

PART 2

Administration and Government

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- Chapter 5. Emergency Management.
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CHAPTER 1

Elected Officers

- Section 2-1001. Salary of mayor.
- Section 2-1002. Salary of each member of council.
- Section 2-1003. Procedure for election not to receive salary;
revocation of election.

Section 2-1001. Salary of mayor.

Commencing in 1982, the annual salary of the mayor shall be \$300, payable in quarterly installments in March, June, September and December. (Ord. No. 273, 12/30/1981, Sec. 1)

Note: The preamble to Ord. No. 273 stated that the Borough Code, in Sections 1025 and 1001 permits the payment of salaries to the mayor and members of council, and that the borough was desirous of establishing salaries for those officers. Section 4 of the ordinance repealed all inconsistent ordinances and parts of ordinances.

Section 2-1002. Salary of each member of council.

Commencing with the reorganization of council on January 4, 1982, a monthly salary of \$25 shall be paid to each of the members of council. Those salaries shall be payable quarterly in the months of March, June, September and December of each year. (Ord. No. 273, 12/30/1981, Sec. 2)

**Section 2-1003. Procedure for election not to receive salary;
revocation of election.**

Any official who elects not to receive the salary to which he is entitled shall notify the secretary in writing of his election. The election may be revoked in writing at any time. (Ord. No. 273, 12/30/1981, Sec. 3)

CHAPTER 2

Appointed Officers

ARTICLE A

Secretary and Treasurer

- Section 2-2001. Authority to appoint same person to serve as secretary and treasurer; separate compensation for each office permitted.
- Section 2-2002. Manner of making appointments.
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Independent Auditor

- Section 2-2011. Office of elected auditor abolished.
- Section 2-2012. Independent auditor appointed annually.
- Section 2-2013. Duration.

ARTICLE A

Secretary and Treasurer

- Section 2-2001. Authority to appoint same person to serve as secretary and treasurer; separate compensation for each office permitted.**

Council, in its discretion, may from time to time appoint the same person to serve as treasurer and secretary and may fix separate compensation for each office. (Ord. No. 265, 4/21/1980, Sec. 1)

Note: Ord. No. 265 was passed over the mayor's veto. The preamble to the ordinance stated that Section 1104 of the Borough Code permits the combination of the offices of Borough secretary and Borough treasurer when authorized by ordinance and that the borough presently wished and at various times in the future may wish to combine those offices. Section 5 of the ordinance ratified the appointment of William L. Runkle, Jr. to the offices of secretary and treasurer at the January 7, 1980 reorganization meeting; Section 6 repealed all inconsistent ordinances and parts or ordinances.

Section 2-2002. Manner of making appointments.

The appointments shall be made at an official public meeting of the borough by motion approved by a majority of those councilmen present. (Ord. No. 265, 4/21/1980, Sec. 2)

Section 2-2003. Tenure of person appointed as secretary and treasurer.

The person or persons so appointed shall serve at the pleasure of council or until the next reorganization meeting of the council. (Ord. No. 265, 4/21/1980, Sec. 3)

Section 2-2004. Authority to segregate or combine appointments in future.

Council in the future may segregate or combine the said positions without amendment or revocation of this chapter. (Ord. No. 265, 4/21/1980, Sec. 4)

Sections 2-2005 through 2-2010 reserved.

ARTICLE B

Independent Auditor

Section 2-2011. Office of elected auditor abolished.

The borough hereby abolishes the office of elected auditor.
(Ord. No. 286, 10/21/1986, Sec. 1)

Note: The preamble to Ord. No. 286 stated that the appointment of an independent auditor is authorized under Section 1005 (7) of the Borough Code, and that the borough was desirous of adopting that procedure. Section 4 of the ordinance repealed all inconsistent ordinances and parts of ordinances.

Section 2-2012. Independent auditor appointed annually.

Council shall, by resolution, enacted each year prior to the close of the fiscal year, appoint an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered, or a competent public accountant, or a competent firm of public accountants, who shall audit the books of the Borough and render the required reports thereon in accordance with the provisions of the Borough Code. (Ord. No. 286, 10/21/1986, Sec. 2)

Section 2-2013. Duration.

