

## CHAPTER 1

### ADMINISTRATION AND GOVERNMENT

#### Part 1

##### Borough Officials

###### A. Manager

- §101. Creation of the Office
- §102. Appointment and Removal
- §103. Qualifications
- §104. Manager's Bond
- §105. Manager's Compensation
- §106. Powers and Duties of the Manager
- §107. Mayor's Powers and Duties
- §108. Limitations on Council's Powers
- §109. Disability or Absence of the Manager

###### B. Office of Secretary/Treasurer

- §121. Findings of Fact
- §122. Same Person May Be Secretary and Treasurer

#### Part 2

##### Police

###### A. Police Department

- §201. Establishment of Police Force
- §202. Appointment and Duties of Policemen
- §203. Policemen Accountable to Mayor
- §204. Suspension and Removal of Policemen
- §205. Compensation of Policemen
- §206. Rank in the Department

###### B. Mutual Police Support Agreements

- §221. Authorization to Enter Agreements
- §222. Duration
- §223. Purpose and Objectives of Agreements
- §224. Review of Agreements
- §225. Financial Obligations Prohibited
- §226. Hold Harmless Clause

###### C. Auxiliary Police

- §251. Establishment of Auxiliary Police
- §252. Auxiliary Police Rules and Regulations
- §253. Non-Emergency Duties of Auxiliary Policemen
- §254. Auxiliary Police Limitations
- §255. Limitation on Operation of Borough Police Vehicles
- §256. Firearms Prohibited

### Part 3

#### Pension Funds and Social Security

##### A. Police Pension

- §301. Amendments to Police Pension Benefits
- §302. Membership and Membership Limitations
- §303. Credit for Prior Service
- §304. Payment for Obligation Established
- §305. Benefits Provided
- §306. Effective Date
- §307. Certified Copy to Be Filed

##### B. Non-Uniformed Employee Pension

- §331. Election to Join Pennsylvania Municipal Retirement System
- §332. Membership Limitation
- §333. Establishing Prior Service Limitation
- §334. Establishing Payment for Prior Service
- §335. Rejection of Optional Death Benefits
- §336. Establishing the Effective Date of Membership
- §337. Calculation of Pension Benefits

##### C. Social Security

- §351. Authorization to Extend Coverage of Social Security
- §352. Payroll Deductions and Matching Contributions
- §353. Appropriation from Borough Funds

### Part 4

#### Firemen's Relief Association

- §401. Recognition of Firemen's Relief Association
- §402. Certification to Auditor General
- §403. Annual Appropriation

### Part 5

#### Commissions and Authorities

##### A. Planning Commission

- §501. Creation of Planning Commission

##### B. Eastern Snyder County Regional Authority

- §521. Intent to Organize Joint Authority
- §522. Name of Joint Authority
- §523. Purpose
- §524. Powers
- §525. Principal Office
- §526. Appointment of Members
- §527. Salary
- §528. Articles of Incorporation
- §529. Incorporation and Organization

- §530. Conveyance of All Assets of Selinsgrove Municipal Authority
- §531. Effective Date

#### Part 6

#### Schedule of Fees

#### Part 7

#### Collection of Municipal Liens

- §701. Application of this Part
- §702. Schedule of Attorney Fees
- §703. Notice
- §704. Addition of Interest
- §705. Assessment of Penalty

#### Part 8

#### Fire Insurance Escrow

- §801. Use of Fire Insurance Proceeds
- §802. Limits of Liability
- §803. Insurance Company Rights Reserved
- §804. Construction
- §805. Notification of Pennsylvania Department of Community and Economic Development
- §806. Penalty



## Part 1

## Manager

A. Manager.

§101. Creation of the Office. The Office of Borough Manager is hereby created by the Borough of Shamokin Dam. (Ord. 75-8, 12/1/1975)

§102. Appointment and Removal. The Manager shall be appointed by a majority of all the members of Council and he shall serve until the first Monday of January of the odd numbered year succeeding his election and until his successor qualifies. The Manager shall serve at the pleasure of the Council and he may be removed at any time by a majority vote of all its members. At least thirty 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. (Ord. 75-8, 12/1/1975)

§103. Qualifications. The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his Office as herein outlined. The Manager need not be a resident of the Borough or of the State of Pennsylvania at the time of his appointment. Whether or not Borough Manager shall thereafter become a resident of the Borough shall be negotiable between Council and the Borough Manager under his contract of employment. (Ord. 75-8, 12/1/1975)

§104. Manager's Bond. Before entering upon his duties the Manager shall give a bond to the Borough with a bonding company as surety, in an amount to be established by resolution of Borough Council, conditioned for the faithful performance of his duties. The premium shall be paid by the Borough. (Ord. 75-8, 12/1/1985; as amended by Ord. 88-3, 10/17/1988)

§105. Manager's Compensation. The salary of the Borough Manager shall be set by resolution and incorporated in a contract of employment. (Ord. 75-8, 12/1/1975)

§106. Powers and Duties of the Manager. The Manager shall be the Chief Administrative Officer of the Borough and he shall be responsible to 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 imposed or conferred upon other Borough officers.

