

CHAPTER 1

ADMINISTRATION AND GOVERNMENT

Part 1

Borough Personnel

A. Council Meetings

§101. Time, Day and Place of Regular Meetings

B. Borough Manager

- §121. Creation of Office
- §122. Appointment and Removal
- §123. Qualifications
- §124. Bond
- §125. Employment Contract with the Borough Manager
- §126. Compensation
- §127. Powers and Duties

C. Mayor

§131. Mayor's Powers and Duties

D. Tax Collector

§141. Compensation of Tax Collector

E. Independent Auditor

§151. Annual Appointment

F. Secretary-Treasurer-Manager

- §161. Offices May be Held by One Person
- §162. Bond
- §163. Offices of Assistant Secretary and Assistant Treasurer

Part 2

Agencies, Boards and Commissions

A. Planning Commission

§201. Creation of Commission

B. Civil Service Commission

§221. Creation of Commission

C. Recreation Board

- §241. Recreation Board Established
- §242. Composition; Terms of Office; Service Without Compensation
- §243. Membership; Rules and Regulations
- §244. Powers and Duties
- §245. Recreation Board May Accept Donations
- §246. Disbursement of Funds
- §247. Recreation Board to Report to Council
- §248. Board to Enforce Borough and State Legislation

D. Hummelstown Community Library Board

- §251. Authority to Act as Agent
- §252. Assistance
- §253. Appointment of Board Members
- §254. Bond
- §255. Authority to Receive Gifts and Contributions

E. Shade Tree Commission

- §261. Creation of Commission; Membership; Powers, Duties and Obligations
- §262. Express Authority of Shade Tree Commission
- §263. Rules and Regulations Authorized; Penalty for Violation
- §264. Annual Report

Part 3

Police Department

A. Establishment

- §301. Police Department Established
- §302. Chief of Police to Supervise Department
- §303. Borough Council May Establish Rank of Officers
- §304. Powers and Authority of Department

B. Warrantless Arrest

- §311. Warrantless Arrest

Part 4

Pennsylvania Municipal Retirement System

- §401. Borough Elects to Upgrade its Member Benefits in the Pennsylvania Municipal Retirement System
- §402. Membership in Pennsylvania Municipal Retirement System
- §403. Credit for Prior Service
- §404. Payment of Obligations
- §405. Acceptance of Benefits

Part 4A

Pennsylvania Municipal Retirement System--Police

- \$411. Borough Elects to Upgrade its Member Benefits in the Pennsylvania Municipal Retirement System for Police
- \$412. Membership in Pennsylvania Municipal Retirement System
- \$413. Credit for Prior Service
- \$414. Payment of Obligation
- \$415. Acceptance of Benefits

Part 5

Firemen's Relief Association

- \$501. Recognition of Firemen's Relief Association
- \$502. Certification to Auditor General
- \$503. Annual Appropriation

Part 6

Hummelstown General Authority

- \$601. Intention to Incorporate and Authorize Authority
- \$602. Authorization to Execute Authority
- \$603. Public Notice
- \$604. Filing
- \$605. Appointed Members and Terms
- \$606. Transfer of Assets
- \$607. Incorporation

Part 7

Municipal Claims for Delinquent Accounts

- \$701. Policies, Fees, Procedures and Actions for Municipal Claims

Part 8

Open Records Policy

- \$801. Requests for Public Records
- \$802. Defining a Public Record
- \$803. Exemptions
- \$804. Response to Record Requests
- \$805. Fees for Copies and Other Media
- \$806. Denial of a Request and Appeals Process
- \$807. Sanctions
- \$808. Maintenance of Records
- Attachment A Borough of Hummelstown-Record Request Form



Part 1  
Borough Personnel

A. Council Meetings

§101. Time, Day and Place of Regular Meetings. The regular meetings of the Borough Council of the Borough of Hummelstown shall convene at such time and at such places as designated by Borough Council, provided appropriate notice of such time and place of regular meetings be properly advertised. (Ord. 1-1986, 2/20/1986)



## B. Borough Manager

§121. Creation of Office. Pursuant to the authority of Section 1140 of Article XI of the Borough Code, the office of Borough Manager is hereby created by the Borough of Hummelstown. (Ord. 1963-5, 7/22/1963, §1)

§122. Appointment and Removal. The Manager shall be appointed for an indefinite term by a majority of all members of Council. The Manager shall serve at the pleasure of the Council and he may be removed at any time by a majority vote of all its members. At least sixty (60) days before such removal is to become effective, the Council shall furnish the Manager with a written statement setting forth its intention to remove him. (Ord. 1963-5, 7/22/1963, §2; as amended by Ord. 1-1986, 2/20/1986)

§123. Qualifications. The Manager shall be chosen solely on the basis of his ability to carry out the duties of his office as outlined herein. (Ord. 1963-5, 7/22/1963, §3; as amended by Ord. 1972-5, 10/17/1972, §1; as amended by Ord. 1-1986, 2/20/1986)

§124. Bond. Before the Manager shall begin his duties, Council shall authorize the inclusion of the Manager in the blanket bond for various Borough Officers and Employees in such an amount as determined by Council. (Ord. 1963-5, 7/22/1963, §4; as amended by Ord. 1-1986, 2/20/1986)

§125. Employment Contract With the Borough Manager. Council shall enter into an employment contract with the Borough Manager which contract accurately sets forth the various compensation and other employment benefits being offered to the Manager in exchange for his services. (Added by Ord. 1-1986, 2/20/1986)

§126. Compensation. The Borough Manager shall receive such compensation for his services as the Council shall from time to time prescribe. (Ord. 1963-5, 7/22/1963, §5)

§127. Powers and Duties. The Manager shall carry on the business of the Borough under the direction of the Council and 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.

