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PART 1

ELECTED OFFICERS

A. Mayor/Councilpersons.**§ 1-101. Salary of Mayor. [Ord. 805, 12/15/1970, § 1; as amended by Ord. 944, 12/17/1985, § 1; by Ord. 1055, 12/16/2003, § 1; and by Ord. 1065, 12/21/2004, § 1]**

The annual salary of the Mayor of the Borough of Mechanicsburg, effective January 1, 2005, shall be the maximum salary permitted by law as the same is amended from time to time, payable in equal monthly installments from the general funds of the Borough. Prior to said date, the salary shall remain as heretofore ordained.

§ 1-102. Compensation of the President of Borough Council and Councilpersons. [Ord. 805, 12/15/1970, § 2; as amended by Ord. 925, 4/19, § 3; as further amended by Ord. 944, 12/17/1985, § 2; by Ord. 1055, 12/16/2003, § 1; and by Ord. 1065, 12/21/2004, § 2]

The annual salary of the President of the Borough Council and each Councilperson of the Borough of Mechanicsburg, effective January 1, 2005, shall be the maximum salary permitted by law as the same is amended from time to time, payable in equal monthly installments from the general funds of the Borough. Prior to said date, the salaries of the President and each Councilperson shall remain as heretofore ordained.

§ 1-103. Health Insurance and Other Related Benefits. [Ord. 805, 12/15/1970; as added by Ord. 1051, 6/17/2003, § 1]

No elected official of the Borough of Mechanicsburg shall be eligible or entitled to participate in Borough-sponsored health insurance plans, or other employment benefits, whether at the expense of the Borough or at the expense of the elected official. Effective January 1, 2005, and thereafter, no present or former elected official of the Borough currently receiving such insurance or other benefits shall be entitled to continue participation under any circumstance. It is the intention of this section to strictly limit the compensation of elected officials to the monetary compensation established under §§ 1-101 and 1-102 of this Part and to prohibit the provision of any other form of compensation or benefit whatsoever. For the purposes of this section, the reimbursement of allowable expenses to elected officials shall not be considered a form of compensation or benefit prohibited hereunder.

B. Tax Collector.**§ 1-111. Tax Collector's Compensation. [Ord. 650, 2/8/1961, § 1; as amended by Ord. 1132, 2/5/2013]**

The compensation for the Tax Collector who shall assume the duties of the Tax Collector for the Borough of Mechanicsburg on the first Monday of January 2014, and continuing thereafter until legally changed by ordinance, shall be \$10 per tax

bill collected for Borough real estate taxes levied and assessed for the Borough and \$1 per tax bill collected for Borough per-capita taxes levied and assessed for the Borough.

§ 1-112. Tax Collector's Expenses and Certifications. [Ord. 1047, 1/21/2003, § 1; as amended by Ord. 1119, 11/16/2010; and by Ord. 1150, 11/17/2015]

- A. The Tax Collector of the Borough of Mechanicsburg is hereby authorized to assess, collect, and retain as reimbursement for his or her expenses the following fees for providing such services to each person, firm, corporation, association, or other entity requesting the following services:
- (1) Tax certification fee of \$10;
 - (2) Duplicate bill, memo bills and research fee of \$2 per parcel for each tax year researched;
 - (3) Preparation and issuance of other written tax information fee of \$5 for each document.
- B. By further determination of the Borough Council, these fees shall be set, from time to time, by resolution, in the event the Borough Council determines a need to alter any of the initially established fees.
- C. The service fees paid pursuant to this Section shall be paid to the "Borough of Mechanicsburg Tax Collector."

§ 1-113. Returned Checks. [Ord. 1150, 11/17/2015]

The Tax Collector is authorized to impose upon and collect from a taxpayer a twenty-five-dollar fee for any payment returned by a bank or other financial institution because of insufficient funds in the account of the taxpayer, or for any other reason, to cover the payment submitted by the taxpayer. By further determination of the Borough Council, this fee shall be set, from time to time, by resolution, in the event the Borough Council determines a need to modify the initially established fee.

§ 1-114. Records to be Kept; Reports to be Provided. [Ord. 1150, 11/17/2015]

The Tax Collector for the Borough of Mechanicsburg shall keep an accurate written record of all funds received pursuant to this Subpart and shall provide a written accounting thereof to the Borough Manger and Borough Council on an annual basis, no later than January 31 of each year for the prior calendar year.

§ 1-115. Enforcement. [Ord. 1150, 11/17/2015]

In the event any person, firm, corporation, association, or other entity fails to pay the statement for the service fees authorized by this Subpart, the Tax Collector for the Borough of Mechanicsburg is authorized to commence the appropriate civil

action in a court of competent jurisdiction to effectuate a recovery of these service fees together with court costs.

PART 2
APPOINTED OFFICERS

A. Borough Manager.

§ 1-201. Office of Borough Manager Created/Authority to Abolish. [Ord. 882, 4/18/1978, § 1]

The office of Borough Manager be and the same is hereby created, subject to the right of the Borough of Mechanicsburg, Pennsylvania, by ordinance, at any time to abolish said office.

§ 1-202. Appointment of Manager/Indefinite Tenure/Removal. [Ord. 882, 4/18/1978, § 2]

The Borough Manager shall be elected from time to time by vote of a majority of all members of the Borough Council, subject to removal by the Council at any time by a vote of a majority of all the members thereof; provided, nevertheless, that at least 30 days before such removal becomes effective, the Council shall furnish the Manager with a written statement setting forth its intention to remove him and the reasons therefor.

§ 1-203. Qualifications. [Ord. 882, 4/18/1978, § 3]

The Manager shall be chosen on the basis of technical, executive and administrative abilities with special reference to the duties of the office as herein outlined and with such training and experience imposed upon the office in a successful and businesslike manner.

§ 1-204. Residence. [Ord. 882, 4/18/1978, § 4]

The Manager need not be a resident of the Borough or the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office he must move into the Borough, within a reasonable period of time, to be determined by the Council.

§ 1-205. Compensation. [Ord. 882, 4/18/1978, § 5]

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

§ 1-206. Bond. [Ord. 882, 4/18/1978, § 6]

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

§ 1-207. Powers and Duties. [Ord. 882, 4/18/1978, § 7]

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 of 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 Council, the powers and duties of the Borough Manager shall include the following:
 - A. To supervise and to be responsible for the activities of all municipal departments. Nothing in this provision is intended, however, to apply to the office of Borough Solicitor, or to supervision of the Police Department in the absence of a delegation of authority from the Mayor.
 - B. To hire and, when necessary for the good of the service, to 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 Council, any action taken by authority of this subsection.
 - C. To fix wages and salaries of all personnel under his supervision within a range previously determined by Council and to demonstrate to Council that there is an adequate wage and salary program in operation within his administration.
 - D. To prepare and submit to Council, before the close of each fiscal year an explanatory budget message. 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 the Council.
 - E. To be responsible for the administration of the budget after its adoption by Council.
 - F. To develop, in conjunction with the preparation of the yearly budget, long-range fiscal plans for the Municipality, such plans to be presented annually to the Council for its review and adoption.
 - G. To hold such other municipal office and to head such municipal department as the Council may from time to time direct, in accordance with law.

- H. To attend all meetings of Council and its committees with the right to take part in the discussions. The Manager shall receive notice of special meetings of Council and its committees.
- I. To prepare the agenda for each meeting of Council and to supply facts pertinent thereto.
- J. To keep the Council informed on a monthly basis as to the conduct of Borough affairs; to submit periodic reports on the condition of the Borough finances and such other reports as the Council requests; and to make such recommendations to the Council as he deems advisable.
- K. To 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. To see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
- M. To employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.
- N. To 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. To see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.
- P. To serve as Purchasing Officer of the Borough and to 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. To investigate and dispose of, or to designate an officer to investigate and dispose of, all complaints regarding Borough services.
- R. The Borough Manager, under the direction of the Mayor, shall execute and enforce the laws of the Commonwealth and ordinances, resolutions and bylaws of the Council.
- S. To perform such other duties as may be from time to time by ordinance conferred upon him.

3. The Borough reserves the right at any time by ordinance to modify or repeal this Part 2A in any particular.

§ 1-208. Mayor's Powers and Duties. [Ord. 882, 4/18/1978, § 8]

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

§ 1-209. Procedural Limitations on Council. [Ord. 882, 4/18/1978, § 9]

It is the intent of Council that neither the Council, its members, nor its committees shall dictate or influence the hiring of any person to, or his discharge from, municipal employment by the Manager, or in any manner take part in this hiring, suspending or discharging of employees in the administrative service of the Borough except, as required by the civil service provisions of the Borough Code. Other than for the purpose of inquiry the Council or any of its members or any of Council's committees or its members should deal with the administrative service solely through the Borough Manager and neither the Council nor any of its members, nor any of Council's committees or its members should give orders, publicly or privately, to any subordinate of the Manager.