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

1. He shall supervise and be responsible for the activities of all municipal departments.

2. He shall hire and, when necessary for the good of the service, shall suspend or discharge all employees 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; provided further, that the Manager shall report, at the next meeting thereafter of Council, any action taken by authority of this subsection.

3. 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 revenue and expenditures and other supporting data as he requests. The Manager shall review them before submitting the budget to the Council.

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

5. He shall hold such other municipal offices or head one or more of the municipal departments as the Council may from time to time direct. He shall perform as Code Enforcement Officer of the Borough thereby being the Borough Zoning Officer and enforcer of Borough Building and Fire Codes.

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

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

8. He shall keep the Council informed as to the conduct of Borough affairs; submit monthly reports on the condition of the Borough finances and such other reports as the Council requests; and make such recommendations to the Council as he deems necessary.

9. 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.

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

11. 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. He shall control all engineering activities required by the Borough from time to time and may, by and with the approval of Council employ such experts and consultants to perform work and to advise in those functions beyond his capabilities and expertise,

12. 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.

13. He shall see that all money owed the Borough is promptly paid and that proper procedures are taken for the security and collection of all the Borough's claims.

14. 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 monthly 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 municipal supplies and equipment.

15. 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.

16. He shall represent the Borough at all inter-governmental meetings and accept appointment to any such boards or committees as Council may from time to time direct.

(Ord. 75-8, 12/1/1975)

§107. Mayor's Powers and Duties. The Mayor is hereby authorized to delegate to the Borough Manager, subject to recall by written notification at any time, any of his non-legislative and non-judicial powers and duties.

(Ord. 75-8, 12/1/1975)

§108. Limitations on Council's Powers. Neither the Council nor any of its committees or members thereof shall dictate or attempt to dictate the hiring of any person to, or his discharge from, employment by the Manager, or in any manner take part in the hiring, suspending or discharging of employees in the administrative service of the Borough except as required to do so by the Civil Service provisions of the Code. Except for the purpose of inquiry, the Council, its committees, and its members shall deal with the administrative service solely through the Borough Manager and neither the Council nor any of its committees, or any of its members shall give orders -- publicly or privately -- to any subordinates of the Manager. However, additional positions for employment beyond the present positions existing in the Borough shall only be made available by Council. (Ord. 75-8, 12/1/1975)

§109. Disability or Absence of the Manager. If the Manager becomes ill or needs to be absent from the Borough he shall designate one qualified member of his staff who shall 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. (Ord. 75-8, 12/1/1975)





B. Office of Secretary/Treasurer.

§121. Findings of Fact. That upon investigation the Borough Council finds and determines the following matters of fact, that there is no incompatibility in fact between the offices of Borough Secretary and Borough Treasurer of the Borough of Shamokin Dam, in as much as the Borough Treasurer, even when also the Borough Secretary, cannot pay out Borough funds without an order signed by the President of Council. (Ord. 70-5, 4/6/1970, §1)

§122. Same Person may be Secretary and Treasurer. That hereafter and so long as no incompatibility in fact between the offices of Borough Secretary and Borough Treasurer becomes apparent, the offices of Borough Secretary and Borough Treasurer may be held by the same person. (Ord. 70-5, 4/6/1970, §2)



## Part 2

## Police

A. Police Department.

§201. Establishment of Police Force. A Borough police force is hereby established for the Borough of Shamokin Dam, Snyder County, Pennsylvania. (Ord. 61, 3/6/1961, §1)

§202. Appointment and Duties of Policemen. The Borough Council may hereafter from time to time, appoint and remove, or suspend, or reduce in rank, one or more suitable persons, citizens of this Commonwealth, as Borough policemen, who shall be ex officio constables of the Borough and shall and may, without warrant and on view, arrest and commit for hearing any and all persons guilty of breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or for violating any Part of the Borough for the violation of which a fine or penalty is imposed, and in addition shall have all the powers and duties of a peace officer in enforcing the statutes and other laws of the Commonwealth of Pennsylvania. In the event the said police force shall become subject to the Civil Service Provisions of the Borough Code of Pennsylvania, the said appointment, removal, suspension or reduction in rank shall be made only under the provisions of such statute. (Ord. 61, 3/6/1961, §2)

