection (5).
  - D. Should a disability annuitant die before the total disability retirement allowance received equals the amount of the member's accumulated deductions at the time of disability retirement, the Board shall pay to the named beneficiary (if living, or if the named beneficiary predeceased the annuitant or no beneficiary was named, then to the annuitant's estate) an amount equal to the difference between such total retirement allowance received and the annuitant's accumulated deductions. If such difference is less than \$100 and no letters have been taken out on the estate within 6 months after the disability annuitant's death, such difference may be paid to the undertaker or to any person or municipality who or which shall have paid the claim of the undertaker.
7. Spouse's Pension.
- A. In the absence of an election of an option found in subsection (13), on the death of an active member of the plan who was eligible at the time of death for either a superannuation retirement allowance because of meeting the superannuation retirement requirements found in subsection (2) or a voluntary early retirement allowance because of completing 24 years of credited service, the surviving spouse (or in the absence of a spouse, any surviving children under the age of 18, or if attending college under or attaining the age of 23), will receive a pension equal to 1/2 of the pension which such member would have been eligible to receive if the member had been retired at the time of death. An election by a member of an option found in subsection (13) other than a Single Life Annuity, prior to retirement shall make void the foregoing provision.
  - B. A member who is entitled to either a superannuation retirement allowance because of meeting the superannuation retirement requirements found in subsection (2) or a voluntary early retirement allowance because of completing 24 years of credited service may file a written application for retirement requesting that such retirement become effective at the time of death. The member may elect one of the options provided in subsection (13) and nominate a beneficiary. The application shall be held by the Board (i) until the member files a later application (PMRB-50) for a retirement allowance or (ii) until the death of the member while in municipal service.
  - C. If such a member dies prior to receiving a retirement allowance, benefits become effective as if the member had retired on the day immediately pre-

ceding death. The beneficiary will receive the annuity option elected before the member's death.

- D. If a member is receiving a retirement allowance in accordance with the single life annuity provision of subsection (13), upon the retired member's death the surviving spouse (or in the absence of a spouse, any surviving children under the age of 18, or if attending college under or attaining the age or 23) will receive a pension equal to 1/2 of the pension which such member was receiving. If there is no surviving spouse or children eligible for the benefit, the full amount of the total accumulated deductions standing to the member's credit in the member account on the effective date of retirement minus the total amount of annuity payments shall be paid to the designated beneficiary.
8. Cost-of-Living Increases. Retired members of the plan shall be entitled to a cost-of-living benefit effective the first January following at least 1 year from the initial date of retirement. The amount of such increases are subject to all of the following limitations:
- A. The percent increase in pension shall not exceed the percent increase in the Consumer Price Index since the final year in which the retired policeman last worked;
  - B. The pension benefit after such increase shall not exceed 75% of the final average salary which was used as the basis for computing the retired member's benefit; and
  - C. The total cost-of-living increase shall not exceed 30% of the retired member's benefit at the time the member retired.
9. Contributions by Members.
- A. Members shall contribute 5% of their total compensation. However, for calendar year 2003 only, members shall not be required to contribute to the plan. If sufficient funds exist, the Borough may annually elect to lower or waive the required member contribution rate by adopting a resolution and filing it with the Board. Member contributions will be treated as taxed at the time they are made to the System, will be tracked separately, and will not be treated as taxable when paid out to the member.
  - B. If a member terminates prior to becoming eligible for any benefit or the member elects not to receive a benefit, that individual shall be entitled to the accumulated contributions, interest and any excess investment monies allocated to the member's account.
10. Vesting. After 12 years of credited service, a member may vest by filing an application with the Board within 90 days of separation from employment. Upon attainment of the superannuation age requirement found in subsection (2) of this

## ADMINISTRATION AND GOVERNMENT

agreement, a basic benefit will be calculated in accordance with subsection (3) of this agreement.

### 11. Military Service.

- A. Any member employed by the Borough who enters the uniformed services as defined by the 1994 Uniformed Services Employment and Reemployment Rights Act (P.L. 103-353) and returns to the Borough to again be a member of the plan within the authorized time period of the law, shall have the authorized time spent in such service credited to the member's employment record for pension or retirement benefits if the individual makes the required employee contributions.
- B. An active member may also purchase credit for other than intervening military service performed for the United States in times of war, armed conflict or national emergency, so proclaimed by the President of the United States, for a period not to exceed 5 years, provided the member has completed 5 years of service to the Borough subsequent to such military service. An active member may file an application with the Board for permission to purchase credit for nonintervening military service upon completion of 5 years of subsequent service to the Borough.
- C. The amount due from the member shall be certified by the Board in accordance with methods approved by the actuary. It may be paid in a lump sum within 30 days or it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the Board.
- D. The rate of interest to be charged to a member on purchase of credit for non-intervening military service shall be the rate being credited by the system to members' accounts in effect on the date of the member's application, compounded annually.
- E. A member may purchase credit for intervening or nonintervening military service only if discharge or separation from the service was granted under other than dishonorable conditions. A member may not purchase military credit for any service that is covered by another retirement system administered and wholly or partially paid for by any other government agency or private employer.

