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PART 1
BOROUGH SEAL**§ 1-101. Borough Seal Adopted. [5/21/1806; as amended by Ord. 1353-08, 9/8/2008]**

The Town Clerk shall purchase a Seal for the Borough of Gettysburg, and the device which shall be carved on the Seal shall be the Arms of the Commonwealth of Pennsylvania with this inscription: "Borough of Gettysburg, Pennsylvania." The Borough Secretary shall have custody of the Corporate Seal of the Borough of Gettysburg for his or her use in carrying out the duties of the Borough Secretary as prescribed by the Borough Code and any other laws of the Commonwealth of Pennsylvania.

PART 2
ELECTED OFFICERS

§ 1-201. Mayor's Salary Fixed. [Ord. 891-74; as amended by Ord. 953-79, 2/12/1979; by Ord. 1064-88, 2/8/1988; by Ord. 1094-89, 12/11/1989; by Ord. 1163-93, 12/13/1993; by Ord. 1285-03, 12/8/2003]

The salary of the Mayor of the Borough of Gettysburg, Adams County, Pennsylvania, is hereby fixed at \$5,000 per annum, payable from the Borough Treasury in monthly installments beginning on January 1, 2004.

§ 1-202. Compensation of Councilmen. [Ord. 6514; as amended by Ord. 877-73, 12/12/1973, § 1; by Ord. 1028-85, 8/12/1985; by Ord. 1286-03, 12/8/2003]

The compensation of each of the members of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, is hereby fixed at \$2,500 per annum, payable from the Borough Treasury in monthly installments beginning on January 1, 2004.

§ 1-203. Tax Collector's Compensation. [Ord. 1153-93, 2/11/1993; as amended by Ord. 1302-05, 2/14/2005]

The compensation to be paid to the Tax Collector of the Borough of Gettysburg for the collection of Borough taxes shall be at the rate of \$1.80 for each tax account collected.

PART 3
APPOINTED OFFICERS

A. Borough Manager.

§ 1-301. Creation of Office of Borough Manager. [Ord. 6613, 1/3/1966, § 1]

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

§ 1-302. Appointment of Manager; Vacancies; Removal. [Ord. 6613, 1/3/1966, § 2]

As soon as practicable after the enactment of this Part 3, 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. The Borough Manager shall, however, be subject to removal at any time by a majority vote of all the members of Council.

§ 1-303. Qualifications of Manager; Residence. [Ord. 6613, 1/3/1966, § 3; as amended by Ord. 1382-10, 8/23/2010]

The Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the office as herein outlined. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania.

§ 1-304. Manager's Bond. [Ord. 6613, 1/3/1966, § 4; as amended by Ord. 1028-85, 8/12/1985; by Ord. 1353-08, 9/8/2008]

Before entering upon his or her duties, the Borough Manager shall give a bond to the Borough conditioned for the faithful performance of his or her duties. Such bond shall be issued with a bonding company as surety, in a sum to be fixed from time to time by resolution of the Borough Council, with the premium for the said bond to be paid for by the Borough of Gettysburg.

§ 1-305. Manager's Compensation. [Ord. 6613, 1/3/1966, § 5]

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

§ 1-306. General Powers and Duties of Manager. [Ord. 6613, 1/3/1966, § 5]

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.

§ 1-307. Specific Powers and Duties of Manager. [Ord. 6613, 1/3/1966, § 7]

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 municipal departments, except such departments the supervision of which shall not have been delegated to the Manager by the Mayor or 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 persons covered by the civil service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions; and provided, further, that the Manager shall report, at the next regular meeting thereafter of Council, any action taken by authority of this subsection.
- C. He shall prepare and submit to the Council before the close of the fiscal year, or on such alternate date as the 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, under the direction of the Mayor, execute and enforce the laws of the commonwealth and ordinances, resolutions and bylaws of the Borough.
- F. He shall hold the offices of Borough Treasurer and Street Commissioner and shall perform all the duties of all such officers, in addition to the specific duties assigned to the Manager by this Part.
- G. 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.
- H. He shall prepare the agenda for each meeting of Council and supply facts pertinent thereto.
- I. 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.
- J. 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.
- K. He shall see that the provisions of all franchises, leases, permits, and privileges granted by the Borough are observed.
- L. 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.
- M. 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.
- N. 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.
- O. 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 may also issue rules and regulations, subject to the approval of the Council, governing the requisition and purchasing of all municipal supplies and equipment.
- P. 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.
- Q. 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 the Council.

B. Code Enforcement Officer.

§ 1-311. Creation of Office of Code Enforcement Officer. [Ord. 1028-85, 8/12/1985]

The Office of Code Enforcement Officer (CEO) is hereby created by the Borough of Gettysburg, subject to the right of the Borough, by ordinance, at any time to abolish such office. Various ordinances of the municipality previously designated specific

officers for enforcement of those ordinances, including the Zoning Officer, Housing Officer, Health Officer, and/or CEO. It is the purpose of the creation of the Office of Code Enforcement to consolidate those various officers into one office.

