

# **Chapter 1**

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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 New Morgan shall be the “Borough of New Morgan Code of Ordinances.”

*(Ord. 2015-4, 9/8/2015)*

**§1-102. Citation of Code of Ordinances.**

The Borough of New Morgan 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. 2015-4, 9/8/2015)*

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

*(Ord. 2015-4, 9/8/2015)*

**§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. 2015-4, 9/8/2015)

### **§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. 2015-4, 9/8/2015)

### **§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. 2015-4, 9/8/2015)

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

(Ord. 2015-4, 9/8/2015)

**§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. 2015-4, 9/8/2015)

### §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. 2015-4, 9/8/2015)

### §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. 2015-4, 9/8/2015)

### §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 together with reasonable attorney fees 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. 2015-4, 9/8/2015)



**Part 2****Boards, Commissions and Committees****A. Planning Committee****§1-201. Established.**

There is hereby established the “New Morgan Borough Planning Committee.”  
(*Ord. 92-2, 5/14/1992, §1*)

**§1-202. Composition.**

The Planning Committee shall be comprised of the members of the Borough Council, who shall serve so long they remain a member of Borough Council.  
(*Ord. 92-2, 5/14/1992, §2*)

**§1-203. Powers and Duties.**

The Planning Committee shall have the powers and duties conferred upon planning agencies pursuant to §209.1 of the Municipalities Planning Code, 53 P.S. §10209.1.  
(*Ord. 92-2, 5/14/1992, §3*)



**Part 3****Appointed Officials****A. Borough Manager****§1-301. Creation.**

The Borough Council of the Borough of New Morgan hereby creates the office of Borough Manager.

(*Ord. 92-1, 5/14/1992, §1*)

**§1-302. Appointment.**

The Borough Manager shall be appointed by a vote of a majority of all the members of Borough Council for an indefinite term as provided by law, and shall serve at its pleasure.

(*Ord. 92-1, 5/14/1992, §2*)

**§1-303. Compensation.**

The Borough Manager shall receive such salary as is from time to time established by Borough Council.

(*Ord. 92-1, 5/14/1992, §3*)

**§1-304. General Duties.**

1. The Borough Manager shall have and exercise all powers and duties assigned to him by statute and such other authority as may be granted by the Borough Council. Without any limitation to the foregoing powers and duties, the Borough Manager shall be charged with the enforcement of all laws and ordinances within the Borough insofar as their enforcement is within the powers of the Borough.

2. The Borough Manager shall attend all meetings of the Borough Council, shall keep the Council informed as to the affairs of the Borough, and shall recommend to the Council such actions as may be necessary or expedient for the welfare of the Borough.

(*Ord. 92-1, 5/14/1992, §4*)

**§1-305. Employees.**

The Borough Manager shall hire and discharge all employees authorized by the Borough Council to be hired, at such compensation as may be set or authorized by the Borough Council. All employees shall perform their duties subject to the direction of the Borough Manager or that of the superior to whom such Manager may assign such employee.

(*Ord. 92-1, 5/14/1992, §5; as amended by Ord. 2015-4, 9/8/2015*)

**§1-306. Purchases.**

The Borough Manager shall be general purchasing agent of the Borough, and except where specific provision to the contrary is made by law or by the Council, he

shall make all purchases of supplies, materials and equipment authorized by the Council, in the manner prescribed by, and subject to, the limitations imposed by law. No purchase shall be made or obligation incurred except upon authorization by the Council, and no expense shall be incurred, except for the purpose for which no prior appropriation is required by law, if the amount thereof is not covered by an unexpended appropriation for the purpose.

*(Ord. 92-1, 5/14/1992, §6)*

#### **§1-307. Appropriation and Levies.**

It shall be the duty of the Borough Manager to cause to be prepared each year the annual appropriation ordinance in time for consideration and enactment by the Council in accordance with law; and to prepare the tax levy ordinance for passage and file a certified copy thereof with the County Clerk within the time required by law. He shall keep current accounts of the amounts appropriated and the amounts spent out of each appropriation, showing the unexpended appropriations at all times.