§ 1-210. Disability or Absence of the Manager. [Ord. 882, 4/18/1978, § 10]

If the Manager becomes ill or needs to be absent from the Borough, he shall designate one qualified member of his staff 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 two weeks without the approval of the Council.

§ 1-211. Interpretation. [Ord. 882, 4/18/1978, § 11]

Wherever in this Part 2A a masculine pronoun is used, it includes the feminine.

B. Independent Auditor.

§ 1-231. Office of Elected Borough Auditor Abolished. [Ord. 808, 4/20/1971, § 1]

The office of elected Borough auditor is hereby abolished.

§ 1-232. Independent Auditor to be Appointed Annually. [Ord. 808, 4/20/1971, § 2]

Under the applicable provisions of the Borough Code, the Borough Council shall appoint, annually, by resolution before the close of a fiscal year, 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.

§ 1-233. Duties of Independent Auditor. [Ord. 808, 4/20/1971, § 3]

The independent auditor appointed by the Borough Council shall audit, settle and adjust the accounts of the various offices as provided in the Borough Code until the expiration of the term of the elected auditors; and thereafter, in addition to auditing, settling and adjusting the accounts of the various offices as provided in the Borough Code shall perform all the other duties of the office.

PART 3
SEWER AUTHORITY

A. Sewer Authority.**§ 1-301. Intention and Desire to Organize Municipal Authority. [Ord. 439, 4/12/1946, § 1]**

The Borough Council hereby signifies its intention and desire to organize an Authority under the provisions of the Municipality Authorities Act of 1945.¹

§ 1-302. Articles of Incorporation. [Ord. 439, April 12, 1946, 2; as amended by Ord. 739, February 22, 1967, § 2]

The Burgess, the President of the Borough Council and the Secretary are hereby authorized and directed to execute on behalf of the Borough of Mechanicsburg, Articles of Incorporation for said Authority, in substantially the following form:

Articles of Incorporation

To the Secretary of the Commonwealth, Commonwealth of Pennsylvania:

In compliance with the requirements of the Act of May 2, 1945, No. 164, known as "Municipality Authorities Act of 1945," the Borough of Mechanicsburg, Cumberland County, Pennsylvania, desiring to incorporate an Authority thereunder, does hereby certify:

One: The name of the Authority is "The Municipal Authority of the Borough of Mechanicsburg."

Two: Said Authority is formed under the provisions of the Act of May 2, 1945, No. 164.

Three: No other Authority organized under the Act of May 2, 1945, No. 164, or under the Act of June 28, 1935, P.L. 463, as amended, or under the Act of December 27, 1933 (Special Session, 1933, P.L. 114) is in existence in or for the incorporating municipality, the Borough of Mechanicsburg.

Four: The name of the incorporating municipality is Borough of Mechanicsburg, Cumberland County, Pennsylvania.

Five: The names and addresses of its municipal authorities are as follows: . . .²

Six: The names, addresses and terms of office of the first members of the Board of the Municipal Authority to be formed hereby are as follows:³

¹Section 3 of this ordinance directed the proper officers of the Borough to have a notice of this ordinance printed once in one newspaper published and of general circulation in the County, as directed by the Act of 1945 P.L. 164; Section 4 directed the Burgess, the President of Council and the Secretary to file the Articles of Incorporation, together with the necessary proof of publication, with the Secretary of the Commonwealth, and to do all other things necessary or appropriate to effect the incorporation of the Authority.

² Here followed the names and addresses of the principal officers of the Borough at the time of enactment of this ordinance

³ Here followed the names, addresses and terms of office of the first members of the Board of the Authority

Seven: The ordinance authorizing the creation of said Authority, certified from the records of the Borough of Mechanicsburg, together with advertisement of notice of filing these Articles of Incorporation, are each submitted herewith.

Eight: The term of existence of The Municipal Authority of the Borough of Mechanicsburg shall be for a period ending on December 31, 2016.

IN WITNESS WHEREOF, The undersigned have executed these Articles on behalf of the Borough of Mechanicsburg and have caused to be affixed the seal thereof this ____ day of ____, A.D. 1946.

(Seal)

Burgess

Attest:

Secretary

COMMONWEALTH OF PENNSYLVANIA:

S.S.

COUNTY OF CUMBERLAND:

On this ____ day of ____, A.D. 1946, before me, the undersigned, personally came the above-named Ray E. Hutter, C.R. Fair and George Z. Fishel, whose official positions in the Borough of Mechanicsburg are respectively Burgess, President of Council, and Secretary, and who in due form of law, acknowledged the foregoing to be the act and deed of the Borough of Mechanicsburg for the purposes therein specified.

Notary Public

My Commission expires

§ 1-303. Sewer Project to be Undertaken by Authority. [Ord. 439, 4/12/1946, § 5]

The project which shall be undertaken by the said Authority is: to acquire, hold, construct, improve, maintain, operate, own, lease either as lessor or as lessee, sewers, sewer systems, and sewage treatment works for the Borough of Mechanicsburg and for such other territory as it may be authorized to serve.

B. Mechanicsburg Seidle Hospital Authority.

§ 1-311. Intent to Organize a Municipal Authority. [Ord. 942, 11/19/1985, § 1]

The Council of this Borough signifies the intention and desire to organize an Authority under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945" (the "Authorities Act").

§ 1-312. Articles of Incorporation. [Ord. 942, 11/19/1985, § 2]

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

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945", and pursuant to an ordinance duly enacted by the municipal authorities of the Borough of Mechanicsburg, Cumberland County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipality to organize an Authority under provisions of said Act, said municipality certifies:

1. The name of the Authority is "Mechanicsburg Seidle Hospital Authority."
2. The Authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945", for the following purposes:
 - A. To acquire, hold, construct, improve, maintain, operate, own and lease, either in the capacity of lessor or lessee, hospitals and health centers, real estate and related facilities and other projects acquired, constructed or improved for hospital or health center purposes, and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it.
3. No other Authority has been organized under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945", or under provisions of the Act of Assembly approved June 28, 1935, P.L. 436, as amended and supplemented, and is in existence in or for the incorporating municipality, except for the following:
 - A. The incorporating municipality heretofore organized an authority known as the "The Municipal Authority of the Borough of Mechanicsburg" under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," which authority is in existence in or for said incorporating municipality.
4. The name of said incorporating municipality is: Borough of Mechanicsburg, Cumberland County, Pennsylvania.
5. The offices, names and addresses of the municipal authorities of said incorporating municipality are:

Name	Address	Term of Office
(Here followed the names and addresses of the original municipal authorities of the authority.)		

6. The names, addresses and terms of office of first members of the Board of the Authority, each of whom is a citizen of said incorporating municipality, are as follows:

Name	Address	Term of Office
(Here followed the names, addresses, and terms of office of the original authority members.)		

§ 1-313. Notice to be Published. [Ord. 942, 11/19/1985, § 3]

The appropriate officers of the Council of the Borough are authorized and directed to cause notice of the substance of this ordinance [Part 3B], including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

§ 1-314. Secretary of the Commonwealth. [Ord. 942, 11/19/1985, § 4]

The appropriate officers of the Council of the Borough are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to effect the incorporation of such Authority, including payment of required filing fees.

PART 4
BOARDS AND COMMISSIONS

A. Recreation Board.

§ 1-401. Recreation Board Established. [Ord. 762, 10/23/1967, § 1; as amended by Ord. 794, 3/18/1969, § 1; and by Ord. 959, 12/20/1988]

A Recreation Board is hereby created in and for the Borough of Mechanicsburg. The said Board shall be composed of seven members, to serve for five year terms, with at least one member thereof appointed annually. All members of said Board shall be appointees of the Borough Council. The Recreation Board shall perform all duties and may exercise all powers vested in Borough Recreation Boards by law. Provided: the Recreation Board in existence at the time of enactment of this amendment shall constitute the seven members of the Recreation Board hereby established, and this ordinance shall have no effect either to extend or to shorten the term of office of any of the members of the said existing Recreation Board.

B. Planning Commission.

§ 1-411. Planning Commission Established/to Serve as Zoning Commission. [Ord. 761, 10/23/1967; as amended by Ord. 919, 3/16/1982]

A Borough Planning Commission, which shall also serve as the Borough Zoning Commission, is hereby created for the Borough of Mechanicsburg. The said Commission shall consist of seven members and shall perform all the duties and may exercise all the powers conferred upon borough planning and zoning commissions by law; provided that this Subpart B shall have no effect either to extend or to shorten the terms of office of any of the members of the existing Planning Commission, and one of the new members of the Borough Planning Commission appointed pursuant hereto shall be appointed to a term expiring on December 31, 1984, and the other new member shall be appointed to a term expiring on December 31, 1985. Thereafter, all members of the Borough Planning Commission shall serve for a term of four years or until his successor is appointed and qualified.

