

CHAPTER 1

ADMINISTRATION AND GOVERNMENT

Part 1

Compensation of Tax Collector

- §101. Compensation of Tax Collector
- §102. Time and Payment of Tax Collector's Compensation

Part 2

Appointed Officials

A. Secretary/Treasurer

- §201. Secretary/Treasurer
- §202. Duties

B. Manager

- §211. Office of Borough Manager Created
- §212. Appointment and Tenure of Manager; Vacancy
- §213. Qualifications and Residence of Manager
- §214. Manager's Bond
- §215. Salary of Manager
- §216. General Powers and Duties of Manager
- §217. Specific Powers and Duties of Manager

C. Independent Auditor

- §221. Office of Independent Auditor Created
- §222. Duties of Independent Auditor
- §223. Office of Elected Borough Auditor Abolished

Part 3

Boards and Commissions

A. Planning Commission

- §301. Creation of Commission

B. Civil Service Commission

- §311. Civil Service Commission Established
- §312. Authority of the Civil Service Commission

Part 4

Municipal Authority

- §401. Intention to Organize Municipal Authority
- §402. Articles of Incorporation of the New Holland Borough of Authority
- §403. Effectuation of Incorporation of the New Holland Borough Authority

Part 5

Police Department

- §501. Police Department Established
- §502. Subordinate Members of Police Department
- §503. Special Policemen
- §504. Authority of Policemen

Part 6

Volunteer Firemen's Relief Association

- §601. Recognition of Volunteer Firemen's Relief Association
- §602. Certification to Auditor General
- §603. Annual Appropriation

Part 7

Police Pension Plan

- §701. Repealer
- §702. Establishment
- §703. Savings Provision
- §704. Amendments

Part 8

Non-Uniform Employee Pension Plan

- §801. Restated Plan Adoption
- §802. Amendments

Part 9

Open Records Policy

- §901. Purpose
- §902. Designated Open Records Officer and Alternate
- §903. Open Records Basic Guidelines
- §904. Posting of Policy
- §905. Application Date

Part 1

Tax Collector Compensation

§101. Compensation of Tax Collector. Commencing January 1, 1994, the duly elected tax collector shall receive compensation at a rate not greater than twenty-five cents (\$0.25) per tax bill collected for the Borough. (Ord. 171, 3/7/1961, §1; as amended by Ord. 427, 12/28/1993)

§102. Time of Payment of Tax Collector's Compensation. Said compensation shall be paid to the duly elected tax collector following the time of settlement with the Borough by separate Borough voucher. (Ord. 171, 3/7/1961, §2)

Part 2
Appointed Officials

A. Secretary/Treasurer.

§201. Secretary/Treasurer. Pursuant to the requirements of the Borough Code, effective February 1, 1966, P.L. 1656, No. 581, §1104, 53 P.S. §46104, Council for the Borough of New Holland hereby authorizes the appointment of one (1) person to serve as both Secretary and Treasurer for the Borough of New Holland, if Council deems such appointment to be in the best interests of the Borough of New Holland. Nothing in this Part shall be deemed to require Council for the Borough of New Holland to appoint one (1) person to hold both offices, but only to authorize such appointment if deemed appropriate. (Ord. 391, 1/2/1990, §1)

§202. Duties. Any person holding office as both Secretary and Treasurer pursuant to appointment by Borough Council shall serve in such capacity, and discharge such duties, as specified by the Borough Code, §§1106 and 1111, 53 P.S. §§46106, 46111. (Ord. 391, 1/2/1990, §2)

B. Manager.

§211. Office of Borough Manager Created. Under and subject to the provisions of the Borough Code, 53 P.S. §45001, the office of Borough Manager for the Borough of New Holland, Lancaster County, Pennsylvania, be and the same is hereby created, subject to the right of the Borough Council by ordinance at any time to abolish said office. (Ord. 108, 3/31/1948, §1; as amended by Ord. 427, 12/28/1993)

§212. Appointment and Tenure of Manager; Vacancy. One (1) person to fill the office of Borough Manager shall be elected by a majority vote of all the members of the Borough Council, the Manager to serve at the pleasure of the Council and subject to removal at any time by a majority vote of all the members of the Council. Vacancies in the office of Borough Manager shall be filled by vote of a majority of all the members of the Borough Council. (Ord. 108, 3/31/1948, §2; as amended by Ord. 189, 8/7/1962, §1)