Subject to recall by ordinance of Council, the powers and duties of the Borough Manager shall include the following:

1. He shall hire, with the consent of Council, and, when necessary for the good of the service, shall suspend or discharge any employee under his supervision. Any suspension or discharge shall be reported to the Council at its next meeting held thereafter.

2. He shall prepare and submit to Council, before the close of each fiscal year, a budget for the next fiscal year and an explanatory budget message.

3. He shall be responsible for the administration of the budget after its adoption by the Council.

4. He shall, in conjunction with the preparation of the yearly budget, develop long range fiscal plans for the Borough, such plans to be presented annually to the Council for its review.

5. He shall hold the office and perform the duties of Borough Secretary, Zoning Officer, Land Subdivision Inspector and such other offices as the Council may from time to time direct.

6. He shall attend all meetings of Council and its committees with the right to take part in the discussions and he shall receive notice of all special meetings of Council and its committees.

7. He shall prepare the agenda for each meeting of Council and supply facts pertinent thereto.

8. 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 advisable.

9. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the finances and the administrative activities of the Borough for the preceding year.

10. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.

11. He shall supervise the performance and faithful execution of all contracts let by the Borough.

12. 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 the Borough's claims.

13. 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 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 also issue rules and regulations, subject to the approval of Council, governing the procurement of all municipal supplies and equipment.

14. All complaints regarding Borough services shall be referred to the office of the Manager. He shall investigate and dispose of such complaints and report thereon to Council.

(Ord. 1963-5, 7/22/1963, §6; as amended by Ord. 1-1986, 2/20/1986)



C. Mayor

§131. Mayor's Powers and Duties. The Mayor is hereby authorized to delegate to the Borough Manager, subject to revocation by written notification at any time, any of his non-legislative and non-judicial powers and duties. (Ord. 1963-5, 7/22/1963, §7)



D. Tax Collector.

§141. Compensation of Tax Collector.

1. The Tax Collector of the Borough of Hummelstown shall be entitled to compensation for collection of Borough taxes according to the following schedule:

<u>Year</u>	<u>Compensation</u>
2014	\$5,223.00
2015	\$5,380.00
2016	\$5,541.00
2017	\$5,707.00

[Ord. 2013-1]

2. The aforesaid schedule notwithstanding, in no event shall the tax collector's compensation exceed five (5%) percent of the amount collected. The term "compensation" as used herein shall not include those payments made by the Borough of Hummelstown for the purchase of envelopes, of tax bills, postage and reminder notices which will remain the expense of the Borough.

[Ord. 2013-1]

3. This Part 1D and these provisions shall have no impact on the compensation of the Tax Collector for the collection of taxes pursuant to the authority contained in the Act of December 31, 1965, P.L. 1257, known as Act No. 511, the Local Tax Enabling Act, 53 P.S. §6901 et seq., and its amendments and supplements. [Ord. 2005-1]

(Ord. 1977-1, 1/18/1977, §1; as amended by Ord. 1-1986, 2/20/1986; by Ord. 89-2, 2/9/1989, §1; by Ord. 93-1, 2/11/93, by Ord. 95-11, 10/19/1995; by Ord. 97-1, 1/16/1997, §1; by Ord. 2001-1, 6/18/2001, §1; by Ord. 2005-1, 2/10/2005; by Ord. 2009-2, 2/12/2009, §1; and by Ord. 2013-1, 1/17/2013, §1)



E. Independent Auditor

§151. Annual Appointment.<sup>\*</sup> The accounts of the Borough of Hummels-  
town shall hereafter be audited by an independent auditor to be appointed  
annually by the Borough Council before the close of the fiscal year, such  
auditor to have the qualifications required by law. (Ord. 1975-2,  
2/18/1975, §1)

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\* Editorial Note: See Appendix D for records of appointments.



F. Secretary-Treasurer-Manager.

§161. Offices May be Held by One Person. The Offices of Secretary, Treasurer and Manager of the Borough of Hummelstown may be held by the same person. (Ord. 88-1, 1/1/1988, §1)

§162. Bond. The Borough Treasurer shall, before entering the duties of his office, give bond, conditioned for the faithful performance of his duties as required by law. The premium for said bond shall be paid by the Borough. (Ord. 88-1, 1/1/1988, §1)

§163. Offices of Assistant Secretary and Assistant Treasurer. Borough Council may from time to time, by resolution, appoint an Assistant Secretary who shall, in the absence or disability of the Secretary, perform the duties and exercise the powers of the Secretary. Borough Council may from time to time, by resolution, appoint an Assistant Treasurer who shall in the absence or disability of the Treasurer perform the duties and exercise the powers of the Treasurer. Any such assistant Treasurer appointed by the Borough Council shall be required to give bond such as that required from the Treasurer; the Borough shall pay the premium for said bond. (Ord. 88-1, 1/1/1988, §1)