This article shall be effective until such time as council amends or rescinds Ord. No. 286. (Ord. No. 286, 10/21/1986, Sec. 3)

CHAPTER 3

Authorities, Boards and Commissions

ARTICLE A

Planning Commission

Section 2-3001. Planning commission established.
Section 2-3002 through 2-3010 reserved.

ARTICLE B

Recreation Board

Section 2-3011. Recreation board established.
Section 2-3012. Membership of recreation board.
Section 2-3013. Authority to operate and supervise recreation place.
Section 2-3014. Additional authority of recreation board.
Section 2-3015. Appointment of members of recreation board.

ARTICLE A

Planning Commission

Section 2-3001. Planning commission established.

A borough planning commission, composed of five (5) members, appointed in the manner provided by law, is created and established in and for the borough. The planning commission shall perform all of the duties and may exercise any and all of the powers vested by law in planning agencies in boroughs. **Provided:** the persons constituting the borough planning commission now functioning in the borough shall constitute the planning commission created in this section, and nothing in this section shall affect the tenure of the present borough planning commission. All vacancies afterward occurring in the planning commission, regardless of the cause, shall be filled in accordance with the provisions of the law governing planning agencies in boroughs at the time of the occurrence of the vacancy.

Sections 2-3002 through 2-3010 reserved.

ARTICLE B

Recreation Board

Section 2-3011. Recreation board established.

There is hereby created and established a recreation board of the borough which shall consist of seven (7) members. (Ord. No. 73, 6/27/1953, Sec. 1, as amended by Ord. No. 214, 7/20/1970, Sec. 1)

Note: As enacted, Section 1 of Ord. No. 73 fixed the number of members of the recreation board at five; this was raised to seven by Ord. No. 214. Section 6 of Ord. No 73 repealed all conflicting ordinances and parts of ordinances to the extent of inconsistency; Section 4 of Ord. No. 214 also contained repealing provisions.

Section 2-3012. Membership of recreation board.

Five (5) of the members of the recreation board shall be appointed by council and two (2) by the Mechanicsburg Area School District. All members shall be appointed for five (5)-year terms, and appointments shall be staggered so that the term of at least one (1) member expires annually. (Ord. No. 73, 6/27/1953, Sec. 2, as amended by Ord. No. 214, 7/20/1970, Sec. 2)

Section 2-3013. Authority to operate and supervise recreation place.

The recreation board shall have power to operate and supervise a recreation place for and on behalf of the borough. (Ord. No. 73, 6/27/1953, Sec. 3)

Section 2-3014. Additional authority of recreation board.

The recreation board shall have such additional powers and duties as may be authorized and comprehended within the Act of Assembly authorizing the creation and composition of the board. (Ord. No. 73, 6/27/1953, Sec. 4)

Section 2-3015. Appointment of members of recreation board.

At the first regular meeting of council in each year, council shall appoint as many members of the recreation board as shall be needed to fill vacancies occasioned by those terms on the board ending at the time. (Ord. No. 73, 6/27/1853, Sec. 5, as amended by Ord. No. 214, 7/20/1970, Sec. 3)

CHAPTER 4

Pensions, Retirement and Social Security

ARTICLE A

Police Pensions

- Section 2-4001. Election to join Pennsylvania Municipal Retirement System.
- Section 2-4002. Election of benefits under Article IV of Municipal Retirement Law (optional retirement plans)
- Section 2-4003. Prior service credits toward municipal annuity.
- Section 2-4004. Prior service payments amortized over 30 years.
- Section 2-4005. Effective date.
- Section 2-4006. Ratification of contract with Pennsylvania Municipal Retirement Board.
- Section 2-4007. Copy of ordinance to be filed; effective date of memberships in system.
- Section 2-4008. Commitment for expenditure of moneys from foreign casualty insurance fund.
- Section 2-4009 through 2-4030 reserved.

ARTICLE B

Social Security for Borough Employees and Officers

- Section 2-4031. Legal authority for extension of Social Security coverage; benefits of coverage
- Section 2-4032. Borough participation in Social Security authorized.
- Section 2-4033. Execution and delivery of plan and agreement authorized.
- Section 2-4034. Payments into contribution fund and payroll deductions authorized.
- Section 2-4035. Appropriations for payments into contribution fund authorized.
- Section 2-4036. Continued implementation authorized.
- Section 2-4037. Borough participation authorized; date participation commences.
- Section 2-4038. Borough secretary responsible for local administration.