*(Ord. 92-1, 5/14/1992, §7)*

#### **§1-308. Accounts.**

It shall be the duty of the Borough Manager to keep current accounts showing at all times the fiscal condition of the Borough, including the current and anticipated expenses, appropriations, cash on hand and anticipated revenue of all municipal funds and accounts; and he shall see to the collection of all money due the Borough.

*(Ord. 92-1, 5/14/1992, §8)*

#### **§1-309. Inventories; Property.**

The Borough Manager shall keep a current inventory showing all real and personal property of the Borough and its location, and shall be responsible for the care and custody of all such property including equipment, buildings, parks and all other Borough property, which is not by law assigned to some other officer or body for care and control.

*(Ord. 92-1, 5/14/1992, §9)*

#### **§1-310. Reports and Publications.**

It shall be the duty of the Borough Manager to see to the publication of all notices, ordinances or other documents required by law to be published, and to prepare or cause to be prepared, all reports with which the Borough or any of the officials thereof are required by law to prepare.

*(Ord. 92-1, 5/14/1992, §10)*

**B. Independent Auditor****§1-321. Appointment.**

The Borough Council hereby appoints an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants.

(*Ord. 93-1, 3/11/1993, §1*)

**§1-322. Manner of Appointment.**

The independent auditor shall be appointed, annually, by resolution before the close of a fiscal year, and shall perform the duties and exercise the powers as conferred by the applicable provisions of the Borough Code, 8 Pa.C.S.A. §101 *et seq.*

(*Ord. 93-1, 3/11/1993, §2*)

**§1-323. Office of Elected Auditor Abolished.**

The office of elected Borough Auditor or Controller, as the case may be, is hereby abolished.

(*Ord. 93-1, 3/11/1993, §3*)





**Part 4****Pension Plans****A. Employees Pension Plan****§1-401. Adoption of Plan.**

Effective as of January 1, 1999, the accompanying joinder agreement and the terms of the Pennsylvania State Association of Boroughs Master Retirement Trust are hereby adopted by the Employer, to be known hereafter as the New Morgan Borough Employees Pension Plan (the "Plan").

*(Ord. 99-7, 5/13/1999)*

**§1-402. Appointment of Trustee.**

The Board of Trustees of the Pennsylvania State Association of Boroughs Master Retirement Trust be designated as Trustee for the Plan and that all contributions be held and invested by such Trustee in accordance with the terms of the Plan.

*(Ord. 99-7, 5/13/1999)*



**Part 5****Fire Insurance Proceeds Escrow****§1-501. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter “insurer”) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to 508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the “Act”), 40 P.S. §638, and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property (“municipal claims”), or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively “municipal expenses”), the Borough Manager shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

C. Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to paragraph .A of this subsection, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2 of this Section, or where the Treasurer has issued a certificate described in subsection .2.A indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.

B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor’s signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the

insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.

(4) Pay to the Borough Treasurer, for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Borough Manager that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

(6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem responsible.

*(Ord. 2015-4, 9/8/2015)*

### **§1-502. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

*(Ord. 2015-4, 9/8/2015)*

**§1-503. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment including all rights of subrogation and of assignment.

*(Ord. 2015-4, 9/8/2015)*

**§1-504. Notification of Pennsylvania Department of Community and Economic Development.**

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

*(Ord. 2015-4, 9/8/2015)*

**§1-505. Penalty.**

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof, 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 together with reasonable attorney fees 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.

*(Ord. 2015-4, 9/8/2015)*

**§1-506. Saving Clause.**

The provisions of this Part, so far as they are the same as those of ordinances enforced immediately prior to the enactment of this Part are intended as a continuation of such ordinances and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Part.

*(Ord. 2015-4, 9/8/2015)*



**Part 6****Authorities****A. New Morgan Municipal Authority****§1-601. Intention to Create Authority.**

The Borough Council of this Borough hereby signifies its desire and intention to incorporate and organize an authority under provisions of the Municipality Authorities Act of 1945, the Act of May 2, 1945, P.L. 382, as amended (the “Municipality Authorities Act”).

