

## Chapter 1

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Exhibit A, German Township  
Sewer Authority Article of  
Incorporation

**§ 1-6. Name of authority.**

The name of the proposed Authority shall be the "German Township Sewer Authority."

**§ 1-7. Common and Corporate Seal of Township.**

The Chairman of the Board of Township Supervisors is hereby authorized and directed to execute and the Township Secretary is authorized and directed to affix the common and corporate seal of the Township of German to the Articles of Incorporation for said Authority and to attest to the Chairman's signature, and said officers are further authorized and directed to acknowledge and deliver said Articles of Incorporation for the Authority in substantially the form attached hereto as Exhibit A.<sup>1</sup>

**§ 1-8. Publication and adoption.**

The Board of Township Supervisors shall publish adoption of this article as required by and in a manner provided by the laws of the Commonwealth of Pennsylvania.

**§ 1-9. Filing of Articles of Incorporation.**

The Board of Township Supervisors shall file the Articles of Incorporation<sup>2</sup> with the Secretary of the Commonwealth of Pennsylvania, following publication of adoption of this article, in accordance with the laws of the Commonwealth of Pennsylvania.

ARTICLE IV  
**Fire Insurance Escrow**  
[Adopted 7-16-1996 by Ord. No. 1696]

**§ 1-10. Designated officer.**

The Township Secretary or such person as the Board of Supervisors of the Township may designate is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

**§ 1-11. Municipal certificate.**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the municipality where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insuring agent is furnished by the Township Secretary with a municipal certificate pursuant to § 508(b)(1) of Act 93 of 1994 and unless there is a compliance with § 508(c) and (d) of Act 93 of 1994 and the provisions of this article.

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1. Editor's Note: Exhibit A is included at the end of this chapter.

2. Editor's Note: The Articles of Incorporation are included at the end of this chapter.

incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Township shall transfer the remaining funds to the named insured; and

- (4) To the extent that interest is earned on proceeds held by the municipality pursuant to this section, and not returned to the named insured, such interest shall belong to the Township. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
- F. Nothing in this section shall be construed to limit the ability of the Township to recover any deficiency. Furthermore, nothing in this section shall be construed to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

### § 1-13. Procedures and regulations.

The Township may by resolution adopt procedures and regulations to implement Act 98 of 1992, Act 93 of 1994 and this article and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992, Act 93 of 1994 and this article, including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

### § 1-14. Violations and penalties.<sup>3</sup>

Any person, firm or corporation who shall violate any provision of this article, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.

## ARTICLE V

### Open Records Policy

[Adopted at time of adoption of Code (see Ch. 28, General Provisions, Art. 1)]

### § 1-15. Requirements; authority.

Unless otherwise prohibited by law, the Township of German shall make all public records as defined by the Pennsylvania Open Records Law accessible for inspection and duplication by a requestor in accordance with 65 P.S. § 66.1 et seq. A public record shall be provided to a requestor in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists, except for the provision in § 1-25B. Public

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 28, General Provisions, Art. 1).

response is expected to be provided. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed under Subsection A above, the request for access shall be deemed denied.

- C. Denial. If the Township's response is a denial of a written request for access, whether in whole or in part, a written response shall be issued and include:
- (1) A description of the record requested.
  - (2) The specific reasons for the denial, including a citation of supporting legal authority. If the denial is the result of a determination that the record requested is not a public record, the specific reasons for the Township's determination that the record is not a public record shall be included.
  - (3) The typed or printed name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
  - (4) Date of the response.
  - (5) The procedure to appeal the denial of access under 65 P.S. § 66.1 et seq.

#### § 1-18. Redaction.

If the Township determines that a public record contains information which is subject to access, as well as information which is not subject to access, the Township's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record and cannot be separated, the Township shall redact from the public record the information which is not subject to access and the response shall grant access to the information which is subject to access. The Township may not deny access to the public record if the information which is not subject to public access is able to be redacted. Information which the Township redacts in accordance with this section shall be deemed a denial under § 1-17C of this article.

#### § 1-19. Final Township determination.

- A. Filing of exceptions. If a written request for access is denied or deemed denied, the requestor may file exceptions with the Township Manager/Secretary of the borough within 15 business days of the mailing date of the Township's response or within 15 days of a deemed denial. The exceptions shall state grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.
- B. Determination. Unless the requestor agrees otherwise, the Township Manager/Secretary of the borough or his/her designee, shall make a final determination regarding the exceptions within 30 days of the mailing date of the exceptions. Prior to issuing the final determination regarding the exceptions, the Township Manager/Secretary or his/her designee may conduct a hearing. The determination shall be the final order of the

- C. **Prepayment.** Prior to granting a request for access in accordance with this article, the Township may require a requestor to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.
- D. **Limitations.** Except as otherwise provided by statute, no other fees may be imposed unless the Township necessarily incurs costs for complying with the request and such fees must be reasonable. No fee may be imposed for the Township's review of a record to determine whether the record is a public record subject to access in accordance with 65 P.S. § 66.1 et seq.

**§ 1-22. Township contact.**

The person at the Township to whom all record requests should be addressed shall be:

Daniel Shimshock  
Secretary/Treasurer  
Township of German  
2 Long Street  
McClellandtown, PA 15458  
(724) 737-5130

**§ 1-23. Regular business hours.**

The regular business hours of the Township shall be Monday through Friday, 7:00 a.m. to 3:00 p.m.

**§ 1-24. Filing of exceptions when record denied.**

The individual at the Township who shall receive and respond to exceptions filed when a record is denied and the requestor disagrees with the denial shall be the Township Assistant Secretary.