(2-4001)

ARTICLE A

Police Pensions

Section 2-4001. Election to join Pennsylvania Municipal Retirement System.

The borough elects to join the Pennsylvania Municipal Retirement System established by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, and does hereby agree to be bound by all the requirements and provisions of the said Pennsylvania Municipal Retirement Law and the existing amendments thereto and to assume all obligations, financial and otherwise, placed upon member municipalities by said Pennsylvania Municipal Retirement Law and the existing amendments thereto. (Ord. No. 258, 2/6/1978, Sec. 1 as amended by Ord. No. 268, 12/29/1980, Sec. 1)

Note: Section 8 of Ord. No. 258 rescinded Ord. No. 244 (1/5/1976, which had established a police pension fund, Section 9 rescinded Res. No. 1-1976 (4/19/1976) which had established and authorized a trust agreement between the borough and Commonwealth National Bank, and directed the officers of the borough to advise the trustee of the termination of the trust; it directed that the funds in the hands of the trustee, after deduction for required expenses, be paid over to the borough, so that they might be applied to the pension fund created by Ord. No. 258. Prior to the establishment of the first police pension fund under Ord. No. 244, the borough had used moneys from the Foreign Casualty Insurance Tax Fund for the purchase of annuity policies for police officers, beginning with Res. No. 106 (4/10/1958). Section 9 of Ord. No. 268 repealed all inconsistent ordinances and parts of ordinances.

Section 2-4002. Election of benefits under Article IV of Municipal Retirement Law (optional retirement plans).

The borough elects the benefits provided under Article IV of the Pennsylvania Municipal Retirement Law. (Ord. No. 258, 2/6/1978, Sec. 2, as amended by Ord. No. 268, 12/29/1980, Sec. 2)

Note: Ord. No. 268 deleted the following from the end of Section 2 of Ord. No. 158: "including widow's benefits but provided that benefits shall be based on the final average five (5) year salary."

Section 2-4003. Prior service credits toward municipal annuity.

Credit for prior service toward the municipal annuity of each original member shall be for all years of service for the

(2-4003, cont'd)

Borough of Shiremanstown. The borough does hereby assume the liability for payment of 100% of the original member's contributions for all years of service toward the original member's annuity for the prior service of each original member. (Ord. No. 258, 2/6/1978, Sec. 3, as reenacted by Ord. No 268, 12/29/1980, Sec. 3)

Section 2-4004. Prior service payments amortized over 30 years.

Payment for the prior services set forth in Section 2-4003 shall be made by the borough in accordance with the said Pennsylvania Municipal Retirement Law and may be amortized over a period of 30 years, if the borough so elects, and with the approval of the Pennsylvania Municipal Retirement Board. (Ord. No. 258, 2/6/1978, Sec. 4, as amended by Ord. No. 268, 12/29/1980, Sec. 4)

Section 2-4005. Effective date.

The effective date of this article for the purpose of ascertaining contribution requirements and benefits payable shall be January 1, 1978. (Ord. No. 258, 2/6/1978, Sec. 5, as amended and reenacted by Ord. No. 268, 12/29/1980, Sec. 5)

Section 2-4006. Ratification of contract with Pennsylvania Municipal Retirement Board.

The borough hereby ratifies a contract with the Pennsylvania Municipal Retirement Board containing, inter alia, the following provisions:

(a) The requirements for retirement for superannuation are 25 years of service and attainment of age 65.

(b) The benefit payable for retirement for superannuation shall be based on the final three (3) year average salary.

(c) Members shall not be required to contribute to the pension plan. By resolution of council, members may be required in future years to contribute to the plan but in no case shall it exceed 8% of basic compensation.

(d) A supplemental benefit known as a "service increment" may be provided for service in excess of 25 years prior to age 65, said "service increment" not to exceed \$100 per month.