§203. Policemen Accountable to Mayor. The Mayor of the Borough shall have full charge and control of the police force and he shall direct the time during which, the place where, and the manner in which, the members of the police force shall perform their duties. (Ord. 61, 3/6/1961, §3)

§204. Suspension and Removal of Policemen. The Mayor may, for cause and without pay, suspend any policeman until the succeeding regular meeting of the Council, at which time or thereafter the Council may, subject to the Civil Service provisions of the Borough Code of Pennsylvania, if applicable, suspend, discharge, reduce in rank, or reinstate, such policemen. (Ord. 61, 3/6/1961, §4)

§205. Compensation of Policemen. The Borough policemen shall receive compensation as fixed by the Borough Council (Ord. 61, 3/1/1961, §5)

§206. Rank in the Department. The Council may from time to time by resolution or ordinance at a regular or special meeting create ranks in the police department between the levels of Patrolman and Chief of Police. (Ord. 61, 3/6/1961, as amended by Ord. 77-15, 12/28/1977, §6)



B. Mutual Police Support Agreements.

§221. Authorization to Enter Agreements. The Mayor is hereby authorized to execute Mutual Police Support Agreements between the Borough of Shamokin Dam and adjacent municipalities, municipalities sharing a common radio network, and communities in adjacent radio networks. (Ord. 77-9, 4/4/1977)

§222. Duration. Such agreements can be for indefinite terms but shall provide for unilateral withdrawal from same. (Ord. 77-9, 4/4/1977)

§223. Purpose and Objectives of Agreements. The purpose and objectives of such agreements shall be to provide and acquire emergency police assistance to and from participating municipalities on a request basis and to authorize police officers from participating municipalities to exercise police officer powers within the territorial limits of the Borough and acquire like powers for Borough Policemen within the territorial limits of participating municipalities. (Ord. 77-9, 4/4/1977)

§224. Review of Agreements. All such agreements shall be reviewed by the solicitor and presented to the Borough Council for its approval prior to their execution and implementation. (Ord. 77-9, 4/4/1977)

§225. Financial Obligations Prohibited. No charges or expenses shall be assessable for police aid furnished under such agreements and no such agreement shall obligate the Borough to acquire any equipment or manpower to meet any minimum standard for participation in mutual aid and assistance. (Ord. 77-9, 4/4/1977)

§226. Hold Harmless Clause. All such agreements shall provide that the Borough shall not be responsible for any claims or law suits resulting from a participating municipality's improper or alleged improper action. (Ord. 77-9, 4/4/1977)



C. Auxiliary Police.

§251. Establishment of Auxiliary Police. An Auxiliary Police Organization is hereby established for the Borough of Shamokin Dam, Snyder County, Pennsylvania and shall be called the Shamokin Dam Auxiliary Police. (Ord. 82-5, 11/15/1982, §116.01)

§252. Auxiliary Police Rules and Regulations. A Shamokin Dam Auxiliary Police Department Manual of Rules and Regulations shall be established by Borough Council in cooperation with the Mayor. Such rules and regulations must be approved by Borough Council and can only be amended by Borough Council. Such rules and regulations can only be superceded by the implementation of the emergency powers of the Mayor. Said Manual shall be established and amended by an approved motion of Council. (Ord. 82-5, 11/15/1982, §116.02)

§253. Non-Emergency Duties of Auxiliary Policemen. Non-emergency duties of Auxiliary Policemen shall be set forth in the Rules and Regulations Manual as approved by Borough Council and shall be limited as set forth in said Manual. (Ord. 82-5, 11/15/1982, §116.03)

§254. Auxiliary Police Limitations. Except in a declared emergency an Auxiliary Policeman in the Borough of Shamokin Dam shall not exercise police powers in the Borough of Shamokin Dam and shall not be used in lieu of or to back up a Borough Policeman in the exercise of police powers. (Ord. 82-5, 11/15/1982, §116.04)

§255. Limitation on Operation of Borough Police Vehicles. Except as set forth in the Shamokin Dam Auxiliary Police Department Manual of Rules and Regulations no Auxiliary Policeman shall operate a Borough Police Vehicle. (Ord. 82-5, 11/15/1982, §116.05)

§256. Firearms Prohibited. Auxiliary Policemen appointed in the Borough of Shamokin Dam shall not carry firearms or weapons of any kind except if directed to do so by the Mayor in a declared emergency under the Mayor's emergency powers. (Ord. 82-5, 11/15/1982, §116.06)





## Part 3

## Pension Funds and Social Security

A. Police Pension.

§301. Amendments to Police Pension Benefits. Shamokin Dam Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its police pension benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said law, and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law. (Ord. 07-2, 1/8/2007, §1)

§302. Membership and Membership Limitations. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all full-time police officers of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis. (Ord. 07-2, 1/8/2007, §1)

§303. Credit for Prior Service. Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from original date of hire or the expiration of the member's probationary period if one so existed. Benefits provided to members in the agreement date January 8, 2007, shall accrue based on all credited service granted and earned in accordance with this Section.