C. Shade Tree Commission.

§ 1-421. Shade Tree Commission Established. [Ord. 1071, 7/5/2005, § 1]

There is hereby created the Borough of Mechanicsburg Shade Tree Commission, which shall be called the "Shade Tree Commission," hereinafter referred to as "Commission."

§ 1-422. Membership and Compensation. [Ord. 1071, 7/5/2005, § 1]

The Commission shall consist of five persons appointed by Borough Council whose appointments shall be as follows: one member to be appointed for five years, one member to be appointed for four years, one member to be appointed for three years, one member to be appointed for two years, and one member to be appointed for one year. On the expiration of the term of any commissioner, a successor shall be appointed by the council to serve for a term of five years. All members shall be residents of the Borough and shall serve without compensation.

§ 1-423. Vacancies. [Ord. 1071, 7/5/2005, § 1]

When a vacancy in office occurs, the Borough Council may appoint a qualified person to fill the unexpired term.

§ 1-424. Conduct of Business. [Ord. 1071, 7/5/2005, § 1]

The Commission shall elect officers during the month of January of each year. It shall meet monthly and, in the month of October of each year, shall provide a written annual report of its activities, including its transactions and expenses, to the Borough Council. Annually in late summer, the Commission shall inspect all shade trees under its jurisdiction and shall include its findings concerning the condition of trees and recommended maintenance in its annual report to Borough Council. The Commission may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth and all provisions of this chapter. A majority of the Board shall constitute a quorum, and action taken at any meeting shall require the affirmative vote of the majority of members present.

§ 1-425. General Powers. [Ord. 1071, 7/5/2005, § 1]

Excepting such powers as are reserved to Borough Council under applicable law, or as reserved in Chapter 25, Trees, the Commission shall have exclusive custody and control of the shade trees in the borough, and is authorized to plant, transplant, remove, maintain and protect shade trees on the streets and highways. It shall perform all the duties and may exercise all the powers conferred by law upon borough shade tree commissions, including approval of the location, planting, transplanting, removal, replacement and maintenance of trees and generally be concerned with the protection of trees in public areas including public streets, alleys, ways, parks, easements, rights-of-way, or other areas under the control of the Borough. The Commission may make and enforce rules and regulations for the location, planting, transplanting, removal, replacement, care and protection of the shade trees of the Borough, provided that all such rules or regulations shall be approved by the Borough Council before taking effect.

§ 1-426. Employees. [Ord. 1071, 7/5/2005, § 1]

When deemed necessary by the Borough Council, the services of the Borough Solicitor, Engineer, Codes Officer, or other employees may be made available to the Commission. Nothing herein shall be construed to require Borough Council to budget funds for the provision of such services.

D. Environmental Advisory Council.**§ 1-431. Creation and Purpose. [Ord. 1078, 2/21/2006]**

The Mechanicsburg Borough Environmental Advisory Council is hereby established to advise and counsel other Borough agencies, including, but not limited to, the Borough Council, Mayor, Planning Commission, Park and Recreation Board, the Municipal Authority of the Borough of Mechanicsburg, Historical and Architectural Review Board, and appointed officials, on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within Borough limits.⁴ The Council shall have no autonomous powers, but shall serve solely in an advisory capacity.

§ 1-432. Powers and Duties. [Ord. 1078, 2/21/2006]

The Council shall have the power and duty to:

- A. Identify environmental problems and recommend plans and programs to the appropriate agencies, including Borough Council, Mayor, Planning Commission, Park and Recreation Board, the Municipal Authority of the Borough of Mechanicsburg, Historical and Architectural Review Board, and appointed officials, for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the Borough consistent with its Comprehensive Plan.
- B. Make recommendations as to the possible use of open land areas within the Borough, and to keep an index of all open areas, publicly or privately owned, including flood-prone areas, swamps and other unique natural areas, for the purpose of obtaining information on the proper use of those areas.
- C. Make recommendations regarding issues with environmental impact, including but not limited to air and water quality.
- D. Promote a community environmental program.
- E. Advise the appropriate local government agencies in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the purposes of this subpart.
- F. Work with schools and environmental groups to enhance community environmental education programs.
- G. Monitor recycling collection practices and review bid and contract documents for compliance with Pennsylvania State regulations regarding the promotion of recycling, as outlined in Act 101 and other applicable law.
- H. Consult with the Pennsylvania Department of Environmental Protection, the Department of Conservation and Natural Resources, the United States Environmental Protection Agency, Environmental Advisory Councils in

⁴See 53 Pa.C.S.A. § 2322 et seq.

neighboring municipalities and any other appropriate county, state and federal agencies and nongovernmental organizations with respect to environmental issues affecting the Borough.

- I. Perform any other duties assigned by the Borough Council.

§ 1-433. Membership. [Ord. 1078, 2/21/2006]

The Mechanicsburg Borough Environmental Advisory Council shall be composed of seven residents of the Borough appointed by Borough Council, and appointments shall be as follows: three members to be appointed for three years, two for two years and two for one year, and thereafter each appointment shall be for terms of three years. All terms shall expire on December 31, and the remaining portion of calendar year 2006 shall be added to the initial terms. One member shall also be a member of the Borough Planning Commission. In addition, members may appoint a representative from the Mechanicsburg Area High School Environmental Club to sit as a nonvoting member for terms not exceeding one year. Each member shall serve at the pleasure of Borough Council. Members shall receive no compensation for their services but may be reimbursed for expenses actually and necessarily incurred by them in the performance of Council. Members shall receive no compensation for their services but may be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties as permitted by law, provided that the expenses have the approval of the Borough Council.

§ 1-434. Officers and Committees. [Ord. 1078, 2/21/2006]

Officers shall be chosen in each even-numbered year. The Chairperson shall be appointed by the Borough Council. A Vice Chairperson and Secretary shall be elected by the members. A recording secretary, who shall not have a vote, shall be provided by the Borough Council. The Chairperson shall designate such committees, which may include nonmembers, as he deems necessary.

§ 1-435. Meetings. [Ord. 1078, 2/21/2006]

The Council shall meet no less than monthly on dates chosen annually in advance by the members. Special meetings may be held at the call of the Chairperson or the Borough Council upon at least 24 hours' advance notice to each member. Meetings shall be advertised and conducted under the provisions of the Pennsylvania Sunshine Act.⁵ A majority of the members shall constitute a quorum. An affirmative vote of a majority of the members present at a duly constituted meeting shall be required to transact any business. The Council shall keep written minutes of its meetings and retain written records of its activities. Meeting minutes and an annual report of its activities shall be provided to the Borough Council and shall also be made available to the public upon request.

§ 1-436. Finances.

The Borough Council may appropriate funds for the expenses incurred by the Council in accordance with an annual budget. Appropriations may be expended for

⁵See 65 Pa.C.S.A. § 701, et seq.

such administrative, clerical, printing, engineering, planning and legal services as may from time to time be required and approved by the Borough Council and shall be within the limits of the annual budget.

PART 5

FIREMEN'S RELIEF**§ 1-501. Foreign Fire Insurance Tax Moneys Payable to the Firemen's Relief Association. [Ord. 293, 3/27/1925, § 1]**

After the passage of this Part [§ 1-501 this chapter], and beginning with the year 1925, the money derived from the business, in the Borough of Mechanicsburg, Pennsylvania, from foreign insurance companies be and the same is hereby appropriated, set over and transferred to the Firemen's Relief Association of Mechanicsburg, Pennsylvania.

PART 6
POLICE DEPARTMENT

A. Creation.

§ 1-601. Police Department Established; Chief of Police. [Ord. 647, 12/14/1960, § 1; as amended by Ord. 925, 4/19/1983]

A Police Department is hereby established in and for the Borough of Mechanicsburg. The Chief of Police shall be the administrative officer of the Police Department. He shall, under the direction of the Mayor (Chief Executive Officer), be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.