(e) Widow's benefits for retired members or active members eligible for retirement at the time of death shall be provided; provided that said benefits do not exceed one-half of the pension of the retired member or the benefit which the retired member was entitled to receive at the time of his death.

(f) Benefits relating to vesting, early retirement, disability, refunding, optional modes of payment of benefits, death, withdrawal, return to service as presently set forth in Article III of the Pennsylvania Municipal Retirement Law shall be provided.

(g) Retroactive to January 1, 1983 a cost of living benefit shall be payable to retired members or beneficiaries. The amount of the cost of living benefit shall be determined by the following standards:

(1) The percent increase in the pension shall not exceed the percent increase in the Consumer Price Index since the last year in which the retired member worked.

(2) The pension, after such increase, shall not exceed 75% of the final average salary upon which the retired member's pension was based.

(3) The total of all annual increases shall not exceed 30% of the retired member's original pension.

(Ord. No. 258, 2/6/1978, Sec. 6, as amended by Ord. No. 268, 12/29/1980, Sec. 6, and by Ord. No. 276, 6/20/1983, Secs. 1 to 3)

Note: Section 1 of Ord. No. 276 amended (a) of this section; Section 2 amended (c) and Section 3 added (g); Section 4 directed that a duly certified copy of Ord. No. 276 be filed with the Pennsylvania Municipal Retirement Board; Section 5 repealed all inconsistent ordinances and parts of ordinances.

Section 2-4007. Copy of ordinance to be filed; effective date of membership in system.

A duly certified copy of Ordinance No. 258 and of Ordinance No. 268 shall be filed with the Pennsylvania Municipal Retirement Board of the Commonwealth of Pennsylvania and membership under Article IV for the Borough of Shiremanstown in the Pennsylvania Municipal Retirement System shall be effective the 6th day of February, 1978. (Ord. No. 258, 2/6/1978, Sec. 7, as amended by Ord. No. 268, 12/29/1980, Sec. 7)

Section 2-4008. Commitment for expenditure of moneys from foreign casualty insurance fund.

Any State funds previously paid to and not expended or any funds payable to the borough, the payment of which has been withheld or prevented by action of the Auditor General of Pennsylvania pursuant to Section 1.2 of the Act of May 12, 1943

(2-4008, cont'd)

(P. L. 259, No. 120) referred to as the Foreign Casualty Insurance Premium Tax Allocation Law, taken since January 1, 1982, will be transferred to the Police Pension Fund and are irrevocably committed to be expended only in accordance with the Foreign Casualty Insurance Premium Tax Allocation Law. (Ord. No. 282, 4/15/1985, Sec. 1)

Note: Section 2 of Ord. No. 282 provided that the ordinance take effect immediately; Section 3 repealed all inconsistent ordinances and parts of ordinances. Res. No. 3-85 (10/21/1985) directed that \$3,229.80 be forwarded to the Pennsylvania Municipal Retirement Board and credited to the account of the borough.

Sections 2-4009 through 2-4030 reserved.

ARTICLE B

Social Security for Borough Employees and Officers

Section 2-4031. Legal authority for extension of Social Security coverage; benefits of coverage.

WHEREAS, the Social Security Act has been so amended by the Congress of the United States as to permit political subdivisions of the several states to extend to their employees and officers the benefits of Old Age and Survivors Insurance, and

WHEREAS, the 1951 Session of the General Assembly of the Commonwealth of Pennsylvania, in regular session, has enacted a statute known as Act N. 491, which enables the political subdivisions of the Commonwealth of Pennsylvania to take all action necessary to effectuate the coverage of their employees and officers under the Old Age and Survivors Insurance System, and

WHEREAS, it is the opinion of council of the Borough of Shiremanstown, Cumberland County, Pennsylvania, that the extension of this Social Security System will be of great benefit to the employees of the Borough of Shiremanstown, by attracting to it and enabling it to retain the best of personnel and thus increasing the efficiency of its government; and it is deemed that the payment by the Borough of Shiremanstown of its portion of the cost of said system is a payment for the purpose of the Borough of Shiremanstown

(Ord. No. 93, 8/9/1956, Preamble)

Note: Section 8 of Ord. No. 93 contained severability provisions similar to those in Section 1-1005.

