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Part 1**Preliminary Provisions****§1-101. Short Title.**

The short title of this Code of Ordinances prepared and published for the Borough of Port Matilda shall be the "Borough of Port Matilda Code of Ordinances."

(Ord. 178, 9/15/2009)

§1-102. Citation of Code of Ordinances.

The Borough of Port Matilda Code of Ordinances may be cited by Section number. The approved short form is "Code." Thus, "Code, §27-101" refers to §101 of Chapter 27 of this Code of Ordinances.

(Ord. 178, 9/15/2009)

§1-103. Arrangement of Code.

1. This Code is divided into Chapters which are subdivided as follows:
 - A. Subchapters, identified by capital letters, beginning with a Chapter title and number.
 - B. Parts, identified by Arabic numerals, beginning with a Part title and number.
 - C. Subparts, identified by Arabic numerals, beginning with a title.
2. The Sections of the Code are subdivided as follows:
 - A. Subsections, identified by Arabic numerals.
 - B. Paragraphs, identified by capital letters.
 - C. Subparagraphs, identified by Arabic numerals enclosed within parentheses.
 - D. Clauses, identified by lower case letters enclosed within parentheses.
 - E. Subclauses, identified by Arabic numerals followed by a parenthesis.
 - F. Items, identified by identified by lower case letters followed by a parenthesis.
 - G. Subitems, identified by small Roman numerals.

(Ord. 178, 9/15/2009)

§1-104. Headings.

Chapter, Subchapter, Part, Subpart, Section, Subsection, Paragraph, Subparagraph, Clause, and Subclause headings contained in the Code may not be deemed to govern, limit, modify or affect the scope, meaning or intent of the Code. The headings of Sections, Subsections or other divisions of this Code are intended as mere captions to indicate the contents of the Section, Subsection or other division and shall not be deemed to be taken as titles of such Section, Subsection or other division, nor as any part of said Section, Subsection or other division unless expressly so provided.

(Ord. 178, 9/15/2009)

§1-105. Tenses, Gender and Number.

Except as may be otherwise stated in any provision of this Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine and neuter, the feminine includes the masculine and neuter, and the neuter includes the masculine and feminine; and the singular includes the plural, and the plural the singular.

(Ord. 178, 9/15/2009)

§1-106. Construction.

1. Except as may be otherwise specifically provided by any provision of this Code, the Statutory Construction Act of 1972, 1 Pa.C.S.A. §1501 *et seq.*, shall be applied in construing this Code.

2. *Effect of Repeal or Expiration of Code Section.*

A. The repeal of a Code Section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or this Part expired.

B. When any ordinance repealing a former Code Section, ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former Code Section, ordinance, clause or provision, unless it shall be expressly so provided.

3. *Saving Clause.* The provisions of this Code, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this Code, are intended as a continuation of such ordinances, resolutions and regulations and not as a new enactment. The provisions of this Code shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations. Except as specifically stated in this Code or in the ordinance adopting this consolidation, codification and revision of the ordinances and regulations, it is the intention of the Borough Council that no ordinance or regulation of the Borough be amended, revised or repealed by implication.

4. *Resolutions.* The provisions of this Code of Ordinances may contain resolutions, that is, actions of the Borough Council (in written form and designated "resolution") which did not require prior public notice in accordance with the provisions of the Borough Code, 53 P.S. §45101 *et seq.*, at the time of their passage by the Borough Council. Such "resolutions" are included herein for ease of reference and the Borough Council does not intend by their inclusion herein to require prior public notice before amending, revising or repealing such resolution or resolutions as may have been included herein in the future. It is the intention of the Borough Council that such actions of the Borough Council that may be included in this Code and specifically cited and designated as a resolution shall not become an ordinance (requiring prior public notice before amendment, revision or repeal) by the simple fact of inclusion in this Code.

(Ord. 178, 9/15/2009)

§1-107. Normal Numbering.

