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PART 1
AUTHORITIES

A. Elizabethtown Area Community Services Authority.

§ 101. Intent. [Ord. 674, 5/21/1986, § 1]

The Borough Council of the Borough signifies their intent and desire to jointly organize, along with the Townships of Conoy and Mount Joy and West Donegal, all of Lancaster County, Pennsylvania, an Authority under the Municipality Authorities Act of 1945, Act of May 2, 1945, P. L. 382, as amended and supplemented (hereinafter referred to as the "Act"), for the purpose of acquiring, holding, improving, maintaining, operating and owning the property situated at 70 South Poplar Street, Elizabethtown, Pennsylvania, hereinafter referred to as the "Poplar Street School Building."

§ 102. Authority. [Ord. 674, 5/21/1986, § 2]

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

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended and supplemented, the Townships of Conoy, Mount Joy and West Donegal and the Borough of Elizabethtown, all of Lancaster County, Pennsylvania (hereinafter referred to as "the Incorporating Municipalities"), desiring to incorporate an Authority hereunder, do hereby certify that:

1. The name of the Authority shall be: "Elizabethtown Area Community Services Authority."
2. This Authority is formed under the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended and supplemented.
3. No other Authority organized under the Act of June 28, 1935, P.L. 463, as amended, is in existence in or for the incorporating municipalities or any of them, except the following:
 - A. Bainbridge Water Authority;
 - B. Mount Joy Township Authority;
 - C. West Donegal Township Authority;
4. The names of the incorporating municipalities and the names and addresses of the respective elected officials are as follows:

- A. Township of Conoy, Lancaster County, Pennsylvania:
[Here followed the names and addresses of the respective elected officials.]
 - B. Township of Mount Joy, Lancaster County, Pennsylvania:
[Here followed the names and addresses of the respective elected officials.]
 - C. Township of West Donegal, Lancaster County, Pennsylvania:
[Here followed the names and addresses of the respective elected officials.]
 - D. Borough of Elizabethtown, Lancaster County, Pennsylvania:
[Here followed the names and addresses of the respective elected officials.]
5. The names, addresses, appointing municipality and terms of office of the first of the Board of the Authority to be formed hereby are as follows:
[Here followed the names, address and terms of office of the first members of the Board.]
 6. The purpose of the Authority shall be to acquire, hold, improve, maintain, operate and own the property situated at 70 South Poplar Street, Borough of Elizabethtown, Lancaster County, Pennsylvania, known as the Poplar Street School Building.
 7. The ordinances authorizing the creation of said Authority certified from the records of the Borough Council of the Borough of Elizabethtown, and the Board of Township Supervisors of the Townships of Conoy, Mount Joy and West Donegal, all of Lancaster County, Pennsylvania, together with required proofs of publication, are each submitted herewith.

§ 103. Notice. [Ord. 674, 5/21/1986, § 3]

The President of the Borough Council and the Secretary, respectively, of the Borough are further directed to cause notice of the substance of this Part, 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 Act.

§ 104. Filing and Payment of Fees. [Ord. 674, 5/21/1986, § 4]

The President of the Borough Council and the Secretary, respectively, of the Borough are further directed to cause the Articles of Incorporation, together with the necessary proof of publication, to be filed with the Secretary of the

Commonwealth of Pennsylvania and to perform all other acts and things necessary or appropriate to effect the incorporation of the Authority, including payment of any filing fees required in connection therewith.

§ 105. Appointment of First Members of the Board. [Ord. 674, 5/21/1986, § 5]

The following named persons, each of whom is a resident and citizen of the Borough, shall be and hereby are appointed as the first members of the Board of the Authority for the following terms of office: [Here followed the names, addresses and terms of office of the first members of the Board.]

§ 106. Execution and Delivery of Deed. [Ord. 674, 5/21/1986, § 6]

The President of the Borough Council and the Secretary, respectively, of the Borough are hereby authorized and directed to execute and deliver a deed conveying the Borough's interest in the Poplar Street School Building to the Authority and to take any necessary action in connection therewith.

B. Elizabethtown Area Regional Authority.

§ 111. Intention to Join Authority. [Ord. 797, 6/3/1999, § 1]

Borough Council signifies the intention and desire to join with the Township of Mount Joy and the Township of West Donegal to organize an authority under the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, known as the Municipality Authorities Act of 1945, as amended and supplemented (the "Act"), for the purposes of exercising any and all powers conferred by the Act.

§ 112. Articles of Incorporation. [Ord. 797, 6/3/1999, § 2]

The President of Borough Council and the Secretary, respectively, of the Borough are authorized and directed to execute, in behalf of the Borough, Articles of Incorporation for said authority, in substantially the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:

In compliance with requirements of the Acts of Assembly, approved May 2, 1945, P.L. 382, as amended and supplemented, known as the Municipality Authorities Act of 1945, and pursuant to ordinances duly enacted by the municipal authorities of the Borough of Elizabethtown and the Townships of Mount Joy and West Donegal, all located in Lancaster County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipalities to organize an authority, jointly, under provisions of said Municipality Authorities Act of 1945, said municipalities certify:

1. The name of the authority is "Elizabethtown Area Regional Authority."
2. The authority is formed under said Municipality Authorities Act of 1945, as amended and supplemented.

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. 463, as amended and supplemented, and is in existence in or for the incorporating municipalities, except that:
 - A. The Township of Mount Joy heretofore organized "Mount Joy Township Authority," under the provisions of said Municipality Authorities Act of 1945, as amended and supplemented.
 - B. The Township of West Donegal heretofore organized "West Donegal Township Authority" under the provisions of said Municipality Authorities Act of 1945, as amended and supplemented.
 - C. The Borough of Elizabethtown, the Township of Mount Joy and the Township of West Donegal, together with the Township of Conoy, Lancaster County, heretofore organized the Elizabethtown Area Community Services Authority.
4. The names of the incorporating municipalities are:
 - A. The Borough of Elizabethtown, Lancaster County, Pennsylvania.
 - B. The Township of Mount Joy, Lancaster County, Pennsylvania.
 - C. The Township of West Donegal, Lancaster County, Pennsylvania.
5. The names and addresses of the municipal authorities of said incorporating municipalities are: [Here followed the names and addresses of the municipal authorities of said incorporating municipalities.].
6. The members of the Board of the authority shall be nine in number and shall be apportioned as follow:
 - A. Borough of Elizabethtown, Lancaster County, Pennsylvania, three.
 - B. The Township of Mount Joy, Lancaster County, Pennsylvania, three.
 - C. The Township of West Donegal, Lancaster County, Pennsylvania, three.
7. The names, addresses and terms of office of the first members of the Board of the authority, each of whom is a citizen of the incorporating municipality by which he is appointed, are as follows: [Here followed the names, addresses and terms of offices of the first members of the Board of authority.].

§ 113. Notice of Articles of Incorporation. [Ord. 797, 6/3/1999, § 3]

The President of Borough Council and the Secretary, respectively, of the Borough further are directed to cause notice of the substance of this Part, 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 Act.

