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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 Millbourne shall be the “Borough of Millbourne Code of Ordinances.”

(Ord. 447, 5/20/2015)

§1-102. Citation of Code of Ordinances.

The Borough of Millbourne 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. 447, 5/20/2015)

§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 lower case letters followed by a parenthesis.
 - G. Subitems, identified by small Roman numerals.

(Ord. 447, 5/20/2015)

§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. 447, 5/20/2015)

§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. 447, 5/20/2015)

§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 the ordinance 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, 8 Pa.C.S.A. §101 *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. 447, 5/20/2015)

§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. Subsections.
 - A. Paragraph.
 - (1) Subparagraph.
 - (a) Clause.
 - 1) Subclause.
 - a) Item.
 - i. Subitem.

(Ord. 447, 5/20/2015)

§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. 447, 5/20/2015)

§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. 447, 5/20/2015)

§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. 447, 5/20/2015)

§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 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 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 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. §6924.101 *et seq.*, and ordinances adopted under authority of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, should provide, generally:

(1) Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not more than \$600 plus all court costs and reasonable attorney fees. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

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. 447, 5/20/2015*)

Part 2**Appointed Officials****A. Borough Manager****§1-201. Purpose and Intent.**

The purpose of this Part is to enable the Borough of Millbourne to function as a Borough Manager-Borough Council form of government. The Borough Council is responsible for legislative policy making and appointing a Borough Manager who is responsible for supervising and conducting the administrative affairs of the Borough of Millbourne in a non-partisan manner. It is the intent of this Part to delegate to the Borough Manager all non-legislative and non-judicial powers and duties of Borough Council as permitted by law. (Chapter 11 of the Borough Code, 8 Pa.C.S.A. §1101 *et seq.*; 8 Pa.C.S.A. §1141 *et seq.*)

(*Ord. 395, 2/8/1999, §3.1*)

§1-202. Creation and Appointment.

The position of Borough Manager for the Borough of Millbourne is hereby created. The Borough Manager shall be appointed and the compensation for the Borough Manager shall be fixed by a majority of all members of Borough Council. The term of appointment of the Borough Manager is indefinite.

(*Ord. 395, 2/8/1999, §3.2*)

§1-203. Qualifications.

The Borough Manager shall be selected and appointed by the Council on the basis of executive and administrative qualifications. The Borough Manager may not hold any elective governmental office in the Borough.

(*Ord. 395, 2/8/1999, §3.3*)

§1-204. Duties.

The duties of the Borough Manager shall include, but not necessarily be limited to, the following:

A. Serve as the Chief Executive and the Chief Administrative Official of the Borough, supervise the administration of the Borough, supervise the administration of all departments, offices, agencies of the Borough, except as otherwise provided by Borough ordinance or statute.

B. Execute all laws and Borough ordinances.

C. With consent of Borough Council, appoint, suspend, or remove all Borough employees and administrative officers on the basis of merit, except as otherwise provided by law. First preference shall be given to Borough residents, all other qualifications being equal, with the exceptions of the Borough Auditor, Borough Engineer, Borough Police Department, and Borough Solicitor. All appointments and removals of individuals who report directly to the Borough Manager shall be

approved by action of Borough Council before any action is taken.

D. Subject to the approval of the Borough Council and the Borough Solicitor, negotiate contracts for the Borough, with the exception of collective bargaining agreements, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as approved by Borough Council.

E. Assure that all terms and conditions imposed in favor of the Borough or its residents by any statute, public utility franchise, or other contracts are faithfully kept and performed if there is knowledge of any violation, the same must be brought to the attention of Borough Council.

F. Assist in the preparation of the agenda for each meeting of the Borough Council, supply a fax pertinent thereto, and attend all meetings of Borough Council. The Borough Manager has the right to take part in all discussions, but not the right to vote.

G. Make recommendations to the Borough Council concerning policy matters as deemed desirable and keep the Borough Council and the public informed regarding the conduct of Borough affairs.

H. Prepare and submit the annual budget to the Borough Council, administer the annual budget when approved by the Borough Council, and submit a monthly report to the Borough Council regarding actual compared to budgeted income and expenditures. This function is to be performed with the assistance of the Borough Finance Officer.