1. *Chapters.* Chapters are numbered sequentially in Arabic throughout this Code.
2. *Parts.* Parts are numbered sequentially in Arabic throughout this Code.
3. Whenever other divisions are necessary, Chapters shall be divided into Subchapters, Parts into Subparts and designated with the Chapter or Part number followed by a capital letter. For instance, Chapter 1 may be divided into Subchapters 1A and 1B.
4. *Sections.* Sections are numbered sequentially throughout a Chapter and a Part such that the first number or numbers is the Chapter number, followed by a hyphen, followed by the Part number, followed by the Section number within the Part. For example, "§1-101" designates Chapter 1, Part 1, Section 1. Similarly, "§27-305" designates Chapter 27, Part 3, Section 5.
5. *Internal Divisions of Sections.* Whenever internal divisions are necessary, Sections shall be divided into Subsections, Subsections into Paragraphs, Paragraphs into Subparagraphs, Subparagraphs into Clauses, and Clauses into Subclauses, and Subclauses into Items, designated as follows:
 1. Subsection.
 - A. Paragraph.
 - (1) Subparagraph.
 - (a) Clause.
 - 1) Subclause.
 - a) Item.
 - i. Subitem

(Ord. 178, 9/15/2009)

§1-108. Special Numbering Problems.

1. *Addition of New Units Between Existing Units.* If it becomes necessary to introduce a new Chapter, Part or Section between existing Chapters, Parts or Sections, the new Chapter, Part or Section shall be designated by the addition of a capital letter suffix to the preceding Chapter, Part or Section number. Thus, a Chapter introduced between Chapters 5 and 6 would be Chapter 5A and Sections in that Chapter would be numbered, for instance, "§5A-101." If it becomes necessary to introduce a Part between existing Parts 5 and 6 the new Part would be Part 5A and Sections in that Part would be numbered, for instance, "§5-5A01." A new Section introduced between existing Sections 5 and 6 would be "§5-105A." When a number of new Parts or Sections have been introduced the Chapter or Part shall be renumbered.
2. If it becomes necessary to introduce a Subsection between Subsections, for instance, Subsections .5 and .6, the new Subsection would be numbered Subsection .5-A.
3. If it becomes necessary to introduce a unit smaller than a Subsection between existing units, the entire Subsection shall be revised and renumbered.
4. *Vacated Numbers.* Whenever a number is vacated by a revocation or repeal, the remaining elements in the overall unit shall retain their old numbers until the overall unit is completely revised. Prior to revision, the vacated number may be marked:

“[Reserved].”

(Ord. 178, 9/15/2009)

§1-109. Amending Code.

1. All ordinances passed subsequent to the adoption of this Code which amend, repeal or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed Chapters, Parts, Sections, Paragraphs, Clauses or other part or provision hereof, by subsequent ordinance, such repealed portions may be excluded from this Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances omitted are readopted as a new Code by the Borough Council.

2. Amendment to any provision of this Code shall be made by specific reference to the Chapter, Part, Section and/or Subsection number of this Code in the following language:

A. *Amendment or Revision.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended (revised) to read as follows . . .” The amended or revised provisions may then be set out in full as desired.

B. *Addition.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby amended by the addition of the following . . .” The new provision shall then be set out in full as desired.

C. *Repeal.* “Chapter ___, Part ___, Section ___, Subsection ___, is hereby repealed in its entirety.”

3. It is the intention of the Borough Council that the numbering scheme of this Code be adhered to in enacting future ordinances. In the event that any ordinance or other enactment be adopted which does not conform to the numbering system of this Code, it is the intention of the Borough Council that such enactment be renumbered in the process of supplementing, revising or updating this Code to conform to the numbering scheme of this Code. The Borough Council hereby acknowledges and confirms that the numbering scheme herein is for ease of reference and that the renumbering of any enactment when added to this Code shall not in any manner affect the validity of said enactment.

(Ord. 178, 9/15/2009)

§1-110. Altering Code.

It shall be unlawful for any person to change or amend by addition or deletion any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever, except by ordinance or resolution or other official act of the Borough Council.

(Ord. 178, 9/15/2009)

§1-111. Penalties.