§ 114. Filing of Articles of Incorporation. [Ord. 797, 6/3/1999, § 4]

The President of Borough Council and the Secretary, respectively, of the Borough further are directed to cause such Articles of Incorporation, together with the necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania, and to do all other acts and things necessary or appropriate to effect the incorporation of such joint authority, including payment of any filing fees required in connection therewith.

§ 115. Membership of the Board. [Ord. 797, 6/3/1999, § 5]

The Board of the authority shall consist of nine members, three of whom are appointed by the Borough of Elizabethtown, three of whom are appointed by the Township of Mount Joy and three of whom are appointed by the Township of West Donegal.

§ 116. Purpose. [Ord. 797, 6/3/1999, § 6]

The enactment of this Part is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare of and will increase the prosperity of the citizens of this Borough.

C. Elizabethtown Area Community Development Authority.**§ 121. Intent. [Ord. 825, 3/15/2001, § 1]**

Borough Council signifies its intention and desire to organize an Authority under the Economic Development Financing Law, as amended, 73 P.S. § 371 et seq. (The "law"), for the purposes of exercising any and all powers conferred by the law.

§ 122. Authority. [Ord. 825, 3/15/2001, § 2]

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

ARTICLES OF INCORPORATION**TO THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA:**

In compliance with requirements of the Acts of Assembly, approved August 23, 1967, P.L. 251, as amended and supplemented, known as the Economic Development Financing Law, as amended by the Act of December 17, 1993, P.L. 490, 73 P.S. § 371 et seq., and pursuant to an Ordinance duly enacted by the municipal authorities of the Borough of Elizabethtown, Lancaster County, Pennsylvania, expressing the intention and desire of the municipal authorities of

said municipality to organize an authority, under provisions of said Economic Development Financing Law, said municipality certifies:

1. The name of the authority is "Elizabethtown Industrial Development Authority."
2. The authority is formed under said Economic Development Financing Law, as amended and supplemented.
3. The name of the incorporating municipality is the Borough of Elizabethtown, Lancaster County, Pennsylvania.
4. The name and address of the municipal authorities of the said incorporating municipality is: [Here followed the office, name and address of the municipal authorities of the Borough.]
5. The members of the Board of the authority shall be nine in number.
6. The names and addresses and terms of office of the first members of the Board of the Authority, which in accordance with the Economic Development Financing Law shall be measured from January 1, 2001, are as follows: [Here followed the names, addresses and terms of office of the members of the first board of said Authority.]
7. The term of existence of the Authority shall be 50 years from its date of incorporation.
8. The Authority shall have all powers authorized by the Economic Development Financing Law.

§ 123. Membership of the Board. [Ord. 825, 3/15/2001, § 3]

The Board of the Authority shall consist of five members.

§ 124. Funds. [Ord. 825, 3/15/2001, § 4]

The surplus assets of the Authority not reasonably required to meet or provide for the obligations or operation of the Authority shall be transferred, upon the written direction of the Borough, to the Borough, from time to time.

§ 125. Notice. [Ord. 825, 3/15/2001, § 5]

The President of Borough Council and the Secretary, respectively, of the Borough further are directed to cause notice of the substance of this Part, 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 law.

§ 126. Filing and Payment Fees. [Ord. 825, 3/15/2001, § 6]

The President of Borough Council and the Secretary, respectively, of the Borough further are directed to cause such Articles of Incorporation, together with the necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania, and to do all other acts and things necessary or appropriate to effect the incorporation of such Authority, including payment of any filing fees required in connection therewith.

§ 127. Purpose. [Ord. 825, 3/15/2001, § 7]

The enactment of this Part is deemed necessary for the benefit and preservation of the public health, peace, comfort and general welfare of and will increase the prosperity of the citizens of this Borough.

PART 2**VOLUNTEER FIREMEN'S RELIEF ASSOCIATION****§ 201. Recognition of Volunteer Firemen's Relief Association. [Ord. 3/17/1931, 3/17/1931; as amended by Ord. 829, 11/15/2001]**

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

Friendship Fire & Hose Co. No. 1

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.

§ 202. Certification to Auditor General. [Ord. 3/17/1931, 3/17/1931; as amended by Ord. 829, 11/15/2001]

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

§ 203. Annual Appropriation. [Ord. 3/17/1931, 3/17/1931; as amended by Ord. 829, 11/15/2001]

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §§ 701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association 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.

PART 3
POLICE DEPARTMENT

A. Established.

§ 301. Department of Police Established; Salaries. [Res. 6/15/1954, 6/15/1954; as amended by Ord. 376, 8/19/1958; by Ord. 558, 12/19/1972; by Ord. 829, 11/15/2001]

There shall be established in the Borough of Elizabethtown a Department of Police which shall consist of sufficient members to maintain law and order within the Borough limits, as affixed from time to time by resolution of the Borough Council.

§ 302. Powers and Duties of Police. [Res. 6/15/1954, 6/15/1954]

The members of said police force shall have such powers and duties as are set forth in the Borough Code and in other applicable Acts of Assembly.

§ 303. Civil Service Commission to be Created. [Res. 6/15/1954, 6/15/1954]

Immediately upon and after appointments shall be made by the Borough Council, which shall bring the total number of full-time policemen to three, there shall be created in conformity with the Act of Assembly, a Civil Service Commission, as provided by law.

§ 304. Part Time Police. [Ord. 600, 12/3/1977, §§ 1-3; as amended by Ord. 829, 11/15/2001]

1. The Borough Council of the Borough of Elizabethtown hereby declares its intent to create and hereby creates the position of part time police officer.
2. Part time police officers shall be appointed by and shall receive as compensation for their services the pay established for the position from time to time by the police collective bargaining agreement.
3. Part time police while on active duty shall have the same powers as and the same duties as full time police officers of the Borough of Elizabethtown.

B. Civil Service Commission.

§ 311. Definition of Terms. [Ord. 899, 11/20/2008]

1. Unless otherwise expressly stated, the following words and phrases, wherever used in these rules and regulations, shall be construed to have the meanings indicated herein:

APPLICANT — Any individual who applies in writing to the Commission in response to a legally advertised notice of vacancy and/or examination for any position in the Police Department.

APPOINTING AUTHORITY — The Borough Council of the Borough of Elizabethtown, Lancaster County, Pennsylvania.

BOROUGH COUNCIL — The Borough Council of the Borough of Elizabethtown, Pennsylvania.

BOROUGH MANAGER — The Borough Manager of the Borough of Elizabethtown, Pennsylvania.

BOROUGH SECRETARY — The Secretary of the Borough of Elizabethtown, Pennsylvania.

CERTIFICATION — The submission to the appointing authority pursuant to its request of three names taken from the eligible list developed by the Civil Service Commission. The Civil Service Commission may derive the eligible list either from applications made directly to the Borough or from the Lancaster County Chiefs of Police Association joint hiring process.