Part 2

Agencies, Boards and Commissions

A. Planning Commission

§201. Creation of Commission. A Borough Planning Commission, to be composed of seven (7) members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the Borough of Hummelstown. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon the Borough planning agencies and any and all vacancies shall be filled in the manner and for the term provided in the law governing Borough planning commissions in effect at the time of the happening of the said vacancy. (Ord. 1956-7, 11/12/1956; as revised by Ord. 1-1986, 2/20/1986; and as amended by Ord. 2009-7, 12/17/2009, §1)

B. Civil Service Commission

§221. Creation of Commission. A Civil Service Commission is hereby created for the Borough of Hummelstown and is to operate in accordance with State and Borough law. (Ord. 1-1986, 2/20/1986)



### C. Recreation Board

§241. Recreation Board Established. There is hereby created a Recreation Board known as the "Recreation Board of the Borough of Hummelstown". (Ord. 1964-5, 4/11/1964, §1)

§242. Composition; Terms of Office; Service Without Compensation. The Recreation Board shall be composed of seven (7) members. Up to three (3) members may be appointed by the School Board with the balance to be appointed by the Borough Council. The Board will have the power to provide, conduct and maintain public recreation areas, facilities and centers as provided by the existing and enabling legislation of the General Assembly of the Commonwealth of Pennsylvania. Board members shall serve for terms of five (5) years and until their successors are appointed, except that the members first appointed shall be so appointed that the term of no more than two (2) members shall expire annually thereafter. Vacancies shall be filled in the same manner as original appointments and for the unexpired term. Members shall serve without compensation. (Ord. 1964-5, 4/11/1964, §2; as amended by Ord. 1971-9, 10/19/1971, §1; by Ord. 1981-1, 1/20/1981, §1; by Ord. 1-1986, 2/20/1986; and by Ord. 2004-1, 2/12/2004, §1)

§243. Membership; Rules and Regulations. The Recreation Board shall elect from its membership a Chairman and such officers as it may deem necessary for the proper conduct of its business, and may adopt by-laws, rules and regulations governing its procedure not inconsistent with this Part 2 and the provisions of the laws of the Commonwealth of Pennsylvania. The Recreation Board shall, from time to time, make rules and regulations governing the operation and conduct of the recreational facilities of the Borough of Hummelstown. The Board shall hold regular meetings at such times and places as it may designate. (Ord. 1964-5, 4/11/1964, §3)

§244. Powers and Duties. The Recreation Board shall maintain, operate, and supervise the public parks, playfields, and all other recreation areas and facilities owned, leased or controlled by the Borough of Hummelstown. (Ord. 1964-5, 4/11/1964, §4)

§245. Recreation Board May Accept Donations. The Recreation Board may accept any grant, gift, bequest or donation of services, equipment, real estate or money from any individual or group, to be used as specified by the donor, or by the terms of acceptance. The Recreation Board shall have no authority to enter into any contract or incur any obligation binding upon the Borough of Hummelstown other than current obligations or contracts to be fully executed within the then current fiscal year, and all within the budget appropriations made by the Council of the Borough of Hummelstown. (Ord. 1964-5, 4/11/1964, §5)

§246. Disbursement of Funds. All funds appropriated from time to time by the Council of the Borough of Hummelstown, and budgeted to the Recreation Board, shall be disbursed as other funds are disbursed by the Borough Council and its officers, and within the budget appropriations made. Funds received by the Recreation Board from sources other than budget appropriations shall be deposited in the treasury of the Borough of Hummelstown, to the credit and for the use of the said Board and disbursed as the above budget funds are disbursed, except that funds received by gift, bequest, or otherwise shall be disbursed in accordance with the terms of such gift or bequest, or the terms of the acceptance thereof. (Ord. 1964-5, 4/11/1964, §6; as amended by Ord. 1-1986, 2/20/1986)

§247. Recreation Board to Report to Council. The Recreation Board shall make full and complete reports to the Council of the Borough of Hummelstown at such times as may be designated or requested by the Council. The fiscal year of the Recreation Board shall conform to that of the Borough of Hummelstown. (Ord. 1964-5, 4/11/1964, §7)

§248. Board to Enforce Borough and State Legislation. Such powers as are now or may hereafter be provided by statute of the Commonwealth of Pennsylvania, or by ordinances of the Borough of Hummelstown relating to the development and operation of recreation systems, public parks, and playgrounds are hereby vested in the Recreation Board, to be exercised by it subject to any and all restrictions contained in such powers and ordinances. (Ord. 1964-5, 4/11/1964, §8)

D. Hummelstown Community Library

§251. Authority to Act as Agent. The Borough of Hummelstown authorizes and designates the Hummelstown Community Library to act as the agent of the Borough to provide public library service to the residents and taxpayers of the Borough for and on behalf of the Borough. (Ord. 1960-1, 1/11/1960; as revised by Ord. 1-1986, 2/20/1986)