§ 1-602. Subordinate Classifications; Civil Service Rules and Regulations; Conditional Offers of Employment. [Ord. 647, 12/14/1960, § 2; as amended by Ord. 1037, 2/19/2002, § 1; and by Ord. 1122, 4/19/2011]

1. Subordinate to the Chief of Police, in the Police Department, the following classifications are hereby established: lieutenant, sergeant and patrolman, or those of such classifications to which the Borough Council shall, at any specific time, have appointed one or more police officers. The order of authority among such subordinate classifications shall be in the order above listed. The number of persons to serve in each of such subordinate classifications on a full-time and/or part-time basis and the compensation of each shall be as determined by the Borough Council from time to time.
2. The hiring of patrolmen and promotions to ranks other than the Chief of Police shall be made pursuant to rules and regulations of the Police Civil Service Commission of the Borough of Mechanicsburg, which shall be approved by resolution of the Borough Council from time to time and shall be in accordance with applicable provisions of the Pennsylvania Borough Code.
3. All applicants for positions selected by the Borough Council from the eligibility list submitted by the Police Civil Service Commission of the Borough of Mechanicsburg shall receive a conditional offer of employment as follows:
 - A. The offer of employment shall be conditioned upon the conditional appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

- B. The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the Borough Council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.
- C. If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by the Borough Council shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.
- D. If, at the conclusion of the interactive discussion under Subsection C, the Borough Council determines that the conditional appointee is not qualified, the Borough Council shall give written notice to the conditional appointee and the Commission.
- E. No physical or psychological medical examination is authorized prior to conditional appointment.
- F. As used in this Subsection 3, the following definitions shall apply:

MEDICAL EXAMINATION — Any examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

PHYSICIAN — An individual as defined in the Pennsylvania Statutory Construction Act, 1 Pa.C.S.A. § 1991, as amended.

QUALIFIED MEDICAL PROFESSIONAL — An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

- (1) As a physician assistant pursuant to the act of December 20, 1985 (P.L. 457, No. 112), known as the "Medical Practice Act of 1985," or the Act of October 5, 1978 (P.L. 1109, No. 261), known as the "Osteopathic Medical Practice Act"; or
- (2) As a certified registered nurse practitioner pursuant to the Act of May 22, 1951 (P.L. 317, No. 69), known as "the Professional Nursing Law."

§ 1-603. Appointment of Special Police by Mayor in Emergencies. [Ord. 647, 12/14/1960, § 3; as amended by Ord. 925, 4/19/1983]

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

B. Warrantless Arrest.**§ 1-611. Purpose. [Res. 7-00, 4/18/2000, § 1]**

The purpose of this policy is to provide guidance for when officers can and should make a custodial arrest for certain summary offenses under the Crimes Code.

§ 1-612. Policy. [Res. 7-00, 4/18/2000, § II]

It is the policy of the Mechanicsburg Police Department that reasonable steps be taken to ensure the protection of life and property. In discharging this duty, it may be appropriate and necessary to make a custodial arrest for certain enumerated summary violations of the Crimes Code. While recognizing that each situation is unique, this policy is designed to provide guidance for when officers should make such an authorized custodial arrest.

§ 1-613. Procedures. [Res. 7-00, 4/18/2000, § III]

1. Normally, a custodial arrest for summary violations under the Crimes Code is not authorized by law or this agency. However, under certain conditions, the law and this agency does authorize a custodial arrest for the following crimes:
 - A. Crimes Code § 5503 — Disorderly Conduct.
 - B. Crimes Code § 5505 — Public Drunkenness.
 - C. Crimes Code § 5507 — Obstructing Highways and Other Public Passages.
 - D. Crimes Code § 6308 — Purchase, Consumption, Possession or Transportation of Liquid or Malt or Brewed Beverage.
2. The right to make an arrest for the summary violations listed above must be reasonable when considering the totality of the circumstances and, in addition, all of the following factors must be present:
 - A. Probable cause to believe one of the offenses enumerated above is being committed must be present.
 - B. The conduct giving rise to the offense is ongoing.
 - C. The offense must be upon actual view and not from information received.

- D. The conduct involved imperils the personal security of any person, including the accused, or endangers public or private property.
3. Officers are expected to use discretion in these situations, and when feasible, giving due regard to the factors listed above, a citation shall be issued or filed against the accused in lieu of a custodial arrest.
4. When an arrest is necessary and appropriate, the officer shall make a custodial arrest and process the accused.
 - A. The accused may be issued a citation and released from custody when the following conditions have been met:
 - (1) The accused is a resident of the Commonwealth of Pennsylvania.
 - (2) The accused poses no threat of immediate physical harm to any person or to himself or herself.
 - (3) The arresting officer has reasonable grounds to believe that the accused will appear as required.
 - (4) The accused does not demand to be taken before an issuing authority.
 - B. When the accused is not released from custody as outlined above, the accused shall be taken without necessary delay before the issuing authority.
 - (1) In such a situation, the citation shall be filed before the issuing authority.
 - (2) Under the Pennsylvania Rules of Criminal Procedure, the issuing authority shall:
 - (a) Conduct an immediate trial, unless the commonwealth is not ready to proceed or the accused requests a postponement.
 - (b) Give the accused an opportunity to deposit collateral for a future appearance for a trial.
5. The powers of arrest granted by the policy and procedures herein are in addition to any other powers of arrest granted by law.
6. Notwithstanding any other provision, the policy and procedures listed above shall not be effective until such time as the Borough Council adopts an ordinance or resolution authorizing such arrests.

PART 7

POLICE PENSIONS

§ 1-701. Establishment of Pension Plan and Pension Fund. [Ord. 965, 12/19/1989, § 1]

There is hereby established in the Borough a Pension Plan and Pension Fund for the benefit of full-time police officers of the Borough. The Pension Plan shall be known as the "Borough of Mechanicsburg Police Pension Plan" (hereinafter "Plan"). The Pension Fund shall be known as the "Borough of Mechanicsburg Police Pension Fund" (hereinafter "Fund").

§ 1-702. Establishment of Corporate Fiduciary. [Ord. 965, 12/19/1989, § 2; as amended by Ord. 1090, 12/19/2006, § 1; and by Ord. 1093, 5/22/2007, § 1]

1. The Council is hereby authorized to enter into an agreement of trust with a corporate fiduciary, which agreement of trust shall permit the fiduciary to manage and operate the Fund and to receive, hold, invest and disburse any sum or sums as may be necessary to carry out the Plan. The Council shall determine the form and terms of any such agreement of trust.
2. Effective January 1, 2007, and continuing thereafter until terminated by the Council, the accompanying joinder agreement⁶ and the terms of the Pennsylvania State Association of Boroughs Master Retirement Trust are adopted by the Borough, to be known as the Borough of Mechanicsburg Police Pension Plan (the "Plan"). Hereafter, by resolution duly adopted, the Council may amend any provisions of the Trust or joinder agreement relating to the administration and management of the Plan. Modifications to the Plan relating to contributions, vesting, member and survivor benefits or other substantive matters shall be effected only upon amendment of this Part by ordinance duly enacted by Council.

§ 1-703. Creation and Maintenance of the Pension Fund. [Ord. 965, 12/19/1999, § 3]

1. The Borough of Mechanicsburg Police Pension Fund shall be created and maintained in the following manner:
 - A. All funds on deposit and held for the pension or retirement benefits of the Borough of Mechanicsburg police officers shall be transferred to the Pension Fund created hereby subject to any liabilities which may exist against such Fund.
 - B. The allocation by the Council of payments made by the Treasurer of the Commonwealth from monies received from taxes paid upon premiums by foreign casualty insurance companies and foreign fire

⁶Editor's Note: The joinder agreement is attached to Ord. No. 1093 and on file in the office of the Borough Secretary.

insurance companies pursuant to the General Municipal Pension System State Aid Program.

- C. Payments made by contributions of the police officers in accordance with the Borough of Mechanicsburg Police Pension Plan as may be in effect from time to time.
 - D. Payments made by other gifts, grants, devises or bequests made to the fund.
 - E. Such other payments as may, from time to time, be made by the Council to the Fund from the general revenue of the Borough.
- 2. All such payments received shall be deemed to be part of the Pension Fund and shall not be applied to any other account or disbursed in any manner except as provided herein.
 - 3. Payments required under the Plan shall be a charge only upon the Borough of Mechanicsburg Police Pension Fund and not upon other monies or funds of the Borough.

§ 1-704. Application of Certain Receipts. [Ord. 965, 12/19/1989, § 4]

- 1. The amounts of the payments made by the Treasurer of the Commonwealth from the monies received from taxes paid upon premiums by foreign casualty insurance companies and foreign fire insurance companies, which are determined by the Council to be deposited in the Pension Fund, shall be used and applied as follows:
 - A. To pay expenses incurred for the administration of the Pension Fund and the Pension Plan.
 - B. To reduce any unfunded liability, defined as the present value of liability of the Fund on account of retirement benefits payable under this Part to police officers for service prior to the date upon which they first made contributions to the Plan, offset by the value of any assets in the Fund; or after such liability has been funded.
 - C. To apply against the annual obligation of the Borough for future service cost, defined as the amount of money required to be contributed annually into the Fund on account of benefits payable under the Pension Plan to police officers for service subsequent to the date of the establishment of the Plan; or to the extent that the payment made be in excess of such obligation.
 - D. To reduce member contributions.
- 2. Any other monies paid into the Fund shall be applied equally against member and Borough obligations for future service cost.