- 12. Portability. When a member leaves the employ of the Borough and enters within 1 year of separation into the employ of another municipality that has joined the system, the member's service credits shall remain unimpaired. Should a member from the employ of another municipality that has joined the system separate from service and within 1 year of separation join the pension plan, the member's service credits will remain unimpaired. In such cases, the Borough liability for the past service shall be prorated by the system between the municipalities on an equitable basis.



13. Options on Superannuation, Early Retirement or Vesting. At the time a member elects to receive a retirement benefit allowance, the benefit may be payable throughout the member's life, in which case the benefit is known as a single life annuity. A member may elect to waive any entitlement to the spouse's benefit found in subsection (7) of this agreement by choosing at time of retirement an alternative to the single life annuity that would be of an equivalent actuarial value but that would be in a lesser allowance and payable throughout live provisions that:
  - A. Option 1. If the member dies before receiving in payments the present value of the retirement allowance as it was at the time of retirement, the balance, if less than \$5,000, shall be paid in a lump sum to the designated beneficiary, if living, or if the named beneficiary predeceased the member or if no beneficiary was named, then to the member's estate. If the balance is \$5,000 or more, the beneficiary may elect, by application duly acknowledged and filed with the Board to receive payment of such balance according to any one of the following provisions:
    - (1) In a lump-sum payment; or
    - (2) In an annuity having a present value equal to the balance payable; or
    - (3) In a lump-sum payment and an annuity. Such annuity shall be of equivalent actuarial value to the balance payable less the amount of the lump-sum payment specified by the beneficiary.
  - B. Option 2. Upon the annuitant's death, the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.
  - C. Option 3. Upon the annuitant's death, 1/2 of the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.

A member who has elected a single life annuity shall automatically be deemed to have elected the spouse's death benefit provisions found in subsection (7).

14. Social Security Offset. There shall be no offset for Social Security retirement benefits received by a member.
15. Determination of Borough Liability.
  - A. The Board will actuarially determine the normal cost of the plan and any liability associated with the plan's actuarial experience which shall be contributed annually by the Borough for the service credits of the members. If applicable, any additional amount which shall be contributed annually toward a reserve account for the disability allowances which may be payable

## ADMINISTRATION AND GOVERNMENT

in accordance with this agreement shall also be determined and charged the Borough.

- B. The amounts so determined shall be computed in accordance with the requirements of Act 205 of 1984, the Municipal Pension Plan Fund Standard and Recovery Act, and Act 15 of 1974, the Pennsylvania Municipal Retirement Law and subsequent amendments to either act.
16. Procedure.
- A. Matters or procedure not covered in this agreement shall be as set forth in Act 15 of 1974 and as found in Act 205 of 1984, as they shall, from time to time, be amended.
  - B. Should any change or mistake in records result in any member, beneficiary or survivor annuitant receiving from the system more or less than the individual would have been entitled to receive had records been correct, regardless of the intentional or unintentional nature of the error and upon the discovery of such error, the Board will correct the error and so far as practicable adjust the payments which may be made for and to such person in such a manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid.
17. Unfunded Liability. Any unfunded liability incurred by the creation of benefits under this agreement shall be borne by Millersburg Borough.
18. Effective Date. This agreement shall be effective first day of May, 2003, with the acceptance of the same by Millersburg Borough and the Pennsylvania Municipal Retirement Board. Termination of this agreement shall be in accordance with §412 of Act 15 of 1974.

(Ord. 2-2003, 7/10/2003, Agreement 7/10/2003)

### **B. Nonuniformed Employee Pension**

#### **§1-711. Member Benefits.**

Millersburg Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that system as authorized by the Pennsylvania Municipal Retirement law, as amended, and does hereby agree to be bound by all the requirements and provisions of said article and the law, as the case may be, and to assume all obligations, financial and otherwise, placed upon member municipalities by said amendment, as the case may be. All references hereafter shall be based on benefits negotiated between the Board and the Borough under the provisions of Article IV.

(Ord. 3-1999, 3/11/1999, §I)

**§1-712. Mandatory Membership; Prohibited Membership.**

Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent municipal employees of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

(Ord. 3-1999, 3/11/1999, §II)

**§1-713. Credited Service.**

Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire or the expiration of the member's probationary period if one so existed. Benefits provided to members in the agreement dated March 11, 1999, shall accrue based on all credited service granted and earned in accordance with this Section.