§252. Assistance. The Borough Council agrees to assist in the maintenance of the Hummelstown Community Library in accord with the provisions of Section 401 of the Library Code, the Act of June 14, 1961, P.L. 324, 24 P.S. §4401 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. (Ord. 1960-1, 1/11/1960; as revised by Ord. 1-1986, 2/20/1986)

§253. Appointment of Board Members. In accord with Section 411 of the Library Code, 24 P.S. §4411 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, the Borough Council will appoint seven (7) persons to serve as its representatives on the Board of Directors of the Hummelstown Community Library, each representative to serve three (3) years, the terms expiring in different years. (Ord. 1960-1, 1/11/1960; as revised by Ord. 1-1986, 2/20/1986)

§254. Bond. In accord with Section 412 of the Library Code, 24 P.S. §4412 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania, the treasurer of the Board of Directors of the Library shall give bond to the Borough with satisfactory surety in such amount as the Board of Directors may determine. (Ord. 1960-1, 1/11/1960; as revised by Ord. 1-1986, 2/20/1986)

§255. Authority to Receive Gifts and Contributions. The Board of Library Directors is hereby authorized to receive contributions from the general public for the support of the library, and all moneys received by public subscription or by appropriation from the Council shall be disbursed under the direction of the Board of Library Directors, which shall make an annual report to the Council. (Ord. 1960-1, 1/11/1960; as revised by Ord. 1-1986, 2/20/1986)



E. Shade Tree Commission

§261. Creation of Commission; Membership; Powers, Duties and Obligations. The Borough Council hereby creates a Shade Tree Commission, to be composed of five (5) residents of the Borough, who shall be appointed by the Borough Council and shall serve without compensation for their terms of office and with all the rights, powers, duties and obligations provided for by law. Members of the Shade Tree Commission shall be appointed to staggered terms of office so that one term expires every year. On the expiration of the term of any commissioner, a successor shall be appointed by the Borough Council to serve for a term of five (5) years. Vacancies in the office of commissioner shall be filled by Borough Council for the unexpired term. (Ord. 1971-11, 11/16/1971; as revised by Ord. 1-1986, 2/20/1986; and amended by Ord. 2003-2, 06/19/2003, §1)

§262. Express Authority of Shade Tree Commission. The collection of assessments, the filing of liens, the levying of taxes and the collection of penalties, whether by the Commission or on behalf of the Borough, are expressly authorized as provided for in the law. (Ord. 1971-11, 11/16/1971; as revised by Ord. 1-1986, 2/20/1986)

§263. Rules and Regulations Authorized; Penalty for Violation.<sup>1</sup> The Commission is hereby authorized to prescribe such rules and regulations, and to impose such penalties for the violation of same, as it may deem necessary and proper, provided that the rules and regulations are approved by the Borough Council and are not in conflict with other ordinances of the Borough. (Ord. 1971-11, 11/16/1971; as revised by Ord. 1-1986, 2/20/1986)

§264. Annual Report. The Shade Tree Commission shall report annually to the Borough Council on all transactions and expenses for the preceding fiscal year. (Ord. 1971-11, 11/16/1971; as revised by Ord 1-1986, 2/20/1986)

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<sup>1</sup>For specific rules and regulations, see Chapter 25, TREES.





## Part 3

## Police Department

A. Establishment

§301. Police Department Established. The Police Department of the Borough of Hummelstown shall consist of a Chief of Police and one or more policemen of such rank as shall be designated from time to time by the Borough Council, assisted by such special police appointed by the Mayor to act in emergencies, special school police, extra police serving from time to time or on an hourly or daily basis and any auxiliary policemen appointed under the Act of January 14, 1952 (P.L. 2016). (Ord. 1960-15, 12/27/1960, §1; as amended by Ord. 1968-4, 6/10/1968, §1; and by Ord. 1-1986, 2/20/1986)

§302. Chief of Police to Supervise Department. The Chief of Police shall be the chief executive of the Police Department. He shall, subject to the direction and orders of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority. (Ord. 1960-15, 12/27/1960, §2; as amended by Ord. 1966-4, 9/12/1966, §2)

§303. Borough Council May Establish Rank of Officers. The Borough Council may designate one policeman the second officer in command of the police force, next to the Chief, and may designate and establish such other subordinate ranks as it deems necessary, all such officers, however, subject to the direction and orders of the Mayor. (Ord. 1960-15, 12/27/1960, §3; as amended by Ord. 1966-4, 9/12/1966, §3; and by Ord. 1968-4, 6/10/1968, §2)

§304. Powers and Authority of Department. The members of the Police Department shall have such powers and authority as set forth in the laws of the Commonwealth of Pennsylvania as now in force and as enacted from time to time. (Ord. 1960-15, 12/27/1960, §4)

§305. Borough Council to Make Appointments. Appointments to positions in the Police Department shall be made by the Borough Council. The compensation of members of the Police Department shall be as determined by the Borough Council from time to time. (Ord. 1960-15, 12/27/1960, §5)



B. Warrantless Arrest

§311. Warrantless Arrest.

1. The Borough Council of the Borough of Hummelstown desires to have formal written guidelines pertinent to arrests without warrants for certain offenses enumerated in Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes.