I. Perform all duties of the Borough Secretary in accordance with §1111 of the Borough Code, 8 Pa.C.S.A. §1111.

J. In the absence of an appointed Borough Treasurer, perform the duties of Borough Treasurer in accordance with §1106 of the Borough Code, 8 Pa.C.S.A. §1106.

K. Perform all such other duties as may be required by Borough ordinance or by resolution of Borough Council.

L. Be responsible to the Borough Council for implementing all established policies and for the proper administration of all affairs of the Borough which are within the jurisdiction of Borough Council.

(Ord. 395, 2/8/1999, §3.4)

§1-205. Temporary Absence or Disability.

The Borough Manager, with the approval of the Borough Council, may designate a Borough officer to perform the duties of the office of Borough Manager during periods of temporary absence or disability. In the event that the Borough Manager has not made such a designation or in the event that the absence or disability continues for a period in excess of 30 days, Borough Council may appoint an officer of the Borough to perform the duties of Borough Manager until the Borough Manager returns to duty.

(Ord. 395, 2/8/1999, §3.5)

§1-206. Removal.

If the Borough Manager is requested to submit a resignation by Borough Council

and if the Borough Manager refuses to resign, the Borough Manager may be removed from office in accordance with the following procedure:

A. Not less than 30 days before the effective date of any removal of the Borough Manager, the Borough Council shall notify the Borough Manager of the decision to remove the Borough Manager from office which must be done by a majority vote of the members of Borough Council then in office including a statement as to the reasons for the removal.

B. The Borough Manager may reply in writing and may request a public hearing which shall be held not earlier than 20 days nor later than 30 days after submission of a written request. After full consideration by Borough Council, which may include a public hearing, if requested, and by a majority vote of all members of Borough Council then in office, a resolution of removal may be adopted within 10 days of the completion of the public hearing, if requested.

C. Borough Council may suspend the Borough Manager from duty by resolution prior to termination.

(Ord. 395, 2/8/1999, §3.6)

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

1. *Office of Independent Auditor Established.* There is hereby established the office of Independent Auditor in accordance with the Borough Code, Act of January 1, 1966, P.L. (1965) 1656, No. 581, §1005, 53 P.S. §46005(7).¹

2. *Qualifications.* The Independent Auditor shall be a certified public accountant, or a firm of certified public accountants, registered in the Commonwealth of Pennsylvania.

3. *Manner of Appointment.* The Independent Auditor shall be appointed annually by resolution before the close of a fiscal year to make an independent examination of the accounting records of the Borough for such fiscal year, except that the first Independent Auditor appointed shall examine the records for 1990 and 1991.

4. *Powers, Duties and Penalties.* The person or persons appointed as provided for in this Chapter shall be subject to the same penalties as auditors in so far as such powers, duties and penalties are applicable to the functions of said appointee or appointees, and he or they shall have the powers and duties as above set forth and such as are provided by the Borough Code and such as are directly imposed by the Borough Council.

5. *Compensation.* The compensation of the person or persons so named as auditor or auditors shall be fixed by the Council at the time of employment and paid out of Borough funds.

6. *Office of Elected Auditor Abolished.* After the appointment of such an auditor is made, the office of elected Borough Auditor is hereby abolished as provided for in the third sentence of §1005.7, 53 P.S. §46005.7.

7. *Right to Abolish Office Reserved by Borough.* The Borough reserves the right to abolish said office of appointed Independent Auditor as provided for in §1005.7, 53 P.S. §46005.7

(*Ord. 343, 8/3/1992, §1*)

¹Editor's Note: Citation of authority correct at the time of adoption of *Ord. 343* on August 3, 1992. Now, the Act of May 17, 2012, Act No. 43, §1005(7), effective July 16, 2012, 8 Pa.C.S.A. §1005(7).

Part 3**Boards and Committees****A. Advisory Board on Fire Prevention Policy; Fire Marshal****§1-301. Advisory Board on Fire Prevention Policy.**

1. There is hereby created an Advisory Board on Fire Prevention Policy, which may be known as and referred to as the "Fire Board." Said Board shall consist of the three members of the Fire and Police Committee of Council and three active members of the Millbourne Fire Company who shall be designated by said company for a term of 1 year. Said Board may also consist of such additional ex-officio members as may be designated by Council. The members of the Board shall not be compensated for their services as such but may be reimbursed for actual expenses incurred in the performance of their duties.