§ 1-312. Appointment of CEO; Vacancies; Removal. [Ord. 1028-85, 8/12/1985; as amended by Ord. 1353-08, 9/8/2008]

The Borough Council or the Borough Manager shall appoint a person or persons, or in the alternative, a company legally operating in the Commonwealth of Pennsylvania specializing in the enforcement of municipal ordinances, to fill the office of CEO.

§ 1-313. CEO's Bond. [Ord. 1028-85, 8/12/1985; as amended by Ord. 1353-08, 9/8/2008¹]

Before entering upon his, her or its duties, the CEO shall give a bond to the Borough, conditioned for the faithful performance of his, her or its duties. Such bond shall be issued with a bonding company as surety, in a sum to be fixed from time to time by resolution of the Borough Council.

§ 1-314. CEO's Compensation. [Ord. 1028-85, 8/12/1985; as amended by Ord. 1353-08, 9/8/2008]

The CEO shall receive such compensation as shall be fixed from time to time by resolution of the Borough Council or by agreement authorized by the Borough Council.

§ 1-315. General Powers and Duties of the CEO. [Ord. 1028-85, 8/12/1985; as amended by Ord. 1353-08, 9/8/2008]

The CEO shall be in charge of the Office of Code Enforcement and shall be responsible through the Borough Manager to the Council, as a whole, for the proper and efficient administration of the affairs of said office.

§ 1-316. Specific Powers and Duties of the CEO. [Ord. 1028-85, 8/12/1985; as amended by Ord. 1353-08, 9/8/2008]

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

- A. The CEO shall enforce and administer all of the provisions of this Part and of those other applicable codes and ordinances which establish the Office of Code Enforcement as their official administration and enforcement agency.
- B. The duties of the CEO shall include the receipt of applications, the issuance of permits, notices, certificates and orders, the making of inspections to determine conformance with applicable codes and ordinances, the undertaking of systematic inspection programs, the undertaking of research

¹Editor's Note: Ord. 1353-08 provided that former §§ 1-313 and 1-317 be deleted and provided for the renumbering of the remainder of this Part 3.

- and investigations, the recommendation of appropriate administrative rules for review and adoption by the Code Hearing Board, the keeping of records, the issuance of written annual reports and such other activities as may be required.
- C. An official record shall be kept of all business and activities of the Office of Code Enforcement, and all such records shall be open to the public for inspection at all appropriate times, except that no individual, owner, operator, occupant, or other person shall be subject to unwarranted invasion of privacy, and except that all evidence or information obtained in any course of any inspection shall be considered privileged information and shall be kept confidential. Such evidence or information shall not be disclosed except as may be necessary, in the judgment of the CEO, for the proper and effective administration and enforcement of the provisions of this Part 3B and shall not otherwise be made public without the consent of the owner, occupant, operator, or other person in charge of the unit, structure or premises inspected.
- D. He shall keep the Council informed as to the conduct of the office of CEO; submit periodic reports on the affairs of said office and such other reports as the Council shall request; and shall make such recommendation to the Council as he deems necessary.
- E. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the affairs and activities of the Office of Code Enforcement for the proceeding year.
- F. In the discharge of his duties, the CEO or his authorized representative, upon showing proper identification where requested, is hereby authorized to enter and inspect, during normal working hours, any structure or premises in the Borough to enforce the provisions of this Part and of those other applicable codes and ordinances. The assistance and cooperation of all other Borough officials, including Police and Fire Departments, shall be available to the CEO to assist in the performance of his duties and in securing rights-of-way.
- (1) The CEO and the owner, operator or occupant or other person in charge of any structure or premises subject to the provisions of this Part 3B may agree to an inspection by appointment at a mutually convenient time.
 - (2) The owner, operator or occupant or other person in charge of any structure or premises shall give the CEO entry and free access thereto and to every part of the structure or to the premises surrounding the structure.
 - (3) If any owner, operator or occupant or other person in charge fails or refuses to permit entry and free access to the structure or premises under his control, or to any part thereof, with respect to any

authorized inspection, the CEO may, upon a showing that probable cause exists for the inspection, file a complaint and may petition for and obtain an order directing compliance with the inspection requirements of this Part from a court of competent jurisdiction. Any person who refuses to comply with such an order issued pursuant to this section shall be subject to such penalties as may be authorized by law for violation of a court order.