CHAIRPERSON — The Chairperson of the Civil Service Commission of the Borough of Elizabethtown, Pennsylvania.

COMMISSION — The Civil Service Commission of the Borough of Elizabethtown, Pennsylvania.

ELIGIBLE — A person whose name is recorded on a current eligible list or furlough list, however derived.

ELIGIBLE LIST — The list of names of persons who have passed all examinations for a particular position in the Police Department, whether administered directly by the Civil Service Commission, its designee or by the Lancaster County Chiefs of Police Association through its joint hiring process.

EXAMINATION — The series of tests given to candidates to determine their qualifications for a position in the Police Department, whether administered directly by the Civil Service Commission, its designee or by the Lancaster County Chiefs of Police Association through its joint hiring process.

FURLOUGH LIST — The list containing the names of persons temporarily laid off from positions in the Police Department because of a reduction in the number of officers.

POLICE OFFICER — For purposes of these rules and regulations, an entry-level, sworn, full-time position in the Police Department.

PROBATIONER — An officer in the Police Department who has been appointed from an eligible list but who has not yet completed the work test period.

REDUCTION IN RANK — A change to a different position or rank which results in a decrease in salary and/or position where the employee fulfilled all of the requirements of these rules and regulations for both the prior and current position or rank. However, a decrease in salary without a change to a different position or rank shall not necessarily constitute a reduction in rank.

REMOVAL — The permanent separation of a police officer from the Police Department.

SECRETARY — The Secretary of the Civil Service Commission of the Borough of Elizabethtown, Pennsylvania.

SUSPENSION — The temporary separation, with or without pay, of a police officer from the Police Department (does not apply to layoffs or furloughs).

2. **Gender.** The words "he," "his," "him" and "men," when used in these rules and regulations, represent both the masculine and the feminine genders.

§ 312. The Commission. [Ord. 899, 11/20/2008]

1. **Civil Service Commission.**
 - A. The Commission shall consist of three Commissioners who shall be residents of the Borough and shall be appointed by the Borough Council initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.
 - B. Any vacancy occurring in the Commission for any reason whatsoever shall be filled by the Borough Council for the unexpired term within the period of 30 days after such vacancy occurs.
 - C. Each member of the Commission, before entering upon the discharge of the duties of his/her office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his/her official duties with fidelity. No Civil Service Commissioner shall receive compensation.
2. **Offices Incompatible with Civil Service Commissioner.** No Commissioner shall at the same time hold an elective or appointed office under the United

States government, the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth, except that one member of the Commission may be a member of the Council of the Borough. One Commissioner may be a member of the teaching profession.

3. **Organization of Commission; Quorum.** The Commission first appointed shall organize within 10 days of its appointment and shall elect one of its members as its Chairperson and one as the Secretary. The Commission shall thereafter meet and organize on the first Monday of January of each even-numbered year. Two members of the Commission shall constitute a quorum, and no action of the Commission shall be valid unless it shall have the concurrence of at least two members. **[Amended by Ord. 967, 12/18/2014]**
4. **Duties of Chairperson.** The Chairperson, or in his or her absence the Vice Chairperson, shall preside at all meetings and hearings of the Commission, decide all points of order or procedure and perform any duties required by law or these rules and regulations.
5. **Duties of the Secretary.** The Secretary or his or her designee (attorney, etc.) shall carry on, at the direction of the Commission, all official correspondence of the Commission, send out all notices required by law and these rules and regulations, keep a record of each examination or other official action of the Commission and perform all other duties required by law or these rules and regulations.
6. **Meetings.** Except for the biennial organization meeting, all meetings shall be held either at the call of the Chairperson or at the call of two members of the Commission. The Commission shall have the discretion to determine whether meetings shall be open to the public when not specifically regulated by law or these rules and regulations. The Secretary of the Commission shall give each Commissioner 24 hours' notice, in writing, of each and every meeting of the Commission.
7. **Clerks and Supplies.** The Borough Council shall furnish the Commission with such supplies and clerical assistance as may be necessary for the Commission to fulfill its duties. In addition, the Commission may retain counsel, and any other consultants or experts, including physicians and psychiatrists, as are necessary. The elected and appointed officials of the Borough shall assist the Commission with all reasonable and appropriate efforts, including compensation for any counsel or experts retained by the Commission.
8. **Amendment of Rules and Regulations.** The Commission may amend, revise, void or replace these rules and regulations for any reason by action of a majority of the Commission at any properly convened meeting of the Commission. Before any changes to these rules and regulations become effective, those changes must be approved by the Borough Council. These

rules and regulations, and any amendments thereto, shall be made available to the public for distribution or inspection.

9. Minutes and Records.

A. The Commission shall keep minutes of its proceedings and records of examinations and other official actions. All records of the Commission shall be preserved and disposed of according to the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued by the Local Government Records Committee under the authority of 53 Pa.C.S.A. § 1381 et seq.

B. Any and all records related to recommendations of applicants for appointment filed with the Commission shall be open to public inspection, subject to reasonable regulation. The Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question. If the member is absent or fails to vote, the Secretary shall indicate that fact in the minutes. Records relating to disciplinary actions shall be open to the public unless sealed in accordance with these regulations.

10. Investigations. The Commission shall have the power to make investigations concerning all matters relating to the administration and enforcement of these rules and regulations. The Chairperson of the Commission is authorized to administer oaths and affirmations in connection with such investigations.

11. Subpoenas.

A. The Commission shall have the power to issue subpoenas over the signature of the Chairperson, or his/her designee, to require the attendance of witnesses and the production of records and papers at any hearing. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the Court of Common Pleas of Lancaster County and shall be paid from appropriations for the incidental expense of the Commission.

B. All officers in public service and employees of the Borough shall attend and testify when required to do so by the Commission.

C. If any person shall refuse or neglect to obey any subpoena issued by the Commission, upon conviction of such refusal or neglect, that person shall be sentenced to pay a fine not to exceed \$600 plus costs and, in default of the payment of such fine and cost, shall be imprisoned not to exceed 30 days.

D. If any person shall refuse or neglect to obey any subpoena, the Commission may apply by petition to the Court of Common Pleas of Lancaster County for its subpoena, requiring the attendance of such

persons before the Commission or the court to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

12. Annual Report. The Commission shall make an annual report to the Borough Council, containing a brief summary of its work during the year and a full accounting for any expenditures of public monies. The annual report shall be available for public inspection.