1. *Penalty Where No Penalty Provided.* Whenever in this Code or in any ordinance of the Borough any act is prohibited or is declared to be unlawful, or whenever in this

Code or other ordinance the doing of any act is declared to be unlawful, and no specific penalty is provided therefor:

A. *Violations of Health, Safety and Welfare Provisions.* For violations of ordinances adopting building, housing, property maintenance, health, fire or public safety codes; and for ordinances regulating water services, water pollution, air pollution and noise, the following penalty shall be provided:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

B. *Other Violations.* All other penalties, except for penalties in Chapter 15, "Motor Vehicles and Traffic" (based on the Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*), penalties and ordinances adopted under the authority of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, earned income tax ordinances adopted under the Local Tax Enabling Act, 53 P.S. §6913, and ordinances adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the laws of the Commonwealth of Pennsylvania and the United States of America. In addition, the Borough may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Code. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(*Ord. 178, 9/15/2009*)

Part 2**Appointed and Elected Officers****A. Compensation****§1-201. “Councilman” and “Mayor” Defined.**

Councilman—any person elected or appointed to the office of Councilman of the Borough of Port Matilda.

Mayor—any person elected, appointed, or serving on a temporary basis as Mayor for the Borough of Port Matilda.

(*Ord. 114, 2/2/1977, §1*)

§1-202. Compensation of Councilmen.

Compensation for the office of Councilman shall be fixed at \$15 per regular meeting and \$5 per special meeting, up to a maximum of \$35 per month. The amount received for any given month’s service as Councilman shall not exceed \$35, nor can total payments to any one Councilman exceed the sum of \$420 per annum.

(*Ord. 114, 2/2/1977, §2*)

§1-203. Compensation of Mayor.

Compensation for the office of Mayor shall be fixed at \$20 per regular meeting and \$5 per special meeting, up to a maximum of \$35 per month. The amount received for any given month’s service as Mayor shall not exceed \$35, nor can total payments exceed the sum of \$420 per annum.

(*Ord. 114, 2/2/1977, §3*)

§1-204. Payment of Compensation to Councilmen and Mayor.

Compensation to be paid under §§1-202 and 1-203 of this Part shall be paid to each Councilman and to the Mayor according to the aforementioned schedules on a monthly basis.

(*Ord. 114, 2/2/1977, §4*)

§1-205. Compensation of Tax Collector.

The Tax Collector of the Borough of Port Matilda shall receive a commission of 5 percent of all taxes collected by him, as compensation for his duties as Tax Collector.

(*Ord. 120, 12/27/1979, §I-5*)

B. Independent Auditor**§1-211. Appointment of Independent Auditor.**

The Borough of Port Matilda is desirous of obtaining the services of a certified public accountant or competent public accountant for the purpose of auditing the accounts of the Borough and under authority contained in §1005(7) of the Borough Code, 53 P.S. §46005(7), does hereby authorize the appointment by resolution of a certified public accountant or competent public account as independent auditor for the Borough of Port Matilda.

(Ord. 145, 12/10/1990, §1)

§1-212. Abolition of Office of Elected Auditor.

The office of Borough Auditor is hereby abolished provided that those Auditors still in office shall continue to hold their office during the term for which elected who shall no longer be required to audit, settle or adjust the accounts of the Borough, but shall perform the other duties of their office.

(Ord. 145, 12/10/1990, §2)

C. Authorization of Mayor to Issue Citations**§1-221. Mayor Authorized to Issue Citation.**

The Mayor of the Borough of Port Matilda shall have full authority to issue citations for violations of the laws of the Commonwealth of Pennsylvania and ordinances of the Borough of Port Matilda where such citations are authorized by said laws or ordinances.

(Res. 2/12/1979, §1)

§1-222. Mayor Authorized to File Pleadings.

The Mayor shall have full authority to file citations and other pleadings before the appropriate courts of the Commonwealth of Pennsylvania.

(Res. 2/12/1979, §2)

§1-223. Mayor Authorized to Represent Interests of Borough in Proceedings or Citations.

The Mayor of the Borough of Port Matilda shall have full authority to represent the interests of the Borough of Port Matilda in any hearings, trials or other proceedings on such citations.