Section 2-4032. Borough participation in Social Security authorized.

The Borough of Shiremanstown shall become a participant in the Social Security System and the benefits of Old Age and Survivors Insurance shall be extended to its employees and officers. (Ord. No. 93, 8/9/1956, Sec. 1)

Section 2-4033. Execution and delivery of plan and agreement authorized.

(a) The Borough of Shiremanstown upon the proper signatures of its president of council and borough secretary, is authorized

(2-4033, cont'd)

to execute and deliver to the Secretary of Labor and Industry of the Commonwealth of Pennsylvania, the "State Agency" charged with the administration of the Enabling Act, the Plan and Agreement required under the provisions of Section 6 of said Enabling Act and the Social Security Act, to extend coverage to the employees and officers of the Borough of Shiremanstown, and to do all other things necessary to that end.

(Ord. No. 93, 8/9/1956, Sec. 2)

(b) Pursuant to Act of 1951, P.L. 1833, as amended, the Borough of Shiremanstown shall enter into a plan, designated BBS-3, Revised 1-68, with the Secretary of Labor and Industry to exclude certain persons from being considered employees under the Federal Social Security Act.

(Res. No. 204, 1/20/1969, Sec. 1)

Note: Section 2 of Res. No. 204 designated the president and secretary to execute the plan authorized by that resolution, and transmit it to the Secretary of Labor and Industry for his approval and action.

Section 2-4034. Payments into contribution fund and payroll deductions authorized.

The Borough of Shiremanstown upon the proper signatures of its president of council, borough secretary, and borough treasurer, is hereby authorized to make all of the required payments into the contribution fund established by Section 7 of said Enabling Act and to establish such system of payroll deductions from salaries of officers and employees as may be necessary to their coverage under said Old-Age and Survivors Insurance system. (Ord. No. 93, 8/9/1956, Sec. 3)

Section 2-4035. Appropriations for payments into contribution fund authorized.

Council is hereby authorized to appropriate from the proper fund or funds of the said Borough, amounts necessary to pay into the contribution fund as provided in Section 4 of the said Enabling Act, and in accordance with the Plan and Agreement under procedure established in the Borough Code (53 PS 13399). (Ord. No. 93, 8/9/1956, Sec. 4)

Section 2-4036. Continued implementation authorized.

The proper officials of the borough are authorized and empowered to do any and all things in accordance with the

(2-4036, cont'd)

provisions contained in the Plan and Agreement, necessary to the continued implementation into the Old Age and Survivors Insurance System. (Ord. No. 93, 8/9/1956, Sec. 5)

Section 2-4037. Borough participation authorized; date participation commence.

The Borough shall become a participant in the Social Security System and such participation shall commence as of April 1, 1956. (Ord. No. 3, 8/9/1956, Sec. 6)

Section 2-4038. Borough secretary responsible for local administration.

The borough hereby appoints L. O. Wrightstone, Borough Secretary, or his successor in office, as the person to be responsible for the local administration of the Plan and Agreement. (Ord. No. 93, 8/9/1956, Sec. 7)

CHAPTER 5

Emergency Management

Section 2-5001. Short title.
Section 2-5002. Definitions.
Section 2-5003. Declaration of disaster emergency.
Section 2-5004. Powers and duties.
Section 2-5005. Penalties.

Section 2-5001. Short title.

This chapter shall be known and may be cited as the "Emergency Management Services Code." (Ord. No. 267, 12/29/1980, Sec. 1)

Note: The enacting clause of Ord. No. 267 stated that the ordinance was enacted pursuant to the provisions of the Emergency Management Services Code, Act No. 1978 323 (1978 P.L. 1332 nO. 323). Section 6 of the ordinance provided that it become effective immediately.

Section 2-5002. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section.

- (a) **Agency:** The Pennsylvania Emergency Management Agency.
- (b) **Council:** The Pennsylvania Emergency Management Council.
- (c) **Disaster:** A man-made disaster, natural disaster, or war-caused disaster.
- (d) **Disaster emergency:** Those conditions which may by investigation made, be found, actually or likely to:
 - (1) affect seriously the safety, health, or welfare of a substantial number of citizens of this Borough or preclude the operation or use of essential public facilities;
 - (2) be of such magnitude or severity as to render essential state supplementation of county and local efforts or resources exerted or utilized in alleviating the danger, damage, suffering, or hardship faced.