- G. He shall serve a notice of violation or order on the person responsible for any situation in violation of those chapters, parts and sections of this Code which are under his direction. If the notice of violation is not complied with within the time specified on the notice, the CEO is hereby authorized to file a complaint or institute summary criminal proceedings, in accordance with the Rules of Criminal Procedure.
- H. He shall cooperate with the Borough Council and all other departments and agencies of the Borough at all times and in all matters that the best interest of the Borough and of the general public may be maintained.

§ 1-317. Relief from Personal Liability. [Ord. 1028-85, 8/12/1985; as amended by Ord. 1353-08, 9/8/2008]

The CEO or other official or employee shall not, while acting for the Borough, render himself liable personally because of any act or omission as required or permitted in the discharge of his official duties. Any suit instituted against such CEO, official, or employee, because of any act performed by him in the lawful discharge of his duties, shall be defended by the Solicitor of the Borough, and in no case will said officer, official, or employee be liable for costs in any action, suit or proceeding.

C. (Reserved)²

²Editor's Note: Former Subpart C, Fire Marshal, adopted 8/12/1985 by Ord. 1028-85, as amended, was repealed by Ord. 1378-10, 7/12/2010.

PART 4
DEPARTMENTS AND BUREAUS

A. General.

§ 1-401. Police Department. [Ord. 6075, 7/5/1960, § 1; as amended by Ord. 101]

A Police Department consisting of a Chief of Police, sergeants, corporals, privates first class, privates and probationers hereby is established in the Borough of Gettysburg under and pursuant to Section 1121 of the Borough Code, as amended, 53 P.S. § 46121.

§ 1-402. Bureau of Fire Prevention. [Ord. 142, 6/13/1968, § 2]

The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention of the Borough of Gettysburg, which is hereby established. The Fire Marshal shall be the Chief of the Bureau of Fire Prevention. The Fire Marshal shall be appointed by the Borough Council and shall serve at the pleasure of the Council. He shall be assisted by such other members of the Bureau of Fire Prevention as shall be appointed by the Borough Council for the purpose.

§ 1-403. Qualifications, Abilities, Duties and Responsibilities of the Chief of Police. [Ord. 1044-86, 7/14/1986]

In the case of a vacancy in the office of Chief of Police, the Borough Council shall nominate a person to the Civil Service Commission, which shall then subject such person to a noncompetitive examination.

- A. The person nominated must possess the following qualifications, namely, he or she must have:
- (1) Completed formal training as required by state legislation for police officers;
 - (2) Five years of police experience, including two years in a supervisory police position, or any equivalent combination of training and experience;
 - (3) The ability to meet minimum physical and medical requirements; and
 - (4) Possession of, or eligibility for, a valid motor vehicle operator's license issued by the Commonwealth of Pennsylvania.
- B. The examination by the Civil Service Commission shall seek to determine that the nominee possesses the knowledge, skill and ability in the following areas to the degree necessary for successful job performance:

- (1) Police administration;
 - (2) Crime prevention, investigation and detection;
 - (3) Police Department rules and regulations;
 - (4) Geography of the Borough;
 - (5) Criminal justice system as it relates to municipal police service;
 - (6) Relevant federal, state and municipal statutes;
 - (7) Assignment, motivation and review of the work of police personnel in the Borough Police Department.
- C. If such nominee shall be certified by the Civil Service Commission as qualified, he may then be appointed to such position and shall thereafter be responsible for the overall administration and operation of the Police Department, with the following duties and responsibilities:
- (1) To plan, organize, direct and coordinate the activities of department personnel in enforcing laws and municipal ordinances;
 - (2) To formulate rules, procedures and policies for efficient operation of the department;
 - (3) To evaluate applicants for positions within the department and to make recommendations to the Safety Committee of the Borough Council and the Mayor for the hiring of applicants;
 - (4) To evaluate employee work performance and recommend promotions;
 - (5) To prepare budget estimates and to control budget expenditures;
 - (6) To recommend purchase of equipment and supplies;
 - (7) To attend county, state and national conferences and meetings, at the discretion of the Mayor and the Safety Committee;
 - (8) To meet with the Borough Manager, the Safety Committee, and the Mayor and to keep them informed on departmental activities;
 - (9) To attend all Council meetings, Safety Committee meetings and any other meetings and or activities as directed by the Borough Council and the Mayor;
 - (10) To prepare, approve or disapprove permits for parades and assemblages; and
 - (11) To perform any other duties as directed by the Mayor.

B. Parking Department.**§ 1-411. Parking Department Created. [Ord. 1099-90, 6/11/1990, § 1]**

A Parking Department is hereby created for the Borough of Gettysburg and empowered to administer, supervise and enforce on-street and off-street parking systems.

§ 1-412. Parking Department Powers. [Ord. 1099-90, 6/11/1990, § 2; as amended by Ord. 1353-08, 9/8/2008³]

The Police Department of the Borough of Gettysburg is hereby delegated the power to exercise those functions necessary for the administration, supervision and enforcement of on-street and off-street parking systems. Members of the Police Department of the Borough of Gettysburg are and shall be authorized to enforce all parking regulations of the Borough of Gettysburg.