2. These offenses under Title 18 (relating to crimes and offenses), when the conduct constitutes a summary offense, are:

18 Pa.C.S. §5503 (relating to disorderly conduct)

18 Pa.C.S. §5505 (relating to public drunkenness)

18 Pa.C.S. §5507 (relating to obstructing highways and other public passages)

18 Pa.C.S. §6308 (relating to purchase, consumption, possession or transportation of liquor, malt or brewed beverages).

3. Title 42 of the Pennsylvania Consolidated Statutes requires the governmental body employing police officers authorized to make said warrantless arrests to promulgate guidelines to be followed by police officers as a prerequisite to their authority to effect such a warrantless arrest.

4. Police officers are hereby authorized to effect warrantless arrests when conduct constitutes a summary offense and such conduct imperils the personal security of any person or endangers public or private property.

5. Any such arrest shall proceed in accordance to the Pennsylvania Rules of Criminal Procedure, Part IV, "Procedures in Summary Cases When Defendant is Arrested Without a Warrant."

(Res. R-2002-01, 2/21/2002)



## Part 4

## Pennsylvania Municipal Retirement System

§401. Borough Elects to Upgrade its Member Benefits in the Pennsylvania Municipal Retirement System. Hummelstown 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, Act 15 of 1974, 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 municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law. (Ord. 2002-4, 11/21/2002, §II)

§402. Membership in Pennsylvania Municipal Retirement System. 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. 2002-4, 11/21/2002, §II)

§403. Credit for 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 member's probationary period if one so existed. Benefits provided to members in the agreement dated November 21, 2002, shall accrue based on all credited service granted and earned in accordance with this Section. (Ord. 2002-4, 11/21/2002, §II)

§404. Payment of Obligations. Payment for any obligation established by the adoption of this Part and the agreement between the system and Hummelstown 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. 2002-4, 11/21/2002, §II)

§405. Acceptance of Benefits. As part of this Part, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Hummelstown Borough, dated November 21, 2002. The passage and adoption of this Part by Hummelstown Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Hummelstown 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. 2002-4, 11/21/2002, §II)



## Part 4A

## Pennsylvania Municipal Retirement System--Police

§411. Borough Elects to Upgrade its Member Benefits in the Pennsylvania Municipal Retirement System for Police. Hummelstown 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, 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 obligation, 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 municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law. (Ord. 99-1, 3/11/1999, §II)

§412. Membership in Pennsylvania Municipal Retirement System. 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. 99-1, 3/11/1999, §II)

§413. Credit for 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. 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 Part. (Ord. 99-1, 3/11/1999, §II)

§414. Payment of Obligations. Payment for any obligation established by the adoption of this Part and the agreement between the system and Hummelstown 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. 99-1, 3/11/1999, §II)

§415. Acceptance of Benefits. As part of this Part the Borough agrees that the system shall provide the benefits set forth in the agreement between the Board and Hummelstown Borough, dated March 11, 1999. The passage and adoption of this Part by Hummelstown Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Hummelstown Borough hereby assumes all liability for any unfundedness created due to the acceptance of the benefit structure outlined in the above-referenced agreement. (Ord. 99-1, 3/11/1999, §II)





## Part 5

## Firemen's Relief Association

§501. 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 of Hummelstown.

## Chemical Fire Company No. 1

The above named association 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 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.

(Res. 1931-1, 1/12/1931; as revised and reenacted by Ord. 1-1986, 2/20/1986)

§502. 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. (Res. 1931-1, 1/12/1931; as revised and reenacted by Ord. 1-1986, 2/20/1986)

§503. 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 in pursuance of 1984 Act of December 18, No. 205, §§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 sixty (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. (Res. 1931-1, 1/12/1931; as revised by Ord. 1-1986, 2/20/1986)



## Part 6

## Hummelstown General Authority

§601. Intention to Incorporate and Organize Authority. The Council of the Borough hereby signifies its desire and intention to incorporate and organize an authority under provisions of the Pennsylvania Municipality Authorities Act of 1945, the Act of May 2, 1945, P.L. 382, 53 P.S. §301 et seq., as amended (the "Authorities Act"). (Ord. 98-3, 11/5/1998, §1)

§602. Authorization to Execute Authority. The President or Vice-President of the Council of the Borough, and the Secretary of the Borough, are authorized and directed to execute, on behalf of the Borough, Articles of Incorporation for an authority in substantially the form that is attached hereto as Exhibit "A," which, by reference, is made part hereof, that relate to the creation of the "Hummelstown General Authority" (the "Authority"). (Ord. 98-3, 11/5/1998, §2)

§603. Public Notice. The President or Vice President of the Council of the Borough, and the Secretary of the Borough, are authorized and directed to cause public notice to be published as to the substance of this Part, including the substance of said Articles of Incorporation, and as to the proposed filing of said Articles of Incorporation, all in accordance with the requirements of the Authorities Act. (Ord. 98-3, 11/5/1998, §3)

§604. Filing. The President or Vice President of the Council of the Borough, and the Secretary of the Borough, are authorized and directed to file said Articles of Incorporation, a copy of this Part, and the necessary proofs of publication therefor with the Secretary of the Commonwealth of Pennsylvania, and to pay the required filing fees from the Borough funds. (Ord. 98-3, 11/5/1998, §4)

§605. Appointed Members and Terms. The following named persons are appointed as the first members of the Board of Authority for the following terms of office. [Here followed the names, addresses and terms of office of the first members of the Board of said Authority.] (Ord. 98-3, 11/5/1998, §5)

§606. Transfer of Assets. The surplus of assets of the Authority not reasonably required to meet or provide for the obligations or operations of the Authority shall be transferred, upon the written directive of the Borough, to the Borough, from time to time. (Ord. 98-3, 11/5/1998, §6)

§607. Incorporation. The proper officers of the Council of the Borough are authorized and directed to do all things necessary to effect the incorporation of the Authority and to advance and pay other reasonable necessary costs associated therewith. (Ord. 98-3, 11/5/1998, §7)



Part 7

Municipal Claims for Delinquent Accounts

§701. Policies, Fees, Procedures and Actions for Municipal Claims.