(2-5002, cont'd)

(e) **Emergency management:** The planning, assignment, and coordination of all available resources in an integrated program of prevention, mitigation, preparedness, response, and recovery from emergencies of any kind.

(f) **Emergency services:** The preparation for and the carrying out of functions, other than functions which military forces are primarily responsible to prevent, minimize and provide emergency repair of damage and treatment of injuries resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of those functions. The functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, disaster warning services, communications, radiological, shelter, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resources management, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection.

(g) **Local emergency:** The condition declared by the borough council when in its judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby. A local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the Borough Council when it deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened or caused thereby.

(h) **Man-made disaster:** Any industrial nuclear, or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, such as oil spills and other injurious environmental contamination, which threaten or cause substantial damage to property, human suffering, hardship, or loss of life.

(i) **Natural disaster:** Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe which results in substantial damage to property, hardship, suffering, injury or possible loss of life.

(j) **Resource shortage:** The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare, and economic well-being of the citizens of this Commonwealth.

(k) **War-caused disaster:** Any condition following an attack upon the United States resulting in substantial damage to property or injury to persons in the United States caused by use of bombs, missiles, shellfire, nuclear, radiological, chemical, or biological means, or other weapons or overt paramilitary actions, or other conditions such as sabotage.

(Ord. No. 267, 12/29/1980, Sec. 2)

Section 2-5003. Declaration of disaster emergency.

A disaster emergency may be declared by the borough council upon finding a disaster has occurred or is imminent. The mayor may declare a disaster emergency subject to ratification by the borough council. The declaration shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of borough council. Any order or resolution declaring, continuing, or terminating a disaster emergency shall be given prompt and general publicity and shall be filed promptly with the Pennsylvania Emergency Management Agency. The effect of a declaration of a disaster emergency is to activate the response and recovery aspects of any and all applicable local emergency management plans and to authorize the furnishing of aid and assistance thereunder. (Ord. No. 267, 12//29/1980, Sec. 3)

Section 2-5004. Powers and duties.

In the event of declaration of a disaster emergency by the Governor or as provided in Section 2-5003, the borough council or the mayor subject to ratification by borough council may do the following:

(a) Suspend any ordinances or sections thereof which would restrict or limit emergency powers.

(b) Authorize the chief of police or any police officer, any employee of the borough, any person temporarily authorized to so act, any member of the Pennsylvania State Police, or any member of the Armed Forces of the United States or of the Pennsylvania National Guard to open or close any street, whether public or private, to establish one-way streets, to regulate traffic, to prohibit or regulate stopping, standing, or parking of vehicles, to establish speed limits, to prohibit or restrict use of any street, to designate any street as a through street,

(2-5002(j) cont'd)

prohibit or regulate the turning of vehicles, prohibit or regulate use of designated streets, remove any vehicle parked in violation of such order, and adopt such other traffic regulations as the circumstances may reasonably require.

(c) Establish a curfew from 7:00 o'clock p.m. to 7:00 o'clock a.m., prevailing time. During said curfew, it shall be unlawful for any person to be or remain upon any street or alley or other public place in the Borough unless such person is going to or from a place of lawful employment, a hospital, a doctor, or performing a lawful duty directly related to the disaster emergency.

(d) To enter into mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance consistent with plans and programs of the Agency.

(e) To render assistance in accordance with the provisions of the mutual aid agreements.

(f) Where the Governor declares a disaster emergency, to acquire, temporary or permanent, by purchase, lease or otherwise, sites required for installation of temporary housing units for disaster victims and to enter into whatever arrangements are necessary to prepare or equip the sites to utilize the housing units.

(g) To perform public work, to enter into contracts, to incur obligations, to employ temporary workers, to rent equipment, to purchase supplies and materials, and to appropriate and expand public funds.

(h) To assign, direct, control, and require personnel under contract to Borough to perform emergency service functions of security, maintenance, and other duties as required in pre-evacuation, partial evacuation, and total evacuation conditions.