§ 1-705. Management of Pension Fund. [Ord. 965, 12/19/1989, § 5; as amended by Ord. 1090, 12/19/2006, § 2; and by Ord. 1093, 5/22/2007, § 2]

1. The Pension Fund shall be deposited with, managed and invested by a corporate trustee, designated by the Council, which shall carry out its responsibilities in accordance with the terms of the Trust Agreement and further subject to such investment policy and guidance as the Council shall, from time to time, give to the Trustee for the investment of the Pension Fund assets.
2. Effective January 1, 2007, and continuing thereafter until terminated by the Council, the Pension Fund shall be deposited with, managed and invested pursuant to the accompanying joinder⁷ agreement and the terms of the Pennsylvania State Association of Boroughs Master Retirement Trust. Hereafter, by resolution duly adopted, the Council may amend any provisions of the Trust or joinder agreement relating to the administration and management of the Plan. Modifications to the Plan relating to contributions, vesting, member and survivor benefits or other substantive matters shall be effected only upon amendment of this Part by ordinance duly enacted by Council.

§ 1-706. Police Pension Fund Committee. [Ord. 965, 12/19/1989, § 6]

The care, management, investment, administration, distribution and disposal of the fund shall be vested in a committee to be known as the Police Pension Fund Committee, hereinafter referred to as the "Committee." The Committee shall consist of two members of the Council of the Borough of Mechanicsburg, appointed annually by the said Council, the Mayor of the Borough of Mechanicsburg, and two participants of the Plan elected annually by the participants of the Plan. The members of the Committee shall serve without compensation and the administration of the Plan and the acts of the Committee shall be governed by the pertinent provisions of the Act of May 26, 1956, P.L. (1955) 1804, as amended, the provisions of this and any other applicable ordinance of the Borough. Notwithstanding the above, the said Plan shall remain under the direction and control of the Council of the Borough of Mechanicsburg.

§ 1-707. Administration of Plan. [Ord. 965, 12/19/1989, § 7]

1. The Plan shall be administered by the Committee.
2. The Secretary-Treasurer of the Committee shall keep minutes of the proceedings and all dates, records and documents pertaining to the administration of the Plan. The Committee may employ and suitably compensate such actuarial and consulting services and advisory, clerical or other employees and attorneys as it may deem necessary for the performance of its duties. The expenses of the administration of the Plan shall be paid from the assets of the Fund.

⁷Editor's Note: The joinder agreement is attached to Ord. No. 1093 and on file in the office of the Borough Secretary.

3. The action of the Committee shall be determined by the vote or other affirmative expression of its members.
4. The Committee shall make available to participants of the Plan, for examination during business hours, such of its records as pertain only to the participant involved. The Committee shall make its records available to proper governmental officials during business hours and members of the general public upon 24 hours' notice.
5. The Committee, on behalf of the participants of the Plan, shall enforce the Plan in accordance with the terms of this Part and shall have all powers necessary to accomplish that purpose including, but not limited to, the following:
 - A. To determine all questions relating to the eligibility of employees of becoming participants;
 - B. To compute and certify to the fiduciary the amount and kind of benefits payable to participants;
 - C. To select any issuing company and annuity contract which, in the opinion of the Committee, will best carry out the purposes of the plan; and
 - D. To make and publish such rules and regulations for the administration of the Plan as are not inconsistent with the terms of this Part.
6. The Borough shall supply full and timely information to the Committee on all matters relating to the pay of all members of the Borough of Mechanicsburg Police Pension Plan, their retirements, deaths or other causes for termination of employment and such other pertinent data as the Committee may require, and the Committee shall advise the fiduciary with reasonable dispatch of such of the foregoing facts as may be pertinent to the fiduciary's administration of the Fund.

§ 1-708. Coverage. [Ord. 965, 12/12/1989, § 8; as amended by Ord. 1115, 6/1/2010, § 1]

The plan shall cover all full-time police officers of the Borough of Mechanicsburg, hereinafter referred to as "member." Every full-time police officer employed by the Borough shall, upon the commencement of his employment, be a member covered under this plan and entitled to the benefits provided hereunder.

§ 1-709. Normal Retirement Date. [Ord. 965, 12/19/1989, § 9; as amended by Ord. 1115, 6/1/2010, § 2]

1. The normal retirement date of a member shall be the day on which the member has attained 55 years of age and has completed 25 years of service; provided, however, effective January 1, 1992, the normal retirement date of a member shall be the day on which the member has attained 50 years of age and has completed 25 years of service.
2. (Reserved)
3. Such members as are retired shall be subject to service, from time to time, as police reserves, in case of riot, tumult or preservation of the public peace until unfitted for such service, when they may be finally discharged by reason of age or disability. While on duty as a police reserve, they shall be paid as wages, in addition to their regular pension, and such sum as the Council may in each case determine.

§ 1-710. Basic Benefits. [Ord. 965, 12/19/1989, § 10; as amended by Ord. 1115, 6/1/2010, § 3]

The basic pension benefit shall be 50% of the monthly average salary of such member during the last 36 months of employment. Such monthly retirement benefit shall be payable during the lifetime of the retiring police officer. Monthly average salary shall be determined based on the provisions of the Police Pension Law known as Act 600, Act of May 29, 1956, P.L. (1955) 1804, as amended, 53 P.S. § 761 et seq., as amended, and guidance or judicial interpretations issued thereunder.

§ 1-711. Service Increment. [Ord. 965, 12/19/1989, § 11; as amended by Ord. 1017, 5/16/2000, § 1; and by Ord. 1093, 5/22/2007, § 3]

In addition to the basic monthly pension benefit and upon the approval of Borough Council, those members eligible may receive a length of service increment benefit for each completed year of service in excess of 25 years, not to exceed \$100 per month for each completed year of service in excess of 25 years up to a maximum of \$500 per month after five completed years of service in excess of 25 years.

§ 1-712. Post-Retirement Cost-of-Living Benefit. [Ord. 965, 12/19/1989, § 12; as amended by Ord. 1017, 5/16/2000, § 1; by Ord. 1024, 12/19/2000, § 1; and by Ord. 1115, 6/1/2010, § 4]

Effective January 1, 1991, and for subsequent years, the Borough of Mechanicsburg will hereby grant a cost of living increase for members of the police force receiving retirement benefits. The cost of living increase shall not exceed the percentage increase in the Consumer Price Index from the year in which the police member last worked, shall not cause the total police pension benefits to exceed 75% of the salary for computing retirement benefits and shall not cause the total cost of living

increase to exceed 30%. No cost of living increase shall be granted which would impair the actuarial soundness of the Pension Fund.

- A. Effective as of January 1, 2000, and subject to the limitations in Subsection B below, if the assets of the Police Pension Fund exceed the present value of future benefits as reported in the last actuarial valuation report filed with the Public Employee Retirement Commission under the act of December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," a cost of living increase for members of the police force receiving retirement benefits for 20 or more years may be provided in excess of the limits herein prescribed.
- B. If the total benefits to be paid to a retired member from the Police Pension Fund exceed \$10,000 a year, then the Police Pension Fund shall not pay benefits to a retired member in excess of 100% of the retired member's average compensation as defined in § 415 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 415), or in any successor statute.

§ 1-713. Survivor's Pension Benefit. [Ord. 965, 12/19/1989, § 13; as amended by Ord. 1017, 5/16/2000, § 1; by Ord. 1061, 8/17/2004, § 1; and by Ord. 1115, 6/1/2010, § 5]

1. Upon the death of any member of the police force who was eligible for retirement at the time of his death and who did not die as a result of the performance of his duty, the surviving spouse, or if no spouse survives or if he or she survives and subsequently dies, then the child or children under the age of 18 years or, if attending college, under or attaining the age of 23 years, of such member shall during his or her lifetime in the case of a surviving spouse or until reaching the age of 18 years or, if attending college, under or attaining the age of 23 years, in the case of a child or children, shall, during the lifetime of such surviving spouse, or until reaching the age of 18 years or, if attending college, under or attaining the age of 23 years, in the case of a child or children, be entitled to receive the pension calculated at the rate of 50% of the pension the member would have been receiving had such member been retired at the time of such member's death. Eligibility for pension benefits due to the death of an officer who dies as a result of the performance of his duty and payment of such benefits shall be governed by Subsection 2 below. Pension benefits payable to survivors as a result of the death of an officer who had retired prior to his death shall be payable according to Subsection 3 below.
2. All pension benefits payable because of the death of an officer who dies as a result of the performance of his duty shall be governed by, and payable according to, the provisions of the Emergency and Law Enforcement Personnel Death Benefits Act, Act of June 24, 1976, P.L. 424, No. 101, 53 P.S. § 891 et seq., as amended, inclusive of amendments contained in Act 51 of 2009, and, to the extent not thereby affected, by the Police Pension Law, Act of May 29, 1956, P.L. (1955) 1804, as amended, 53 P.S. § 767 et seq., as amended.