§304. Payment for Obligation Established. Payment for any obligation established by the adoption of this Part and the agreement between the System and Shamokin Dam Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act. (Ord. 07-2, 1/8/2007, §1)

§305. Benefits Provided. As part of this Part, the Borough agrees that the System shall provide the benefits set forth in the agreement between the Board and Shamokin Dam Borough, dated January 8, 2007. The passage and adoption of this Part by Shamokin Dam Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Shamokin Dam Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement. (Ord. 07-2, 1/8/2007, §1)

§306. Effective Date. Shamokin Dam Borough intends this Part to be the complete authorization of the Borough's police pension plan and it shall become effective and specifically repeal Ord. 04-5 either immediately or on January 1, 2007, which is the effective date of the amended agreement dated January 8, 2007, between the Pennsylvania Municipal Retirement System and Shamokin Dam Borough, whichever is later. (Ord. 07-2, 1/8/2007, §1)

§307. Certified Copy to Be Filed. A duly certified copy of this Part and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the police pension plan of Shamokin Dam Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1975, with the revised plan structure reflected in the agreement dated January 8, 2007, effective the first day of 2007. (Ord. 07-2, 1/8/2007, §1)

B. Non-Uniformed Employee Pension.

§331. Election to Join Pennsylvania Municipal Retirement System. The Borough of Shamokin Dam hereby elects to join the Pennsylvania Municipal Retirement System, established by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of the said Pennsylvania Municipal Retirement Law and the amendments thereto and to assume all obligations, financial and otherwise, placed upon member municipalities by said Pennsylvania Municipal Retirement Law and the amendments thereto. (Ord. 74-6, 11/5/1974, §122.01)

§332. Membership Limitation. Membership in the Pennsylvania Municipal Retirement System for elected officials shall be prohibited and membership therein for employees hired on a temporary or seasonal basis shall be prohibited. (Ord. 74-6, 11/5/1974, §122.02)

§333. Establishing Prior Service Limitation. Credit for prior service toward the municipal annuity of each original member shall be for ten (10) years of service to the Borough of Shamokin Dam. The Borough of Shamokin Dam does hereby assume the liability for payment of one hundred percentum (100%) of the original member's contribution for ten (10) years of service toward the original member's annuity for the prior service of each original member. (Ord. 74-6, 11/5/1974, §122.03)

§334. Establishing Payment for Prior Service. Payment for the prior service as set forth in §333 hereof shall be made by the Borough of Shamokin Dam in accordance with said Pennsylvania Municipal Retirement Law and may be spread over a period of thirty (30) years if the Borough of Shamokin Dam so elects and with the approval of the Pennsylvania Municipal Retirement Board. (Ord. 74-6, 11/5/1974, §122.04)

§335. Rejection of Optional Death Benefits. The Borough of Shamokin Dam rejects the optional provisions of Section 209 of the Pennsylvania Municipal Retirement Law, Act 15 of 1974. Such benefits and options shall not be available to the members of the retirement system being joined hereby. (Ord. 74-6, 11/5/1974, §122.05)

§336. Establishing the Effective Date of Membership. A duly certified copy of this Part 3B shall be filed with the Pennsylvania Municipal Retirement Board of the Commonwealth of Pennsylvania and membership for the Borough of Shamokin Dam in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1975. (Ord. 74-6, 11/5/1974, §122.06)

§337. Calculation of Pension Benefits.

1. The contract between the Borough of Shamokin Dam and the Pennsylvania Municipal Retirement Board for the non-uniformed employees shall hereafter provide for the members of the retirement plan a basic annual benefit equal to two percent (2%) of the member's final salary multiplied by all years of credit service. The final salary shall be the average annual compensation earned and paid during the member's final three (3) consecutive years of employment, or if not so long employed, then the average annual compensation earned and paid during the whole period of such employment. Superannuation retirement is to be permitted after the attainment of age fifty-five (55).

2. Shamokin Dam Borough, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that system as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said law, and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

3. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Borough. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

4. Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Borough from the original date of hire or the expiration of the member's probationary period if one so existed. Benefits provided to members in the agreement dated May 1, 2000, shall accrue based on all credited service granted and earned in accordance with this Section.

5. Payment for any obligation established by the adoption of this subpart and the agreement between the system and the Shamokin Dam Borough shall be made by the Borough in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

6. As part of this subpart, the Borough agrees that the system shall provide the benefits set forth in the agreement between the Board and Shamokin Dam Borough, dated May 1, 2000. The passage and adoption of this subpart by Shamokin Dam Borough is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Shamokin Dam Borough hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

7. A duly certified copy of this subpart and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Shamokin Dam Borough in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1975, with the revised plan structure reflected in the agreement dated May 1, 2000, effective the first day of May, 2000.