§213. Qualifications and Residence of Manager. 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 of New Holland or the State of Pennsylvania at the time of his appointment, but shall become a Borough resident within twelve (12) months of his commencing work and remain a Borough resident during tenure. (Ord. 108, 3/31/1948, §3; as amended by Ord. 144, 3/5/1957, §1; by Ord. 324, 5/3/1983, §1; and by Ord. 427, 12/28/1993)

§214. Manager's Bond. Before entering upon his duties, the Borough Manager shall give a bond to the Borough, with one (1) or more sureties or one (1) bonding company, to be approved by the Council, in the sum of five thousand dollars (\$5,000.00), conditioned for the faithful performance of his duties. (Ord. 108, 3/31/1948, §4)

§215. Salary of Manger. The annual salary of the Borough Manager shall be fixed by Borough Council, and shall be payable every two (2) weeks. (Ord. 108, 3/31/1948, §5; as amended by Ord. 267, 8/7/1973, §1)

§216. General Powers and Duties of Manager. The Borough Manager shall exercise all the non-legislative and non-judicial powers that may be delegated to him by the Council, subject to recall at any time of any such non-legislative and non-judicial powers. (Ord. 108, 3/3/1948, §6; as amended by Ord. 427, 12/28/1993)

§217. Specific Powers and Duties of Manager.

1. The Manager shall be the chief administrative officer of the Borough and he shall be responsible to the Council as a whole for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute imposed or conferred upon other Borough officers.

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

of the Borough Manager shall include the following:

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

B. He shall hire and, when necessary and appropriate for the good of the Borough, 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. [Ord. 427]

C. He shall prepare and submit to Council before the close of the fiscal year, or on such alternate date as Council shall determine, a budget for the next fiscal year and an explanatory budget message. In preparing the budget the Manager, or an officer designated by him, shall obtain from the head of each department, agency, board or officer, estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review such estimates and may revise them before submitting the budget of Council.

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

E. He shall hold such other municipal offices or head one (1) or more of the municipal departments as the Council may from time to time direct.

F. 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.

G. He shall prepare the agenda for each meeting of Council and supply facts pertinent thereto.

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

I. He shall submit to Council, as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.

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

K. He may employ, by and with the approval of Council, experts and consultants to perform work and to advise in connection with any of the functions of the Borough.

L. He shall attend to the letting of contracts in due form of law, and he shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed upon some other Borough officer by statute.

M. He shall see that all money owed the Borough is promptly paid and that the proper proceedings are taken for the security and collection of all the Borough's claim.

N. He shall be the purchasing officer of the Borough and he shall purchase 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 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. [Ord. 427]

O. 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.

(Ord. 108, 3/31/1948, §7; as amended by Ord. 144, 3/5/1957, §3; and by Ord. 427, 12/28/1993)

C. Independent Auditor.

§221. Office of Independent Auditor Created. There is hereby created for this Borough the office of independent auditor, who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm or public accountants. (Ord. 287, 10/5/1976, §1)

§222. Duties of Independent Auditor. An independent auditor shall be appointed, biannually, by Council to make an independent examination of the accounting records of the Borough for such fiscal year, and each independent auditor shall also perform the other duties and exercise the powers as conferred upon him by the Borough Code. (Ord. 287, 10/5/1976, §2; as amended by Ord. 427, 12/28/1993)

§223. Office of Elected Borough Auditor Abolished. The office of elected Borough auditor shall be abolished upon the appointment of an independent auditor as herein provided. (Ord. 287, 10/5/1976, §1)

Part 3

Boards and Commissions

A. Planning Commission.

§301. Creation of Commission. A Borough Planning Commission, to be composed of five (5) members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the Borough. 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. 150, 11/4/1958; as revised by Ord. 427, 12/28/1993)

B. Civil Service Commission.

§311. Civil Service Commission Established. There is hereby created a Civil Service Commission to consist of three (3) Commissioners who shall be qualified electors of the Borough and who shall be appointed by Council initially to serve for the terms of two (2), four (4) and six (6) years, and as terms thereafter expire shall be appointed for terms of six (6) years. (Ord. 247, 9/1/1970, §1)