³Editor's Note: This ordinance also provided for the repeal of former §§ 1-413, Parking Manager, and 1-414, Enforcement.

PART 5**GETTYSBURG MUNICIPAL AUTHORITY****§ 1-501. Intention and Desire to Organize Authority. [6/7/1948, § 1]**

The Borough Council hereby signifies its intention and desire to organize an authority under the provisions of the Municipality Authorities Act of 1945, as amended.

§ 1-502. Articles of Incorporation of Gettysburg Municipal Authority. [6/7/1948, § 2; as amended by Ord. 1103-90, 9/2/1990, § 2]

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

ARTICLES OF INCORPORATION

To the Secretary of the Commonwealth
Commonwealth of Pennsylvania

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended, the Borough of Gettysburg, Adams County, Pennsylvania, designing to incorporate an Authority thereunder, does hereby certify:

1. The name of the Authority is "Gettysburg Municipal Authority."
2. Said Authority is formed under the provisions of the Act of May 2, 1945, P.L. 382, as amended.
3. No other Authority organized under said Municipality Authorities Act of 1945, or under the Act of June 28, 1935, P.L. 463, as amended, or under the Act of December 27, 1933, P.L. (Special Sessions) 114, is in existence in or for the incorporating municipality, the Borough of Gettysburg.
4. The name of the incorporating municipality is Borough of Gettysburg, Adams County, Pennsylvania, and the names and addresses of its municipal authorities are as follows: . . .
5. The names, addresses and terms of office of first members of the Board of said Authority are as follows: . . .
6. In addition to the other powers and purposes set forth in these Articles of Incorporation, as amended, the Authority shall exist for the purpose of acquiring, holding, constructing, financing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, projects of any kind or character described in, and shall possess and may exercise all of the powers granted by, the Municipality Authorities Act of 1945, as amended from time to time.

§ 1-503. Water Project First Project to be Undertaken by Gettysburg Municipal Authority. [6/7/1948, § 5]

The project which shall first be undertaken by the said Authority is to acquire, hold, construct, improve, maintain, operate, own, and lease, either as lessor or as lessee,

waterworks, water supply works, water distribution systems or parts thereof for the supply of the water to the public in the Borough of Gettysburg and such other territory as it may be authorized to serve.

§ 1-504. Sewer Project Designated as Additional Project for Gettysburg Municipal Authority. [6/15/1950, § 1]

The additional project which shall be undertaken by said Gettysburg Municipal Authority shall be to acquire, hold, construct, improve, maintain, operate, own, and lease, either in the capacity of lessor or lessee, sewers, sewer systems or parts thereof and sewage treatment works, including works for the treatment and disposing of industrial waste and incinerator plants, for the Borough of Gettysburg and for such other territory as it may be authorized to serve.

§ 1-505. Salaries of Members of Board of Gettysburg Municipal Authority. [12/3/1951, § 1; as amended by Ord. 1353-08, 9/8/2008]

Members of the Board of the Gettysburg Municipal Authority shall receive such salaries as may be determined from time to time by resolution of the Borough Council of the Borough of Gettysburg consistent with the provisions of the Municipality Authorities Act.

§ 1-506. Certain Payments to Board Members Not Limited or Prohibited. [12/3/1951, § 2]

Nothing contained in § 1-505 hereof shall be deemed to limit or prohibit or be construed as limiting or prohibiting or in any manner affecting the payment of compensation and the expenses of members of said Board as officers of said Authority under and pursuant to Section 4B, clause "g", of the Municipality Authorities Act of 1945, as amended, 53 P.S. § 2900Z-5, and Section 7C, 53 P.S. § 2900Z-8, of said Act as amended.

§ 1-507. Hospital Project Designated as Additional Project for Gettysburg Municipal Authority.⁴ [Ord. 975, 5/12/1980]

The additional project which shall be undertaken by the said Gettysburg Municipal Authority shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning, and leasing, either in the capacity of lessor or lessee, projects of the following kind and character: a hospital in Gettysburg.

⁴Editor's Note: Former Subpart 5B, Gettysburg School Authority, adopted 8/7/1950, as amended, was repealed by Ord. 1353-08, 9/8/2008, since all projects of said Authority have been completed and said Authority has been dissolved.

PART 6
BOARD AND COMMISSIONS

A. Planning Commission.

§ 1-601. Creation of Commission. [8/2/1954; as amended by Ord. 116, 6/13/1968; and revised by Ord. 1028-85, 8/12/1985]

A Borough Planning Commission, to be composed of five members, appointed as provided by law (53 P.S. § 10202), is hereby created in and for the Borough of Gettysburg. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Borough planning agencies; provided that 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.