2. The purpose of the Fire Board shall be to review and analyze policies, practices, procedures, facilities and equipment pertaining to fire prevention and safety in the Borough and to recommend and coordinate appropriate actions on the part of both the Borough Council and Fire Company. Such actions shall include, but not be limited to, changes or modifications in the Borough Fire Prevention Code, expenditures for equipment and fire prevention services and the making and reporting of fire inspections by qualified persons.

3. Reports of all incidents requiring the services of the Fire Company shall be submitted to the Fire Board, in such form as the Board may require, and a permanent record of such reports shall be maintained.

4. The Board shall submit reports of its activities and recommendations to the Borough Council at such intervals as shall be designated by Council.

(Ord. 265, 1/3/1978, §6-2)

§1-302. Fire Marshal.

1. There is hereby established the position of Borough Fire Marshal, who shall be appointed by and serve at the pleasure of the Borough Council. The position of Borough Fire Marshal need not be a full-time position, and Council may, by contract or agreement, provide for the performance of the duties of Fire Marshal by independent agencies or qualified persons serving in similar positions in adjacent municipalities. The Fire Marshal shall receive such compensation as may be provided, from time to time, by resolution of Council or as may be provided in a contract or agreement approved by Council.

2. The Fire Marshal shall administer and enforce the provisions of the Borough Fire Prevention Code [Chapter 5, Part 3], including the making of inspections. In the performance of his duties, the Fire Marshal shall at all times be answerable to the Borough Council and shall be subject to its direction.

3. The Fire Marshal shall be an ex-officio member of the Fire Board.

(Ord. 265, 1/3/1978, §6-2)

B. Vacant Property Review Committee**§1-311. Creation.**

Pursuant to the provisions of the Urban Redevelopment Law, as amended (Act of May 24, 1945, P.L. 991), 35 P.S. §1701 *et seq.*, there is hereby created a Vacant Property Review Committee to function within the Borough of Millbourne.

(*Ord. 392, 8/17/1998, §74-1*)

§1-312. Powers and Duties.

The Vacant Property Review Committee shall exercise all powers and be subject to all limitations as provided in the aforementioned Urban Redevelopment Law, as amended, 35 P.S. 1701 *et seq.*

(*Ord. 392, 8/17/1998, §74-2*)

§1-313. Membership.

The membership of the Vacant Property Review Committee shall consist of the following persons:

- A. A member of the Millbourne Borough Council to be appointed by the Council President.
- B. A representative of the Delaware County Office of Housing and Community Development.
- C. The Chairperson of the Millbourne Borough Planning Commission.
- D. A representative appointed by the Council President.

(*Ord. 392, 8/17/1998, §74-3*)

§1-314. Appointment of a Chairman.

The Chairman of the Vacant Property Review Committee shall be appointed by the Council President from those persons identified in §1-313.

(*Ord. 392, 8/17/1998, §74-4*)

§1-315. Election of Other Officers.

The members of the Vacant Property Review Committee shall select from among their membership a Vice Chairman, a Secretary, and such other officers as the Vacant Property Review Committee may determine.

(*Ord. 392, 8/17/1998, §74-5*)

Part 4**Compensation of Councilpersons and Mayor****§1-401. Compensation of the Councilmen.**

The compensation of each of the Councilmen of the Borough of Millbourne is hereby fixed at \$35 per month, payable semi-annually, from the general funds of the Borough. (*Ord. 236, 2/5/1968, §1; as amended by Ord. 253, 12/3/1973, §1*)

§1-402. Salary of the Mayor.

The salary of the Mayor of the Borough of Millbourne is hereby fixed at \$450 per annum, payable in equal semi-annual installments from the general funds of the Borough.

(*Ord. 236, 2/5/1968, §2; as amended by Ord. 253, 12/3/1973, §2*)

§1-403. Effective Date.

The compensation herein provided for Councilmen and the Mayor shall be effective March 1, 1968.

(*Ord. 236, 2/5/1968, §3*)

Part 5**Police Department****§1-501. Creation; Name.**

There is hereby created a Police Department in and for the Borough of Millbourne, to be named and known as the "Police Department of the Borough of Millbourne." Such Police Department shall be deemed a continuation of the existing Police Department and all officers thereof holding position at the time of enactment of this Part shall continue to hold such position in the Police Department as reconstituted by this Part. (*Ord. 266, 2/5/1968, §18-1*)

§1-502. Composition.