§312. Authority of the Civil Service Commission. This Commission shall have the power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the law relating to the Civil Service Commission as created by the Legislature of the Commonwealth of Pennsylvania, and being part of the Borough Code of 1966, February 1, P.L. (1965) No. 581, §1171 and following, 53 P.S. §46171 et seq. (Ord. 247, 9/1/1970, §2)

Part 4

Municipal Authority

§401. Intention to Organize Municipal Authority. The Burgess and Council of the said Borough, being the municipal authorities thereof, do hereby signify their intention to organize an Authority under the provisions of the Municipality Authorities Act of 1935 (Act of June 28, 1935, P.L. 463, as amended by the Act of May 20, 1937, P.L. 739, No. 200. (Ord. 66, 9/7/1938, §1)

§402. Articles of Incorporation of the New Holland Borough Authority. The proposed Articles of Incorporation of the said Authority shall be executed on behalf of the Borough by the Burgess and the Borough Secretary under the Borough Seal:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA:

The Borough of New Holland, Lancaster County, Pennsylvania, desiring to organize an Authority under the provisions of the Municipalities Authorities Act of 1935, as amended, does hereby certify:

1. The name of the Authority is the "New Holland Borough Authority."

2. Said Authority is formed under the provisions of the Municipalities Authorities Act of 1935 (Act of June 28, 1935, P.L. 463), as amended by the Act of May 20, 1937, P.L. 739, No. 200.

3. No other Authority organized under the Act mentioned in the second paragraph hereof or under the Act of December 22, 1933 (Special Session 1933, P.L. 144) is in existence in or for the Borough of New Holland, the incorporating municipality.

4. The incorporating municipality is the Borough of New Holland, Lancaster County, Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, and the names and addresses of its municipal authorities are as follows: [Here follow the names and addresses of the Burgess, Councilmen and the Borough Secretary in office].

5. The names, addresses and terms of office of the first members of the Board of the Authority are: [Here follow the name, addresses and terms of office of the first members of the Board of the Authority.

6. The term of existence of the Authority shall be increased to the date which shall be fifty (50) years from the date of the approval of these Articles of Amendment. [Ord. 368]

(Ord. 66, 9/7/1938, §2; as amended by Ord. 156, 2/3/1959, §1; by Ord. 368, 2/3/1986, §2)

§403. Effectuation of Incorporation of the New Holland Borough Authority. The Mayor and Borough Secretary are authorized and directed to execute and affix the Borough seal to the Articles of Incorporation and to execute any other papers or documents necessary to effect the incorporation of the said Authority. The proper Borough authorities are also authorized to pay such filing costs and other expenses as may be necessary to effectuate such incorporation. (Ord. 66, 9/7/1938, §3)

Part 5

Police Department

§501. Police Department Established. A Police Department is hereby established in and for the Borough of New Holland. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority. (Ord. 193, 8/7/1962, §1)

§502. Subordinate Members of Police Department. The Borough Council, subject to Civil Service provisions, may from time to time create classifications subordinate to the Chief of Police in the Police Department. The number of persons to serve as patrolmen, on a full-time and/or part-time basis, and the compensation of each, shall be as determined by the Borough Council, from time to time. (Ord. 193, 8/7/1962, §2)

§503. Special Policemen. Nothing herein contained shall affect the authority of the Mayor to appoint special policemen during emergencies. (Ord. 193, 8/7/1962, §3)

§504. Authority of Policemen. It shall be the duty of the members of the Police Department of the Borough of New Holland to see to the enforcement of all of the ordinances of the Borough of New Holland, and all statutes applicable within the Borough of New Holland; to preserve order and prevent infractions of the law and arrest violators thereof; and to use any method or methods of enforcement of any such ordinance or statute as may be permitted by law. (Ord. 193, 8/7/1962, §4,; as added by Ord. 314, 1/5/1982, §1)

Part 6

Volunteer Firemen's Relief Association

§601. Recognition of Volunteer 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 New Holland.