B. (Reserved)⁵

§ 1-611. through § 1-615. (Reserved)

C. Code Enforcement Appeals Board.

§ 1-621. Creation and Purpose. [Ord. 1372-10, 3/8/2010, § 1; as amended by Ord. 1404-12, 12/10/2012, § 1]

In order to determine appeals filed pursuant to the Regulated Rental Unit Occupancy Ordinance (Chapter 4, Part 3) and the Property Maintenance Code (Chapter 5, Part 2), there is hereby created a Code Enforcement Appeals Board. In order to determine appeals filed pursuant to the Gettysburg Stormwater Management Ordinance (Chapter 17), the jurisdiction of the Code Enforcement Appeals Board has been amended and expanded by subsequent ordinance of the Borough Council.

§ 1-622. Definitions. [Ord. 1372-10, 3/8/2010, § 2; as amended by Ord. 1404-12, 12/10/2012, § 2]

As used in this Subpart, the following terms shall have the meanings indicated:

BOARD — The Code Enforcement Appeals Board of the Borough of Gettysburg, Adams County, Pennsylvania.

⁵Editor's Note: Former Subpart B, Recreation Board, adopted 10/11/2011 by Ord. 1391-11, was repealed by Ord. 1417-14, 6/9/2014. Pursuant to Ord. 1410-13, 5/14/2013, the authority to operate, supervise and maintain recreation places within the Borough is vested in the Gettysburg Area Recreation Authority.

BOROUGH — The Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH COUNCIL — The Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

CODE ENFORCEMENT OFFICER — The person or company duly appointed by the Borough as the code official to administer and enforce applicable codes and ordinances, to include any assistants or deputies designated by the Borough.

CODES — Collectively the Regulated Rental Unit Occupancy Ordinance, the Property Maintenance Code, and the Stormwater Management Ordinance.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY MAINTENANCE CODE — Chapter 5, Part 2, of the Code of Ordinances of the Borough of Gettysburg.

REGULATED RENTAL UNIT OCCUPANCY ORDINANCE — Chapter 4, Part 3 of the Code of Ordinances of the Borough of Gettysburg.

STORMWATER MANAGEMENT ORDINANCE — The Gettysburg Stormwater Management Ordinance, which is codified at Chapter 17 of the Code of Ordinances of the Borough of Gettysburg.

§ 1-623. Code Enforcement Appeals Board. [Ord. 1372-10, 3/8/2010, § 3]

The Board shall consist of five members and up to three alternate members who are qualified by education, training or experience to review and consider matters pertaining to building construction, property and rental unit maintenance.

- A. Membership. The membership of the Board shall consist of five resident property owners of the Borough appointed by resolution of the Borough Council. The terms of office of the Board members shall be five years and the terms shall be so fixed that the term of office of one member of the Board shall expire each year. The Board shall promptly notify the Borough Council of any vacancies which occur in the membership of the Board. Appointments by the Borough Council to fill vacancies shall be only for the unexpired portion of the term. A member of the Board shall hold no other Borough office, either elected or appointed, and shall not be an employee of the Borough. Members of the Board shall serve without compensation.
- B. Alternate Members. The Borough Council may appoint by resolution at least one but no more than three resident property owners of the Borough to serve as alternate members of the Board. The term of office of an alternate member shall be three years. Once seated, an alternate member shall be entitled to participate in the proceedings and discussions of the Board to the same and full extent as other Board members, including specifically the right

- to cast a vote as a voting member during proceedings of the Board. An alternate member of the Board shall hold no other Borough office, either elected or appointed, and shall not be an employee of the Borough. Alternate members of the Board shall serve without compensation.
- C. **Organization of Board.** The Board shall elect from its membership a Chairperson and a Vice Chairperson who shall each serve annual terms as such and may succeed themselves. The Borough shall designate a qualified person to serve as Secretary of the Board from outside the membership of the Board in order to assist with Board proceedings.
- D. **Quorum.** For the conduct of any hearing and the taking of any action, a quorum of the Board shall not be less than a majority of all of the members of the Board. If by reason of absence or disqualification of a member of the Board, a quorum is not reached, the Chairperson of the Board or the Vice Chairperson in the absence or disqualification of the Chairperson may designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate member pursuant to this provision shall be made on a case-by-case basis and shall rotate according to declining seniority among all alternate members.
- E. **Meetings.** The Board shall meet on an as-needed basis. The meetings of the Board shall be conducted in accordance with the applicable provisions of the Pennsylvania Sunshine Act (65 Pa.C.S.A. §§ 701 to 716), as amended.
- F. **Rules and Forms.** The Board may make, alter and rescind rules and forms for its procedures consistent with the ordinances of the Borough and the laws of the Commonwealth of Pennsylvania.
- G. **Public Records and Reports.** The Board shall keep full public records of its proceedings, which records shall be the property of the Borough. As requested by Borough Council, the Board shall file an annual written report of its activities to the Borough Council. The report shall summarize all appeals made and waivers requested since the last report and shall contain a summary of the Board's decision on each case. A copy of the report shall also be filed with the Code Enforcement Officer and the Borough Secretary. The Board may also submit to the Borough Council advisory reports recommending changes and modification of applicable codes or ordinances.