*(Ord. 92-7, 10/8/1992, §I)*

**§1-602. Execution of Articles of Incorporation Authorized.**

The President and Vice-President of the Borough Council and the Secretary of the Borough are authorized and directed to execute, on behalf of the Borough, Articles of Incorporation for an authority, and the seal of said Borough shall be thereto affixed and attested by the Secretary, in substantially the form that is attached hereto as Exhibit 1-6-A and by reference made part hereof, which relate to the creation of the “New Morgan Municipal Authority” (the “Authority”).

*(Ord. 92-7, 10/8/1992, §II)*

**§1-603. Publication of Notice.**

The President or Vice-President of the Borough Council and the Secretary of this Borough are authorized and directed to cause public notice to be published as to the substance of this Part, including the substance of said Articles of Incorporation, and as to the proposed filing of said Articles of Incorporation, all in accordance with the requirements of the Municipality Authorities Act.

*(Ord. 92-7, 10/8/1992, §III)*

**§1-604. Filing of Articles of Incorporation.**

The President or Vice-President of the Borough Council and the Secretary of this Borough are authorized and directed to file said Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania, and to pay any required filing fees therefor.

*(Ord. 92-7, 10/8/1992, §IV)*

**§1-605. First Members of the Board.**

The persons named below are hereby appointed as the first members of the Board of the Authority. Each member’s term of office shall commence on the date of appointment and shall end on the date specified below:

Name	Address	Term of Office Ending
Robert McMannus	4 Park Village Lane Morgantown, PA 19543	December 31, 1993
Archie Shearard	2 Park Village Lane Morgantown, PA 19543	December 31, 1994
Amy Young	8 Park Village Lane Morgantown, PA 19543	December 31, 1995
Norris Carr	6 Park Village Lane Morgantown, PA 19543	December 31, 1996
James H. Law	Post Office Box 352A Elverson, PA 19520	December 31, 1997

*(Ord. 92-7, 10/8/1992, §V)*

**§1-606. Authority of Officers of the Borough.**

The proper officers of the Borough Council are authorized and directed to do all other things necessary to effect the incorporation of the Authority and to advance and pay other reasonable and necessary costs associated therewith.

*(Ord. 92-7, 10/8/1992, §VI)*



**ARTICLES OF INCORPORATION  
THE "BOROUGH OF NEW MORGAN MUNICIPAL AUTHORITY"**

**TO: SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG, PENNSYLVANIA**

In compliance with the requirements of the Pennsylvania Municipality Authorities Act, the Act of May 2, 1945, P.L. 382, as amended (the "Municipality Authorities act"), and pursuant to an Ordinance duly enacted by the Borough Council of the Borough of New Morgan in the Commonwealth of Pennsylvania (the "Borough") on October 8, 1992 expressing the desire and intention of said Borough to incorporate and organize an authority under provisions of said Act, the Borough hereby certifies as follows:

1. The name of the Authority shall be: the "NEW MORGAN MUNICIPAL AUTHORITY."
2. The Authority is formed under the provisions of the Municipality Authorities Act.
3. No other authority has been organized under provisions of the Municipality Authorities Act, or under provisions of the Act of Assembly approved June 28, 1935, P.L. 463, as amended, and is in existence in or for the incorporating municipality.
4. The name of the incorporating municipality is the Borough of New Morgan in the Commonwealth of Pennsylvania.
5. The Authority is incorporated for the purposes specified in the Municipality Authorities Act, including but not limited to acquiring, holding, constructing, financing, improving, maintaining, operating, owning and leasing projects of the kind and character contemplated by the Municipality Authorities Act, and to undertake any and all such other activities which a municipal authority may perform pursuant to the provisions of the Municipality Authorities Act.
6. The initial term for which the Authority is to exist is fifty (50) years.