1. Statement of Policies. Borough hereby approves the Statement of Collection Policies, for delinquent unpaid taxes, user charges and other items covered by the Municipal Claims Act ("Accounts"), as presented to this meeting, and which is to be filed with the enacted counterpart of this Part.

2. Schedule of Fees.

A. The Borough hereby approves the following schedule of attorney fees for services in connection with the collection of accounts, which for services in connection with the collection of compensation for the services set forth below, all in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act"):

<u>Legal Services</u>	<u>Fee for Services</u>
Initial review and sending first demand letter	\$ 60.00
File lien and mailing second demand letter	\$ 45.00
Prepare Writ of Scire Facias	\$ 75.00
Obtain Re-issued Writ	\$ 45.00
Prepare and mail letter under Pa.R.C.P. §237.1	\$ 45.00
Prepare Motion for Alternate Service	\$150.00
Prepare Writ of Execution	\$ 75.00
Attendance at Sale; Review Schedule of Distribution and resolve distribution issues	Hourly amount equal to Solicitor's regular charges to Borough
Services not covered above	Hourly amount equal to Solicitor's regular charges to Borough

B. There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, as itemized in the applicable counsel bills, which shall be deemed to be part of the fees.

C. The amount of fees determined as set forth above shall be added to the Borough claim in each account.

3. Collection Procedures. The following collection procedures are hereby established in accordance with Act No. 1:

A. At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of an account, the Borough shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other

entity liable for the account (the "Account Debtor").

B. If within thirty (30) days after mailing the notice in accordance with subsection (a), the certified mail to any Account Debtor is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to the assessing or imposing such attorney fees, the Borough shall mail or cause to be mailed, by first class mail, a second notice to such Account Debtor.

C. All notices required by this Part shall be mailed to the Account Debtor's last known post office address as recorded in the records or other information of the Borough, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.

D. Each notice as described above shall include the following:

(1) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest;

(2) A statement of the Borough's intent to impose or assess attorney fees within thirty (30) days after the mailing of the first notice, or within ten (10) days after the mailing of the second notice;

(3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account; and

(4) The place of payment for accounts and the name and telephone number of the Borough official designated as responsible for collection matters.

4. Related Action. The proper officials of the Borough are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Part.

(Ord. 2003-3, 6/19/2003)

Part 8  
Open Records Policy

§801. Requests for Public Records.

1. All requests for public records shall be in writing on a records request form (Attachment A) and shall include the date of the request, the name and address of the requester, and a clear and specific description of the records requested. The Borough will utilize the request form provided by the DCED Office of Open Records when it becomes available. The request form should be directed to the Borough Manager at the Borough Municipal Building, 36 South Hanover Street, Hummelstown, PA 17036.

2. Requesters must be legal residents of the United States.

3. A Borough employee will inform a requestor if the public record is available by publicly accessible electronic means. If the requester is unable to access the record electronically, they should submit a written request for a paper copy to be provided.

4. Public records will be available for inspection and copying at the Borough's facilities, during the Borough's normal administrative business hours with the exception of Borough holidays. Telephone the Borough Office at 717-534-8556 for the normal hours of operation.

5. The Borough may not place a limitation on the number of public records which may be requested or made available, or require the requester to disclose the purpose or motive for requesting access to the public record.

6. The Borough will attempt to provide the public record in the medium requested. If it's not possible, it will be provided in the medium that the record exists.

7. When an employee believes there is a potential for denial, the request will be immediately forwarded to the Borough Manager, who will serve as the Borough's Open Records Manager, 136 South Hanover Street, Hummelstown, PA 17036, Telephone 717-566-2555.

(Res. 2009-3, 1/15/2009)

§802. Defining a Public Record.

1. A public record is any information regardless of form, documenting a transaction or activity of an agency, is created, received, or retained pursuant to law or in connection with a transaction, business or activity of the agency. It includes documents, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data processed or image-processed document.

2. All documents are presumed to be a public record unless exempt under Section 708.

(Res. 2009-3, 1/15/2009)

§803. Exemptions.

1. Law. A record that is protected or considered confidential under a separate, existing law, or under judicial court order or decree.

2. Privilege. A record that is protected by privilege. (attorney-client, doctor-patient, or recognized by PA court)

A. Loss of Funds. A record that would result in the loss of Federal or State funds, or is reasonably likely to result in physical harm to or the personal security of an individual.

B. Public Safety. A record that is reasonably likely to jeopardize or threaten public safety or preparedness, homeland security, or designated classified by a Federal or State military authority.