(Added by Ord. 80-4, 12/27/1979; as amended by Ord. 00-3, 5/1/2000, §1)

C. Social Security.

§351. Authorization to Extend Coverage of Social Security. The 1951 Session of the General Assembly of the Commonwealth of Pennsylvania, in regular session, enacted a statute, known as Act No. 491, which is the Enabling Act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Secretary of Labor and Industry of the Commonwealth of Pennsylvania to act as the "State Agency" to implement the Coverage of employees and officers under the said Old Age and Survivors Insurance System. The Borough of Shamokin Dam is hereby authorized to execute and deliver to the State Agency a plan, or plans and agreement, required under Section 6 of said Enabling Act and the Social Security Act, to extend coverage to employees and officers of the Borough of Shamokin Dam and do all other necessary things to effectuate coverage of employees and officers under the Old Age and Survivors Insurance System. (Ord. 42, 7/7/1952)

§352. Payroll Deductions and Matching Contributions. The Borough Secretary is hereby authorized to establish a system of payroll deduction to be matched by payments by the Borough of Shamokin Dam to be made into the Contribution Fund of the Social Security Act through the office of the State Agency, and to make charges of this tax to the Fund, or funds, from which wages or salary payments are issued to employees of the Borough of Shamokin Dam. Such payments are to be made in accordance with the provisions of the Law and Regulations promulgated by the State Agency and the Federal Security Administrator. Such payments which are delinquent shall bear interest at the rate of one-half ( $\frac{1}{2}$ ) of one (1%) percent per month until such time as payments are made. (Ord. 42, 7/7/1952)

§353. Appropriation from Borough Funds. Appropriation is hereby made from the proper fund, or funds of the Borough of Shamokin Dam in the necessary amount to pay into the contribution fund as provided in Section 4 of the Enabling Act and in accordance with the plan, or plans and agreement. Authority is given to the proper officials of the Borough of Shamokin Dam to enter into an agreement with the State Agency, which agreement shall be in accordance with Act 491 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this Borough of Shamokin Dam shall commence as of January 1, 1951. (Ord. 42, 7/7/1952)



## Part 4

## Firemen's Relief Association

§401. Recognition of Firemen's Relief Association.

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

Shamokin Dam Volunteer Fire Co. #1, Relief Association

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

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

(Ord. 88-3, 10/17/1988)

§402. Certification to Auditor General. The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough of Shamokin Dam. Such certification shall be on forms prescribed by the Auditor General. (Ord. 88-3, 10/17/1988)

§403. Annual Appropriation. There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 1984 Act of December 18, No. 205, §§701 et seq. as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association(s) within sixty (60) days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act. (Ord. 88-3, 10/17/1988)





## Part 5

## Commissions and Authorities

A. Planning Commission.

§501. Creation of Commission. A Borough Planning Commission, to be composed of five (5) members, appointed as provided by law (P.S. 53 §10202), is hereby created in and for the Borough of Shamokin Dam. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Borough planning agencies; provided, the Planning Commission previously created in and for the said Borough shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Borough planning commissions in effect at the time of the happening of the said vacancy. (Ord. 88-3, 10/17/1988)



B. Eastern Snyder County Regional Authority.

§521. Intent to Organize Joint Authority. It is the desire of the Council of Shamokin Dam Borough to join with the Borough of Selinsgrove ("Selinsgrove"), the Township of Monroe ("Monroe") and the Township of Penn ("Penn"), all of Snyder County, Pennsylvania, and organize a joint municipal authority under the Municipality Authorities Act of 1945, Act No. 164, May 2, 1945, P.L. 382, as amended, and their intention to do so is hereby declared. (Ord. 94-5, 4/4/1994, §1)

§522. Name of Joint Authority. The name of the joint authority shall be "Eastern Snyder County Regional Authority." (Ord. 94-5, 4/4/1994, §2)

§523. Purpose. The joint authority shall have the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning and leasing, either in the capacity of lessor or lessee, the project consisting of sewers, sewer systems, parts of sewer systems, works for treating and disposing of sewage and industrial waste and all related facilities necessary or desirable to accept, convey, treat and dispose of sewage and industrial waste from the collection system of each and every one of the incorporating municipalities and each and every authority at any time organized by and in existence in and for one (1) or more of the incorporating municipalities, which purpose is authorized under the Municipality Authorities Act of 1945, as amended. (Ord. 94-5, 4/4/1994, §3)

§524. Powers. The powers of the joint authority shall be all those which an authority created under the Municipality Authorities Act of 1945, as amended, is permitted to have or exercise. (Ord. 94-5, 4/4/1994, §4)