(Ord. No. 267, 12/29/1980, Sec. 4)

Section 2-5005. Penalties.

Any person violating any orders or regulations given pursuant to the provisions of Section 2-5004 (b) or 2-5004 (c) shall, upon conviction thereof in summary proceedings be sentenced to pay a fine for each violation of not less than \$50 and not exceeding \$300. and in default of payment of the fine, be imprisoned in the Cumberland County jail for not more than 30 days. (Ord. No. 267, 12/29/1980, Sec. 5)

CHAPTER 6

Employee Regulations and Benefits

ARTICLE A

Sexual Harassment in the Workplace

- Section 2-6001. "Sexual harassment" defined.
- Section 2-6002. Sexual harassment in the workplace or other
Borough property prohibited.
- Section 2-6003. Right of employees to file formal complaints.
- Section 2-6004. Disciplinary action authorized.
- Sections 2-6005 through 2-6030. Reserved.

ARTICLE B

Other Regulations and Benefits

(Reserved)

ARTICLE A**SEXUAL HARASSMENT IN THE WORKPLACE****Section 2-6001. "Sexual harassment" defined.**

Sexual harassment is defined to be any unwelcome sexual advance, request for sexual favors, or any other verbal, or physical conduct of a sexual nature when submission of such conduct is made either explicitly or implicitly a term or condition of employment; when submission to or rejection of such condition is used as the basis for employment decisions affecting an individual; or when such conduct has the affect of unreasonably interfering with the individual's work performance or creating an offensive working environment. Sexual harassment may include, but is not limited to, written, suggestive, or obscene letters, poems, notes or invitations; verbal derogatory comments, epithets, slurs, or jokes; physically impeding or blocking movement, touching, petting, pinching, or any other unnecessary physical interference with normal work; visual sexually oriented gestures; display of sexually suggestive or derogatory objects, pictures, cartoons, posters or drawings; or other threats or insinuations that lack of sexual favors will result in reprisal, punitive action, change of assignment, a poor performance evaluation, or withholding support for appointment, promotion, or transfer. (Res. No. 2-94, 3/21/1994, Sec. 1)

Section 2-6002. Sexual harassment in the workplace or other Borough property prohibited.

Sexual harassment in the workplace in the Borough offices, or other Borough property is strictly prohibited. Any employee who believes he or she has been or is being sexually harassed shall contact the Chairman of the Finance and Personnel Committee of Borough Council who shall investigate the matter and submit a report to the Borough Council at the next regular meeting. The report may be in public or executive session at the discretion of the Borough Council which shall give due consideration to the wishes of the complaining party and the party against whom the charge is made. (Res. 2-94, 3/21/1994, Sec. 2)

Section 2-6003. Right of employees to file formal complaints.

Any employee may, at any time, file a formal complaint with the Pennsylvania Human Relations Commission or Equal Opportunity Commission. (Res. 2-94, 3/21/1994, Sec. 3)

(2-6001, cont'd)

Section 2-6004. Disciplinary action authorized.

Any Borough employee who is found to have engaged in sexual harassment of another employee will be subject to disciplinary action of reprimand, suspension or immediate discharge. (Res. No. 2-94, 3/21/1994, Sec. 4)

Sections 2-6005 through 2-6030 reserved.

ARTICLE B

Other Regulations and Benefits

(Reserved)

CHAPTER 7

Flood Insurance Program

Section 2-7001. Borough evidences positive interest in securing flood insurance coverage.

Section 2-7001. Borough evidences positive interest in securing flood insurance coverage.

The borough evidences a positive interest in securing flood insurance coverage under the National Flood Insurance Program because of a clear danger of flooding and the resultant damage to property in the Borough of Shiremanstown; and

it will comply with the regulations of the National Flood Insurance Program:

(1) To recognize and duly evaluate flood hazards and/or mudslide hazards in all official actions relating to land use in the areas having special flood hazards and/or mudslides.

(2) To take such other official action as may be reasonably necessary to carry out the objectives of the program. Such actions must include, but will not be limited to:

(a) Delineating or assisting the Administrator, at his request in the delineation of the limits of the flood plain having special flood hazards and/or mudslide hazards on available local maps of sufficient scale to identify the location of building sites.