The Police Department shall consist of four full-time officers and one part-time officer. Additional full- or part-time officers may be appointed from time to time by resolution of Council.

(*Ord. 266, 2/5/1968, §18-2*)

§1-503. Appointment of Members.

The members of the Police Department shall be appointed to the Department by appropriate resolutions of the Borough Council. The members of the Department serving on a part-time basis shall do so at the pleasure of the Borough Council and may be removed from their office or post at any time, with or without cause, by resolution of the Borough Council.

(*Ord. 266, 2/5/1968, §18-3*)

§1-504. Charge and Control of Department by Mayor.

The Mayor of the Borough of Millbourne shall have full charge and control of the Police Department and every classification of its membership. He shall direct the time during which, the place where and the manner in which the membership of the Police Department, including every classification thereof, shall perform its duties; provided, however, that no part-time member of the Police Department shall be subject to perform duties, as policeman during the hours of his regular employment or occupation by which he principally earns his livelihood.

(*Ord. 266, 2/5/1968, §18-4*)

§1-505. Part-Time Officers.

1. Members of the Police Department classified as part-time officers shall devote such hours each week to their duties as policemen as are fixed by the Mayor, and they shall be on call at all hours except during the hours of their regular employment or occupation by which they principally earns their livelihood.

2. Part-time officers shall receive such compensation for their services as the Council may by ordinance from time to time fix and ordain.

3. Part-time officers while on duty shall have all the powers and be subject to all

the duties conferred and imposed upon Borough police by law.

(*Ord. 266, 2/5/1968, §18-5*)

§1-506. Members May Hold Office of Constable.

Any member of the Police Department residing in the Borough may at the same time hold and exercise the office of Constable in the Borough or in any ward thereof. He may demand and receive all costs, fees and emoluments pertaining to such office for services rendered as such Constable while he is not on duty as a Borough policeman.

(*Ord. 266, 2/5/1968, §18-6*)

§1-507. Wearing of Shield Required.

Every member of the Police Department shall when on duty wear a shield or badge, visibly displayed, inscribed with the word "Police" and the name of the Borough.

(*Ord. 266, 2/5/1968, §18-7*)

§1-508. Salaries and Compensation.

1. The members of the Police Department shall receive such salaries as may be established, from time to time, by the Borough Council. Said salaries shall be payable in monthly installments or as otherwise determined by Borough Council.

2. The compensation of the membership of the Police Department shall be paid from duly appropriated funds of the Borough treasury by the Borough Treasurer upon orders signed by the President of Council and the Borough Secretary.

(*Ord. 266, 2/5/1968, §18-8*)

§1-509. Disciplinary Code.

1. The following list of penalties shall be a guide for the Fire and Police Committee in the interests of uniformity and fairness. All penalties recommended by the Fire and Police Committee for offenses listed shall be within the prescribed limits.

2. Offenses not included in the following list shall result in penalties similar to those specified for listed offenses of comparable seriousness.

3. The "reckoning period," as used in this Section, is that period of time during which an employee is expected to have a record free of the same type of offense he was found guilty of previously. All reckoning periods shall be computed from the date the first offense was committed. Second, third and subsequent violations of the same type during the reckoning period shall be treated as second, third and subsequent offenses. The same type of offense committed after the reckoning period expires counts as a first offense.

4. Repeated violations of Department rules and regulations or any other course of conduct indicating a man has little or no regard for the obligations of members of the Police Department shall be cause for dismissal. This shall apply regardless of the severity of the offenses, regardless of any reckoning period and regardless of whether these violations are of the same type.