Liberty Fire Company Relief Association

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

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

(Ord. 427, 12/28/1993)

§602. Certification to Auditor General. The Borough Council shall annually certify to the Auditor General of the Commonwealth, the name(s) of the active associations and the percentage of service they contribute to the protection of the Borough. Such certification shall be on forms prescribed by the Auditor General. (Ord. 427, 12/28/1993)

§603. 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 the Act of December 18, 1984, 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. 427, 12/28/1993)

Part 7
Police Pension Plan

§701. Repealer. The Council, finding the need for an updated Police Pension Plan Document Ordinance, hereby replaces all other ordinances or parts of ordinance establishing provisions for the Police Pension Plan. This Part replaces the prior retirement plan for the full-time uniformed police employees of New Holland Borough through the adoption of the updated New Holland Borough Police Pension Plan. (Ord. 537, 2/2/2010, §1)

§702. Establishment. This Part establishes an updated retirement plan for the uniformed police employees of New Holland Borough through the adoption of a new police document, effective as prepared January 1, 2008. (Ord. 537, 2/2/2010, §2)

§703. Savings Provision. In the event that any provision, section, clause, sentence or part of said Retirement Plan should be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, clause, sentence or other part of said Retirement Plan. It being the intent of Council that such remainder shall remain in full force and effect. (Ord. 537, 2/2/2010, §3)

§704. Amendments. The New Holland Police Department Pension Plan Document (herein "Plan") gives the employer, New Holland Borough, of Lancaster County, Pennsylvania, the right to amend it at any time; and in accordance with such right and Act 51 (as hereinafter defined), the Plan is hereby amended effective January 1, 2011, as follows:

A. Article I Amendment. Article I of the Plan shall be amended by adding the following DEFINITION SECTION to Article I:

"Act 51. Act 51 means the act of October 9, 2009, amending the act of June 24, 1976 (P.L. 424, No. 101) referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act," further providing for death benefit eligibility, and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act."

B. Article V Amendment. Article V of the Plan shall be amended by striking the following paragraph from subsection (a) in the DEATH BENEFITS SECTION of Article V:

"If the participant dies in the line of duty, the survivor annuity shall begin on the first day of the month on or after the date of the Participant's death. The survivor annuity shall be equal to one hundred percent (100%) of the Participant's Salary as of the date of his death."

and replacing it with the following:

"If the participant dies in the line of duty, any survivor benefit shall be payable outside of the Plan in accordance with Act 51 by the Commonwealth of Pennsylvania."

C. Effective Date. This Section shall be retroactively effective as of January 1, 2011.

(1, §704, cont'd)

(1, §704, cont'd)

(Ord. 547, 4/5/2011, §§1, 2 and 5)

Part 8

Non-Uniform Employee Pension Plan

§801. Restated Plan Adoption. The Borough hereby establishes, adopts, and restates the retirement plan for the nonuniform employees of New Holland Borough, of Lancaster County, Pennsylvania, through the adoption of the Nonuniform Document (MP Plan CL2012) Restated January 1, 2013, (herein also "Restated Plan"). (Ord. 567, 5/6/2014, §1)

§802. Amendments. The Restated Plan may be revised, supplemented, restated, or otherwise amended by either resolution or ordinance of the Borough as it deems appropriate from time to time. (Ord. 567, 5/6/2014, §2)

Part 9
Open Records Policy

§901. Purpose. The purpose of this Policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Law, as amended; to provide access to public records of the Borough; to preserve the integrity of the Borough's records; and to minimize the financial impact to the residents of the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records. (Res. 416, 1/6/2009, §1)

§902. Designated Open Records Officer and Alternate. It is the policy of the Borough to require the presence of a designated employee when public records are examined and inspected, and to charge reasonable fees for duplication of public records of the Borough. With respect to Borough records that are not generated or kept by the Police Department serving the Borough (Police Department), the Borough designates the Borough Manager as the Open Records Officer (ORO), responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the Policy guidelines described in this Policy. The Borough designates the Borough Operations Assistant as the Alternate Open Records Officer, who shall fulfill the same duties and responsibilities of the ORO in the absence or unavailability of the ORO. With respect to police records relating to the Borough that are generated or kept by the Police Department, the Borough designates the Chief of Police of the Police Department covering the Borough, currently the New Holland Police Department as of the adoption date of this Policy, as the Open Records Officer (ORO), responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the Policy guidelines described in this Policy. The Borough designates said Police Department's Secretary in the absence or unavailability of the Police Chief as the Alternate Open Records Officer, who shall fulfill the same duties and responsibilities of the ORO in the absence or unavailability of the ORO.

A. The Borough ORO may be reached at the New Holland Borough Office, 436 East Main Street, New Holland, PA 17557, (Phone: 717-354-4567) during normal business hours. The Police Department ORO may be reached at the New Holland Police Department, 436 East Main Street, New Holland, PA 17557, (Phone: 717-354-4647) during normal business hours.

