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Part 1**Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Borough of Christiana shall be the "Borough of Christiana Code of Ordinances."

(Ord. 205, 6/5/2007)

§1-102. Citation of Code of Ordinances.

The Borough of Christiana Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

(Ord. 205, 6/5/2007)

§1-103. Arrangement of Code.

1. This Code is divided into Chapters which are subdivided as follows:
 - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
 - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
 - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
 - A. Subsections, identified by Arabic numerals.
 - B. Paragraphs, identified by capital letters.
 - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
 - D. Clauses, identified by lower case letters enclosed within parentheses.
 - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
 - F. Items, identified by identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified by small Roman numerals.

(Ord. 205, 6/5/2007)

§1-104. Headings.

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

(Ord. 205, 6/5/2007)

§1-105. Tenses, Gender and Number.

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 205, 6/5/2007)

§1-106. Construction.

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or this Part expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in this Part adopting this consolidation, codification and revision of this Parts and regulations of the Borough of Christiana, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council of the Borough of Christiana (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, at the time of their passage by the Borough Council. Such "resolutions" are included herein for ease of reference and the Borough Council does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Borough Council that such actions of the Borough Council that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 205, 6/5/2007)

§1-107. Normal Numbering.

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, "§1-101" designates Chapter 1, Part 1, Section 1. Similarly, "§27-305" designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:
 1. Subsection.
 - A. Paragraph.
 - (1) Subparagraph.
 - (a) Clause.
 - 1) Subclause.
 - a) Item.
 - i. Subitem

(Ord. 205, 6/5/2007)

§1-108. Special Numbering Problems.

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, "§5A-101." If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, "§5-5A01." A new Section introduced between existing Sections 5 and 6 would be "§5-105A." When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing unites, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked:

“[Reserved].”

(Ord. 205, 6/5/2007)

§1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Borough Council.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended (revised) to read as follows . . .” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended by the addition of the following . . .” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby repealed in its entirety.”

3. It is the intention of the Borough Council that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Borough Council that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Borough Council hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 205, 6/5/2007)

§1-110. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Borough Council.

(Ord. 205, 6/5/2007)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough any act is prohibited or is declared to be unlawful, or whenever in this

Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

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

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, "Motor Vehicles and Traffic" (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinance adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(Ord. 205, 6/5/2007)

Part 2**Council Bylaws, Committee Structure and Rules of Order****A. Bylaws****§1-201. Regular Meetings.**

1. The regular meetings of the Council of Christiana shall be held on the first Tuesday of each month, at 7:30 p.m. in the Council chambers of the municipal building. Whenever the first Tuesday of any month shall be a legal holiday, the regular meeting for that day shall be held at the discretion of the Council and advertised as such. The Mayor may attend any or all regular and special meetings of Council and may take part in the discussions of the Council on matters pertaining to Borough affairs.

2. The Borough Council shall organize on the first Monday of January of each even-numbered year, if the first Monday is a legal holiday, the meeting and organization shall take place the first day following.

(Ord. 205, 6/5/2007)

§1-202. Special Meetings.

Special meetings of Council may be called and held as provided by the Borough Code, 53 P.S. §45101 *et seq.*, and any other law governing the subject.

(Ord. 205, 6/5/2007)

§1-203. Biennial Organization Meeting.

1. At its biennial organization meeting, as provided in the Borough Code, 53 P.S. §45101 *et seq.*, Council shall elect one of its members as President and one as Vice-President. The Mayor shall preside over the organization of the Council, until it is organized as provided in §1001 of the Borough Code, 53 P.S. §46001, and he shall be deemed a member of Council at the organization meeting if his membership becomes necessary to constitute a quorum, but he shall not vote thereat unless his vote shall for any reason whatsoever be required to effect the organization of Council, or to elect any officer who is required to be or maybe elected at the organization meeting. The election of these officers shall proceed as follows:

A. A roll call of the members present shall be made, with each member, as his name is called, naming his choice for the office of President. The person named by a majority of the members present shall be declared elected as President. If no person shall receive a majority of votes, a second roll call shall be made, and if no person shall then receive a majority of votes, a third roll call shall be held, at which only the two persons receiving the highest number of votes at the second roll call would be eligible for votes.

B. As soon as the President is declared elected, the same procedure shall be followed to elect the Vice-President.

2. The President and Vice-President shall each serve indefinite terms at the pleasure of Council, and at any regular meeting of Council, or at any special meeting called for the purpose, Council may, on motion, declare a vacancy in either or both

offices.

3. In case of vacancy, from any cause, in the office of President or Vice-President of Council, the Council shall, within 30 days after the occurrence of the vacancy, proceed to fill the vacancy by following the procedure prescribed in subsection .1 of this Section.

(Ord. 205, 6/5/2007)

§1-204. Council President.

The President of Council, in addition to exercising his/her authority to preside over the meetings of Council, and to perform the other specific powers and duties vested in him/her by law or ordinance, shall be required to authenticate, with his/her signature, all actions taken by Council.

(Ord. 205, 6/5/2007)

§1-205. Standing Committees.

1. At the organization meeting of Council, or within 10 days afterward, the President of Council shall appoint the members of all the standing committees of Council. Each standing committee shall be composed of three members of Council, and the individual first named to a committee by a President shall be the chairman of that committee. Standing committees shall serve at the pleasure of the President of Council.

2. The President of Council and the Borough Manager, *ex officio*, shall be a member of each standing committee, and the Borough Treasurer, *ex officio*, shall be a member of the committee dealing generally with matters of finance. *Ex officio* members shall be entitled to participate in all discussions at the meeting of the committee of which they are members, but they shall not vote as committee members.

3. The Borough Secretary shall serve as Secretary of each standing committee.

(Ord. 205, 6/5/2007)

§1-206. Deciding Vote.

1. The Borough Code, 53 P.S. §45101 *et seq.*, gives the Mayor special authority to cast the deciding vote in Council as a result of a tie or split vote and Council is unable to:

- A. Enact or pass an ordinance, resolution or motion.
- B. Declare or fill a vacancy in its membership, or in any other Borough office.
- C. Take any action on any matter lawfully brought before it.