§ 1-624. Jurisdiction of the Code Enforcement Appeals Board. [Ord. 1372-10, 3/8/2010, § 4]

1. **Appeals.** Appeals from the determination of the Code Enforcement Officer or other Borough officer involved in the administration and enforcement of the Codes, including, but not limited to, the granting or denial of any permit, or

- the failure to act on the application therefor, the issuance of any cease and desist order, or the issuance of an official enforcement notice or order.
2. Waiver. Applications for waivers from the terms of the Codes. In such cases where the strict application of the Codes would result in unnecessary hardship, the Board may grant a waiver, provided that all of the following findings are made where relevant in any given case:
 - A. That there are unique physical circumstances or conditions or other physical conditions peculiar to the particular property or dwelling and that such unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Codes in the neighborhood or district in which the property is located.
 - B. That, because of such physical circumstances or conditions, there is no possibility that the property can be maintained in strict conformity with the provisions of the Codes and that the authorization of a waiver is therefore necessary to enable the reasonable use of the property.
 - C. That such unnecessary hardship has not been created by the applicant.
 - D. That the waiver, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
 - E. That the waiver, if authorized, will represent the minimum waiver that will afford relief and will represent the least modification possible of the Codes regulation in issue.
 - F. In granting any waiver, the Board may attach such reasonable conditions, safeguards, and time frames as it may deem necessary to implement the purposes of the Codes. The Board shall grant a waiver only for the specific time frame necessary to adequately address the unnecessary hardship of the applicant.

§ 1-625. Appeals. [Ord. 1372-10, 3/8/2010, § 5]

Any person aggrieved by a decision of the Code Enforcement Officer, or by any other Borough employee or official charged with the administration and enforcement of the Codes, may make an appeal to the Board. A written application, on a form prescribed by the Borough, shall be filed with the Borough Secretary not later than 30 days after notice of the decision is issued. The application for an appeal shall specifically set forth the basis for the appeal and shall specifically identify any provisions of the Codes which are applicable to the appeal. The appeal will be heard within 45 days of receipt of the appeal by the Borough unless the appellant has agreed in writing to an extension of time.

§ 1-626. Requests for Waiver. [Ord. 1372-10, 3/8/2010, § 6]

A request for a waiver under the Codes may be made to the Board. A written application for a request for a waiver shall be filed with the Borough Secretary. The hearing on the request for waiver shall be held within 45 days of the receipt of the application by the Borough unless the applicant has agreed in writing to an extension of time.

§ 1-627. Fees. [Ord. 1372-10, 3/8/2010, § 7]

The Borough Council shall prescribe reasonable fees with respect to hearings conducted before the Board. Fees for said hearings may include compensation for the Borough-appointed Secretary, notice and advertising costs, the appearance fee for a stenographer, and any necessary administrative overhead costs connected with the hearing. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

§ 1-628. Conduct of Hearings. [Ord. 1372-10, 3/8/2010, § 8]

1. Hearings. The Board shall conduct hearings in accordance with the Local Agency Law, 2 Pa.C.S.A. §§ 551-555. The appellant or applicant and all other parties having an interest may be heard. The parties to the hearing shall be the Borough, any person affected by the application or appeal who has made a timely appearance of record before the Board and any other person, including civic or community organizations, permitted to appear before the Board. The Board shall have the power to require that all persons who wish to be considered as parties enter appearances in writing on forms provided by the Board for that purpose. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and to cross-examine adverse witnesses on all relevant issues. The Board shall not be bound by the formal rules of evidence, but irrelevant, immaterial or unduly repetitious evidence may be excluded by the Board. Within the limits of funds approved by the Borough Council, the Board shall have the power to appoint or employ a solicitor or legal counsel to advise and represent the Board during its proceedings.
2. Written Notice. Written notice of the hearing shall be given to the appellant or the applicant, the Code Enforcement Officer and, in the case of an appeal of a notice of disruptive conduct under the Regulated Rental Unit Occupancy Ordinance, the tenants and the complainant. Such written notice of the hearing shall include the hearing date, its time and its location.
3. Continuances. If the Board deems it necessary or desirable, it may continue a hearing which has not been completed to a subsequent time and date not later than 45 days from the initial hearing date, which time and date shall be set by public notice. In such case, the time for rendering the decision and