C. Infrastructure Security. A record that is reasonably likely to endanger safety or security of a building, public utility, infrastructure, or information storage system.

D. Computer Security. A record containing information on computer hardware, software and networks, including administrative or technical records, which if disclosed, would jeopardize computer security.

E. Medical Information. A record that contains H1PAA-type records, unemployment compensation records, workers' compensation records, or information concerning individual medical, psychological, psychiatric, or disability information.

F. Personal Identifiers. A record that contains personal identifiers including Social Security number, driver's license number, personal financial information, home, cellular, or personal telephone numbers, personal e-mail addresses, employee number or personal identification number, spouse's name, marital status, beneficiary or dependent information, home address of a law enforcement officer or judge.

G. Employee Records. Employee records including letters of reference, unless relating to appointment to elected office or to Senate confirmation.

(1) Performance reviews.

(2) Civil service test results and local agency results, when restricted by collective bargaining. If not restricted, only the scores of passing individuals.

(3) Employment applications of unsuccessful applicants.

(4) Workplace support services program information.

(5) Written criticisms.

(6) Grievance material, including discrimination or sexual harassment.

(7) Discipline, demotion, or discharge information in a personnel file. Reverse exception for final action of an agency that results in demotion or discharge.

H. Labor Relations. Strategy or negotiations for labor relations, collective bargaining, or arbitration proceedings. Final or executed contract or agreement is open.

I. Legislative Drafts. Draft bills, resolutions, regulations, policy statements, management directives, ordinances, or amendments.



J. Pre-decision Records. Records on deliberations, whether internal or between agencies, whether officials or employees, including contemplated course of action, research, and memos, until the information is presented to a quorum for deliberation. The strategy used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.

K. Trade Secrets. Confidential proprietary information.

L. Aids to Memory. Personal notes and working papers that have no official purpose.

M. Donor Identity. Records disclosing donors to the agency, potential donors, or donor profiles; except when the donation is intended for personal benefit to a named employee or official.

N. Scholarly Information. Unpublished lecture notes, research material, and other scholarly correspondence.

O. Academic Transcripts. Examinations, exam questions, scoring keys or answers to exams relating to the qualifications of an individual.

P. Criminal Investigative Records. A record relating to or resulting in a criminal investigation. The exception is police blotters.

Q. Non-criminal Investigative Records. Complaints, investigative materials, identity of confidential sources, information confidential by law, work papers underlying an audit, and records revealing institution, progress or result of an agency investigation or that would hinder the agency's investigation.

R. 911 Records. 911 recordings and records unless determined by a court to be public interest.

S. DNA Records. DNA and RNA records.

T. Autopsy Records. Only the name of the deceased and the cause and manner of death need to be reported.

U. Minutes. Draft minutes and executive session minutes.

V. Real Estate Transactions. Real estate appraisals, engineering or feasibility estimates, environmental reviews, relating to lease, acquisition, or disposal of real property, equipment connected with a real estate transaction and construction projects. Information becomes public when a decision is made to proceed with the acquisition, disposal, or construction.

W. Library Records. Library and circulation records of an identifiable individual or group.

X. Library Materials. Library archived and museum materials or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.

Y. Archaeological and Species Sites. A record identifying the location of archaeological or endangered or threatened species sites, if not known to the general public.

Z. Procurement. Information gathered prior to a bid being awarded.

AA. Insurance. A record of communications with insurers, carriers, administrators, or risk management office, except insurance contracts and financial records relating to provision of insurance.

BB. Social Services. Records of individuals relating to application for and provision of delineated social services.

CC. Legislative Constituent Correspondence. Normal constituent correspondence, except correspondence from registered lobbyists.

DD. Minor Child. Records identifying the name, home address or date of birth of a child 17 or under.

(Res. 2009-3, 1/15/2009)

§804. Response to Record Requests. Borough employees will make a good faith effort to provide the requested public records as promptly as feasible.

1. Borough employees shall cooperate with those requesting to review and/or duplicate original Borough documents while taking reasonable measures to protect Borough documents from the possibility of theft and/or modification.

2. As soon as possible, but no later than five (5) business days after receiving a written request to access public records, the request will be fulfilled; or the Open Records Manager, or designee, shall respond to the request in accordance with the requirements of the Open Records Law.

3. The Open Records Manager, or designee, will consult the Borough Solicitor if it is believed that the requested record or portions of the record may not be public information.

4. The Open Records Manager, or designee, will not create a record that does not exist or put a document into a format that does not exist.

5. If part of a record or document is public and part of it is not, the Borough may remove portions of a record that are not public information and the Open Records Manager, or designee, will provide a written denial in accordance with §806 below, for any removed portions of the document. It will be indicated on the record where information is redacted.

6. The Borough may use up to thirty (30) additional days if:

A. Portions of a record must be removed that are not public.

B. The records are not stored onsite and must be retrieved.

C. The Borough requests a legal review of the records requested.

D. The Borough is experiencing a bona fide staffing shortage, or number of records requested requires more time.

E. The requester has not complied with the municipal policies for records access.

F. The requester refuses to pay applicable fees.

G. The extent or nature of the request precludes a response within the five (5) day period.

If the additional days are needed, the municipality will notify the requester of the delay in writing within the first five (5) business days of receiving the request to include the reasons for the delay, the day a response can be expected and an estimate of the fees.