3. The surviving spouse of a former member of the police force who, prior to April 18, 2002, retired on pension and dies subsequent to retirement or who, after April 16, 2002, retires on pension and dies subsequent to retirement, or if no spouse survives or if he or she survives and subsequently dies, then the child or children under the age of 18 years or, if attending college, under or attaining the age of 23 years, of such member shall during his or her lifetime in the case of a surviving spouse or until reaching the age of 18 years or, if attending college, under or attaining the age of 23 years, in the case of a child or children, be entitled to receive a pension calculated at 50% of the pension the member was receiving. Payments shall commence as of the first day of the month following the member's date of death.
4. For purposes of establishing eligibility to receive a survivor's benefit of any kind, the phrase "attending college" shall mean the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven credit hours per semester.

§ 1-714. Disability Retirement. [Ord. 965, 12/19/1989, § 14; as amended by Ord. 1017, 5/16/2000, § 1; and by Ord. 1061, 8/17/2004, § 2]

In order to be eligible to receive a disability pension benefit, an officer must establish that he or she sustained a permanent injury incurred in service. Officers who sustain such permanent work-related disabilities shall receive a monthly disability pension equal to 75% of the officer's average monthly salary during the last 36 months of employment at the time the disability was incurred, provided that any officer who receives benefits for the same injuries under the Social Security Act (49 Stat. 620, 42 U.S.C. § 301 et. seq.) shall have his disability benefits offset or reduced by the amount of such benefits.

§ 1-714.A. Early Retirement Benefit. [Ord. 965, 12/19/1989; as added by Ord. 1017, 5/16/2000, § 2]

The early retirement benefit shall be provided to a member of the police force with 20 or more years of service who terminates employment prior to the completion of superannuation retirement age and service requirements and who files a written application for an early retirement benefit with the governing body of the municipality. The early retirement benefit shall become effective as of the date the application is filed with the governing body or the date designated on the application, whichever is later, and shall be the actuarial equivalent of a partial superannuation retirement benefit calculated as follows:

- A. A partial superannuation retirement benefit shall be determined by applying the percentage that the member's years of service bear to the years of service that the member would have rendered had the member continued to be employed until his superannuation retirement date to the gross pension amount calculated using the monthly average salary during the appropriate period prior to his termination of employment.
- B. The actuarial equivalent of the partial superannuation retirement benefit shall be determined by actuarially reducing the partial superannuation

retirement benefit to reflect that it will commence on the effective date of the early retirement rather than on the date on which the member would have completed superannuation age and service requirements. The actuarial reduction shall be calculated using the actuarial assumptions reported in the last actuarial valuation report filed with the Public Employee Retirement Commission under the act of December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act."

§ 1-715. Military Service Credit. [Ord. 965, 12/19/1989, § 15; as amended by Ord. 989, 3/21/1995, § 15]

1. Any full-time police officer employed by the Borough who has been a regularly appointed employee for a period of at least six months and who shall thereafter enter into the military service of the United States, shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if he returns to his employment within six months after his separation from the service.
2. Any full-time police officer employed by the Borough who was not employed by the Borough prior to such military service may purchase full service credit for each year of military service or fraction thereof, not to exceed five years. The amount due for the purchase of credit for military service other than intervening military service shall be computed by applying the average normal cost rate for Borough police pension plans as certified by the Public Employee Retirement Study Commission, but not to exceed 10%, to member's average annual rate of compensation over the first three years of municipal service and multiplying the result by the number of years and fractional part of a year of creditable nonintervening military service being purchased together with interest at the rate of four and 4.75% compounded annually from the date of initial entry into Borough service to the date of payment.
3. Any full-time member of the Borough police force shall be eligible to receive service credit for intervening and nonintervening military service as provided in Subsections 1 and 2; provided that he/she is not entitled to receive, eligible to receive now or in the future or is receiving retirement benefits for such service under a retirement system administered and wholly or partially paid for by any other governmental agency with the exception of a member eligible to receive or receiving military retirement pay earned by a combination of active duty and nonactive duty with a reserve or national guard component of the armed forces which retirement pay is payable only upon the attainment of a specified age and period of service under 10 U.S.C. Ch. 67 (relating to retired pay for non-regular service).

§ 1-716. Members' Contribution. [Ord. 965, 12/19/1989, § 16]

All members of the Plan shall pay into the Fund monthly at least 5% but not more than 8.0% of total compensation.

§ 1-717. Adjustment of Member Contributions. [Ord. 965, 12/19/1989, § 17]

If an actuarial study shows that the condition of the Fund is such that payments into the fund by members may be reduced below said minimum percentage or eliminated, and that if such payments are reduced or eliminated, contributions from the General Fund of the Borough will not be required to keep the Fund actuarially sound, the Council may, by ordinance or resolution, on an annual basis, reduce or eliminate payments into the Fund by members.

§ 1-718. Vesting. [Ord. 965, 12/19/1989, § 18]

If a member before reaching his normal retirement date and after having completed 12 years of total service for any reason ceases to be a police officer of the Borough, he shall be entitled to vest his retirement benefits until his normal retirement date by filing with the Committee a written notice of his intention to vest, within 90 days of the date of his termination. Upon reaching the date on which he would have been eligible for retirement if he had continued to be employed as a full-time police officer, he shall be paid a partial retirement benefit determined by applying the percentage his years of service bear to the years of service which he would have been rendered had he continued to work until his normal retirement date to gross pension, which he would have earned had he continued as a full-time police officer to his normal retirement date, using however, the monthly average salary during the appropriate period prior to his termination of employment.

§ 1-719. Refund of Contributions. [Ord. 965, 12/19/1989, § 19; as amended by Ord. 1061, 8/17/2004, § 3]

1. Upon termination of full-time employment before completion of vesting, a refund shall be made of any monies paid by such police officer, with interest at the rate of 4% per annum.
2. The surviving spouse of a member of the police force who dies before his pension has vested, or if no spouse survives or if he or she survives and subsequently dies, the member's child or children under the age of 18 years, or if attending college [as defined in § 1-713(3) of this Part], under or attaining the age of 23 years, shall be entitled to receive payment of all money which the member invested in the pension fund plus interest or other increases in value of the member's investment in the pension fund, unless the member has designated another beneficiary for this purpose.

§ 1-720. Payments to Be Free From All Claims. [Ord. 965, 12/19/1989, § 20]

All payments under the Plan shall be, to the fullest extent permitted by law, free and clear of any debts, contracts, engagements, anticipations or liability to levy, attachment, execution or sequestration against the recipient, and shall not be subject to sale, assignment, transfer, claim, judgment or bankruptcy proceedings against the recipient of such payments, whether voluntary or involuntary.

§ 1-721. Rights of Participants. [Ord. 965, 12/19/1989, § 21]

Any member of the Plan shall have the right to:

- A. Inquire of the Committee as to his or her status⁸ or condition in the Plan, including prospective benefits to which such member may be entitled in the future;
- B. To examine records of the Committee pertaining to his or her pension records;
- C. To appear personally before the Committee with or without counsel and to be heard on any matter pertaining to his or her rights under the Plan.

§ 1-722. Modification. [Ord. 965, 12/19/1989, § 22]

The Plan and Fund established by this Part may be discontinued, modified, alternated, terminated or repealed according to law, by ordinance or resolution.

§ 1-723. Severability. [Ord. 965, 12/19/1989, § 23]

The provision of this Part are severable, and if any of its provisions shall be held to be illegal, invalid or unconstitutional, the decisions of the court so holding shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the intent of the Borough Council of the Borough of Mechanicsburg that this Part would have been adopted if such illegal, invalid or unconstitutional provision or provisions had not been included herein.

§ 1-724. Effective Date. [Ord. 965, 12/19/1989, § 24]

The terms and conditions of this Part shall become effective as of January 1, 1990.