§ 313. Applications and Qualifications. [Ord. 899, 11/20/2008]

1. Eligibility for Examination. In order to be eligible for participation in any examination for any position with the Police Department, every applicant must submit a completed application form to the Commission or to the Lancaster County Chiefs of Police Association through its joint hiring process which the Commission is authorized to use as part of its testing procedure before the deadline stated by the Commission for that specific examination. The application form is incorporated into these rules and regulations by reference and is available from the Borough. The alternative application and testing procedure administered by the Lancaster County Chiefs of Police Association through its joint hiring process, as amended, is available from the Borough and from the Lancaster County Chiefs of Police Association and is incorporated by reference. The applicant must make an oath or affirmation that the application is completed truthfully, and the applicant is subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.
2. Discrimination. The Borough is an equal opportunity employer. It is the Borough's and the Commission's policy to grant equal employment opportunities to qualified persons without regard to race, religion, color, national origin, gender, age, veteran's status, marital status or non-job-related physical or mental handicap or disability. The Borough and the Commission will provide equal opportunities in employment and promotion.
3. Availability. Application forms shall be available to all interested persons from the Borough Police Department and from such other offices and officers that the Commission, from time to time, may choose to designate, including the Lancaster County Chiefs of Police Association through its joint hiring process.
4. Age and Residency Requirements. All applicants must have reached their 21st birthday before the deadline for submitting completed applications. An applicant need not be a resident of the Borough. The Council of the Borough may authorize the Commission, by rule or regulation, to require officers to comply with existing and future residency requirements after appointment to such position.

5. General Qualifications: All Applicants. Every applicant for any position in the Police Department shall possess a diploma from an accredited high school or a graduate equivalency diploma. In addition, every applicant must be a United States citizen, be physically and mentally fit to perform all of the essential job functions of a police officer and, prior to appointment, possess a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania. The Civil Service Commission may authorize consideration of applicants for the position of police officer who have not completed all police training required by 53 Pa.C.S.A. §§ 2161 to 2164. However, in accordance with said Act, no police officer who may be hired shall be eligible to receive any salary, compensation or other consideration for the performance of duties as a police officer, nor shall any police officer engage in the enforcement of criminal laws or the enforcement of moving traffic violations or be authorized to carry a firearm until such person has met all requirements required by the Commission and has been certified by the Commission to act in the position as a police officer.
6. General Qualifications: Applicants for Corporal, Sergeant.
 - A. In addition to meeting the qualifications in Subsection 5, above, all applicants for a promotional position, except Chief, shall have not received a formal written reprimand for one year prior to the deadline for submitting applications and shall not have been suspended at any time two years prior too the deadline for submitting applications. Any formal written reprimand or suspension to which the applicant has timely appealed pursuant to a grievance procedure or these rules and regulations shall be disregarded unless the appeal is resolved prior to the creation of the eligibility list.
 - B. The Civil Service Commission shall post in a conspicuous place in the Police Department a notice for promotional exams. All qualified officers shall notify the Commission within 30 days of the posted notice of their intent to take the examination posted. Notification shall be in writing and addressed to the Commission.
 - C. All applicants shall have continuous prior service with the Police Department of Elizabethtown Borough as follows:
 - (1) An applicant for the position of corporal shall have at least three years of continuous service with the Department.
 - (2) An applicant for the position of sergeant shall have at least five years of continuous experience with the Police Department and have attained and held the rank of corporal for a period of at least one year.
 - D. All applicants for promotions shall be capable of performing all of the essential job functions for that rank as outlined in the official manual.

- E. Eligible candidates may not be serving a probationary period at time of application.
7. Rejection of Applicant. The Commission may refuse to examine or, if examined, may refuse to certify as eligible after examination any applicant who is found to lack any of the minimum qualifications for examination prescribed in these rules and regulations for the particular position for which the applicant has applied. In addition, the Commission may refuse to examine or, if examined, may refuse to certify any applicant who is physically or mentally unfit to perform the full duties of the position applied for, or who is a habitual substance abuser, or who is guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the forms of government set forth in the constitutions and laws of the United States and the Commonwealth of Pennsylvania.
 8. Recording and Filing of Applications. Applications for positions in the Police Department shall be received at the Borough building only after the position(s) have been properly advertised and before the deadline for receiving applications, which must be set forth in the public advertisement. Applications will be received by the Borough officer designated in the public advertisement or that officer's designee. That person shall record the receipt of all applications and provide each applicant with notice of the time and place for the first portion of the testing procedure, the written examination. Any application containing material errors or omissions may, at the discretion of the Commission, be returned to the applicant for correction prior to the deadline for filing applications, after which no new applications or amended applications will be accepted. All applications must be returned in person or, if mailed, postmarked by the established closing date. Applications filed late will not be accepted.
 9. Hearing for Disqualified Applicants. Any applicants or other persons who believe that they are aggrieved by the actions of the Commission in refusing to examine or to certify them as eligible after examination may request a hearing before the Commission. Within 10 days after such request, the Commission shall designate a time and place for the hearing. The applicant or aggrieved party may appear personally or by counsel and may present testimony and evidence. The applicant or aggrieved party must make his/her request for a hearing in writing within 10 calendar days of the date when the party knew or should have known of the Commission's action which is being challenged.
 10. Public Notice. The Commission shall conspicuously post in the Borough building notice of the time and place of every examination, together with the information as to the type of position to be filled, the requirements for that position, where applications may be obtained for the examination, and the deadline for filing those applications. In addition, at least two weeks prior to each examination, publication of the notice shall occur in at least one

newspaper of general circulation and/or a newspaper circulating generally in the Borough.

§ 314. Examination and Grading Procedure. [Ord. 899, 11/20/2008]

1. General Examination Requirements for the Position of Police Officer. The examination for police officer will consist of a written and an oral examination which will be graded on a one-hundred-point scale, with the written examination representing 60% of the final score and the oral examination representing 40% of the final score. In addition, each candidate will undergo a content-based task test and a background investigation. These tests and investigation will be graded on a pass/fail basis for each applicant. After an applicant has been extended an offer of employment, final appointment shall be contingent upon the applicant passing a physical and psychological examination. The written examination may also be administered by the Lancaster County Chiefs of Police Association through its joint hiring process.
2. General Examination Requirements for the Position of Corporal and Sergeant.
 - A. The examination for the positions of corporal and sergeant shall include a written and an oral examination which will be graded on a one-hundred-point scale, with the written examination representing 60% of the final score and the oral examination representing 40% of the final score. In addition, each applicant will undergo a content-based task test which will be graded on a pass/fail basis for every applicant.
 - B. After an applicant has been extended an offer of promotion, the final appointment to the promotional position shall be contingent upon the applicant passing a physical and psychological examination.
3. Notice of Examination. The Commission may appoint a written examination administrator, an oral examination administrator, a content-based task examiner, a medical examiner, a polygraphist and a psychological examiner to conduct the appropriate examination required by these rules and regulations. The administrator of the written and the physical exams may be, but is not limited to, a member of the Lancaster County Chiefs of Police Association.
4. Written Examinations. The written examination shall be graded on a one-hundred-point scale, and an applicant must score 70% or higher in order to continue in the application process. Applicants scoring less than 70% shall be rejected by the Commission or its designee. Within 45 days after the administration of the written examination, all applicants shall be given written notice of their test results, and passing applicants shall be scheduled for an oral examination appointment. If the written test is administered by the Lancaster County Chiefs of Police Association through its joint hiring

process, then the top 12 applicants shall be scheduled for an oral examination appointment with the Commission or its designee. If the Commission determines that additional oral examinations beyond the top 12 applicants are required, it will schedule them.