(Res. 2009-3, 1/15/2009)

§805. Fees for Copies and Other Media.

1. The Borough will utilize the fee schedule established by the DCED Office of Open Records.

2. The cost of postage will be charged, if mailing is requested.

3. A maximum of ten (10) pages will be faxed or e-mailed at no charge. Requests exceeding ten (10) pages must be picked up or mailed.

4. Payment must be received in advance for requests that are estimated to be one hundred dollars (\$100.00) or more in order for the request to be filled. The Borough will review the request and estimate the fees for the requester, and will require a deposit in the amount of the estimated fees, but will refund any excess deposit upon completion of the request.

5. If additional costs are incurred to comply with any request, other reasonable fees may be assessed. Such cost may be assessed when custodial responsibilities are required during the review of records to assure that the records are not tampered with or removed from the Borough's files.

6. Custodial fees will be charged at one and two-tenths (1.2) times the record custodian's normal rate of pay, calculated on an hourly basis, at fifteen (15) minute intervals rounded to the next higher interval.

7. If the requester fails to retrieve the records within sixty (60) days. The Borough may dispose of the records and retain any fees paid.

8. The Borough may waive the fees for duplication of a public record when the Borough deems it is in the public interest to do so, or at its discretion.

(Res. 2009-3, 1/15/2009)

§806. Denial of a Request and Appeals Process.

1. The Borough will contact the DCED Open Records Office for an advisory opinion.

2. The Borough will deny a request for a document if that document is not a public document or when (A) A request is repeated for the same record placing an unreasonable burden on the Borough; (B) Timely access is not possible due to a disaster; or (C) Access would cause damage to historical documents.

3. All denials will be provided in writing, even if only a portion of the document is denied or removed. The written denial must include the following:

A. A description of the record.

B. The specific reasons for the denial, including legal citations and, if applicable, reasons from a legal opinion of why a record is not public.

C. The typed or printed name, title, business address, business telephone number, and signature of the Borough official denying the request.

D. The date of the denial.

E. The appeal procedure in Act 3 of 2008 (Section 1101).

4. The requester may appeal with the DCED Office of Open Records, or judicial, legislative, or other appeals officer within fifteen (15) business days of the mailing date of the agency response or deemed denial in accordance with Section 503(d). The appeal must state the reasons the requester asserts that the record is a public record and address the reasons in the agency's denial. The Office of Open Records will assign an appeals officer. The Appeals Officer must make a final written determination, with explanation, within thirty (30) days. Failure to meet that date is a deemed denial. The appeals officer may conduct a hearing on the matter. The determination is a final order, and is sent to both requester and agency.

A district attorney will be designated for appeals regarding access to criminal investigative records.

5. A third party with an interest in the record on appeal may join the appeal within fifteen (15) days of receiving actual knowledge of the appeal, but no later than the date the appeals officer issues an order. Participation is by written request to provide information or to appear before the appeals officer, on behalf of either the requester's or the agency's position.

6. Appeals of the appeals officer's determination are filed with the court of common pleas, within 30 days of the mailing date of the decision. The petition for review constitutes a stay on the release of the documents until the court renders a decision.

(Res. 2009-3, 1/15/2009)

#### §807. Sanctions.

1. If a court reverses the Borough's final determination, the court may award reasonable attorney fees and costs of litigation or a portion of to the requester if the court finds the following:

A. The Borough willfully or with wanton disregard deprived the requester of access to a public record.

B. The exemptions, exclusions or defenses asserted by the Borough in its final determination were not based on a reasonable interpretation of the law.

2. If the court affirms the Borough's final determination, the court may award reasonable attorney fees and costs of litigation, or a portion of to the Borough if the court finds that the legal challenge to the Borough's final determination was frivolous.

3. The court may impose penalties and costs in accordance with the applicable rules of the court.

(Res. 2009-3, 1/15/2009)

§808. Maintenance of Records. The Borough will follow the Municipal Records Manual provided by the Pennsylvania Historical and Museum Commission Division of Archival and Records Management Services. (Res. 2009-3, 1/15/2009)



Attachment A  
Borough of Hummelstown-Record Request Form

DATE \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

DESCRIPTION OF RECORDS (For more space, continue on back or separate sheet)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INSTRUCTIONS (Please Circle): PICK-UP - FAX - MAIL - DISKETTE - E-MAIL (if available in electronic form)

SIGNATURE OF REQUESTER \_\_\_\_\_

\_\_\_\_\_

For BOROUGH Use Only:

Copies \_\_\_\_\_ Postage \_\_\_\_\_ Disk \_\_\_\_\_ Fax \_\_\_\_\_

TOTAL COST \_\_\_\_\_

DATE REQUEST FULFILLED \_\_\_\_\_

INITIALS OF STAFF CONTACT \_\_\_\_\_

DATE INFORMATION: PICK-UP \_\_\_\_\_ FAX \_\_\_\_\_ MAIL \_\_\_\_\_ DISK \_\_\_\_\_  
E-MAIL \_\_\_\_\_

Submit request forms to Administration