2. Every ordinance and every resolution of legislative character except, as herein otherwise provided, passed by the Council, shall be presented to the Mayor for his approval. If the Mayor approves, he shall sign it; but if he shall not so approve, he shall return it with his objections to the Council at its next regular meeting occurring at least 10 days after the meeting at which such ordinance was passed by the Council, when the objections shall be entered upon the minutes and the Council shall proceed to a reconsideration thereof either at the meeting at which the vetoed ordinance was returned or at any other regular, special or adjourned meeting held not later than 10 days thereafter. See §1007 of the Borough Code, 53 P.S. §46007.

(Ord. 205, 6/5/2007)

§1-207. Parliamentary Authority.

The Council hereby adopts as its parliamentary authority the volume entitled *Robert's Rules of Order, Newly Revised*, which shall govern all matters within the purview of that volume, except that conflicting provisions in the Borough Code, 53 P.S. §45101 *et seq.*, or other applicable statutes of Pennsylvania or in these bylaws or in the Rules of Order of the Council of the Borough of Christiana shall supersede the provisions of the parliamentary authority on the same matter.

(Ord. 205, 6/5/2007)

§1-208. Amending or Repealing Bylaws.

These bylaws, wholly or in part, may be amended or repealed by an affirmative vote of two-thirds of all the members of the Borough Council, following advance notice to each member at least 28 days before the meeting at which action on amendment or repeal is to be taken. If notice is given at a regular, special or adjourned meeting of the Council, held at least 28 days before the meeting at which action on repeal or amendment is to be taken, special or individual notice shall be required to be given only to those members not in attendance at the earlier meeting and present at the time notice was given.

(Ord. 205, 6/5/2007)

B. Committee Structure**§1-211. Committees.**

Borough Council shall include, but not be limited to, the following committees.

- A. *Water.* Springs, wells, treatment plant and distribution system.
- B. *Property.* Municipal Building and Borough Park.
- C. *Sanitation.* Sewage.
- D. *Public Safety.* Streets/law and order/fire.
- E. *Streets.* Municipal streets and roads.

(Ord. 205, 6/5/2007)

§1-212. Committee Membership.

Each committee shall be comprised of three persons who shall be appointed to their respective committee by the Council President during the first Borough Council meeting of the year. Of the three persons assigned to a Council committee, one will be appointed to be the chair.

(Ord. 205, 6/5/2007)

§1-213. Committee Responsibilities.

1. *Powers and Duties of the Water Committee.*

A. The committee shall be responsible for oversight of the activities of the springs, wells, water treatment and distribution system.

B. The committee shall be responsible for addressing any issue dealing with the water system operator, and may make recommendations to the Borough Council.

2. *Powers and Duties of the Property Committee.*

A. The committee shall be responsible for issues dealing with the Municipal Building and all activities of the Borough Park.

B. The committee shall make periodic inspections of the Municipal Building and Borough Park, noting maintenance needs.

C. The committee shall make recommendations concerning the above mentioned facility to Borough Council for consideration.

3. *Powers and Duties of the Sanitation Committee.*

A. The committee shall deal with any sanitation or public health issue arising within the Borough. Consultation will be also given to the sewage treatment plant operator.

B. The committee shall monitor activities and address concerns at the wastewater treatment facility with the sewage treatment plant operator and shall act as a liaison between Borough Council and the operator.

C. The committee shall monitor activities and address concerns dealing with solid waste management programs.

4. *Powers and Duties of the Public Safety Committee.*

A. The committee shall be responsible for any issue which affects public safety, streets/law and order/fire.

B. The committee shall meet to address any public safety concerns of the Borough or any concerns which the police, fire department, emergency management agency feel affect protection or safety of the citizens of the Borough.

C. The committee shall work with the emergency management officials in the event of an emergency affecting the Borough.

D. The committee shall act as a liaison between Borough Council and the Christiana Borough Police Department and Christiana Volunteer Fire Company, as well as the Emergency Management Agency.

E. The committee shall act as a liaison between Borough Council, the Borough Manager and Mayor concerning Police Department issues.

5. *Powers and Duties of the Streets Committee.*

A. The committee shall be responsible for issues dealing with Borough streets, roads and alleys.

B. The committee shall be responsible for reviewing streets, roads and alleys for maintenance needs and make recommendations to Borough Council.

(Ord. 205, 6/5/2007)

C. Rules**§1-221. Rule 1.**

The parliamentary authority of the Borough Council, as adopted by the Bylaw of Council [Part 2A], being *Roberts Rules of Order, Newly Revised*, shall govern procedure in the meetings of Council, except where otherwise provided in the law, in the Bylaw of Council, and in these rules.

(Ord. 205, 6/5/2007)

§1-222. Rule 2.

The order of business at regular meetings of Council shall be as follows.

- A. Call to order.
- B. Pledge of allegiance.
- C. Minutes of the previous regular meeting of Council and of all special adjourned meetings held since.
- D. Treasurer's report.
- E. Reading and approval of Borough bills payment.
- F. Visitor's comments.
- G. Report on the water system.
- H. Report on the sewage treatment system.
- I. Zoning report.
- J. Old business.
- K. Reports from standing committees.
- L. Reports from special committees.
- M. New business.
- N. Mayor's report.
- O. Correspondence.
- P. Announcements.
- Q. Adjournment.

(Ord. 205, 6/5/2007)

§1-223. Rule 3.

The order of business at work sessions, special or adjourned meetings shall follow that for regular meetings, but omitting all items or business not pertinent to the special or adjourned meetings.

(Ord. 205, 6/5/2007)

§1-224. Rule 4.

The President of Council shall have complete charge over all meetings of Council and his/her rulings, in all matters of parliamentary procedure, shall be binding upon all members of Council, unless overruled on appeal.

(Ord. 205, 6/5/2007)

§1-225. Rule 5.

In the absence of the President of Council, the Vice-President of Council shall conduct the meeting, and in the absence of both the President and Vice-President, the members in attendance at the meeting shall choose a president pro-tempore to preside.

(Ord. 205, 6/5/2007)

§1-226. Rule 6.

The President shall call the meeting to order at the time fixed for the meeting, but if no quorum is present, he/she shall delay the call to order until there shall be a quorum present. But if the absence of a quorum shall continue until 15 minutes after the time fixed for the meeting, the President shall declare the meeting adjourned for lack of quorum.

(Ord. 205, 6/5/2007)

§1-227. Rule 7.