7. The offices, names, and addresses of the Borough Council of said incorporating municipality, the Borough, are:

<u>Office</u>	<u>Name</u>	<u>Address</u>
President and Member of the Borough Council	Judith Betz	Post Office Box 602 Morgantown, PA 19543
Vice-President and Member of the Borough Council	Diane Bramhall	Post Office Box 406 Morgantown, PA 19543
Member of the Borough Council	Robert Williams	Post Office Box 405 Morgantown, PA 19543
Secretary	Carolyn Williams	Post Office Box 405 Morgantown, PA 19543
Mayor	William Betz	Post Office Box 602 Morgantown, PA 19543

8. The names, addresses, and terms of office of the first members of the Board of the Authority are provided below. Each member's term of office shall commence on the date of appointment.

<u>Name</u>	<u>Address</u>	<u>Term of Office Ending</u>
Robert McMannus	4 Park Village Lane Morgantown, PA 19543	December 31, 1993
Archie Shearard	2 Park Village Lane Morgantown, PA 19543	December 31, 1994
Amy Young	8 Park Village Lane Morgantown, PA 19543	December 31, 1995
Norris Carr	6 Park Village Lane Morgantown, PA 19543	December 31, 1996
James H. Law	Post Office Box 352A Elverson, PA 19520	December 31, 1997

9. The initial office of the Authority shall be Morgantown Properties, Suite 207, Bethlehem Drive, Box 557, Morgantown, PA 19543.

IN WITNESS WHEREOF, the Borough of New Morgan in the Commonwealth of Pennsylvania submits these Articles of Incorporation to be executed by the President of the Borough Council of the Borough, as attested by the Secretary of the Borough, and the seal of the Borough to be affixed hereunto, this 8th day of October, 1992.

BOROUGH COUNCIL OF  
NEW MORGAN BOROUGH

Judith Betz  
Judith Betz, President

ATTEST:

Carolyn Williams  
Carolyn Williams, Secretary

(SEAL)



**B. New Morgan Industrial Development Authority**

**§1-611. Intention to Create Authority.**

The Borough Council of this Borough hereby signifies its desire and intention to incorporate and organize an authority under provisions of the Industrial and Commercial Development Authority Law, Act No. 171, December 29, 1971, P.L 647, as amended (the “Industrial and Commercial Authority Law”).

(Ord. 92-8, 10/8/1992, §I)

**§1-612. Execution of Articles of Incorporation Authorized.**

The President and Vice-President of the Borough Council and the Secretary of the Borough are authorized and directed to execute, on behalf of the Borough, Articles of Incorporation for an authority, and the seal of said Borough shall be therefor affixed and attested by the Secretary, in substantially the form that is attached hereto as Exhibit 1-6-B and by reference made a part hereof, which relate to the creation of the “New Morgan Industrial Development Authority” (the “Authority”).

(Ord. 92-8, 10/8/1992, §II)

**§1-613. Publication of Notice.**

The President or Vice-President of the Borough Council and the Secretary of this Borough are authorized and directed to cause public notice to be published as to the substance of this Part, including the substance of said Articles of Incorporation, and as to the proposed filing of said Articles of Incorporation, all in accordance with the requirements of the Industrial and Commercial Authority Law.

(Ord. 92-8, 10/8/1992, §III)

**§1-614. Filing of Articles of Incorporation.**

The President or Vice-President of the Borough Council and the Secretary of this Borough are authorized and directed to file said Articles of Incorporation with the Secretary of the Commonwealth of Pennsylvania, and to pay any required filing fees therefor.

(Ord. 92-8, 10/8/1992, §IV)

**§1-615. First Members of the Board.**

The persons named below are hereby appointed as the first members of the Board of the Authority. Each members term of office shall commence on the date of appointment and shall end on the date specified below.

Name	Address	Term of Office Ending
Robert McMannus	4 Park Village Lane Morgantown, PA 19543	December 31, 1993
Archie Shearard	2 Park Village Lane Morgantown, PA 19543	December 31, 1994
Amy Young	8 Park Village Lane Morgantown, PA 19543	December 31, 1995

Name	Address	Term of Office Ending
Norris Carr	6 Park Village Lane Morgantown, PA 19543	December 31, 1996
James H. Law	Post Office Box 352A Elverson, PA 19520	December 31, 1997

(Ord. 92-8, 10/8/1992, §V)

**§1-616. Authority of Officers of the Borough.**

The proper officers of the Borough Council are authorized and directed to do all other things necessary to effect the incorporation of the Authority and to advance and pay other reasonable and necessary costs associated therewith.