(b) Providing such information as the Administrator may request concerning present uses and occupancy of the flood plain and/or mudslide areas.

(c) Maintaining for public inspection and furnishing upon request, with respect to each area having special flood hazards, information on elevations (in relation to mean sea level) of the lowest floors of all new or substantially improved structures and, where there is a basement, the distance between the first floor and the bottom of the lowest opening where water flowing on the ground will enter.

(d) Cooperating with Federal, State and local agencies and private firms which undertake to study, survey, map and identify flood plain or mudslide areas as well as cooperation with neighboring jurisdictions with respect to management of adjoining flood plain or mudslide areas in order to prevent aggravation of the flooding problem.

(2-7001, cont'd)

(e) To appoint or designate the Borough Secretary, with the responsibility, authority and means to implement the commitment made herein and to submit, on each anniversary date of the community's eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain and/or mudslide area management measures.

(Res. 9/18/1972)

Note: The preamble to the resolution of 9/18/1972 was as follows:

"WHEREAS, the Borough Council of the Borough of Shiremanstown being cognizant of the recurring flooding and the threat of flooding of surface water and the resulting damage to property located within the Borough of Shiremanstown; and

"WHEREAS, there is a desire and need for the program of insurance coverage for those who reside or hold title to property located within such flood-prone areas; and,

"WHEREAS, relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968, as amended; and,

"WHEREAS, the regulations promulgated by the Federal Insurance Administrator under said Act require: (1) an official legislative or executive act indicating a local need for flood insurance and a desire to participate in the National Flood Insurance Program and (2) assurances in the form of action by the appropriate local legislative body committing the local legislative body to certain future courses of action; and

"WHEREAS, the Borough Council of the Borough of Shiremanstown is the appropriate local legislative body as authorized by the Pennsylvania Municipalities Planning Code (P. L. 247 of July 31, 1968) to define watercourses and to regulate the use of the land by enacting flood regulations."

CHAPTER 8

Administrative Procedures and Regulations

Section 2-8001. Intention to follow Records Retention and
Disposition Schedule.

Section 2-8002. Procedure to dispose of surplus property of a
value less than \$200.

**Section 2-8001. Intention to follow Records Retention and
Disposition Schedule.**

The Borough of Shiremanstown intends to follow the procedures for disposition of old and surplus records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on May 17, 1982. (Res. 4-86, 5/21/1986)

Note: The preamble to this resolution stated that a Local Government Records Committee was created by Act 428 of 1968 (1968 P.L. (1967) 961, 53 P.S. 9001 et seq.); that a retention and disposition schedule for records of Pennsylvania municipalities was approved by that committee and issued on May 17, 1982; and that the Borough desired to dispose of certain old records according to the statutory requirements.

**Section 2-8002. Procedure to dispose of surplus property of a
value of less than \$200.**

The following procedure shall be used to dispose of surplus property of the Borough of a value of less than \$200:

1. The Council person in charge of the committee under whose jurisdiction the surplus property exists shall state at an official meeting of the Borough Council an estimate of the value of the property to be sold and shall recommend the matter of disposal.

2. The Borough Council shall, by motion duly adopted, authorize either a Borough employee or a Council person to sell the surplus property at either a public or private sale; but, if it is a private sale, the motion shall give the name of the purchaser and the amount to be paid.

3. If the sale is to be by public sale, it may be sold by oral bids, written bids, public auction, or at a "yard" or "garage" type sale with notice to be posted on the community bulletin board, and by such other notice as the Borough Council shall, from time to time, prescribe.

(2-8002, cont'd)

4. The results of any public sale shall be reported to the Borough Council at its next meeting following said sale.

5. Any property which cannot be sold after an attempt to sell it at either a public or private sale may be given to any charitable organization of the Borough Council's choosing or may be junked; but, under no circumstances, shall it be given to any official or employee of the Borough.

(Res. No. 3-93, 11/15/1993)

Note: The preamble to this resolution stated that the Borough had in its possession surplus property from time to time for which it had no practical use; and that the Borough Code, in Section 1201 provides that surplus property of an estimated value of less than \$200 may be sold in accordance with a procedure adopted by the Borough by resolution.