⁸Ord. 965, read "statue"

PART 8

NON-UNIFORMED PENSIONS

§ 1-801. Establishment of Pension Plan and Pension Fund. [Ord. 966, 12/19/1989, § 1]

There is hereby established in the Borough a Pension Plan and Pension Fund for the benefit of full-time non-uniformed employees of the Borough. The Pension Plan shall be known as the "Borough of Mechanicsburg Non-Uniformed Employees Pension Plan" (hereinafter "Plan"). The Pension Fund shall be known as the "Borough of Mechanicsburg Non-Uniformed Employees Pension Fund" (hereinafter "Fund").

§ 1-802. Establishment of Corporate Fiduciary. [Ord. 966, 12/19/1989, § 2; as amended by Ord. 1094, 5/20/2007, § 1]

1. The Council is hereby authorized to enter into an agreement of trust with a corporate fiduciary, which agreement of trust shall permit the fiduciary to manage and operate the Fund and to receive, hold, invest and disburse any sum or sums as may be necessary to carry out the Plan. The Council shall determine the form and terms of any such agreement of trust.
2. Effective January 1, 2007, and continuing thereafter until terminated by the Council, the accompanying joinder⁹ agreement and the terms of the Pennsylvania State Association of Boroughs Municipal Retirement Trust are adopted by the Borough, to be known as the Borough of Mechanicsburg Non-Uniformed Employees' Pension Plan (the "Plan"). Hereafter by resolution duly adopted, the Council may amend any provisions of the joinder agreement relating to the administration and management of the Plan. Modifications to the Plan relating to contributions, vesting, member and survivor benefits or other substantive matters shall be effective upon amendment of this Part by ordinance or resolution duly adopted or enacted by Council. **[Amended by Ord. 1144, 10/21/2014]**

§ 1-803. Creation and Maintenance of the Pension Fund. [Ord. 966, 12/19/1989, § 3; as amended by Ord. 1144, 10/21/2014]

1. The Borough of Mechanicsburg Non-Uniformed Employees Pension Fund shall be created and maintained in the following manner:
 - A. All funds on deposit and held for the pension or retirement benefits of the Borough of Mechanicsburg non-uniformed employees shall be transferred to the Pension Fund created hereby subject to any liabilities which may exist against the Fund.
 - B. The allocation by the Council of payments made by the Treasurer of the Commonwealth from monies received from taxes paid upon

⁹Editor's Note: The joinder agreement is on file in the office of the Borough Secretary.

premiums by foreign casualty insurance companies and foreign fire insurance companies pursuant to the General Municipal Pension System State Aid Program.

- C. Payments made by other gifts, grants, devises, or bequests made to the Fund.
 - D. Such other payments as may, from time to time, be made by the Council to the Fund from the general revenue of the Borough.
 - E. Payments made by non-uniformed full-time Borough employees from their employee compensation.
- 2. All such payments received shall be deemed to be part of the Pension Fund and shall not be applied to any other account or disbursed in any manner except as provided herein.
 - 3. Payments required under the Plan shall be a charge only upon the Borough of Mechanicsburg Non-Uniformed Employees Pension Fund and not upon other monies or funds of the Borough.

§ 1-804. Management of Pension Fund. [Ord. 966, 12/19/1989, § 4; as amended by Ord. 1094, 5/20/2007, § 2]

- 1. The Pension Fund shall be deposited with, managed and invested by a corporate trustee, designated by the Council, which shall carry out its responsibilities in accordance with the terms of the Trust Agreement and further subject to such investment policy and guidance as the Council shall, from time to time, give to the Trustee for the investment of the Pension Fund assets.
- 2. Effective January 1, 2007, and continuing thereafter until terminated by the Council, the Pension Fund shall be deposited with, managed and invested pursuant to the accompanying joinder agreement and the terms of the Pennsylvania State Association of Boroughs Master Retirement Trust. Hereafter, by resolution duly adopted, the Council may amend any provisions of the Trust or joinder agreement relating to the administration and management of the Plan. Modifications to the Plan relating to contributions, vesting, member and survivor benefits or other substantive matters shall be effected only upon amendment of this Part by ordinance duly enacted by Council.

§ 1-805. Administration of Plan. [Ord. 966, 12/19/1989, § 5]

- 1. The Plan shall be administered by the Council.
- 2. The Borough Manager-Secretary shall keep minutes of the proceedings and all dates, records and documents pertaining to the administration of the Plan. The Council may employ and suitably compensate such actuarial and

consulting services and advisory, clerical or other employees and attorneys as it may deem necessary for the performance of its duties. The expenses of the administration of the Plan shall be paid from the assets of the Fund.

3. The action of the Council shall be determined by the vote or other affirmative expression of a majority of its members.
4. The Council shall make available to participants of the Plan, for examination during business hours, such of its records as pertain only to the participant involved. The Council shall make its records available to proper governmental officials during business hours and members of the general public upon 24 hours' notice.
5. The Council, on behalf of the participants of the Plan, shall enforce the Plan in accordance with the terms of this Part and shall have all powers necessary to accomplish that purpose including, but not limited to, the following:
 - A. To determine all questions relating to the eligibility of employees of becoming participants;
 - B. To compute and certify to the fiduciary the amount and kind of benefits payable to participants;
 - C. To select any issuing company and annuity contract which, in the opinion of the Council, will best carry out the purposes of the Plan; and
 - D. To make and publish such rules and regulations for the administration of the Plan as are not inconsistent with the terms of this Part.
6. The Borough shall supply full and timely information to the Council on all matters relating to the pay of all members of the Borough of Mechanicsburg Non-Uniformed Employees Pension Plan, their retirements, deaths or other causes for termination of employment and such other pertinent data as the Council may require, and the Council shall advise the fiduciary with reasonable dispatch of such of the foregoing facts as may be pertinent to the fiduciary's administration of the Fund.

§ 1-806. Coverage and Reemployment Buy-Back of Credits. [Ord. 966, 12/19/1989, § 6; as amended by Ord. 1096, 5/20/2007, § 1]

1. This agreement shall cover all full-time non-uniformed employees of the Borough of Mechanicsburg, hereinafter referred to as "member." Every full-time nonuniformed employee of the Borough shall be a member covered under this agreement and be entitled to the benefits provided hereunder as of the first day following the sixth month anniversary of continuous employment with the Borough.

2. Every member who has first met the coverage requirement of Subsection 1 of this section, who shall thereafter leave the service of the Borough and subsequently return to Borough service after such intervening time, shall be re-credited with the employee's prior service only if the employee repays any refund of contributions, plus interest, which the employee received prior to the employee's termination with the Borough.

§ 1-807. Normal Retirement Date. [Ord. 966, 12/19/1989, § 7]

The normal retirement date of a member shall be the day on which the member has attained 62 years of age and has completed 10 years of service.

§ 1-808. Basic Benefits. [Ord. 966, 12/19/1989, § 8]

The basic monthly pension benefit shall be 50% of the monthly average compensation of such member during the last 60 months of employment. Such monthly retirement benefit shall be payable during the lifetime of the retiring member, with payments guaranteed for the first 120 months. The retiring member may choose another actuarial equivalent form of payment at the date of retirement before payments commence.

§ 1-809. Late Retirement. [Ord. 966, 12/19/1989, § 9]

If a member continues to be employed by the Borough after his normal retirement date, his monthly pension benefit shall not commence until such member ceases to be employed by the Borough. The monthly pension benefit payable to a member who retires after his normal retirement date shall be equal to the greater of his benefit accrued to his late retirement date or the actuarial equivalent of the monthly pension benefit which he would have received had he retired on his normal retirement date.

§ 1-810. Early Retirement. [Ord. 966, 12/19/1989, § 10]

A member is eligible to receive an early retirement benefit after he has attained 55 years of age and has completed 10 years of service. The monthly pension benefit payable to a member upon such early retirement date shall be equal to such member's accrued benefit as of his early retirement date, actuarially reduced for each month that such member's early retirement date precedes his normal retirement date.

§ 1-811. Death Benefit. [Ord. 966, 12/19/1989, § 11]

Upon the death of a member who has been married for at least one year and who is eligible for early retirement at the time of death, the surviving spouse shall receive a monthly pension benefit which such member was eligible to receive if he had retired on the day of this death and had elected to receive his monthly pension benefit in a joint and 50% survivor optional form.

§ 1-812. Vesting. [Ord. 966, 12/19/1989, § 12]

If a member before reaching his normal retirement date and after having completed three years of total service for any reason ceases to be employed by the Borough as a non-uniformed employee, he shall be entitled to a deferred monthly pension benefit payable on his normal retirement date. The deferred monthly pension benefit shall be equal to such member's accrued benefit as of his date of termination multiplied by his vesting percentage based upon the number of years of service completed at this date of termination as follows:

Years of Service	Vesting Percentage
0-2 years	0%
3	10%
4	20%
5	30%
6	40%
7	50%
8	60%
9	70%
10	80%
11	90%
12 or More Years	100%

Such member may elect to receive his vested deferred monthly pension benefit prior to his normal retirement date after he has met the eligibility requirements for early retirement. The monthly pension benefit payable to the member upon such early retirement date shall be equal to such member's vested accrued benefit as of his early retirement date, actuarially reduced for each month that such member's early retirement date precedes his normal retirement date.