§525. Principal Office. The principal office of the joint authority shall be at the Selinsgrove Sewage Treatment Plant, South Front Street, Selinsgrove, Snyder County, Pennsylvania, and its initial mailing address shall be P.O. Box 330, Selinsgrove, PA 17870. (Ord. 94-5, 4/4/1994, §5)

§526. Appointment of Members. Each incorporating municipality shall be entitled to appoint two (2) members to the Board of the joint authority and the name and address of each of the first members of the Board of the joint authority and his term of office from the January first next succeeding the date of incorporation are: [Here followed the names, addresses and terms of office of the first members of the Board.] (Ord. 94-5, 4/4/1994, §6)

§527. Salary. The members of the Board of the joint authority shall be paid a salary of seventy-five (\$75.00) dollars per month from the funds of the joint authority. The Board shall have the power to establish salaries for the officers of the joint authority and members of the Board may also be officers of the joint authority. (Ord. 94-5, 4/4/1994, §7)

§528. Articles of Incorporation. The President of the Borough Council shall cause Articles of Incorporation for the joint authority to be prepared and the President of the Borough Council and the Borough Secretary shall execute such articles and seal the same with the Borough seal. (Ord. 94-5, 4/4/1994, §8)

§529. Incorporation and Organization. The President of the Borough Council, the Borough Secretary and the Borough Treasurer are hereby directed to do any and all acts and things necessary and proper and as required by the Municipality Authorities Act of 1945, as amended, to complete the incorporation and organization of the Eastern Snyder County Regional Authority. (Ord. 94-5, 4/4/1994, §9)

§530. Conveyance of All Assets of Selinsgrove Municipal Authority. Upon the completion of the incorporation of the Eastern Snyder County Regional Authority, the Council of Shamokin Dam Borough hereby authorizes and directs the Selinsgrove Municipal Authority, for and in consideration of one (\$1.00) dollar, to grant, convey and transfer to Eastern Snyder County Regional Authority all assets of Selinsgrove Municipal Authority which are the regional sewage facilities, excepting those retained to cover liabilities related to the acquisition or operation of the regional facilities. (Ord. 94-5, 4/4/1994, §10)

§531. Effective Date. This subpart shall take effect five (5) days after the last incorporating municipality enacts its ordinance to incorporate and organize Eastern Snyder County Regional Authority. (Ord. 94-5, 4/4/1994, §11)

## Part 6

## Schedule of Fees

It is hereby resolved by the Borough Council that all fees are hereby fixed as follows:

UNIT FEE

## BUILDING PERMIT

Permit for Construction, Conversion, Alteration, Material Change, Renewal or Enlargement of a Building or Structure.	\$1.00 minimum
For every \$1,000. of value or portion thereof:	\$ .50

## MOVING PERMIT

Transient Retail Dealer's License Fee	\$150.00 per day
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## OUTDOOR ADVERTISING SIGNS AND BILLBOARDS

A. Annual fee per sign face	\$500.00
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[Res. 2014-3]

## REFUSE COLLECTORS

All fees charged for the licensing of solid waste refuse haulers to operate in the Borough of Shamokin Dam are hereby abolished as the legislature has deemed the County as the only local government agency who can license haulers unless the County designates otherwise and the County has designated that the Snyder County Solid Waste Authority shall be the licensor of all solid waste haulers operating in the County of Snyder.

[Ord. 97-4]

## RETURNED CHECK FEES

A. Checks Payable to Shamokin Dam, Snyder County, PA.

- 1) The Borough of Shamokin Dam hereby imposes a minimum fee of \$25.00 per check returned by a payer bank and due to said bank's failure to honor and pay the Borough of Shamokin Dam the amount of such check. The fee detailed herein shall be assessed against the person, firm or person, firm or corporation issuing such check and as a result of the payer bank's failure to pay the same.
- 2) The \$25.00 minimum fee detailed in subparagraph 1, above, may be reset, from time to time, by Resolution in the event the Borough determines a need to alter the fee as initially established.
- 3) The fee for dishonored checks payable hereunder will be for any check to any Borough office or organization for any purpose, with the exception of the Borough Tax Collector.
- 4) The fee for dishonored checks payable hereunder shall be deposited in the Borough's general fund.