In the deliberation of Council, no member shall speak for longer than 5 minutes at any one time. No member may speak a second time on the same subject until all other members desiring to speak on the subject have had an opportunity to do so.

(Ord. 205, 6/5/2007)

§1-228. Rule 8.

1. When a question is put to the members for vote, each member shall be required to vote, except when he or she shall be required to abstain because of a ¹special, personal, or financial interest in the matter before the Council. When a member shall abstain for cause, he or she shall state the reason for his or her abstention, and an abstention shall be considered as a “no” vote, where the nature of the question shall be such that only an “aye” or “nay” vote is called for.

2. The President of Council shall be required to vote on every question put to the members of Council, and may abstain only as provided in subsection .1 of this Section.

3. When a member's interest in a matter before Council shall be an interest common to other Council Members, he or she shall not be deemed to have a special interest such as would preclude or prohibit them from voting. In such matters, he or

¹Duty of a Council Member to Abstain from Voting, or the Right to Abstain. Basically, Council members must abstain when they have a personal or pecuniary interest not common to other members of Council. A personal interest might be where a relative might be considered for a Borough appointment or removal. A pecuniary interest might be a purchase under the \$1,000 limit, from a business owned or conducted by a Council member. If none of these apply and a Council member still wishes to abstain the vote would be “no,” or to avoid embarrassment or alienation of one's constituents the Council member may always leave the meeting before the vote is taken, or temporarily leave the room, although abstention for such a reason should be avoided.

she shall vote, and if he or she is a candidate for an office in Council, he or she shall have the right to vote for himself or herself or for another person, as he or she chooses. (Ord. 205, 6/5/2007)

§1-229. Rule 9.

The Borough Secretary shall prepare and complete the agenda for each member of Council at least 48 hours in advance of the meeting, and shall have copies available in his/her office throughout the day of the meeting. Persons desiring to come before Council may do so at the point in the order of business entitled "Visitor's Comments." A total time of 10 minutes, unless extended by Council, shall be allotted for comments. No one person shall be permitted to speak for longer than 5 minutes. See §1-232, "Rule 12."

(Ord. 205, 6/5/2007)

§1-230. Rule 10.

Elected and appointed Borough officials, required to be present at Council meetings to give reports, and not being members of Council, shall be permitted to leave the meeting at the conclusion of their respective reports, unless Council shall specifically request that they remain for a longer time.

(Ord. 205, 6/5/2007)

§1-231. Rule 11.

Any of these rules may be suspended or waived at any specific meeting of Council, except where such suspension or waiver would be contrary to the law or to the Bylaw of Council. Suspension or waiver shall not be permitted except upon an affirmative vote of two-thirds of the members of Council.

(Ord. 205, 6/5/2007)

§1-232. Rule 12.

1. Individuals attending the meeting will be given an opportunity to address the Council concerning any agenda item or unrelated item prior to the commencement of the regular business agenda. This 10 minute time period shall be equably allocated between the number of participants who wish to make brief comments; however, no person will be permitted to speak longer than 5 minutes. Although this preliminary public participation period is limited to 10 minutes, individuals will have an opportunity to continue discussion with the Council at the conclusion of the business agenda. The same time restraints shall apply.

2. In an effort to cease disruptions, Council requests that the public refrain from any interruptions during the business portion of the meeting. The Borough Council appreciates your comments and concerns and will make every effort to address those concerns during the public comment portion of the meeting. Also, upon recognition to speak, please stand, announce your name and address.

(Ord. 205, 6/5/2007)

§1-233. Rule 13.

These rules, wholly or in part, may be amended or repealed by majority vote in any meeting of Council; provided, that each member of Council shall be given advance notice of the intent to amend or repeal, at least 28 days prior to the meeting at which action on amendment or repeal is to be taken. The notice shall state the extent and precise nature of the repeal or amendment that is proposed. If notice is given at a regular, special or adjourned meeting of Council, held at least 28 days before the meeting at which action on repeal or amendment is to be taken, special or individual notice shall be required to be given only to those members not in attendance at the earlier meeting and present at the time notice was given.

(Ord. 205, 6/5/2007)

Part 3**Commissions, Departments, Authorities and Agreements****A. Historic Commission****§1-301. Statement of Intent and Purpose.**

1. In creating the Christiana Borough Historic Commission, Borough Council is establishing a policy to support historic preservation, in accordance with provisions of the Borough Code, 53 P.S. §45101 *et seq.*, and of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* Borough Council recognizes the importance of the Borough's historic resources as elements that help define the character of the Borough and the people who live here. Borough Council also realizes the potential economic development tool that historic resources can be in attracting business, tourists and residents.

2. It is the goal of Borough Council to provide tools to the citizens of the community that can be utilized to preserve and enhance the historic character that makes Christiana a unique, distinctive and identifiable place.

(*Ord. 198, 8/2/2005, §1*)

§1-302. Creation of Historic Commission.

1. The Borough Council of the Borough of Christiana hereby creates an Historic Commission which shall report to Borough Council and which shall consist of no less than three nor more than five members who shall be appointed by Borough Council. The membership of the Historic Commission shall include individuals who have professional expertise or a demonstrated interest in cultural history, architectural history, architecture, archaeology, historic preservation, or knowledge in a field related to the objectives of the Historic Commission, such as: real estate, construction, grant writing, fund raising, local business, economic development and the like.

2. Each Historic Commission member shall serve for a term of 5 years. The creation of the Historic Commission shall be established so that one term shall expire each year. The Historic Commission shall notify the President of Borough Council of any vacancies in the Historic Commission and Borough Council shall fill those vacancies. Appointments to fill vacancies for unexpired terms shall only be filled for the unexpired portion of the term vacated. Members shall serve without pay, but shall be reimbursed for any personal expenditures in the conduct of Historic Commission business when authorized by Borough Council.

(*Ord. 198, 8/2/2005, §2*)

§1-303. Organization.

The Historic Commission shall annually elect, from its own membership, a Chair who will direct the activities of the Historic Commission and such other officers as may be required to conduct its business. A quorum shall be a majority or more of its membership. The Historic Commission may make, alter, and rescind rules and forms for its procedures consistent with the laws and regulations of the Borough and of the

Commonwealth. The Historic Commission shall conduct business at regular public meetings. An agenda for each public meeting shall be available for inspection prior to the start of each meeting.