(Res. 2/12/1979, §3)

Part 3

Authorities and Commissions

A. Port Matilda Borough Authority

§1-301. Intent to Organize Authority.

The Council of this Borough signifies its intention and desire to organize an Authority under provisions of the Authorities Act, for the purpose of exercising any and all powers conferred by the Authorities Act.

(*Res. 1991-2, 4/21/1991, §1*)

§1-302. Articles of Incorporation.

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

ARTICLES OF INCORPORATION

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented, and pursuant to a Resolution duly adopted by the municipal authorities of the Borough of Port Matilda, Centre County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipality to organize an Authority under provisions of said Act, said incorporating municipality does certify:

1. The name of the Authority is "Port Matilda Borough Authority."
2. The Authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945."
3. No other Authority has been organized under the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," or under the Act of Assembly approved June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the incorporating municipality.
4. The name of the incorporating municipality is:
Borough of Port Matilda,
Centre County, Pennsylvania
5. The names and addresses of the municipal authorities of said incorporating municipality are:
[Here followed the names and addresses of the municipal authorities of the Borough.]
6. The names, addresses and terms of office of the first members of the Board

of the Authority, each of who is a resident and citizen of said incorporating municipality, are as follows:

[Here followed the names, addresses and terms of office of the first members of the Board of the Authority.]

(Res. 1991-2, 4/21/1991, §2)

§1-303. Publication Authorized.

The President or Vice President of Council and Secretary, respectively, of this Borough are authorized and directed to cause notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation to be published as required by the Authorities Act.

(Res. 1991-2, 4/21/1991, §3)

§1-304. Filing of Articles of Incorporation Authorized.

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

(Res. 1991-2, 4/21/1991, §4)

§1-305. Appointment of First Members of Board.

The following named persons shall be and they are appointed as first members of the Board of the Authority for the following terms of office:

[Here followed the names, addresses and terms of office of the first members of the Board of the Authority.]

(Res. 1991-2, 4/21/1991, §5)

§1-306. Adoption Deemed Necessary.

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

(Res. 1991-2, 4/21/1991, §6)

B. Planning Commission**§1-311. Creation.**

Pursuant to the provisions contained in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and in order to carry out the said provisions, there is hereby created in the Borough of Port Matilda a Planning Commission which shall have all of the powers and duties conferred upon it by law and any other powers vested in it by law or ordinance.

(*Ord. 81, 8/1/1966, §1; as amended by Ord. 120, 12/27/1979, §I-61*)

§1-312. Appointments; Expenses Reimbursed.

The Borough Planning Commission shall consist of five members who shall be appointed by the Borough Council and shall serve without compensation, except that they shall be reimbursed for expenses incurred in carrying out their Commission duties.

(*Ord. 81, 8/1/1966, §2*)

§1-313. Annual Report; Appropriations.

The Borough Planning Commission shall make an annual report to the Borough Council showing transactions and recommendations. After securing the advance approval of the Borough Council, the Planning Commission may employ planning technicians and other persons whose salaries and wages, together with other necessary expenses of the Commission, shall be provided for at the discretion of the Borough Council by proper appropriations and resolutions. The Commission may also receive and expend for the purposes of its planning work, any gifts, grants and appropriations of money from any other source, including Commonwealth, Federal or local funds, and may contract with governmental or private agencies or individuals with respect thereto. No employees may be retained without the prior written approval of the Borough Council.

(*Ord. 81, 8/1/1966, §3*)

§1-314. Comprehensive Plan.

Subject to the approval of the Borough Council, the Planning Commission shall have the power and duty to make, adopt and maintain a comprehensive plan for the physical development of the Borough and surrounding territory. Said comprehensive plan shall include a land use plan, a thoroughfare plan, a community facilities plan and a public improvements program. In the preparation of the comprehensive plan the Commission shall study population trends, existing land use, economic base, traffic, existing thoroughfare system and other factors related to the development of the community. The purpose of the comprehensive plan should be to accomplish a coordinated and harmonious development of the community and its environs in accordance with present and future needs. The Commission would have the continuing responsibility, subject to the approval of the Borough Council, for maintaining the comprehensive plan in an up-to-date condition, and in so doing would review and make a recommendation to the Borough Council on all ordinances which pertain to the physical development of the Borough.