5. Oral Examinations. If the Commission administers the written test, then every applicant who scored 70% or higher in the written examination shall be given an oral examination, which will be graded on a 100 point scale, with a score of 70% or higher necessary for passing. Alternatively, if the written test is administered by the Lancaster County Chiefs of Police Association through its joint hiring process, then the top 12 applicants shall be scheduled for an oral examination appointment with the Commission or its designee. If the Commission determines that additional oral examinations beyond the top 12 applicants are required, it will schedule them. The oral examination shall involve questioning applicants on how they would handle situations relevant to police work. Within 45 days after the applicants' oral examination, they shall be informed of the score in their oral examination and total overall score, and each passing applicant shall be informed of the date for the content-based task test. If the applicant has been part of the Lancaster County Chiefs of Police Association joint hiring process, then the content-based task test will have been completed prior to the oral examination.
6. Veterans' Preference Points. Pursuant to the Veterans' Preference Act, any applicant for the position of police officer who qualifies as a soldier under this Act shall receive an additional 10 points on top of his/her total score if that applicant had received passing scores under Subsections 1, 4 and 5, above. Veterans' preference points do not apply to promotional examinations.
7. Content-Based Task Test. If administered at the direction of the Commission, a candidate for the position of police officer must meet the requirements listed below. Alternatively, a candidate for the position of police officer must meet the requirements of the content-based task test administered as part of the Lancaster County Chiefs of Police Association joint hiring process and incorporated herein by reference as if fully set forth herein.
 - A. Agility. Each candidate shall complete the following circuit within 2 1/2 minutes.
 - (1) From the starting line:
 - (a) Sprint 20 yards.
 - (b) Drag 150 pounds for 50 feet.
 - (c) Sprint 20 yards.
 - (d) Climb a five-foot wall.

- (e) Sprint 20 yards.
 - (f) Five-foot horizontal jump (may be done while running).
 - (g) Sprint 20 yards.
 - (h) Stair climb; climb up and down a set of steps while carrying a departmental first aid kit.
 - (i) Sprint 20 yards to the end.
 - (j) Reverse direction and complete the entire circuit a second time.
 - B. Trigger Pull. Pull the trigger of the Department-issued firearm nine times (strong hand only) within a six-inch ring without touching the ring within 15 seconds.
 - C. Driving. Each candidate will complete a pre-arranged driving course. (Note: one cone allowed to be hit.) This course will include:
 - (1) Ess turns.
 - (2) Parallel parking.
 - (3) Three-point turn (backing).
8. Background Investigation.
- A. The Commission shall request the Chief of Police or the Chief's designee to conduct a background investigation on the top applicants for the open position. If more than one police officer position is being offered, background checks will be performed on the quantity of candidates as decided on and directed by the Commission. If the Commission determines that additional background investigations beyond the top applicants are required, it will schedule them. The background investigation shall include interviews with the candidate's family, acquaintances, current and former employers, current and former neighbors, references and current and former teachers and school officials. In addition, the candidate's credit history and record of criminal convictions should be investigated, and the candidate will be administered a polygraph examination by a certified polygraphist. The candidate may be interviewed directly when the information collected during the background investigation requires clarification or explanation.
 - B. After the background investigation is completed, the Chief or his/her designee shall make a written recommendation to the Commission on whether the candidate is appropriate for consideration for appointment as a police officer.

- C. Appropriateness of the candidate shall be based on the criteria set forth in § 313, Subsection 7, of these rules and regulations. This recommendation shall be in writing; and if the recommendation is to disqualify, then a detailed written explanation of the reasons for disqualification must be included. The Commission shall make the final determination on whether the information collected during the background investigation warrants rejection of the candidate.

§ 315. Certification of the List of Eligibles and Appointment. [Ord. 899, 11/20/2008]

- 1. Within 60 days after the Commission considers the recommendation of the Chief of Police or his/her designee, each candidate will be informed of whether he/she has passed the background investigation.

- A. Creation of Eligibility List.

- (1) At the completion of the examination requirements set forth in § 314, written examination, oral examination and background investigation, the Commission shall rank all passing candidates on a list, with the candidate receiving the highest score at the top of the list and the candidate receiving the lowest passing score at the bottom of the list. Candidates who qualify for veterans preference points shall have those points added to his/her passing score prior to being ranked on the eligibility list but after the completion of the examination requirements, set forth in § 314, written examination, oral examination (but before the background investigation). For promotional positions, fulfilling the performance requirement set forth in § 313, Subsection G, is also required. In the case of tied scores, the tie will be broken by giving preference to the candidate who submitted a final completed application first. If both tied candidates submitted his/her complete applications on the same day, then the candidates shall be ranked in alphabetical order by surname.
 - (2) The eligibility list should be valid for one year from the date the Commission ranks all passing candidates, assigns veterans' preference points and formally adopts the eligibility list. The Commission may, at its sole discretion, by a vote of the majority of the Commission at a duly authorized Commission meeting, extend the list for an additional year. The Commission may, at its sole discretion, void an eligibility list at any time for any reason.

- 2. Appointment.

- A. If no furlough list exists or if positions remain to be filled after all of the officers on the furlough list were offered re-employment, every

position, except that of Chief of Police, shall be filled only in the following manner:

- (1) The Borough Council shall notify the Commission of any vacancy which is to be filled and shall request the certification of three names from the list of eligibles.
 - (2) If three names are not available, then the Commission may certify the name(s) remaining on the list.
 - (3) The Borough Council shall make an appointment from one of the three names certified, with sole reference to the merits and fitness of the candidates. However (for initial appointment to the position of police officer), when one of the three candidates on the certified list is a veteran, that candidate shall be selected.
 - B. The Borough Council may fill any vacancy in an existing position in the Police Department which occurs as a result of retirement, resignation, disability or death by the reappointment or reinstatement of a former employee of the Police Department who had been furloughed. Except for physical and psychological examinations, no other testing shall be required for a furloughed employee or a rehired or reappointed employee.
 - C. The Borough Council may object to one or more of the persons certified for the reasons set forth in § 313, Subsection 7, of these rules and regulations. If the candidate to whom the Borough Council objects fails to timely exercise the rights of appeal under § 313, Subsection 9, or if the Commission declines to uphold the appeal, the Commission shall strike the name of that candidate from the eligibility list and certify the next-highest name of inclusion on the list of three candidates for each name stricken off.
3. Appointment of Chief of Police. In the case of a vacancy in the office of Chief of Police or equivalent official, the appointing authority has full discretion in selecting the individual to fill such position. If the appointing authority requests the Commission to subject that person to a noncompetitive examination, and if that person successfully passes the noncompetitive examination, then the Commission shall notify the appointing authority of the results of the examination and that person may only be removed from the position of Chief of Police for the reasons set forth in § 316, Subsection L.
 4. Physical and Psychological Examinations. After the Borough Council selects a candidate from the certified list of three for appointment to the vacant position, such candidate shall be offered the position; however, that offer shall be conditional and subject to a physical examination and a psychological examination by the appropriate medical experts. If the candidate successfully passes the physical and psychological examinations,

then that employee shall be appointed to the vacant position in the Police Department for which the application was submitted. Failure to pass either examination shall result in the candidate being rejected for appointment. The rejected candidate may appeal this decision under § 313, Subsection 9.