5. *Table of Penalties.* The following table of penalties shall be applicable to members of the Police Department of the Borough of Millbourne:

Section	Charge	First Offense	Second Offense	Third Offense	Reckoning Period
	Conduct Unbecoming an Officer				
1	Accepting bribes or gratuities for permitting illegal acts	dismissal	–	–	–
2	Failure to report, in writing, offers of bribes or gratuities to permit illegal acts	30 days or dismissal	dismissal	–	2 years
3	Involved in a crime of moral turpitude	30 days to dismissal	–	–	2 years
4	Knowingly and willfully making a false entry in any departmental report or record	15 days to dismissal	dismissal	–	2 years
5	Idle conversation with known gamblers while on duty	reprimand to 5 days	5 days to 10 days	15 days to 20 days	2 years
6	Association with known gamblers while on duty	5 days to 10 days	15 days to 30 days	dismissal	2 years
7	Associating, fraternizing, or business transactions at any time, or in any manner whatsoever, with known criminals or persons engaged in unlawful activities	10 days to dismissal	30 days to dismissal	dismissal	2 years
8	Participating in games of chance or gambling while on duty	8 days to 10 days	15 days to 30 days	dismissal	2 years
9	Fighting or quarreling with members of the Department	reprimand to 5 days	15 days to 20 days	15 days	2 years
10	Soliciting for attorneys, bondsmen or other business persons or firms	30 days to dismissal	dismissal	–	2 years
11	Using rude or insulting language or conduct offensive to the public	reprimand to 5 days	5 days to 10 days	15 days to 20 days	2 years
12	Publicly criticizing the official action of a superior officer	reprimand to 5 days	5 days to 10 days	10 days to 20 days	2 years
13	Odor of alcohol on breath while on duty	5 days to 10 days	15 days to 20 days	25 days to 30 days	2 years

Section	Charge	First Offense	Second Offense	Third Offense	Reckoning Period
14	Repeated violations of departmental rules and regulations, or any other course of conduct indicating that a member has little or no regard for his responsibility as a member of the Police Department	dismissal	–	–	–
15	Intoxication on duty	dismissal	–	–	2 years
16	Intoxication off duty in uniform	15 days to 30 days	30 days to dismissal	dismissal	2 years
17	Intoxication off duty, not in uniform and arrested	10 days to 15 days	dismissal	–	2 years
18	Intoxication off duty, in part of uniform	5 days to 10 days	15 days to 20 days	25 days to 30 days	2 years
	Insubordination				
19	Refusal to obey proper orders from superior	5 days to 15 days	15 days to dismissal	dismissal	1 year
20	Using profane or insulting language to any officer or official	5 days to 10 days	15 days to 30 days	dismissal	1 year
	Neglect of Duty				
21	Failure to take police action when necessary at any time, in or out of uniform, and/or failure to make a written report officer of same to commanding officer	5 days to 10 days	15 days to 20 days	25 days to 30 days	2 years
22	Asleep on duty	5 days to 15 days	15 days to 30 days	dismissal	2 years
23	Absence without proper leave	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
24	Failure to properly supervise subordinates or to prefer disciplinary action	reprimand to 5 days or demotion	5 days to 10 days or demotion	15 days to 20 days or demotion	1 year
25	Failure to comply with the Mayor's orders, directives, regulations, etc., oral or written, and also those of superiors	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year

Section	Charge	First Offense	Second Offense	Third Offense	Reckoning Period
26	Failure to conduct proper, thorough and complete investigation	reprimand	5 days	15 days	1 year
27	Failure to report a hazardous condition	reprimand to 5 day	5 days to 10 days	15 days to 20 days	1 year
28	Failure to report as a witness when duly notified or subpoenaed	reprimand to 5 days	5 days to 20 days	15 days to 20 days	1 year
29	Allowing prisoner to escape through carelessness or neglect	5 days to 10 days	15 days to 20 days	25 days to 30 days	1 year
30	Failure to thoroughly search for, collect, preserve and identify evidence of persons, property and locations in any arrest or investigation	5 days	15 days	25 days	1 year
31	Failure to properly patrol beat or sector; unauthorized absence from assignment; failure to respond to radio call; idle conversation or loafing	2 days to 5 days	5 days to 10 days	15 days to 20 days	1 year
32	Failure to properly cover school crossings	reprimand to 5 days	4 days to 10 days	10 days to 15 days	1 year
33	Failure to remove keys from patrol car when unattended	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
33a	If car stolen due to above	10 days to 15 days	30 days to dismissal	dismissal	2 years
34	Failure to properly care for assigned police equipment and vehicles, or damaging same due to neglect or carelessness	reprimand to 10 days	10 days to 20 days	20 days to 30 days	1 year
35	Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of the same to commanding officer	30 days to dismissal	dismissal	–	2 years
	Disobedience of Orders				
36	Soliciting money or any valuable thing without proper authorization	5 days to 10 days	15 days to 20 days	25 days to 30 days	2 years