**§ 1-25. No limit on requests; format; posting of policy.**

- A. The Township shall not ask for or require a purpose or motive for requesting a particular record and shall not limit the number of public records that may be requested.
- B. If the record is only kept in electronic form, the Township shall make it available in paper on request.
- C. The Township will not create a record that does not exist or put a document into a format that does not exist, except for Subsection B above.
- D. This article shall be posted prominently at the Township municipal building.

to time may deem desirable, subject only to the conditions that proposals for such improvements and additions be submitted to the county for prior approval and that any such improvements and additions be available for public use within the park in conformity with this article and amendments thereto. Any equipment, buildings, pavilions, and other additions to the park, made by the borough or Township as aforesaid, shall be deemed personalty and not real property fixtures, regardless of whether or how affixed to the real estate, and shall continue to be the separate property of the Township or borough making the addition; provided, however, that each item of equipment, building, pavilion, or other addition shall be clearly labeled "Property of (name of governmental entity)." Such property so labeled shall be maintained by, and at the expense of, the owning governmental entity and may be removed from the park by said governmental entity upon resolution of its governing body.

#### **§ 1-30. Management.**

The county hereby delegates to the borough, the power, function and responsibility for managing and regulating public use of, and access to, the park. Pursuant thereto, the borough, through its Mayor or other designated agent or official, may grant the exclusive use of portions or facilities of the park for limited periods of time, not to exceed two days, for noncommercial purposes and charge therefor such uniform and reasonable rates as the Borough Council may establish. The Borough Council may also adopt by resolution or ordinance such rules, regulations, restrictions and prohibitions regarding the use of, and access to, the park as are not inconsistent with this article and amendments thereto. Reservation and use of the park or any portion thereof shall be upon a nondiscriminatory first-come-first-served basis.

#### **§ 1-31. Law enforcement.**

The Borough of Masontown shall provide adequate police service, as may be necessary, to maintain law and order within the park, to protect the public safety, health, welfare and morals of the community in general and the users of the park in particular, and to enforce this article, and amendments thereto, and the rules and regulations of the borough pertaining to the park. The county and the Township hereby transfer to the borough the powers, functions and responsibilities necessary for the borough to carry out its obligations under this section.

#### **§ 1-32. Applicability.**

This article shall apply to the park as now established and to any additional lands which may hereafter be acquired by the county and added to the park area.

#### **§ 1-33. Term.**

This article shall continue in effect so long as the park shall continue to be dedicated and maintained by the county for public use and recreation. This article may be amended or repealed only by a further joint ordinance containing the terms of such amendment or repeal.

ADMINISTRATION AND GOVERNMENT

*1 Attachment 1*

**Township of German**

**Exhibit A**

**German Township Sewer Authority  
Articles of Incorporation**

TO THE SECRETARY OF THE COMMONWEALTH, HARRISBURG, PENNSYLVANIA

In compliance with the requirements of the Municipality Authorities Act, 53 Pa.C.S.A. § 5603, as amended and pursuant to ordinance adopted by the municipal authorities of the Township of German, Fayette County, Pennsylvania, at a regular meeting held on August 24, 2004, signifying their desire and intention to form a Sewer Authority and that a Certificate of Incorporation to be issued to said Authority, the Township of German, does hereby certify:

- a. The name of the Authority shall be: German Township Sewer Authority.
- b. The Authority is formed under 53 Pa.C.S.A. § 5603 as amended, for the purpose of acquiring, holding, constructing, improving, buying, selling, maintaining and operating, owning, leasing either in the capacity of lessor, lessee, sewer works, sewage treatment works, and/or sewer pipe lines and collection systems and all things, acts or matters incident thereto, in the said Township. However, the Board of Supervisors of German Township retains the right to approve any plan of the Authority for the purpose of making business improvements or providing administrative services.
- c. No other Authority has been, organized under the above stated Act or under the Act of June 28, 1935, P.L. 463, by the Township of German, Fayette County, Pennsylvania, except the German Township Municipal Authority, which is no longer in existence.
- d. The name of the incorporating municipality is: The Township of German, Fayette County, Pennsylvania.
- e. The names and addresses of the Township Supervisors of the Township of German, Fayette County, Pennsylvania, such persons being the Municipal Authorities of said municipality, are as follows: [Here followed the names and addresses of the Township Supervisors].
- f. The Authority shall be comprised of five members. The names, addresses and terms of office of the first members of the Board of said Authority are: [Here followed the names, addresses and terms of office of the first members of the Board of said Authority]. All of whom are residents and citizens of the Township of German, Fayette County, Pennsylvania.

ADMINISTRATION AND GOVERNMENT

1 Attachment 2

Township of German

**Exhibit B**  
**Public Record Request Form**

Upon receipt of a written request for access to a record, the Township of German shall make a good faith effort to determine if the record requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request, but shall not exceed five business days from the date the written request is received. If the Township fails to send the response within five business days of receipt of the request for access, the written request for access shall be deemed denied.

Exceptions to the five-day response period will be made, up to 30 additional days, for the following reasons:

- A. Redaction of a public record is requested.
- B. Retrieval of a record stored in a remote location.
- C. Bona fide and specified staffing limitations.
- D. A legal review is necessary to determine whether the record is a public record subject to access under 65 P.S. § 66.1 et seq.
- E. Requestor has not complied with policy regarding access to records.
- F. Requestor refuses to pay applicable fees set forth. (Cost per copy \$ \_\_\_\_\_ )

**Please print or write legibly (use back if more room is needed).**

Date of Request \_\_\_\_\_ Phone/Fax # \_\_\_\_\_

Name of Requestor \_\_\_\_\_

Address \_\_\_\_\_

Records requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_