5. Probationary Period.

- A. Every successful candidate to the position of police officer or to a promotional position with the Police Department shall serve a twelve-month probationary period (for newly hired police officers, the one-year probationary period shall not commence until after the officer has completed training under 53 Pa.C.S.A. §§ 2161 to 2164).
- B. During the probationary period, a newly hired officer may only be dismissed for the reasons set forth in § 313, Subsection 7. A promoted officer, during probation, may be returned to a prior rank only for cause for the reasons set forth in § 313, Subsection 7.
- C. However, at the end of the twelve-month probationary period, if the conduct of the probationer has not been satisfactory to the Borough Council, the probationer shall be notified, in writing, that the appointment will not be permanent. At that time, a newly hired officer's employment shall end, and a promoted officer shall return to a previous rank. Any officer who is not informed in writing that his/her performance has been unsatisfactory prior to the end of his probationary period shall receive a permanent appointment to the new position. Any probationer who is notified in writing that his appointment will not be made permanent has no right of appeal under these rules.

§ 316. Suspensions, Removals and Reductions in Rank. [Ord. 899, 11/20/2008]

1. Grounds for Disciplinary Action.

- A. No person appointed to a position in the Police Department pursuant to these rules and regulations may be suspended without pay or removed, and no person promoted in rank pursuant to these rules and regulations may be reduced in rank, except for the following reasons:
 - (1) Physical or mental disability affecting the officer's ability to continue in service, in which case the officer shall receive an honorable discharge from service.
 - (2) Neglect or violation of any official duty.
 - (3) Violation of any law which provides that such violation constitutes a misdemeanor or felony.

- (4) Inefficiency, neglect, intemperance, immorality, disobedience of orders or conduct unbecoming an officer.
 - (5) Intoxication while on duty.
 - (6) Engaging or participating in or conducting any political or election campaign other than the officer's exercise of his or her own right of suffrage.
 - B. No officer shall be removed for religious, racial or political reasons. A statement of any charges made against any officer so employed shall be furnished to the officer within five days after those charges have been adopted by the Borough Council.
- 2. Furloughs.
 - A. If, for reasons of economy or other reasons, it shall be deemed necessary by the Borough to reduce the number of full-time police officers in the Department, then the Borough shall apply the following procedure:
 - (1) If the number of full-time police officers eligible for retirement is insufficient to effect the necessary reductions in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reductions shall be effected by furloughing the person or persons, including probationers, last appointed to the respective force.
 - B. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event that the appointing authority decides to increase the Police Department, the furloughed officers shall be reinstated in order of their seniority in the Department if the furloughed officer accepts reinstatement in writing within 30 days of receiving notice of the opening. These reductions-in-force provisions are not applicable to the Chief of Police.
- 3. Notice of Suspension, Removal or Reduction in Rank.
 - A. Whenever a police officer is suspended, removed or reduced in rank, the specific charges warranting such actions shall be stated in writing by the Borough Council. The charges shall be stated clearly and in sufficient detail to enable the officer to understand the charges and to allow the officer an opportunity to respond to those charges. The charges shall specify the subsection of Subsection 1, above which provides the basis for the disciplinary action as well as an explanation of the factual circumstances upon which the appointing authority relied in finding a violation of Subsection 1, above.

- B. Within five days after the Borough Council has voted to impose the disciplinary action, a written statement of the charges shall be delivered to the officer, either by personal service or by certified and registered mail. In addition, the charges shall notify the officer of the right to appeal under Subsection, 4, below of these rules and regulations. A copy of the statement of charges shall also be served upon the members of the Civil Service Commission.
- 4. Hearings on Suspensions, Removals and Reductions in Rank.
 - A. The officer who has been suspended, removed or reduced in rank may appeal the decision of the Borough Council by written notice to the Secretary of the Commission at 600 S. Hanover Street, Elizabethtown, Pennsylvania, 17022, requesting a hearing. This request shall be received by the Commission within 10 days after the officer received notice of the discipline. The officer may make written answers to any charges filed not later than the date fixed for the hearing. Failure of the officer to provide written answers to any of the charges shall not be deemed an admission by the officer.
 - B. The Commission shall schedule a hearing within 10 days from the officer's written request for a hearing, unless continued by the Commission for cause at the request of the Commission, the Borough Council, or the officer. At any such hearing, the officer against whom the charges have been made may be present and maybe represented by counsel and may call witnesses and present testimony and documentation in defense. The Borough may also be represented by counsel, call witnesses and present evidence as is necessary to support the charges. A stenographic record of all testimony shall be taken at every hearing and preserved by the Commission. In the event the charges are dismissed, the record shall be sealed and shall not be available for public inspection.
 - C. In conducting the hearing, the Commission's standard of review shall be to determine whether sufficient evidence has been presented to support the statutory reason for the disciplinary action. If the Commission finds that sufficient evidence has been introduced to support the charge, the Commission shall not modify the penalty imposed by the Borough Council unless it finds that the penalty imposed was arbitrary, discriminatory or an abuse of the Council's discretion. In considering the appropriateness of the discipline, the Commission shall not substitute its judgment for that of the Borough Council. The Commission may request posthearing briefs and shall issue a written decision containing specific findings of fact and conclusions of law within 60 days of receipt of the hearing transcript and any briefs.
- 5. Hearing Procedure.

- A. All testimony shall be given under oath administered by the Chairperson or in the absence of the Chair, the Vice Chairperson. The Commission shall have the power to issue subpoenas as set forth in § 312, Subsection 11. The hearing shall be open to the public unless, prior to the commencement of the hearing, a written or oral request to close the hearing is made by either the charged officer or the Borough. A stenographic record of all testimony taken at said hearings shall be filed with and preserved by the Commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.
- B. If the Commission sustains the charges, the officer who was suspended, removed or reduced in rank may file an appeal with the Court of Common Pleas within 30 days from the date of entry by the Commission of its final order. No order of suspension shall be made by the Commission for a period longer than one year. In the event that the Commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period of the suspension, removal or demotion, and no charges related to the suspension, removal or reduction in rank shall be officially recorded in the officer's record.

§ 317. Forms. [Ord. 899, 11/20/2008]

The Commission shall from time to time have the authority to adopt forms to be used to implement the provisions of this Part 38. Such forms may include but not necessarily be limited to Application for Position of Police Officer, Conditional Offer of Employment, Content-Based Task Test, and Personal Injury Waiver form. Such forms as may be adopted from time to time shall be available through the Elizabethtown Borough Offices.