(Ord. 198, 8/2/2005, §3)

§1-304. Records and Reporting.

The Historic Commission shall keep full public records of its business and shall submit a report of its activities to Borough Council annually. The report shall include at minimum:

- A. A list of all regular and special meetings.
- B. A listing of all cases handled and the recommendation in each case.
- C. A list of all expenditures and a proposed budget.

(Ord. 198, 8/2/2005, §4)

§1-305. Expenditures for Services.

Within the limits of funds appropriated by Borough Council and in accordance with all applicable laws and regulations, the Historic Commission may employ staff or contract for clerical, consulting or other technical services.

(Ord. 198, 8/2/2005, §5)

§1-306. Conflict of Interest.

Historic Commission members are required to recuse themselves from any discussion and disqualify themselves from voting on any project in which their own financial interest or those of their immediate families are involved.

(Ord. 198, 8/2/2005, §6)

§1-307. Functions and Duties.

In accordance with the purposes of this Section, the Historic Commission shall have the following functions and duties:

- A. Participate in the preparation of Comprehensive Plan updates and assist with development of the historic preservation component of said Comprehensive Plan update.
- B. Participate in the periodic review and update to Borough ordinances to ensure against provisions which may conflict with historic preservation goals.
- C. Make proposals to Borough Council for the creation of historic preservation ordinances and/or their revision as may be required to implement the goals of the historic preservation plan.
- D. Prepare design guidelines for historic buildings to serve as an aid to owners of historic buildings.
- E. Prepare and maintain maps and historic resource inventories in accordance with survey information either gathered by the Historic Commission or provided by a consultant.
- F. Provide information on historic preservation issues to the Borough

Planning Commission or Borough Council.

G. Review and comment on proposals for demolition of historic structures.

H. Review and comment on proposals for additions and alterations to buildings or structures designated as historic resources.

I. Review and comment on proposals for in fill and/or new construction in neighborhoods which contain historic resources.

J. Work with the Planning Commission in review of Land Development and Subdivision Plans to determine if they will have an impact on historic resources and, if so, propose alternatives to mitigate any negative impact, for presentation and consideration by the developer/builder/owner.

K. Review and comment on potential impact of proposed State and Federal agency actions on historic resources.

L. Conduct research on and propose the nomination of significant resources or districts to the National Register of Historic Places and other appropriate lists or programs.

M. Advise the Zoning Hearing Board and/or Borough Council on all requests for special exceptions, variances or conditional uses, affecting historic resources.

N. Develop informational brochures and educational materials about the Borough's history and historic resources.

O. Develop a resource file or library to guide citizens in their preservation efforts.

P. Promote, conduct, or participate in activities which educate or enhance the community's understanding of the Borough's history and historic resources.

Q. Develop a walking tour brochure and map which features the Borough's historic resources.

R. Actively pursue funding through grants, gifts, donations and other sources for the purposes stated herein.

S. Perform any other lawful activities which shall be deemed necessary to further the purposes of the historic preservation effort, stated in §1-301.

(Ord. 198, 8/2/2005, §7)

§1-308. Meeting and Review Procedures.

The Historic Commission shall meet at regularly scheduled, advertised meetings. The Historic Commission shall review applications in accordance with the provisions of the Christiana Borough Zoning Ordinance [Chapter 27]. The Historic Commission may establish bylaws for the purpose of directing its activities. Said bylaws shall be created in accordance with the provisions of this Section. Copies of any bylaws, policies or guidelines shall be provided to the Planning Commission and Borough Council.

(Ord. 198, 8/2/2005, §8)

B. Police Department**§1-311. Police Department Recognized and Reestablished.**

The Police Department of Christiana Borough as heretofore recognized, established and existing is hereby reestablished as provided in this Part. Said Police Department shall consist of such number of police officers as Borough Council shall from time to time by resolution determine.

(*Ord. 157, 9/1/1992, §1*)

§1-312. Appointment of Full-time Police Officers.

1. All full-time police officers shall be appointed by Borough Council pursuant to the civil service provisions of the Borough Code, 53 P.S. §46171 *et seq.*, as amended, in effect at the time of such appointment.

2. Each appointee to the position of full-time police officer shall serve a probationary period of 1 year, following which, the appointment shall be permanent.

3. Full-time police officers, prior to their appointment, shall undergo and satisfactorily complete a course of training and be certified pursuant to the rules and regulations of the Municipal Police Officers Education and Training Act, 53 Pa.C.S.A. §2167 *et seq.* [*Ord. 205*]

(*Ord. 157, 9/1/1992, §2; as amended by Ord. 205, 6/5/2007*)

§1-313. Appointment of Part-time and Special Police Officers.

1. All part-time police officers shall be appointed by and serve at the pleasure of Borough Council.

2. Part-time police officers, prior to their appointment, shall undergo and satisfactorily complete a course of training and be certified pursuant to the rules and regulations of the Municipal Police Officers Education and Training Act, 53 Pa.C.S.A. §2167 *et seq.* [*Ord. 205*]

3. Each appointee to the position of part-time police officer shall serve a probationary period of 6 months, following which, the appointment shall be at the pleasure of Council.

4. During an emergency in which the safety and welfare of the Borough is endangered, the Mayor may appoint special police officers to serve during the period of such emergency.

(*Ord. 157, 9/1/1992, §3; as amended by Ord. 205, 6/5/2007*)

§1-314. Compensation, Benefits and Conditions of Employment of Police Officers.

1. The compensation, benefits and conditions of employment of all full-time police officers shall be established and determined from time to time by Borough Council.

2. The compensation, benefits and conditions of employment of all part-time police officers and special police appointed in an emergency by the Mayor, shall be established and determined from time to time by Borough Council.

(*Ord. 157, 9/1/1992, §4*)

§1-315. Hours of Employment.

1. The regular hours of employment for each full-time police officer shall be 40 hours per work week. For the purpose of this Section a “work week” shall be such 7 day period as Borough Council shall from time to time designate.

2. Hours of employment by full-time police officers in excess of 40 hours per week is authorized only in emergencies or when reasonably necessary to provide scheduled police coverage due to the absence for any reason of a normally scheduled police officer or the unavailability of a part-time police officer to fill the schedule of the absent officer.