(Ord. 92-8, 10/8/1992, §VI)

**ARTICLES OF INCORPORATION  
THE "NEW MORGAN INDUSTRIAL DEVELOPMENT AUTHORITY"**

**TO: SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG, PENNSYLVANIA**

In compliance with the requirements of the Industrial and Commercial Development Authority Law, Act No. 171, December 29, 1971, P.L. 647, as amended (the "Industrial and Commercial Development Authority Law"), and pursuant to an Ordinance duly enacted by the Borough Council of the Borough of New Morgan in the Commonwealth of Pennsylvania (the "Borough") on October 8, 1992, expressing the desire and intention of said Borough to incorporate and organize an authority under provisions of said Law, the Borough hereby certifies as follows:

1. The name of the Authority shall be: the "NEW MORGAN INDUSTRIAL DEVELOPMENT AUTHORITY."
2. The Authority is formed under the provisions of the Industrial and Commercial Development Authority Law.
3. The name of the incorporating municipality is the Borough of New Morgan in the Commonwealth of Pennsylvania.
4. The Authority is incorporated for the purposes specified in the Industrial and Commercial Development Authority Law, including, but not limited to acquiring, holding, constructing, improving, maintaining, owning, financing and leasing projects of the kind and character contemplated by the Industrial and Commercial Development Authority Law, and to undertake any and all such other activities which an authority may perform pursuant to the provisions of the Industrial and Commercial Development Authority Law.
5. The initial term for which the Authority is to exist is fifty (50) years.

6. The offices, names and addresses of the said incorporating municipality, the Borough, are:

<u>Office</u>	<u>Name</u>	<u>Address</u>
President and Member of the Borough Council	Judith Betz	Post Office Box 602 Morgantown, PA 19543
Vice-President and Member of the Borough Council	Diane Bramhall	Post Office Box 406 Morgantown, PA 19543
Member of the Borough Council	Robert Williams	Post Office Box 405 Morgantown, PA 19543
Secretary	Carolyn Williams	Post Office Box 405 Morgantown, PA 19543
Mayor	William Betz	Post Office Box 602 Morgantown, PA 19543

7. The names, addresses, and terms of office of the first members of the Board of the Authority are provided below. Each member's term of office shall commence on the date of appointment.

<u>Name</u>	<u>Address</u>	<u>Term of Office Ending</u>
Robert McMannus	4 Park Village Lane Morgantown, PA 19543	December 31, 1993
Archie Shearard	2 Park Village Lane Morgantown, PA 19543	December 31, 1994
Amy Young	8 Park Village Lane Morgantown, PA 19543	December 31, 1995
Norris Carr	6 Park Village Lane Morgantown, PA 19543	December 31, 1996
James H. Law	Post Office Box 352A Elverson, PA 19520	December 31, 1997



8. The initial office of the Authority shall be Morgantown Properties, Sulte 207, Bethlehem Drive, Box 557, Morgantown, PA 19543.

IN WITNESS WHEREOF, the Borough of New Morgan in the Commonwealth of Pennsylvania submits these Articles of Incorporation to be executed by the President of the Borough Council of the Borough, as attested by the Secretary of the Borough, and the seal of the Borough to be affixed hereunto, this 8th day of October, 1992.