B. The ORO may designate certain employee(s) to process public record requests on behalf of the ORO in accordance with this Policy.

C. The ORO shall develop and may require use of official Borough forms for the submission public record requests and such other forms as required by the RTKL or as otherwise deemed prudent by the ORO.

(Res. 416, 1/6/2009, §1)

§903. Open Records Basic Guidelines.

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

2. All requests for public records under this Policy shall specifically identify and describe each public record requested. The ORO shall NOT be required to create a public record that does not exist, or to compile, maintain, format, or organize a public record. All requests for public records shall be on forms promulgated by the ORO or the Pennsylvania Office of Open Records (PaOOR). All requests for public records shall be submitted in a legible writing and include the date of the request; the requester's name, address, telephone number, and any other desired fax number or email addresses for communications; a certification of the requester's United State's residency; the signature of requester; and if duplication is requested, the applicable required payment in cash or other certified or guaranteed funds acceptable to the ORO.

3. The ORO shall make a good faith effort to determine whether the record requested is a "public record" in accordance with the RTKL.

4. All documents deemed "public records" shall be available for inspection, retrieval, and duplication at the Borough Office or other office wherever such records are kept during normal business hours. The ORO, or designated employee, shall cooperate with the requester, while also taking reasonable measures to protect public records from the possibility of theft, alteration, modification, or damage. The ORO shall be required to be present when public records are examined and inspected by a requester.

5. The ORO shall facilitate a reasonable response to a request for Borough public records. The Borough is neither required nor expected to provide extraordinary staff to respond to a public record request, but will respond in a manner consistent with the Borough's administrative responsibilities and consistent with the requirements of the RTKL.

6. The ORO shall note on all written public record requests, the date of receipt of the request and the date that is five (5) business days thereafter, and the ORO shall respond to the request within that period. If the Borough does not respond within five (5) business days of the receipt thereof, the request automatically shall be deemed denied without further action to that effect.

7. The ORO shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information. Notification to the third party shall be provided within five (5) business days from the receipt of a public record request. The third party shall have five (5) business days from the date of the notice from the ORO to provide input on the release of the record. The ORO shall either deny the request for the record or release the record to the requester within ten (10) business days of the date of notice to the third party and shall notify the third party of the ORO's decision.

8. The ORO's response to all public record requests shall consist of either (A) approval for access to the public record; (B) notice that the request is being reviewed; or (C) denial of access to the record requested.

9. The ORO shall promulgate (and may amend from time to time as deemed appropriate by the ORO) and post in the Borough Office a fee schedule for all fees and charges applicable to fulfilling public record requests, which fees and charges shall not exceed any limits imposed by the RTKL the PaOOR, and the Borough Council. Until the ORO establishes such fee schedule, the fees

for paper copies shall be twenty-five cents (\$0.25) per page per side; for police reports shall be fifteen dollars (\$15.00) per report or twenty-five cents (\$0.25) per page per side, whichever is greater; for certification of a record shall be one dollar (\$1.00) per record; for specialized documents including, without limitation, blueprints, color copies, and nonstandard sized documents, shall be the actual charges for the cost of production; and for mailing (if such is requested by the requester), the actual cost of the postage and other mailing charges, costs, and expenses. The ORO (if not otherwise directed by the Borough) or the Borough may waive any such fees.

A. In the event the estimated cost of fulfilling a public record request submitted under this Policy is expected to exceed one hundred dollars (\$100.00), the ORO shall obtain the expected cost in advance of fulfilling the public record request to avoid unwarranted expense of Borough resources, and if the requester fails or refuses to duly pay such expected costs at the time of the public record request or when subsequently requested by the ORO, the request may be denied by the ORO.