3. Borough Council may by express action authorize the use of full-time police officers on an overtime status or the use of part-time police officers at appropriate times.

(*Ord. 157, 9/1/1992, §5*)

§1-316. Classification and Ranking of Police Officers.

1. The police officers of the Borough shall be classified as follows:

A. One police officer may be designated as Chief of Police or Officer-in-Charge by Borough Council. The Chief of Police or Officer-in-Charge shall be the chief executive and administrative officer of the Police Department. [*Ord. 2005*]

B. All other officers shall be subordinate to the Chief of Police or Officer-in-Charge and one or more of such officers may be designated and ranked by Borough Council in the following classifications. [*Ord. 205*]

- (1) Sergeant.
- (2) Corporal.
- (3) Patrolman.

2. The priority of authority among such subordinate police officers shall be in the order above scheduled.

(*Ord. 157, 9/1/1992, §6; as amended by Ord. 205, 6/5/2007*)

§1-317. Duties of Chief of Police.

Under the direction of the Mayor, the Chief shall:

A. Direct and supervise the subordinate officers in the performance of their duties. In the absence of the Chief of Police, the next highest ranking officer shall direct and supervise subordinate officers in the performance of their duties.

B. Prepare or cause to be prepared and kept all records necessary for the proper and efficient administration of the Police Department.

C. Prepare rules and regulations governing the conduct of all police officers in the performance of their duties, their relations with the general public and their relations with other elected or appointed officials of the Borough. Such rules and regulations shall be subject to approval by the Mayor and upon their adoption by the Borough Council, shall be the duly constituted rules and regulations of the Police Department.

D. Prepare and post duty schedules for all police officers, including the Chief of Police. Such duty schedules shall be so designated and implemented to effect the

following:

- (1) A productive and efficient deployment of all police officers.
- (2) Provide regular police coverage of the Borough each week.
- (3) Minimize the need to employ officers on an overtime status.
- (4) Operate the Police Department within the expenditures as outlined and approved within the currently adopted annual Borough budget.

(Ord. 157, 9/1/1992, §7)

§1-318. Duty of the Mayor Not Diminished.

Nothing set forth in this Part shall be deemed to diminish the duty of the Mayor of the Borough of Christiana to direct the manner in which the police officers of the Borough shall perform their duties.

(Ord. 157, 9/1/1992, §8)

C. Christiana Borough Authority

§1-321. Intention to Organize Authority.

The Council of this Borough hereby signify their intention to organize an Authority under the provisions of the Municipality Authorities Act of 1945, 53 P.S. §301 *et seq.*, as amended.

(*Ord. 79, 9/4/1951, §I*)

§1-322. Articles of Incorporation.

The President of Council, Burgess and Borough Secretary are hereby directed to execute on behalf of the Borough of Christiana Articles of Incorporation for said Authority providing, among other things, that:

A. The name of the Authority shall be “Christiana Borough Authority.”

B. The Authority is formed under the Act of May 2, 1945, P.L. 382, as amended, known as the Municipality Authorities Act of 1945, 53 P.S. §301 *et seq.*

C. No other authority has been organized under said Act or under the Act of June 28, 1935, P. L. 463, and is in existence in or for said Borough.

D. The name of the incorporating municipality is the Borough of Christiana, Lancaster County, Pennsylvania.

E. Stating the names and addresses of the Burgess and of the members and officers of the Council of said Borough, and the names, addresses and terms of office of the first members of the Board of the Authority.

(*Ord. 79, 9/4/1951, II*)

§1-323. Board Members.

The following persons (all citizens of this Borough) are hereby appointed as members of the Board of said Authority for the respective terms of office expiring on January 1 of the years stated after each name: Leonard Walton (1953), Dr. H. L. Tindall, Jr. (1954), Robert C. Smallwood, Sr. (1955), H. M. Rea (1956), and Paul L. Chalfant (1957).

(*Ord. 79, 9/4/1951, III*)

§1-324. Articles of Incorporation Directed to Be Filed.

The Borough Secretary is directed to publish notice of this Part and of the day upon which said Articles of Incorporation will be filed with the Secretary of the Commonwealth of Pennsylvania, and to file said Articles together with a certified copy of this Ordinance and necessary proofs of publication, with the Secretary of the Commonwealth; and the proper officers of the Borough are directed to do all other things necessary or appropriate to effect the incorporation of Christiana Borough Authority.

(*Ord. 79, 9/4/1951, §IV*)

D. Octoraro Region Intermunicipal Planning Agreement

§1-331. Background.

The Christiana Borough, along with several other Townships in close proximity to Christiana Borough, have cooperated with respect to comprehensive planning for the area of Lancaster County known as the “Octoraro Region,” and the Lancaster County Planning Commission has encouraged such regional cooperation, including the provision of funding from the County Planning Commission for a proposed comprehensive plan for the Octoraro Region. Whereas, Article XI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*, authorizes the municipalities forming the Octoraro Region to enter into an Intergovernmental Cooperative Planning Agreement, as provided for and utilizing the procedures set forth in the Intergovernmental Cooperation Act, codified at 53 Pa.C.S.A. §2301 *et seq.*, including the enactment of an ordinance as prescribed by §2305, incorporating the contents prescribed by §2307 thereof.

(*Ord. 186, 7/3/2001, §1*)

§1-332. Agreement.

The Octoraro Region Intermunicipal Cooperative Planning Agreement, a copy of which is appended hereto as Exhibit “A,”² is hereby adopted by Christiana Borough and the Council of Christiana Borough shall, on behalf of the Borough, execute the said Octoraro Region Intermunicipal Cooperative Planning Agreement as appended hereto as Exhibit “A.”

(*Ord. 186, 7/3/2001, §2*)

§1-333. Conditions of Agreement.

The conditions of the Borough's obligations to enter into the agreement are that the other municipalities, as referenced in the said Agreement, shall also enact and ordain ordinances and enter into the intermunicipal cooperative planning agreement on the same terms and conditions as are applicable to this Borough.

(*Ord. 186, 7/3/2001, §3*)

§1-334. Duration of Agreement.

The duration of the term of the agreement is indefinite, subject to the right of any municipality to terminate its participation in this intermunicipal cooperative planning agreement for the Octoraro Region under the terms of §5 of the agreement.