UNIT FEE

- 5) The fee imposed by this resolution shall be in addition to any fees or charges imposed by the bank on account of any such dishonored check.
- B. Checks Payable to Shamokin Dam Borough Tax Collector.
- 1) The Borough of Shamokin Dam hereby imposes a minimum fee of \$25.00 per check returned by a payer bank and due to said bank's failure to honor and pay to the Shamokin Dam Borough Tax Collector the amount of such check and as a result of the payer bank's failure to pay the same.
  - 2) The \$25.00 minimum fee detailed in subparagraph 1, above, may be reset, from time to time by Resolution in the event the Borough determines a need to alter the fee initially established.
  - 3) The fee for dishonored checks payable hereunder shall be paid to the Tax Collector directly.
  - 4) The fee imposed by this resolution shall be in addition to any fees or charges imposed by the bank on account of any such dishonored check.

[Res. 08-5]

## SEWAGE

- |  |         |
|--|---------|
| 1. New or Replacement Systems                            | \$70.00 |
| 2. Call Back Charge                                      | \$15.00 |
| 3. Malfunctions System Investigation & Repair Permit     | \$35.00 |
| 4. Charge for Commercial & other Non-residential Permits | \$35.00 |
| 5. Percolation Holes                                     | \$30.00 |
| 6. Charge for Design of System                           | \$20.00 |
| 7. Charge for Supervision of the Installation of System  | \$40.00 |

## SEWER SYSTEM

- |                    |                     |
|--------------------|---------------------|
| A. Connection Fees | \$250.00            |
|                    | for each connection |

[Res. 04-6]

- B. Sewer Service to Improved Property without Water Meter.
- |                   |         |
|-------------------|---------|
| Installation Fee: | \$35.00 |
| Reconnection Fee: | \$10.00 |

## SUBDIVISION AND LAND DEVELOPMENT

## TAX COLLECTOR

1. Service Fee for Tax Collector's Written and Phone Certification of Realty Tax Payment Status for Lands Situated Within the Borough of Shamokin Dam.

UNIT FEE

- A. The Borough of Shamokin Dam here by imposes a service fee of \$5.00 per written or oral certification to be assessed to each person, firm or corporation requesting a tax certification from the Borough Tax Collector verifying the payment status of real estate taxes levied upon the owners of Borough realty.
- B. The service fee mentioned in paragraph 1, above, shall be payable directly to the Tax Collector.
- C. The service fee mentioned in paragraph 1, above may be reset from time to time by Resolution, in the event the Borough determines a need to alter the fee as initially established.

[Res. 08-5]

## WATER SERVICE

Connection Permit Fee:	\$250.00
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[Res. 04-6]

Reconnection Fee:	\$ 10.00
Shut Off Restoration Fee:	\$ 50.00

[Res. 04-6]

## ZONING

## A. Permits:

1) New Residential Buildings and Uses	\$ 5.00
2) New Commercial, Industrial, and other buildings and uses	\$10.00
3) Residential Additions, Structural Changes and Building Size and Accessory Uses	\$ 2.00
4) Commercial, Industrial, and Other Additions, Structural Changes and Accessory Uses	\$ 5.00
5) Zoning/Property Improvement	
Cost up to \$10,000.00	\$25.00
Cost over \$10,000.00	\$50.00

[Res. 04-5]

## B. Certificates of Zoning Compliance

1) Residential	\$ 1.00
2) Commercial, Industrial and other	\$ 1.00

## C. Signs

1) All Signs except temporary:	
Value less than \$50.00	No Charge
Value \$50.00 and over	\$ 5.00
2) Temporary Signs (refundable)	\$30.00

D. Application for Appeal to Zoning Hearing Board	\$250.00
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[Res. 04-5]

UNIT FEE

E.	Application for Appeal to Borough Council for Conditional Use	\$125.00
F.	Application for Amendment to Zoning Text or Map	\$125.00

(Res. of 11/7/1988; as amended by Ord. 97-4, 8/4/1997, §1; by Res. 04-5, 6/7/2004; by Res. 04-6, 6/7/2004; by Res. 08-5, 8/4/2008, §§I and II; by Res. 2014-1, 1/6/2014, §1; and by Res. 2014-3, 4/7/2014, §1)



## Part 7

## Collection of Municipal Liens

§701. Application of this Part. This Part shall apply to all municipal claims allowed and authorized by the law of the Commonwealth to be assessed by the Borough of Shamokin Dam including, but not limited to, liens for taxes and for municipal improvements, for the removal of nuisances and for water rents or rates, sewage rates, lighting rates and power rates to the fullest extent authorized by law (hereinafter "delinquent accounts"), whether heretofore or hereafter assessed or filed. (Ord. 97-3B, 8/4/1997, §1)

§702. Schedule of Attorney Fees. The following schedule of attorney fees is to be utilized and followed in the assessment of attorney fees in the collection of any delinquent account and the corresponding fees shall be added and included in the collection of the same at the time of the filing of the municipal claim by or for the Borough of Shamokin Dam or as soon thereafter as may be convenient or proper:

Preparation and filing of municipal lien	\$95.00
Revival of municipal lien	\$25.00
Preparation and filing writ of scire facias	\$95.00
Judgment for want of affidavit of defense	\$50.00
Trial upon affidavit of defense	Fee based upon hourly rate of the Solicitor for time expended in preparation for and attendance at trial
Collection of municipal claim in assumpsit	Fee based upon hourly rate of the Solicitor for time expended in preparation for and attendance at trial
Execution on judgment and Sheriff's sale of real property	Fee based upon hourly rate of the Solicitor for the time expended in preparation and filing execution documents and attendance at Sheriff's sale

(Ord. 97-3B, 8/4/1997, §1)

§703. Notice. Prior to assessing or imposing attorney fees in connection with a delinquent account, the Borough of Shamokin Dam shall provide thirty (30) days notice of the Borough's intention to assess or impose attorney fees in connection with this Part as may be required by the Act of May 16, 1923, P.L. 207, No. 153, as amended or supplemented, 53 P.S. §7106. (Ord. 97-3B, 8/4/1997, §1)

§704. Addition of Interest. In all proceedings where a municipal claim is filed as a lien against real property for delinquent accounts which are the subject of this Part, interest equal to ten (10) percent per annum shall be assessed and accrue on the claim from the date of the completion of the work after it is filed as a lien and on claims for taxes, water rents or rates, lighting rates or sewer rates, from the date of the filing of the lien therefor; provide, however, that if a municipal claim is filed arising out of a municipal project which required the Borough to issue bonds to finance the project, interest shall accrue and be collectible on such claim at the rate of interest of the bond issue or at the rate of twelve (12) percent per annum, whichever is less. No notice prior to the assessment or imposition of interest as set forth herein shall be required. Such interest shall be added to the municipal claim and collected therewith. (Ord. 97-3B, 8/4/1997, §1)

§705. Assessment of Penalty. In all proceedings where a municipal claim is filed as a lien against real property for a delinquent accounts which are the subject of this Part, a penalty equal to five (5) percent of the delinquent account shall be added to the municipal claim and collected therewith when the delinquent account remains unpaid for ninety (90) days after the assessment shall have been levied or as soon thereafter as may be convenient or proper. No notice prior to the assessment or the imposition of a penalty as set forth herein shall be required. (Ord. 97-3B, 8/4/1997, §1)

## Part 8

## Fire Insurance Escrow

§801. Use of Fire Insurance Proceeds.

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of Shamokin Dam where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500.00), unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to §508(b) of the Insurance Company Law of 1921, (40 P.S. §638) (the "Act") and unless there is compliance with the procedures set forth in §§508(c) and (d) of the Act (40 P.S. §638(c) and (d)).

2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Borough of Shamokin Dam has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Borough Secretary of the Borough of Shamokin Dam shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within fourteen (14) working days of the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to subsection (2)(A) of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection (3) hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection (2) of this Section, or where the Treasurer has issued a certificate described in subsection (2)(A) indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds sixty (60) percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the

Treasurer, in the aggregate, two thousand dollars (\$2,000.00) for each fifteen thousand dollars (\$15,000.00) of such claim or fraction thereof.

B. If at the time a loss is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough of Shamokin Dam, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insured shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough of Shamokin Dam to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough of Shamokin Dam in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough of Shamokin Dam and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Borough of Shamokin Dam a signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough of Shamokin Dam in excess of that required to pay the municipal expenses; provided, the Borough of Shamokin Dam, has not commenced to remove, repair, or secure the building or other structure, in which case the Borough of Shamokin Dam will complete the work.

(4) Pay to the Borough Secretary, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough of Shamokin Dam.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Borough Secretary that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough of Shamokin Dam.

(6) Nothing in this Section shall be construed to limit the ability of the Borough of Shamokin Dam to recover any deficiency in the amount of municipal claims or municipal expenses recovered

pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough of Shamokin Dam or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough of Shamokin Dam may deem responsible.

(Ord. 08-4, 3/3/2008, §3)

§802. Limits of liability. Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a Borough of Shamokin Dam or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part. (Ord. 08-4, 3/3/2008, §3)

§803. Insurance Company Rights Reserved. An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough of Shamokin Dam shall have a full benefit of such payment including all rights of subrogation and of assignment. (Ord. 08-4, 3/3/2008, §3)

§804. Construction. This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration. (Ord. 08-4, 3/3/2008, §3)

§805. Notification of Pennsylvania Department of Community and Economic Development. The Secretary of the Borough of Shamokin Dam shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development. (Ord. 08-4, 3/3/2008, §3)

§806. Penalty. Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced, upon conviction thereof, to a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day on which an offense shall continue shall be deemed a separate offense. (Ord. 08-4, 3/3/2008, §3)