PART 4
PENSIONS

A. Police Pension Plan.

§ 401. Establishment and Continuation. [Ord. 903, 2/5/2009; as amended by Ord. 913, 1/21/2010; by Ord. 931, 11/17/2011; by Ord. 962, 11/20/2014]

1. The Borough of Elizabethtown previously established the Elizabethtown Borough Police Pension Plan.
2. The Borough of Elizabethtown, in order to clarify the exact status and terms of the conditions of the plan and to continue its compliance with the tax-exempt retirement plan requirements of the Internal Revenue Code of 1986, as amended, Section 401(a), desires to enact a restatement of the plan in its entirety with appropriate amendments.
3. The Borough of Elizabethtown hereby repeals previous ordinances relating to the Elizabethtown Borough Police Pension Plan with an effective date prior to the adoption date of the amendment and restatement of the plan with respect to benefits accruing on or after the amendment and restatement effective date, and the attached amendment and restatement of the plan is enacted.¹
4. The Borough of Elizabethtown hereby repeals previous ordinances relating to the plan's trust fund with an effective date prior to the adoption date of the amendment and restatement of the trust, and the attached amendment and restatement of the trust is enacted.
5. This Part 4A appoints the Secretary of the Borough as the agent designated and authorized to execute the attached amendment to the Police Pension Plan on behalf of the Borough Council.

B. Nonuniformed Employees Pension Plan.

§ 411. Establishment and Continuation. [Ord. 904, 2/5/2009; as amended by Ord. 912, 1/21/2010; by Ord. 932, 11/17/2011; by Ord. 963, 11/20/2014]

1. The Borough of Elizabethtown previously established the Elizabethtown Borough Nonuniformed Employee Pension Plan.
2. The Borough of Elizabethtown, in order to continue its compliance with the tax-exempt retirement plan requirements of the Internal Revenue Code of

¹Editor's Note: The Police Pension Plan and all amendments are on file in the Borough offices.

1986, as amended, Section 401(a), desires to enact an amendment to the plan.

3. The attached amendment and restatement of the Elizabethtown Borough Nonuniformed Employee Pension Plan is hereby enacted.²
4. This Part 4B appoints the Secretary of the Borough as the agent designated and authorized to execute the attached amendment and restatement to the Nonuniformed Employee Pension Plan on behalf of Borough Council.

²Editor's Note: The Nonuniformed Employees Pension Plan and all amendments are on file in the Borough offices.

PART 5

ATTORNEY FEES

§ 501. Collection of Delinquent Accounts. [Ord. 776, 3/20/1997, § 2]

The Municipal Claims and Tax Lien Law, as amended by Act 1-1996, provides in part that charges, expenses and fees incurred in the collection of any delinquent account, including reasonable attorney fees under said Act may be added to the amount of municipal claims for failure to pay promptly. Said Act further provides in part that "attorney fees incurred in the collection of any delinquent account shall be in an amount sufficient to compensate attorneys undertaking collection and representation of a municipality and actions involving claims arising under this Act. A municipality by ordinance . . . shall adopt the schedule of attorney fees." This Part is intended to and shall adopt a schedule of attorney fees for said representation of the Borough in actions involving municipal claims.

§ 502. Attorney Fees. [Ord. 776, 3/20/1997, § 3; as amended by Ord. 972, 2/18/2016]

Attorney fees to be charged in any matter involving municipal claims actions shall be calculated and included at 10% of the amount of the past due balance sought to be collected but in no event less than \$300 per claim.

§ 503. Duplicate Recovery of Attorneys Fees. [Ord. 776, 3/20/1997, § 4]

Any time attorney fees are awarded pursuant to any provision of law, then the Borough shall not be entitled to duplicate recovery of attorney fees under this Part.

§ 504. Notice Sent to Owner. [Ord. 776, 3/20/1997, § 5]

At least 30 days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Borough shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner the notice required by § 507 of this Part.

§ 505. Notice Sent by First Class Mail. [Ord. 776, 3/20/1997, § 6]

If within 30 days of mailing the notice in accordance with the foregoing, the certified mail is refused or unclaimed or the return receipt is not received, then at least 10 days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Borough shall, by United States First Class Mail, mail to the owner the notice required by this Part.

§ 506. Duty of Borough. [Ord. 776, 3/20/1997, § 7]

The notice required by this Part shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the Borough and by the Lancaster County office responsible for assessments and revisions of real estate taxes. It shall be the duty of the Borough to determine the owner's last

known address known to the said Tax Collector and/or Lancaster County Assessment Office.

§ 507. Notice Information. [Ord. 776, 3/20/1997, § 8]

The notice to the owner shall include the following:

- A. A statement of the Borough's intent to impose or assess attorneys fees within 30 days of the mailing of the certified mail notice set forth above or within 10 days of mailing of the regular mail notice sent out in accordance with the foregoing.
- B. The manner in which the imposition of assessment of attorney fees may be avoided by payment of the delinquent account.

§ 508. Pending Suits. [Ord. 776, 3/20/1997, § 10]

Nothing contained in this Part shall be construed to affect any suit or proceeding pending in any court or any rights acquired or liability incurred or any cause of action existing prior to the enactment of this Part.

PART 6
PLANNING COMMISSION

§ 601. Commission Established. [Ord. 558, 12/19/1972, § 1]

A Planning Commission is hereby created under the authority of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, No. 247, as amended.

§ 602. Membership; Compensation. [Ord. 558, 12/19/1972, § 1; as amended by Ord. 594, 10/19/1976; by Ord. 649, 10/28/1983]

The Planning Commission shall consist of five members who shall serve without compensation, except that they shall be reimbursed for necessary and reasonable expenses incurred in carrying out their Commission duties. All members shall be residents of the Borough of Elizabethtown.

§ 603. Term of Office. [Ord. 558, 12/19/1972, § 1; as amended by Ord. 570, 2/19/1974]

The term of each member shall be four years, or until his successor is appointed and qualified. The term is to begin on the first Monday in January next succeeding. The members of the existing Planning Commission shall continue in office until the end of the term for which they are appointed, at which time their successors shall be appointed, as provided by this Part.

§ 604. Conduct of Business. [Ord. 558, 12/19/1972, § 1; as amended by Ord. 829, 11/15/2001]

The Commission shall elect its own Chairman and Vice Chairman, who shall serve annual terms and may succeed themselves.

§ 605. Powers and Duties. [Ord. 558, 12/19/1972, § 1]

1. The Planning Commission shall have the powers and duties in regard to zoning, subdivision and land development, building, housing, planning and the Official Map, as conferred by § 209, as amended, of the Pennsylvania Municipalities Planning Code.
2. The Commission may employ administrative and technical services either as consultants or as regular employees to aid in carrying out its duties.
3. It may, with the consent of the Borough Council, accept and utilize any funds, personnel or other assistance made available by the county, Commonwealth or Federal government, or from private sources.

PART 7
OFFICE OF BOROUGH MANAGER

§ 701. Creation of Office. [Ord. 397, 4/19/1960, § 1]

The office of the Borough Manager is hereby created by the Borough of Elizabethtown, subject to the right of the Borough, by ordinance, at any time to abolish such office.