(*Ord. 186, 7/3/2001, §4*)

§1-335. Purpose and Objectives.

The purpose and objectives of the agreement are to implement the provisions of Article XI of the Pennsylvania Municipalities Planning Code, 53 P.S. §10901 *et seq.*, with respect to intergovernmental cooperative planning and implementation

²Editor’s Note: The Octoraro Region Intermunicipal Cooperative Agreement is on file in the Borough Office.

agreements.

(*Ord. 186, 7/3/2001, §5*)

§1-336. Steering Committee.

The agreement provides for the formation of a steering committee, with representation from the Borough and all participating Townships, to include one member from each municipality's Governing Body, planning commission and staff, respectively, plus one member each from the Octoraro and Southern Lancaster County School Districts, respectively, and five additional members from the community at large. In addition, three steering committee members will represent the Lancaster County Planning Commission. The steering committee shall not exceed 22 members.

(*Ord. 186, 7/3/2001, §6*)

§1-337. Ownership of Property.

It is not anticipated that any real or personal property will be acquired by the steering committee, pursuant to the intermunicipal cooperative planning agreement.

(*Ord. 186, 7/3/2001, §7*)

§1-338. Employee Benefits.

The steering committee shall be empowered, but not required, to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees, as applicable.

(*Ord. 186, 7/3/2001, §8*)

§1-339. Effective Date.

This Part shall be effective on the date which is 5 days after the adoption by the last of the municipalities comprising the Octoraro Region (as set forth in the agreement appended hereto as Exhibit "A") of the Ordinance for that municipality approving the Octoraro Region Intermunicipal Cooperative Planning Agreement.

(*Ord. 186, 7/3/2001, §9*)

E. Pennsylvania Intergovernmental Risk Assessment Management Association**§1-341. Authority to Join.**

This Municipality shall join with other municipalities in accordance with the Pennsylvania Intergovernmental Cooperation Act by becoming a member of the Association and entering into the intergovernmental contract which is hereby adopted by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Part was adopted.

(*Ord. 188, 1/7/2002, §1*)

§1-342. Intergovernmental Contract.

This Municipality is authorized to enter into the intergovernmental contract for the purposes contained therein, as well as any amendments or modifications thereto as the same may be required from time to time. These actions are to be taken by the member(s) or employee(s) of this Municipality designated for this purpose, pursuant to general or specific instructions by the governing body adopting this Part.

(*Ord. 188, 1/7/2002, §2*)

§1-343. Custody of Funds.

The Association is designated as having official custody of this Municipality's funds which are invested by Association pursuant to the terms of the intergovernmental contract.

(*Ord. 188, 1/7/2002, §3*)

§1-344. Findings.

As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

A. The conditions of the agreement are set forth in the intergovernmental contract referred to in §1-341.

B. This Municipality's participation in the association shall be terminable at any time by ordinance.

C. The purposes and objectives of the agreement are set forth hereinabove and the intergovernmental contract and actions contemplated thereby and purposes and objectives contained therein are otherwise legal as part of a pooled arrangement with other governmental units, thereby achieving economic and other advantages of intergovernmental cooperation.

D. It is not necessary to finance the agreement authorized herein from municipal funds except through the contribution of this Municipality's basis rate (as such term is defined in the Intergovernmental Contract) to the Association.

E. The Association shall be managed by a Board of Commissioners or Executive Committee as set forth in the Bylaws of said Association, a copy of which has been provided for review in connection with the adoption of this Part.

F. All property, real or personal, shall be acquired, managed, or disposed of

by the Association in accordance with the terms of the intergovernmental contract.
(*Ord. 188, 1/7/2002, §4*)

F. Southern Lancaster County Municipal Council

§1-351. Membership.

The above listed municipalities³ shall establish, by agreement, the Southern Lancaster County Municipal Council for the purpose of cooperating in performing certain governmental functions and duties which will provide a cost savings for each municipality, including without limitation, responsibilities associated with administering a Uniform Construction Code (the “intermunicipal agreement” or “agreement”). The Borough of Christiana is hereby authorized and directed to execute and deliver the agreement substantially in the form presented at this meeting and to take such other action as may be necessary or desirable to carry out the purposes of this Part in connection with the implementation of the agreement.

(*Ord. 189, 9/30/2003, §1*)

§1-352. Conditions of Agreement.

The agreement shall provide that the Southern Lancaster County Municipal Council shall establish a program for the administration and enforcement of the Uniform Construction Code and the sharing of services of one or more code officials and the establishment of an appeals board to hear appeals from decisions of the code officials. In addition, the agreement shall provide for establishment of a program committee composed of one member of the Borough Council of each participating municipality appointed for a 1-year term whose function shall be to administer code enforcement, including the hiring or designation of appropriate code officials. The agreement shall also provide for cooperation in other services as may be appropriate.

(*Ord. 189, 9/30/2003, §2*)

§1-353. Term of Agreement.

The agreement shall be for an initial period not to exceed 3 years which shall automatically renew for additional terms of 1 year unless prior notice of termination is

³Editor's Note: *Ord. 189, 9/30/2003*, as enacted, referred to the “above listed municipalities,” but no municipalities were listed. The municipalities referred to are:

- Bart Township
- Christiana Borough
- Colerain Township
- Conestoga Township
- Drumore Township
- East Drumore Township
- Eden Township
- Fulton Township
- Little Britain Township
- Martic Township
- Providence Township
- Quarryville Borough
- Sadsbury Township

given by any member municipality at least 90 days prior to the beginning of the next term.

(Ord. 189, 9/30/2003, §3)

§1-354. Cost Sharing.

The municipalities shall each contribute an equal amount toward the initial expenses to create the Southern Lancaster County Municipal Council. After formation of the Southern Lancaster County Municipal Council, the Municipalities shall bear the cost of administration of the Council on an equal basis. Any fines or penalties recovered by any municipality for a violation shall be the sole property of the prosecuting municipality.

(Ord. 189, 9/30/2003, §4)

§1-355. Organizational Structure.

Each municipality shall designate a representative to the Southern Lancaster County Municipal Council, which representative shall attend meetings and participate in all administrative and operational activities of the Council. The representatives shall elect a chairperson at the first meeting of the Southern Lancaster County Municipal Council. The representatives shall form such committees or boards as may be necessary to meet the objectives of intergovernmental cooperation. The representatives shall establish a regular meeting schedule at the first meeting of the Southern Lancaster County Municipal Council.