§ 1-813. Lump Sum Payments. [Ord. 966, 12/19/1989, § 13]

If the actuarial present value of a terminated member's vested accrued benefit does not exceed \$3,500, such value shall automatically be paid to such member from the Fund in full satisfaction of all benefits such member is entitled to receive under the Plan.

§ 1-814. Accrued Benefit. [Ord. 966, 12/19/1989, § 14]

A member's accrued benefit determined as of any date prior to his normal retirement date shall be equal to 50% of the monthly average compensation of such member during the last 60 months of employment, multiplied by the percentage his years of service, including completed months, to the date of determination bear to years of service, including completed months, which he will have completed as of his normal retirement date assuming continued employment until his normal retirement date as a non-uniformed employee of the Borough of Mechanicsburg.

§ 1-815. Payments to Be Free From All Claims. [Ord. 966, 12/19/1989, § 15]

All payments under the Plan shall be, to the fullest extent permitted by law, free and clear of any debts, contracts, engagements, anticipations or liability to levy, attachment, execution or sequestration against the recipient, and shall not be subject to sale, assignment, transfer, claim, judgment or bankruptcy proceedings against the recipient of such payments, whether voluntary or involuntary.

§ 1-816. Members' Contribution. [Ord. No. 966, 12/19/1989, § 16; as amended by Ord. 1144, 10/21/2014]

All members of the Plan shall pay into the Fund monthly an amount of compensation as determined by annual resolution of Council.

§ 1-817. Adjustment of Member Contributions. [Ord. No. 966, 12/19/1989, § 17; as amended by Ord. 1144, 10/21/2014]

Council may, by ordinance or resolution, on an annual basis, establish, reduce or eliminate payments into the Fund by members.

§ 1-818. Refund of Member Contributions. [Ord. No. 966, 12/19/1989, § 18; as amended by Ord. 1144, 10/21/2014]

1. Upon termination of full-time employment before completion of vesting, a refund shall be made of any monies contributed by such full-time employee, with interest at the rate of 4% per annum.
2. The surviving beneficiary of a full-time employee who dies before his or her pension has vested shall be entitled to receive payment of all money which the member invested in the Fund, plus interest.

§ 1-819. Rights of Participants. [Ord. No. 966, 12/19/1989, § 19; as amended by Ord. 1144, 10/21/2014]

Any member of the Plan shall have the right:

- A. To inquire of the Council as to his or her status or condition in the Plan, including prospective benefits to which such member may be entitled in the future;
- B. To examine records of the Council pertaining to his or her pension records; and
- C. To appear personally before the Council with or without counsel and to be heard on any

§ 1-820. Modification. [Added by Ord. 1144, 10/21/2014]

The Plan and Fund established by this Part may be discontinued, modified, alternated, terminated or repealed according to law, by ordinance or resolution.

§ 1-821. Severability. [Added by Ord. 1144, 10/21/2014]

The provisions of the Part are severable, and if any of its provisions shall be held to be illegal, invalid or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining provisions of this Part. It is hereby declared to be the intent of the Borough Council of the Borough of Mechanicsburg that this Part would have been adopted if such illegal, invalid or unconstitutional provision or provisions had not been included herein.

PART 9**RECOVERY OF REASONABLE ATTORNEY'S FEES****§ 1-901. Legal Authority. [Ord. 1021, 11/21/2000, § 1]**

Charges for reasonable attorneys' fees for municipal claims is authorized under the Municipal Claims law, as amended, of the Commonwealth of Pennsylvania, 53 P.S. § 7101 et seq., and such charges are to be determined by the municipality making such charges and adopted as such by ordinance.

§ 1-902. Schedule of Charges. [Ord. 1021, 11/21/2000, § 2]

The Borough Council of the Borough of Mechanicsburg hereby determines that the schedule of charges for reasonable attorneys' fees shall be as follows:

- \$75 To prepare and file any complaint or claim before a District Justice.
- \$75 To prepare and file a Municipal Lien with the Prothonotary of Cumberland County.
- \$50 To prepare and file a Release of Municipal Lien filed with the Prothonotary of Cumberland County.
- \$100 Minimum charge and the charge per hour (\$100) pro rata thereafter, for any court appearance before a District Justice or any other court of competent jurisdiction for any matter related to preparation for and pursuit of any litigation or for any other municipal claim authorized by law.

§ 1-903. Authorized Persons. [Ord. 1021, 11/21/2000, § 3]

The Borough Solicitor and/or the Staff Attorney for the Borough of Mechanicsburg, or designated agents thereof, are hereby authorized to claim reasonable attorneys' fees according to the schedule in the preceding section.

PART 10**APPOINTMENT OF ELECTED TAX COLLECTOR AS DELINQUENT TAX
COLLECTOR****§ 1-1001. Short Title. [Ord. 1036, 1/15/2002, § 1]**

This Part shall be known and may be cited as the "Delinquent Tax Collector Appointment Ordinance of the Borough of Mechanicsburg."

§ 1-1002. Legislative Intent and Applicability. [Ord. 1036, 1/15/2002, § 2]

The background of this Part and the legislative intention of the Borough Council of the Borough of Mechanicsburg in enacting it are as follows:

- A. The Borough of Mechanicsburg is a municipal borough, organized and existing under the laws of the Commonwealth of Pennsylvania.
- B. The General Assembly of the Commonwealth of Pennsylvania enacted the Local Tax Collection Law, Act of May 25, 1945, P.L. 1050, § 1, et seq., 72 P.S. § 5511.1 et seq.
- C. In particular, the General Assembly of the Commonwealth of Pennsylvania amended the Local Tax Collection Law by the Act of December 20, 2000, P.L. 735, No. 104, § 5, 72 P.S. § 5511.26A, whereby, by ordinance, the Borough Council must appoint the elected tax collector as a delinquent tax collector.

§ 1-1003. Appointment of Delinquent Tax Collector. [Ord. 1036, 1/15/2002, § 3]

The Borough Council of the Borough of Mechanicsburg appoints the duly elected tax collector of the Borough of Mechanicsburg as a delinquent tax collector, who shall act in accordance with and shall have the same powers, rights, privileges, duties and obligations as are set forth in Section 686 of the Act of March 10, 1949, P.L. 30, No. 14, known as the "Public School Code of 1949," 24 P.S. § 6-686. The delinquent tax collector shall be compensated as provided by the Borough Council.

PART 11

RECOVERY OF COSTS FOR PARADES AND SPECIAL EVENTS**§ 1-1101. Recovery of Costs. [Res. 04-2002, 5/22/2002]**

1. Each parade and special events permittee shall pay all direct costs and expenses incurred by the Borough in connection with the conducting of such activity to include, but not to be limited to, the following:
 - A. Barricade rentals.
 - B. Street closing posters and other signage.
 - C. Public sanitary facilities.
 - D. Traffic control devices.
 - E. Wages at established rates, whether regular, overtime or double time, for all Borough employees involved in the setup, closure and cleanup for such activity.
 - F. Wages at established rates, whether regular, overtime or double time, for all Borough police officers and other authorized traffic control officers required for the safety of the participants and of the public in general, as determined by the Police Chief.
 - G. Payments to outside fire, emergency and police authorities for necessary assistance.
2. To the extent that Borough owned property is utilized in the conducting of the parade or special event, the reasonable and customary rental amount established by the Borough for the use of such property shall be paid by the permittee.
3. In addition to the direct costs and rental amounts established in Subsections 1 and 2 of this section, all parade and special events permittees shall pay an overhead charge of 15% of the total amount so established, which overhead charge shall defray the time incurred by Borough staff in scheduling, coordinating and assisting the event.
4. At the time of application, the Borough Manager shall estimate the total costs and expenses expected to be incurred by the Borough under the terms of this Part. The permittee shall pay a deposit in an amount equivalent to 10% of the estimated amount, which deposit shall be held in escrow by the Borough for application to the overall charges. In the event of cancellation, any unused escrow amounts shall be returned to the permittee.

PART 12

OPEN RECORDS FEES

§ 1-1201. Fees. [Res. 21-2002, 12/17/2002]

1. The following fees shall be charged for duplication of public records requested under the Pennsylvania Open Records Law:
 - 8 1/2 inch x 11 inch documents: \$0.15 per page
 - All other documents: actual duplication cost charged to Borough

2. The above fee schedule shall remain in effect until amended by further resolution of the Borough Council.