Section	Charge	First Offense	Second Offense	Third Offense	Reckoning Period
37	Instituting civil or criminal action arising from police duty, without the Mayor's permission	reprimand to 5 days	5 days to 10 days	15 days to dismissal	2 years
38	Giving a verbal or written report of any accident involving Borough employees, property or equipment to an unauthorized person without proper authorization	reprimand to 5 days	5 days to 10 days	15 days to dismissal	2 years
39	Being found in any alcoholic beverage licensed establishment in full uniform or in part of uniform while not in performance of police duty	5 days to 10 days	15 days to 20 days	25 days to 30 days	2 years
40	Improper possession of alcoholic beverages on the person, in police vehicle or on any police property	5 days to 10 days	15 days to 20 days	25 days to 30 days	2 years
41	Failure to obtain medical certificate while on sick leave	10 days	30 days	dismissal	1 year
42	Failure to follow department procedures for the handling of evidence, personal effects and all other property taken into custody	reprimand to 5 days	5 days to 10 days	dismissal	2 years
43	Flagrant misuse, handling or display of firearms	reprimand to 5 days	5 days to 10 days	dismissal	2 years
44	Failure to submit properly written required report by end of workday	reprimand to 5 days	5 days to 10 days	10 days to 20 days	2 years
45	Operating police vehicles without authorization	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
46	Failure to report on or off duty as prescribed by duty roster	5 days	5 days to 10 days	15 days to 20 days	1 year
47	Failure to carry badge, revolver and other required equipment when on duty	5 days	5 days to 10 days	15 days to 20 days	1 year
48	Unexcused tardiness	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year

Section	Charge	First Offense	Second Offense	Third Offense	Reckoning Period
49	Changing residence without giving prompt and proper notification	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
50	Unauthorized persons in patrol car	5 days	5 days to 10 days	15 days to 20 days	1 year
51	Untidy appearance and dress while in uniform	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
52	Not in full prescribed uniform	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
53	Failure to properly address, when in uniform, the Mayor and all other superior officers	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
54	Communicating or imparting confidential police information, either in writing or verbally, to unauthorized persons	10 days	15 days to 20 days	dismissal	1 year
55	Failure to give prescribed identification when answering the phone	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
56	Refusal to give name and badge number when properly requested	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
57	Reading newspapers, books or periodicals while on duty	reprimand to 5 days	5 days to 10 days	15 days to 20 days	1 year
58	Without prior written approval of the Mayor, or his representative designated for that purpose appear or give testimony as a character witness for any defendant in a criminal trial or inquiry	5 days to 10 days	15 days to 30 days	dismissal	2 years
59	Be employed in any capacity while in uniform other than in the Borough of Millbourne	5 days to 10 days	15 days to 20 days	25 days to 30 days	1 year
60	Willfully damaging Police Department property and/or equipment	dismissal	–	–	–

Section	Charge	First Offense	Second Offense	Third Offense	Reckoning Period
61	Interference with police radio broadcasting and tampering with police radio equipment	dismissal	–	–	–
62	Failure to possess and maintain a current and valid Pennsylvania motor vehicle operator's license	dismissal	–	–	–

(Ord. 266, 1/3/1973, §18-9)

Part 6**Tax Collector****§1-601. Tax Collector.**

Beginning with the collection of the 1946 Borough taxes, the commission to be paid to the Tax Collector shall be 4 percent of the amount of all taxes collected for Borough purposes.

(Ord. 121, 6/4/1945, §1)

Part 7**Attorney Fees****§1-701. Fees to Be Added to the Unpaid Claim.**

Millbourne Borough hereby approves the following fee schedule for the collection of unpaid claims, which fees shall be added to the unpaid claim.

A. *Notice Expense.* A charge, not to exceed \$50, plus postage, shall be added to the unpaid claim for providing notice of delinquency pursuant to §7106 of the Municipal Claims and Tax Liens Act, 53 P.S. §7106. The Millbourne Borough may hire a private company to perform this service and add the amount of this charge to the unpaid claim.