(Ord. 189, 9/30/2003, §5)

§1-356. Property.

Each municipality shall share equally any costs of acquisition, managing, licensing or disposing of real or personal property acquired in connection with the performance of the intermunicipal agreement.

(Ord. 189, 9/30/2003, §6)

§1-357. Insurance and Group Benefits.

The Southern Lancaster County Municipal Council shall be authorized and empowered to enter into contracts of group insurance and employee benefits, including Social Security, for its employees, if any.

(Ord. 189, 9/30/2003, §7)

§1-358. Revisions.

The municipalities reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Part.

(Ord. 189, 9/30/2003, §8)

Part 4**Volunteer Firefighters' Relief Association****§1-401. Recognition of Firefighters' Relief Association.**

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

Christiana Firemen's Relief Association

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

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

(Ord. 205, 6/5/2007)

§1-402. 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.

(Ord. 205, 6/5/2007)

§1-403. Annual Appropriation.

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

(Ord. 205, 6/5/2007)

Part 5**Appointed Officials****A. Borough Manager****§1-501. Creation of Office.**

The office of Borough Manager is hereby created.

(Ord. 132, 1/7/1986, §1)

§1-502. Appointment and Removal.

The Manager shall be appointed for an indefinite term by a majority of all members of the 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.

(Ord. 132, 1/7/1986, §2)

§1-503. Qualifications.

The Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to the duties of the office as herein outlined. The Manager need not be a resident of the Christiana Borough or of the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office he may reside outside the Borough only with the approval of the Council. If Council fails within a reasonable time, not to exceed 60 days after the appointment, to approve the Manager's residence outside the Borough he must immediately become, and during his tenure remain, a resident of the Borough.

(Ord. 132, 1/7/1986, §3)

§1-504. Bond.

Before entering upon his duties, the Manager shall give a bond to the Borough in the amount and with corporate surety as required by Council, conditioned upon the faithful performance of his duties, the premium for said bond to be paid by the Borough.

(Ord. 132, 1/7/1986, §4)

§1-505. Manager's Compensation.

The salary of the Borough Manager shall be fixed from time to time by Council.

(Ord. 132, 1/7/1986, §5)

§1-506. Powers and Duties.

1. The Manager shall be the chief administrative officer of the Borough and shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough placed in his charge. The powers and duties for administration of all Borough business shall be vested in the Manager, unless expressly imposed or conferred by statute or ordinance upon other Borough officers.

2. Subject to recall by ordinance of the Borough, the powers and duties of the

Borough Manager shall include, but not be limited to, the following:

A. Supervise and be responsible for the activities of all municipal departments.

B. When and as directed by Council, hire and suspend or discharge any employee under his supervision; provided, that persons covered by the civil service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions; and, provided further, that the Manager shall report, at the next meeting thereafter of the Council, any action taken by authority of this subsection.

C. Fix wages and salaries of all personnel under his supervision, within a range previously determined by Council.

D. Prepare and submit to Council, a budget for the next fiscal year and an explanatory budget message, in such a timely fashion as will enable Council to consider and adopt the budget and related tax ordinances according to the requirements of law. In preparing the budget, the Manager, or an officer designated by him, shall obtain from the head of each department, agency or board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required. The Manager shall review such estimates and may revise them before submitting the budget to Council.

E. Be responsible for the administration of the budget after its adoption by Council.

F. Develop, in conjunction with the preparation of the budget, long range fiscal plans for the Borough, such plans to be presented annually to Council for its review and adoption.

G. Hold such other Borough offices and head such Borough departments as Council may from time to time direct.

H. Attend all meetings of Council and its committees with the right to take part in the discussions. The Manager shall receive notice of all special meetings of Council and its committees.

I. Prepare the agenda for each meeting of Council and supply facts pertinent thereto.

J. Keep Council informed as to the conduct of Borough affairs; submit periodic reports on the condition of the Borough finances and such other reports as Council requests; and make such recommendations to Council as deemed advisable.

K. 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.

L. See that the provisions of all franchises, leases, permits and privileges granted by Council are observed.

M. Employ, by and with the approval of Council, experts and consultants to perform work and to advise.

N. Attend to the letting of contracts in due form of law. The Manager shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed by statute upon some other Borough officer.

O. Be responsible for all accounts payable and receivable.

P. Serve as Purchasing Officer of the Borough and 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. The Manager 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.

Q. Investigate and dispose of, or designate an officer to investigate and dispose of, all complaints regarding Borough services and personnel, and to report to the Council thereon. All complaints regarding Borough services shall be referred to the office of Manager.

R. Enforce the ordinances and regulations of the Borough except insofar as such enforcement power is delegated to some other Borough officer or department.

(Ord. 132, 1/7/1986, §6)

§1-507. Disability or Absence of the Manager.

If the Manager becomes ill or needs to be absent from the Borough, Council may designate one of its members to perform the duties of the Manager during his absence or disability. The person so designated shall not perform these duties for a period longer than 2 months without the further approval of Council.

(Ord. 132, 1/7/1986, §7)

B. Independent Auditor**§1-511. Provision for Appointment of Independent Auditor.**

As authorized by §1005(7) of the Borough Code, 53 P.S. §46005(7), it is hereby ordained that the Council of the Borough of Christiana shall annually appoint an independent auditor for the Borough, who shall be a certified public accountant, registered in Pennsylvania, a firm of certified accountants so registered or a competent public accountant or a competent firm of public accountants. The independent auditor shall be appointed, annually, by resolution of the Council of the Borough of Christiana, before the close of a fiscal year, to make an independent examination of the accounting records of the Borough for such fiscal year and such independent auditor shall also perform the other duties and exercise the powers as conferred upon him by other provisions of the Borough Code.

(Ord. 145, 12/6/1988, §1)

Part 6**Elected Officials****A. Compensation of Mayor and Councilmen****§1-601. Fixing of Compensation for the Mayor.**

As authorized by §1001 of the Borough Code, 53 P.S. §46001, it is hereby ordained that the compensation of the Mayor of the Borough of Christiana shall be fixed at \$47.50 per month, to be paid to the Mayor by the Treasurer of the Borough of Christiana, either monthly or at such other times as the Borough Council, by regulation, directs the Borough Treasurer to make payments.