10. If the public record needs to be reviewed in the opinion of the ORO, the ORO shall provide the requester with a written notice including, without limitation, a statement notifying the requester that the public record request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of the applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of thirty (30) days following the five (5) business days normally allowed for a response, the public record request for access automatically shall be deemed denied without further action to that effect unless the requester has agreed in writing to an extension to the date specified in the notice. If, the requester agrees to the extension, the public record request shall be deemed denied on the day following the date specified in the notice if the ORO has not provided a response by that date. Review of the public record request generally is limited to the following situations:

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

B. The record requires retrieval from a remote location.

C. A timely response cannot be accomplished due to staffing limitations.

D. A legal review is necessary to determine whether the record is subject to access.

E. The requester has failed to comply with the Borough's policy and procedure or other applicable requirements.

F. The requester refuses to pay any or all applicable fees.

G. The extent or nature of the public record request precludes a response within the required time period.

11. If access to a requested public record is denied, the notice provided by the ORO shall be in writing and shall contain, without limitation, a notice of denial; the specific reason(s) for denial; any legal

authority for the denial; and a notice of the requester's right to appeal the denial to the PaOOR within fifteen (15) business days of the mailing date of the notice or deemed denial.

12. The ORO shall maintain an electronic or paper copy of each written public record request including, without limitation, all documents submitted with the request until such request has been fulfilled. If the public record request is denied, the written public record request shall be maintained for thirty (30) days or, if an appeal is filed, until a final determination is issued by the Office of Open Records or the appeal is deemed denied.

13. If a public record request is denied or deemed denied, the requester may file an appeal of the denial with the PaOOR within fifteen (15) business days of the mailing date of the ORO's notice of denial, or fifteen (15) days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Borough for delaying or denying the public record request.

14. Within thirty (30) days of the mailing date of the final determination of the PaOOR appeals officer, the requester or the Borough may file a petition for review (or other document as required by rule of court) with the Court of Common Pleas for Lancaster County. The proper filing of such a petition for review shall stay the release of the requested documents that are the subject of the appeal until a final decision is issued by the Court.

(Res. 416, 1/6/2009, §1)

§904. Posting of Policy. The following information shall be posted at the Borough Office and, if the Borough maintains an internet website, on the Borough's internet website:

- A. Contact information for the Borough's ORO.
- B. Contact information for the PaOOR.
- C. A form that may be used to file a public record request with the Borough.
- D. A copy of this Policy and all other written Borough policies and procedures relating to the RTKL.
- E. Any fee schedule promulgated pursuant to this Policy.

(Res. 416, 1/6/2009, §1)

§905. Application Date. This Part shall apply to public record requests filed after December 31, 2008. (Res. 416, 1/6/2009, §5)

BOROUGH OF NEW HOLLAND & NEW HOLLAND POLICE DEPARTMENT
LANCASTER COUNTY, PENNSYLVANIA

RIGHT TO KNOW LAW (RTKL) FEE SCHEDULE
(applicable on and after January 1, 2009)

The Borough of New Holland (Borough) and the New Holland Police Department (NHPD) Open Records Officers (OROs) each establish the following fee structure in accordance with Borough's and NHPD's Open Records Policy.

<u>Record Type</u>	<u>Fee</u>
Copies:	25¢ per page per side <i>(A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page)</i>
Certification of a Record:	\$1 per record
Notary Fees:	\$5 per notarization
Specialized documents:	Actual Cost <i>(Specialized documents include for example, but not limited to, blueprints, color copies, nonstandard sized documents, etc.)</i>
Facsimile/Microfiche/Other Media:	Actual Cost
Redaction Fee:	No redaction fee may be imposed; however, the OROs may charge for copies they must make of the redacted material in order for the requester to view the public record. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.
Conversion to Paper:	If a record is only maintained electronically or in other nonpaper media, duplication fees will be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media, unless the requester specifically requests for the record to be duplicated in the more expensive medium.
Mailing & Postage Fees:	Actual Postage plus actual costs/expenses of mailing materials
Police Records:	Request directly from the NHPD. \$15 per police report or 25¢ per page per side, whichever is greater. Otherwise, the same fees that apply to Borough public records apply to NHPD public records.
Other Fees:	No other fees may be imposed unless the OROs necessarily incur costs for complying with a RTKL request, in which case the requester must pay the actual costs. No fee may be imposed for the Borough's, NHPD's, or their Solicitors' review of a record to determine whether the record is a public record. No fee may be charged for searching for or retrieval of documents. The OROs may not charge staff time or staff salary for complying with a RTKL request.
Payment & Prepayment:	The ORO may require a requester to prepay an estimate of the fees and costs to fulfill the request if such fees and costs are expected to exceed \$100. Once the request is fulfilled and prepared for release, the requester must pay all outstanding fees and costs of fulfilling the RTKL request prior to the ORO having to release the records to the requester.

Adopted January 6, 2009