(*Ord. 81, 8/1/1966, §4*)

§1-315. Zoning.

The Borough Planning Commission shall serve as the Zoning Commission and may, in pursuance of its duties, upon request of the Borough Council, prepare or cause to be prepared a zoning ordinance for consideration of the Borough Council. The Commission shall have the continuing responsibility to review this Part and make a recommendation to the Borough Council as to proposed amendments.

(Ord. 81, 8/1/1966, §5)

§1-316. Land Subdivision Regulations.

The Planning Commission shall prepare and recommend to the Borough Council, land subdivision regulations. The Commission shall assist the Borough Council to administer said regulations by reviewing and recommending to the Borough Council any action to be taken on subdivisions submitted to the Borough Council.

(Ord. 81, 8/1/1966, §6)

Part 4**Public Records Policy****§1-401. 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 of the residents regarding the resources utilized in the receipt and processing of public record request and the retrieval and copying of public records.

(Ord. 178, 9/15/2009)

§1-402. Public Records.

Public record - any record, including financial records, of a Commonwealth or local agency that is not exempt under §708 of Act 3 of 2008, that is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree, or that is not protected by a privilege. Exemptions are included as a part of this policy as Attachment 1-4-A.

Records - information, regardless of physical form or characteristic, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the Borough. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

(Ord. 178, 9/15/2009)

§1-403. Inspection.

Public records are open to inspection and for duplication during normal office hours, 10 a.m. to 5 p.m., Tuesday through Thursday, except for holidays, subject to the regulations set forth herein.

(Ord. 178, 9/15/2009)

§1-404. Open Records Officer.

1. The designated "Open Records Officer" shall be the Borough Secretary, who may designate certain employee(s) to process public record requests. The Borough Secretary is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record request and the retrieval and copy of public records.

2. Upon receipt of a written open records request, the Open Records Officer or his/her designee shall:

- A. Note the date of receipt on the written request.
- B. Compute the day on which the 5-day period will expire and make a notation of that date on the written request.
- C. Maintain an electronic or paper copy of a written request, including all

documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued or the appeal is deemed denied.

(Ord. 178, 9/15/2009)

§1-405. Open Records Request.

1. A written request for access to records may be submitted in person, by mail, by e-mail, or by facsimile. A written request must identify or describe the records sought with sufficient specificity to enable the Borough to ascertain which records are being requested and shall include the name and address to which the Borough should address its response. A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law.

2. All open records requests shall be address to the Open Records Officer as follows:

Open Records Officer
Port Matilda Borough
400 South High Street
Port Matilda, PA 16870

(Ord. 178, 9/15/2009)

§1-406. Redaction.

While the Borough will disclose public records subject to access, the Borough is not required to synthesize, compile, maintain, format, or organize records in response to a request. When a public record exists, the Borough will separate and exclude any records which are not public records or which are otherwise excluded or exempted from the definition of public records. If information which is not subject to access is an integral part of a public record and cannot be separated, the Borough shall redact from the public record the information which is not subject to access, and the response shall grant access only to the information which is subject to access.

(Ord. 178, 9/15/2009)

§1-407. Response.

Within 5 business days from the date the request is received, the Borough will (A) provide the records requested; (B) deny the request by notifying the requestor in writing; or (C) send a written notice that the records cannot be provided within the initial 5 business days. If it is determined that the request cannot be honored within the initial 5 days, a notice will be issued specifying a date when the records may be expected but, in no case will the time be longer than 30 additional days. If no response is made within the 5 business days of receipt of written request, the request shall be deemed denied.

(Ord. 178, 9/15/2009)

§1-408. Fees.

A request for copies of public records or information produced therefrom must be

accompanied by payment of fees to cover the direct costs of duplication. Reasonable fees to cover direct costs incurred by the Borough may be charged. Although not all-inclusive, the fees may be listed on a schedule which may be adopted by the resolution of Borough Council, and may be amended from time to time as expenses change by resolution.