(Ord. 184, 1/2/2001, §1)

§1-602. Fixing of Compensation for Borough Council Members.

As authorized by §1001 of the Borough Code, 53 P.S. §46001 *et seq.*, it is hereby ordained that the compensation of Council members shall be fixed at \$45 per month, to be paid to each Council members by the Treasurer of the Borough of Christiana, either monthly or at such other times as the Borough Council, by regulation, directs the Borough Treasurer to make payments.

(Ord. 184, 1/2/2001, §2)

Part 7**Open Records Policy****§1-701. Purpose.**

The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Law, as amended; to provide access to public records of Christiana Borough; to preserve the integrity of Christiana Borough's records; and to minimize the financial impact to the residents of the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

(*Ord. 208, 12/2/2008, §I*)

§1-702. Designated Open Records Officer.

It is the policy of the Borough to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Borough. Christiana Borough designates the Borough Manager as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

A. The Borough Manager may designate certain employee(s) to process public record requests.

B. The Borough Manager is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.

C. All requests for public records of the Borough under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough be required to create a public record which does not exist or compile, maintain, format or organize a public record. All requests for public records shall be on the form attached hereto entitled "Public Record Review/Duplication Request" or on the form specified by the Pennsylvania Office of Open Records. All requests for public records shall be submitted in writing and include the date of the request, requestor's name, address, and telephone number, certification of United States residency, signature of requestor, and if duplication is requested, appropriate payment.

D. The designated employee shall make a good faith effort to determine, in accordance with the Pennsylvania Right to Know Law, whether the record requested is a public record.

E. The Borough shall facilitate a reasonable response to a request for Christiana Borough's public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Borough's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

F. The designated employee shall note on the written request, the date of receipt of it and the date 5 business days thereafter and shall respond to the requestor within that period. If the Borough does not respond within 5 business

days of receipt thereof, the request is deemed denied.

G. The Borough shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information. Notification to the third party shall be provided within 5 business days of receipt of the request. The third party shall have 5 business days from the receipt of notice from the Borough to provide input on the release of the record. The Borough shall deny the request for the record or release the record within 10 business days of the date of notice to the third party and shall notify the third party of the decision.

H. The response provided by the Borough shall consist of either (1) approval for access to the public record; (2) notice that the request is being reviewed; (3) denial of access to the record requested.

I. If access to the public record requested is approved, the public record shall be available for access during regular business hours of the Borough. The designated employee shall cooperate fully with the requestor, while also taking reasonable measures to protect Borough public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

J. Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. The Borough may at its discretion waive fees.

K. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100, the designated employee(s) shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted expense of Borough resources.

L. If the request is being reviewed, the notice provided by the Borough shall be in writing and shall include a statement notifying the requestor that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of the applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the 5 business days allowed for, the request for access shall be deemed denied unless the requestor has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date. Review of the request is limited to situations where:

(1) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.

(2) The record requires retrieval from a remote location.

(3) A timely response cannot be accomplished due to staffing limitations.

(4) A legal review is necessary to determine whether the record requested is subject to access.

(5) The requestor has failed to comply with the Borough's policy and procedure requirements.

(6) The requester refuses to pay the applicable fees.

(7) The extent or nature of the request precludes a response within the required time period.

M. If access to the record requested is denied, the notice provided by the Borough shall be in writing and shall contain all the information specified on the form attached hereto entitled "Denial of Request to Public Record Review/Duplication Request."

N. The designated employee shall maintain an electronic or paper copy of the written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued by the Office of Open Records or the appeal is deemed denied.

O. If the request is denied, or deemed denied, the requester may file an appeal with the Commonwealth's Office of Open Records within 15 business days of the mailing date of the Borough's notice of denial, or within 15 days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is public record and shall address any grounds stated by the agency for delaying or denying the request.

P. Within 30 days of the mailing date of the final determination of the appeals officer, the requestor or Borough may file a petition for review or other document as required by rule of court with the Court of Common Pleas for Lancaster County. A petition for review under this Section shall stay the release of documents until a decision is issued.

(Ord. 208, 12/2/2008, §I)

§1-703. Posting.

The following information shall be posted at the Borough Office and, if the Borough maintains an internet website, on the Borough's internet website:

A. Contact information for the Open Records Officer.

B. Contact information for the Office of Open Records.

C. A form which may be used to file a request.

D. A copy of this Part and all other written Borough policies and procedures relating to the Pennsylvania Right-to-Know Law.

(Ord. 208, 12/2/2008, §I)

BOROUGH OF CHRISTIANA
DENIAL OF REQUEST TO
PUBLIC RECORD REVIEW/DUPLICATION REQUEST

Please print legibly.

Date of Denial: _____

Requestor's Name: _____

Requestor's Address: _____

Requestor's Telephone: _____

Re: Denial of Request to Review and/or Duplicate: _____

Date of Request: _____

Dear _____:

Please be advised that your request to review/duplicate the following records:

Has been denied for the following reason(s):

This denial is based upon the following legal authority:

You have the right to appeal this decision. If you appeal, you must:

1. Within fifteen (15) days of the notice of denial or deemed denial, file an appeal the Commonwealth of Pennsylvania, Department of Community & Economic Development, Office of Open Records. The appeal shall state the grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Borough for delaying or denying the request.

Borough of Christiana
Open Records Officer

BOROUGH OF CHRISTIANA
PUBLIC RECORD REVIEW/DUPLICATION REQUEST

Please print legibly.

Date Request Received: _____
Date Five (5) Business Days From Receipt: _____

Requestor's Name: _____

Requestor's Address: _____

Requestor's Telephone: _____

I request ___ review ___ duplication (check as appropriate) of the following records.
Important: You must identify or describe the records with sufficient specificity to enable the Borough to determine which records are being requested. Use additional sheets if necessary.

I certify that I am a resident of the United States of America.

Signature of Requester

This request may be submitted in person, by mail, by facsimile or e-mail to:
Christiana Borough
10 W. Slokom Avenue
P.O. Box 135
Christiana, PA 17509
Phone: (610) 593-5199
Fax: (610) 593-7073
ChristianaBoro@comcast.net