(Ord. 3-1999, 3/11/1999, §III)

**§1-714. Payment of Obligation.**

Payment for any obligation established by the adoption of this Part and the agreement between the System and Millersburg Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

(Ord. 3-1999, 3/11/1999, §IV)

**§1-715. Acceptance of Agreement.**

As part of this Part, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Millersburg Borough, dated March 11, 1999. The passage and adoption of this Part by Millersburg Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Millersburg Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

(Ord. 3-1999, 3/11/1999, §V)

## ADMINISTRATION AND GOVERNMENT

### **§1-716. Membership Agreement.**

The Borough hereby acknowledges that an affirmative vote representing at least 75% of the plan members indicated the members were in agreement with the benefit change in the plan being administered by the Pennsylvania Municipal Retirement System.

(Ord. 3-1999, 3/11/1999, §VI)

### **§1-717. Authorization of Borough Plan.**

Millersburg Borough intends this Part to be the complete authorization of the Borough plan, and it shall become effective and specifically repeal Ord. 2-1994 either immediately or on January 1, 1999, which is the effective date of the amended agreement dated March 11, 1999, between the Pennsylvania Municipal Retirement System and Millersburg Borough, whichever is later.

(Ord. 3-1999, 3/11/1999, §VII)

### **§1-718. Effective Date.**

A duly certified copy of this Part and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Millersburg Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1985, with the revised plan structure reflected in the agreement dated March 11, 1999, effective the first day of January, 1999.

(Ord. 3-1999, 3/11/1999, §VIII)

**PART 8**

**RESIDENCY REQUIREMENT FOR BOROUGH EMPLOYEES**

**§1-801. Residency Requirement.**

After the effective date of this amendment to this Part, all full-time employees of the Borough shall reside within 15 driving miles of Millersburg.

(Ord. 4-1989, 11/9/1989, §1; as amended by Ord. 1-1992, 1/16/1992, §1; and by Ord. 1-2001, 4/12/2001, §I)

**§1-802. Employees Must Maintain Residency During Employment.**

All full-time employees of the Borough who are already residents of the Borough at the time of this Part becomes effective shall be required to maintain their residence within 15 driving miles of the Borough.

(Ord. 4-1989, 11/9/1989, §2; as amended by Ord. 1-2001, 4/12/2001, §II)

**§1-803. Employees Living Outside of the Borough May Continue at Same Address.**

All full-time employees who, at the time this Part becomes effective, do not reside within 15 driving miles of the Borough, may continue to reside at the same address. If, however, such employee should thereafter change his or her residence, he or she shall be required to establish a new residence within 15 driving miles of the Borough.

(Ord. 4-1989, 11/9/1989, §3; as amended by Ord. 1-1992, 1/16/1992, §2; and by Ord. 1-2001, 4/12/2001, §III)

**§1-804. Waiver by Full-Time Employees.**

Any full-time, uniformed employee may submit to the Borough Manager/Police Chief, in writing, a request that Borough Council waive the herein residency requirement. The Borough Manager/Police Chief may either forward the request to Council for consideration or reject it. If the Borough Manager/Police Chief submits the request, and exceptional circumstances warrant, Council may, by resolution, grant a waiver to the employee. Said waiver shall continue in effect and automatically renew yearly unless repealed by resolution of the Borough Council.

(Ord. 4-1989, 11/9/1989, §4; as amended by Ord. 1-2001, 4/12/2001, §IV)



**PART 9**

**ATTORNEYS' FEES**

**§1-901. Attorneys' Fees Assessed.**

1. The following notice of municipal claim and intent to impose or assess attorneys' fees and schedule of attorneys' fees and costs for the Borough is hereby set forth and adopted by the Borough entirely.
2. The foregoing schedule of attorneys' fees and costs may be amended by a resolution of Council as necessary and any such amendments shall not repeal, supersede or invalidate any other part of this Part which shall otherwise remain in full force and effect.

(Ord. 4-1999, 6/10/1999)





**PART 10**

**INVOICES**

**§1-1001. Invoice Procedure.**

1. All invoices for supplies, equipment, services, etc., from any and all vendors dealing with the Borough shall be submitted to the Borough Secretary/Treasurer, Borough Administrator or other authorized official within 30 days of the date the item is delivered or the services rendered. Invoices submitted in excess of the aforesaid 30 days shall be presumed invalid. A waiver of this 30 day time period may be granted by mutual agreement between the vendor and the Borough, providing such an agreement is executed prior to the expiration of the 30 day period.
2. A copy of this Part and its contents shall be available for public inspection, and all vendors who deal with the Borough shall be provided with a copy of this Part.

(Res. 1/12/1995)