- reducing it to writing as set forth herein shall be calculated from the last hearing date in a matter before the Board.
4. **Decisions.** Based on the facts and the arguments of the appellant, applicant, and the Code Enforcement Officer and any police or other public officials involved, and any relevant factual presentations of other parties, the Board shall make a decision by majority vote either affirming, reversing or modifying the action of the Code Enforcement Officer from which the appeal was taken or granting or denying any requests for waiver. Such decision shall be rendered at a public meeting either immediately following the completion of the hearing or within 45 days thereafter. The decision of the Board shall be reduced to writing stating clearly the factual and legal basis for the decision within 30 days of the Board rendering its decision. A copy of the final written decision of the Board shall be delivered to the applicant or appellant personally or mailed to him or her not later than the day following its date. A copy of each written decision shall be provided to the Code Enforcement Officer and to the Borough Secretary in order that the same shall be available for inspection by the public. Where the Board fails to render a decision within the period required by this Subpart or fails to commence, conduct or complete the required hearing as provided herein, the decision shall be deemed to have been rendered in favor of the applicant or appellant unless the applicant or appellant has agreed in writing or on the record to an extension of time.
 5. **Conflicts of Interest.** Any member or alternate member of the Board who has a financial interest in a matter, or has a personal interest to the extent it would have an appearance of impropriety if he or she were to be involved in the adjudication of a matter, shall disclose the nature of the interest and shall disqualify himself or herself from conduct of the hearing on the matter and in making any decisions thereon. If possible, such disclosures shall be made in a manner which will enable an alternate member to be seated in order for the full Board to hear the matter.
 6. **Stay of Enforcement.** During the pendency of any appeals, any enforcement notices or cease and desist orders, unless the same constitutes substantial and imminent danger to others, shall be stayed until such time that a final decision is made on the appeal by the Board and the expiration of any appeal periods following the entry of such a decision.

§ 1-629. Court Review. [Ord. 1372-10, 3/8/2010, § 9]

Any person or persons aggrieved by any final order, decision or adjudication of the Board may appeal such order, decision or adjudication to the Court of Common Pleas of Adams County, Pennsylvania, consistent with the laws of the Commonwealth of Pennsylvania governing appeals of orders, decisions and adjudications of a local agency.

§ 1-630. Immediate Action. [Ord. 1372-10, 3/8/2010, § 10]

Nothing in this Subpart shall be construed to prohibit the Borough from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety and general welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

§ 1-631. Dissolution of Existing Boards of Appeal. [Ord. 1372-10, 3/8/2010, § 11]

Upon the effective date of this Subpart, the existing Regulated Rental Unit Appeals Board, the Property Maintenance Appeals Board, and the Board of Code Enforcement Appeals shall be dissolved and replaced with the Board established herein. However, any appeals pending before these boards at the time of the effective date of this Subpart shall be finalized and the board presiding dissolved at the termination of the matter pending as of the effective date of this Subpart.

PART 7**PENSIONS, RETIREMENT AND SOCIAL SECURITY****A. Police Pension Plan.****§ 1-701. Police Pension Plan. [Ord. 1220-99, 4/12/1999, § 1; as amended by Ord. 1334-07, 4/9/2007; by Ord. 1353-08, 9/8/2008]**

Effective for participants who terminate employment on or after January 1, 2006, the plan known as the "Borough of Gettysburg Police Pension Plan" is hereby amended and restated in its entirety by substituting the attached amendment and restatement of the Borough of Gettysburg Police Pension Plan in its place.⁶

B. Social Security for Borough Employees and Officers.**§ 1-721. Benefits of Extension of Social Security to Borough Employees and Officers. [11/9/1953, § 1]**

It is the considered opinion of this body that the extension of the Social Security System to employees and officers of the Borough of Gettysburg will be of great benefit, not only to the employees of the Borough by providing that said employees and officers may participate in the provisions of the Old Age and Survivors' Insurance System, but will also be of great benefit to the Borough of Gettysburg by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government.

§ 1-722. Extension of Coverage Authorized. [11/9/1953, § 2]

The 1951 Session 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 Gettysburg 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 Gettysburg and do all other necessary things to effectuate coverage of employees and officers under the Old Age and Survivors' Insurance System.

§ 1-723. Payroll Deduction System, Matching Borough Payments Authorized. [11/9/1953, § 3]

The Secretary is hereby authorized to establish a system of payroll deduction to be matched by payments by the Borough of Gettysburg to be made into the

⁶Editor's Note: The current Borough of Gettysburg Police Pension Plan is on file in the Borough offices.

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 wage or salary payments are issued to employees of the Borough of Gettysburg. 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 1/2% per month until such time as payments are made.