B. *Collection Fees.*

Handling fee for returned check	\$30
Handling fee to issue refund check	\$20
Bookkeeping fee for payment plan of 3 months or less	\$25
Bookkeeping fee for payment plan of more than 3 months	\$50
Guaranteed payoff fee	\$25

C. *Legal Fees.*

Initial review and sending first demand letter	\$160
File lien and prepare satisfaction	\$250
Prepare Writ of Scire Facias	\$250
Obtain re-issued writ	\$30
Prepare and mail letter under Pa.R.C.P. 237.1	\$30
Prepare motion for alternate service	\$250
Prepare request for production of documents in preparation for trial	\$25
Prepare pre-trial memorandum	\$150
Prepare motion for judgment for want of sufficient affidavit of defense pursuant to 53 P.S. §7271	\$150
Prepare default judgment	\$175
Prepare writ of execution	\$800
Attendance at sale; review schedule of distribution and resolve distribution issues	\$400
Continue sheriff sale	\$50

Petition to assess damages	\$50
Petition for free and clear sale	\$400
Prepare bankruptcy proof of claim	\$100
Services not covered above at an hourly rate	between \$60–\$225 per hour

(Ord. 437, 3/20/2012, §1)

§1-702. Costs to Be Added to the Unpaid Claims.

In addition, the reasonable and necessary out-of-pocket charges, costs, expenses, commissions and fees incurred in collection, such as but not limited to, postage, title searches, Prothonotary fees and Sheriff fees, shall be added to the unpaid claims.

(Ord. 437, 3/20/2012, §2)

§1-703. Interest.

Interest will be assessed upon all delinquent unpaid municipal claims at a rate of 10 percent per annum and added to the unpaid claim.

(Ord. 437, 3/20/2012, §3)

§1-704. Collection Procedures.

The following collection procedures are hereby established in accordance with the Act:

A. At least 30 days prior to assessing or imposing attorney fees in connection with the collection of an account, Millbourne Borough or its designee shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the account (the “property owner”).

B. If the certified mail notice is undelivered, then, at least 10 days prior to the assessing or imposing such attorney fees, Millbourne Borough or its designee shall mail or cause to be mailed, by first class mail, a second notice to the property owner.

C. All notices required by this Part shall be mailed to the property owner’s last known post office address as recorded in the records or other information of Millbourne Borough or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.

D. Each notice as described above shall include the following:

(1) The type of tax or other charge, the date it became due and the amount owed, including penalty and interest.

(2) A statement of Millbourne Borough’s intent to impose or assess attorney fees within 30 days after the mailing of the first notice, or within 10 days after the mailing of the second notice.

(3) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the account.

(4) The place of payment for accounts and the name and telephone number of Millbourne Borough's representative designated as responsible for collection matters.

(Ord. 437, 3/20/2012, §4)

§1-705. Related Action.

The proper officials of Millbourne Borough are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Part.

(Ord. 437, 3/20/2012, §5)

§1-706. Appointment of Solicitor.

Millbourne Borough appoints Michelle R. Portnoff, Esquire, as Assistant Solicitor for the limited purpose of collecting delinquent real estate taxes and municipal service fees and hereby authorizes her, and attorneys under her supervision, to sign any and all documents, including real estate tax claims, on behalf of the Millbourne Borough.

(Ord. 437, 3/20/2012, §6)

Part 8**Firefighters' Relief****§1-801. Recognition of Association.**

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

(Res. 12/5/1932, §8-1)

§1-802. Designation of Association as Recipient of Funds.

The aforesaid Millbourne Firemen's Relief Association of the Borough of Millbourne is hereby designated by the Borough Council of the Borough of Millbourne as the proper association to receive such funds as are due and payable to the Borough Treasury by the Treasurer of the Commonwealth of Pennsylvania, from the 2 percent tax on premiums from foreign fire insurance companies.

(Res. 12/5/1932, §8-2)

§1-803. Annual Appropriation from Borough Treasury.

There is hereby annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the aforesaid Borough Treasury by the Treasurer of the Commonwealth of Pennsylvania on account of taxes paid on premiums by foreign fire insurance companies in pursuance of an Act of Assembly in such case made and provided.

(Res. 12/5/1932, §8-3)