§ 702. Election; Removal From Office. [Ord. 397, 4/19/1960, § 2; as amended by Ord. 558, 12/19/1972, § 1; by Ord. 829, 11/15/2001]

1. As soon as practicable after the enactment of this Part, the Borough Council shall elect, by a majority vote of all its members, one person to fill the office of Borough Manager. In the case of a vacancy, the Council shall fill said office by majority vote of all its members.
2. Council may remove the Borough Manager for cause (dishonesty, willful neglect of duty, persistent insubordination, willful destruction of Borough property or records, etc.) at any time. Without cause, Council may by majority vote terminate the employment of the Borough Manager at any time upon 30 days written notice to the Manager. In such event, the Borough Manager, if requested by Council, shall continue to render services and shall be paid regular compensation up to the date of termination, and, in addition thereto, shall be paid on the date of termination a severance allowance equivalent to one year's salary. Without cause, the Manager may resign upon 30 days written notice to Council. In such event, the Borough Manager shall continue to render services and shall be paid regular compensation up to the date of termination, but no severance allowance shall be paid to him.

§ 703. Qualifications. [Ord. 397, 4/19/1960, § 3; as amended by Ord. 558, 12/19/1972, § 1; by Ord. 829, 11/15/2001]

The Borough Manager shall be a citizen of the United States, at least 21 years of age, and, during the terms of his office, he shall reside in the Borough. The Borough Manager shall have such technical and executive ability and such training and experience as to enable him to perform the duties imposed upon the office in a businesslike manner.

§ 704. Bond. [Ord. 397, 4/19/1960, § 4; as amended by Ord. 829, 11/15/2001]

Before entering upon his duties, the Borough Manager shall give a bond to the Borough, with a bonding company as surety, in the amount as established, from time to time, by resolution of Borough Council, conditioned for the faithful performance of his duties, premium for the said bond to be paid for by the Borough of Elizabethtown. The bond of the Borough Manager may be included in, and the Manager may be bonded under and covered by, the blanket bond now in force and effect for all Borough employees.

§ 705. Compensation. [Ord. 397, 4/19/1960, § 5]

The Borough Manager shall receive such compensation as shall be fixed from time to time by resolution of Council.

§ 706. General Duties. [Ord. 397, 4/19/1960, § 6; as amended by Ord. 558, 12/19/1972, § 1]

The Manager shall be the chief administrative officer of the Borough, and he shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute or ordinance imposed or conferred upon other Borough officers. The Mayor is hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of his nonlegislative and nonjudicial powers and duties subject to the Borough Code.

§ 707. Specific Duties. [Ord. 397, 4/19/1960, § 7; as amended by Ord. 421, 1/16/1962; by Ord. 558, 12/19/1971, § 1; by Ord. 567, 11/20/1973; by Ord. 829, 11/15/2001]

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

- A. He shall supervise and be responsible for the activities of all Borough departments, except such departments the supervision of which shall not have been delegated to the Manager by Council, as the case may be.
- B. He shall hire and, when he shall deem it necessary for the good of the service, shall suspend or discharge all employees under his supervision, provided that all full time policemen shall be suspended or discharged in accordance with the Borough Code and other laws of the Commonwealth. Provided further, that the Manager shall report, at the next regular meeting thereafter of Council, any action taken by authority of this § 807(B).
- C. He shall prepare and submit to Council before the close of the fiscal year, or on such alternate date as Council shall determine, a budget for the next fiscal year and 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, board or officer, estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review such estimates and may revise them before submitting the budget to the Council.
- D. He shall be responsible for the administration of the budget after its adoption by the Council.
- E. He shall hold the offices of Borough Secretary, Code Officer, Treasurer and Zoning Officer, and shall perform all the duties of all such officers in addition to the specific duties assigned to the Manager by this Part. Borough Council may, it is so chooses, appoint the same person to hold the same offices of

- Secretary and Treasurer of the Borough of Elizabethtown, said person to receive such compensation for his or her services as Council shall prescribe.
- F. He shall attend all meetings of the Borough Council and of its committees, with the right to take part in the discussion, and he shall receive notice of all special meetings of Council and of its committees.
 - G. He shall prepare the agenda for each meeting of Council and supply facts pertinent thereto.
 - H. He shall keep the Council informed as to the conduct of Borough affairs; submit periodic reports on the condition of the Borough finances and such other reports as the Council shall request; and shall make such recommendations to the Council as he deems necessary.
 - I. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.
 - J. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
 - K. He may 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.
 - L. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Borough officer by statute.
 - M. He shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.
 - N. He shall be the Purchasing Officer of the Borough, and he shall purchase, in accordance with the provisions of the Borough Code, all supplies and equipment for the various agencies, boards, departments and other offices of the Borough. He shall keep an account of all purchases and shall, from time to time, or when directed by Council, make a full written report thereof. He shall also issue rules and regulations, subject to the approval of Council, governing the requisition and purchasing of all Borough supplies and equipment. He shall have power to purchase supplies and equipment for the use of the Borough.
 - O. He shall cooperate with the Borough Council at all times and in all matters that the best interests of the Borough and of the general public may be maintained.

- P. All complaints regarding services or personnel of the Borough shall be referred to the office of the Manager. He, or an officer designated by him, shall investigate and dispose of such complaints, and the Manager shall report thereon to Council.

PART 8
COMPENSATION OF ELECTED OFFICIALS

§ 801. Compensation of Mayor. [Ord. 635, 11/17/1981; as amended by Ord. 681, 12/18/1986, § 3-1; by Ord. 829, 11/15/2001; by Ord. 893, 12/20/2007]

The Mayor of the Borough of Elizabethtown shall receive as compensation the sum of \$270 per month.

§ 802. Compensation of Council Members. [Ord. 635, 11/17/1981; as amended by Ord. 681, 12/18/1986, § 3-2; by Ord. 829, 11/15/2001; by Ord. 893, 12/20/2007]

Members of the Borough Council of the Borough of Elizabethtown shall receive as compensation the sum of \$270 per month.

§ 803. Compensation of Tax Collector. [Ord. 631, 1/29/1981; as amended by Ord. 944, 2/7/2013]

The salary or compensation of the Tax Collector for the Borough of Elizabethtown shall be \$50 per year, and no commissions or other compensation shall be paid for collection of taxes for and on behalf of the Borough, commencing with taxes levied and collected in the calendar year 2013.

PART 9
PUBLIC RECORDS**§ 901. Open Records Officer. [Res. 2008-8, 12/18/2008]**

The Board hereby appoints the Borough Manager as the Borough Open Records Officer.

§ 902. Policy for Requests for Records. [Res. 2008-8, 12/18/2008]

The Borough Council hereby adopts the policy for requests for inspection and duplication of public records attached hereto as Exhibit A and incorporated therein.³

³Editor's Note: Exhibit A is on file in the Borough offices.