§ 1-724. Appropriation into Contribution Fund and Agreement with State Agency Authorized; Date Participation Commences. [11/9/1953, § 4]

Appropriation is hereby made from the proper fund, or funds, of the Borough of Gettysburg 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 Mayor and the Secretary of the Borough of Gettysburg to enter into an agreement with the state agency, which agreement shall be in accordance with Act No. 491 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this Borough of Gettysburg shall commence as of January 1, 1951.

C. Nonuniformed Employees Pension Plan.

§ 1-731. Nonuniformed Employees Pension Plan. [Ord. 1221-99, 4/12/1999, § 1; as amended by Ord. 1335-07, 4/9/2007; by Ord. 1353-08, 9/8/2008]

Effective January 1, 2006, the plan is amended and restated in its entirety by substituting the attached amendment and restatement of the Borough of Gettysburg Nonuniformed Employees' Pension Plan and Trust in its place.⁷

⁷Editor's Note: The current Borough of Gettysburg Nonuniformed Employees Pension Plan is on file in the Borough offices.

PART 8
FISCAL AFFAIRS

§ 1-801. Office of Independent Auditor Established. [Ord. 835-70, 12/14/1970]

An independent auditor shall be appointed annually by resolution of Borough Council before the close of the fiscal year to make an independent examination of the accounting records of the Borough for such a fiscal year and to perform the other duties and exercise the powers conferred upon him by the Borough Code. Such independent auditor shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants.

§ 1-802. Establishment of Financial Policies. [Ord. 1422-14, 12/8/2014]

Financial policies may be established and revised from time to time by resolution adopted by the Borough Council for the purpose of setting forth guidelines for the management of the fiscal affairs of the Borough of Gettysburg to include, but not limited to, financial policies relative to the general fund balance, nonrecurring revenues, the funding of capital expenditures and the annual budget process.

§ 1-803. Creation of Funds to Establish and Maintain Fund Balance. [Ord. 1422-14, 12/8/2014]

Consistent with the establishment and implementation of financial policies of the Borough of Gettysburg, the following new funds shall be created in order to establish and maintain a fund balance:

- A. Capital Projects Bond Fund: a restricted fund of the Borough of Gettysburg to be used to account for monies in the issuance of municipal bonds to be used for the acquisition or construction of major capital facilities.
- B. Debt Service Fund: a partially restricted fund of the Borough of Gettysburg used to account for monies accumulated for the payment of principal and interest on bonds issued, loans and other forms of indebtedness incurred by the Borough of Gettysburg.
- C. Revolving Loan Fund: a restricted fund of the Borough of Gettysburg used to account for revenues generated by municipal activities of the Borough of Gettysburg financed primarily by such activities.

PART 9**FIREMEN'S RELIEF****§ 1-901. Recognition of Firemen's Relief Association. [Ord. 1028-85, 8/12/1985]**

The Firemen's Relief Association of Gettysburg is recognized as an organization formed for the purpose of maintaining an association for beneficial and protective purposes for its members and their families in case of death, sickness, temporary or permanent disability or accident from the funds collected therein.

§ 1-902. Foreign Fire Insurance Tax Moneys Received. [Ord. 1028-85, 8/12/1985]

The Firemen's Relief Association of Gettysburg 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.

§ 1-903. Annual Appropriation. [Ord. 1028-85, 8/12/1985]

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 72 P.S. § 2262 (1982), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

PART 10**ADAMS COUNTY COUNCIL OF GOVERNMENTS****§ 1-1001. Incorporation of Recitals. [Ord. 1364-09, 8/10/2009, § 1]**

The Recitals stated above are incorporated into this Part as if fully repeated herein.⁸

§ 1-1002. Membership in Council of Governments Authorized. [Ord. 1364-09, 8/10/2009, § 2]

The Borough of Gettysburg is hereby authorized and directed, through its Borough Council, to cause the Borough of Gettysburg to become a member of the Adams County Council of Governments.

§ 1-1003. Agreement; Authorization to Ratify Bylaws. [Ord. 1364-09, 8/10/2009, § 3]

The "Adams County Council of Governments Proposed Bylaws and Agreement" is hereby approved as the agreement for the Adams County Council of Governments, and the delegate from the Borough of Gettysburg is hereby authorized to ratify and confirm the said Proposed Bylaws and Agreement as and for the operating instruction for the Council of Governments. A copy of the said Proposed Bylaws is attached hereto as Exhibit "A" and is incorporated herein by reference.⁹

§ 1-1004. Delegates to Council of Governments. [Ord. 1364-09, 8/10/2009, § 4]

The Borough Council of the Borough of Gettysburg shall appoint by resolution, from time to time, a delegate to the Council of Governments and up to two alternate delegates.

⁸Editor's Note: See Ord. 1364-09, on file in the office of the Borough Secretary.

⁹Editor's Note: Exhibit A is attached to Ord. 1364-09 and on file in the office of the Borough Secretary.