(Ord. 178, 9/15/2009)

§1-409. Denials.

If the Borough denies a written request for information, whether in whole or in part, a written response will be sent by the Open Records Officer or his/her designee to the requestor with: (A) a description of the record requested; (B) the specific reasons for denial, including a citation of supporting legal authority; (C) contact information for the Open Records Officer; (D) date of response; and (E) procedure to appeal the denial.

(Ord. 178, 9/15/2009)

§1-410. Appeals.

If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under §503(d) of Act 3 of 2008 within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.

(Ord. 178, 9/15/2009)

Attachment 1-4-A

Open Records Law; Exemptions

1. A record the disclosure of which would result in the loss of Federal or State funds by an agency or the Commonwealth; or would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.
2. A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.
3. A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system.
4. A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.
5. A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.
6. Personal identification information containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number; a spouse's name; marital status, beneficiary or dependent information; or the home address of a law enforcement officer or judge. Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency, employee. The Borough may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.
7. The following employee information:
 - Letter of reference or recommendation on the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.
 - Performance rating or review.
 - Results of a civil service or similar test. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.
 - Employment application of an individual who is not hired by the agency;

Workplace support services program information.

- Written criticisms of an employee.
 - Grievance material, including documents related to discrimination or sexual harassment.
 - Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.
 - An academic transcript.
8. A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings, except for final or executed contract or agreement between the parties in a collective bargaining procedure.
 9. The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by the Borough of Port Matilda.
 10. A record that reflects the internal, predecisional deliberations of the Borough, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations. Note: According to the open meetings regulations, 65 Pa.C.S Ch.7, the record is public once presented at an open meeting of Council or an ABC.
 11. A record that constitutes or reveals a trade secret or confidential proprietary information.
 12. Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.
 13. Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.
 14. Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.
 15. Academic transcripts, examinations, examination questions, scoring keys or answers to examinations. This paragraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.
 16. A record of an agency relating to or resulting in a criminal investigation, including:
 - Complaints of potential criminal conduct other than a private criminal complaint.
 - Investigative materials, notes, correspondence, videos and reports.

- A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
- A record that includes information made confidential by law or court order.
- Victim information, including any information that would jeopardize the safety of the victim.
- A record that, if disclosed, would do any of the following:
 - o Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
 - o Deprive a person of the right to a fair trial or an impartial adjudication.
 - o Impair the ability to locate a defendant or co-defendant.
 - o Hinder an agency's ability to secure an arrest, prosecution or conviction.
 - o Endanger the life or physical safety of an individual.

This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. §9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. §3754(b) (relating to accident prevention investigations).

17. A record of the Borough relating to a noncriminal investigation, including:
 - Complaints submitted to the Borough.
 - Investigative materials, notes, correspondence and reports.
 - A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law.
 - A record that includes information made confidential by law. Work papers underlying an audit.
 - A record that, if disclosed, would do any of the following:
 - o Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.
 - o Deprive a person of the right to an impartial adjudication.
 - o Constitute an unwarranted invasion of privacy.
 - o Hinder an agency's ability to secure an administrative or civil sanction.
 - o Endanger the life or physical safety of an individual.
18. Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings. This shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.
19. DNA and RNA records.
20. An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an

autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.

21. Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency. Minutes of an executive session and any record of discussions held in executive session.
22. The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:
 - The leasing, acquiring or disposing of real property or an interest in real property.
 - The purchase of public supplies or equipment included in the real estate transaction.
 - Construction projects.

This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.

23. Library and archive circulation and order records of an identifiable individual or groups of individuals.
24. Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.
25. A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.
26. A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offer or requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. §513 (relating to competitive sealed proposals).
27. A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office. This paragraph shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.
28. A record or information identifying an individual who applies for or receives social services; or relating to the following:
 - The type of social services received by an individual.
 - An individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision. of the agency and the identity of a caregiver or others who provide services to the individual.

- Eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.
29. Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure).
 30. A record identifying the name, home address or date of birth of a child 17 years of age or younger.