BOROUGH COUNCIL OF  
NEW MORGAN BOROUGH

Judith Betz  
Judith Betz, President

ATTEST:

Carolyn Williams  
Carolyn Williams, Secretary

(SEAL)



**C. Utilities Authority**

**§1-621. Name of the Authority.**

The name of the authority shall be the “New Morgan Borough Utilities Authority.”  
*(Res. 2006-2, 3/8/2006, §1)*

**§1-622. Creation of Authority.**

The Authority is being created pursuant to the Municipality Authorities Act, 53 Pa.C.S.A. §5601 *et seq.*, as amended.  
*(Res. 2006-2, 3/8/2006, §2)*

**§1-623. First Members.**

The names, addresses and term of office of the first members are as follows:

Name	Address	Term of Office
Frank Eisenhower	P.O. Box 744 Morgantown, PA 19543	5 years
Steve Caramenico	2 Park Village Lane Morgantown, PA 19543	4 years
Tressie Maroon	8 Park Village Lane Morgantown, PA 19543	3 years
William Bailey	8 Park Village Lane Morgantown, PA 19543	2 years
Elizabeth Phillips	900 Harmony Road Morgantown, PA 19543	1 year

*(Res. 2006-2, 3/8/2006, §3)*

**§1-624. Functions and Powers.**

The Authority will be authorized to perform all of the function and powers detailed in the Act.  
*(Res. 2006-2, 3/8/2006, §4)*

**§1-625. Filing of Articles of Incorporation.**

New Morgan Borough Council hereby authorizes its Solicitor to file Articles of Incorporation and any other necessary documentation to perfect the creation of the Authority.  
*(Res. 2006-2, 3/8/2006, §5)*



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**Part 7****Non-Uniformed Employees Money Purchase Pension Plan****§1-701. Termination of Prior Pension Plan.**

Effective as of October 1, 2008, the New Morgan Borough Employees Pension Plan (the “Plan”) is hereby terminated by the employer.

*(Ord. 2009-2, 3/10/2009)*

**§1-702. Creation of Money Purchase Pension Plan.**

Effective as of October 1, 2008, the Borough of New Morgan Non-Uniformed Employees Money Purchase Pension Plan (the “Pension Plan”) is hereby adopted by the employer.

*(Ord. 2009-2, 3/10/2009)*

**§1-703. Appointment of Trustee.**

The Borough Council be designated as the Trustee for the Pension Plan and that all contributions be held and invested by such Trustee in accordance with the terms of the Pension Plan.

*(Ord. 2009-2, 3/10/2009)*

**§1-704. Actions Authorized.**

Any Councilman of the employer is hereby authorized, directed and empowered, for and on behalf of the employer to take any and all further actions necessary to effect the termination of the Plan and distribute all of its assets as soon as practicable following the termination including (without limitation): (A) providing notice to the trustee and the custodian of the Plan assets of the Plan’s termination; (B) giving notice to each participant of his or her right to receive his or her account balance in the form of a lump sum distribution (or otherwise as provided by applicable law or the Plan document) or to elect a direct rollover of his or her distribution; and (C) giving directions to the trustee of the Plan to distribute all assets of the Plan.

*(Ord. 2009-2, 3/10/2009)*

**§1-705. Additional Actions Authorized.**

Any Councilman of the employer is hereby authorized, directed and empowered to take any and all further actions and to execute all additional documents as they may deem necessary or appropriate in order to carry out the intent of the foregoing ordinance, ensure that the Plan is terminated, and ensure that all Plan assets are distributed and ensure that the Pension Plan is properly adopted and that the Trustee for the Pension Plan is designated as such.

*(Ord. 2009-2, 3/10/2009)*



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**Part 8****Compensation****§1-801. Compensation.**

The compensation for the duties imposed by the provisions of the Borough Code is hereby fixed and ratified as follows:

- A. Mayor—\$2,500 per year.
- B. President of Borough Council—\$2,500 per year.
- C. Member of Borough Council—\$1,875 per year.
- D. Secretary—\$16,456 per year. [*Ord. 2001-4*]
- E. Assistant Secretary—\$6,464 per year. [*Ord. 2001-4*]

(*Ord. 2000-1, 3/8/2000, §1; as amended by Ord. 2001-4, 5/9/2001, §1*)

**§1-802. Salaries Payable in Accordance with Law.**

Such salaries shall be payable in accordance with applicable law.

(*Ord. 2000-1, 3/8/2000, §2*)

