

# **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 Ivyland shall be the "Borough of Ivyland Code of Ordinances."

*(Ord. 2011-3, 11/9/2011)*

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

The Borough of Ivyland 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. 2011-3, 11/9/2011)*

**§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. 2011-3, 11/9/2011)*

**§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. 2011-3, 11/9/2011)

### **§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. 2011-3, 11/9/2011)

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

(Ord. 2011-3, 11/9/2011)

**§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. 2011-3, 11/9/2011)

**§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. 2011-3, 11/9/2011)

### §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. 2011-3, 11/9/2011)

### §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. 2011-3, 11/9/2011)

### §1-111. Penalties.

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

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

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

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

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

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

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

(Ord. 2011-3, 11/9/2011)





**Part 2****Police Department****§1-201. Established.**

A Police Department is hereby established in and for the Borough of Ivyland. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.

*(Ord. 64-10, 10/7/1964, §1)*

**§1-202. Classifications.**

Subordinate to the Chief of Police, in the Police Department, the following classifications are hereby established: Lieutenant, Sergeant, and Patrolman, or those of such classifications to which Council shall at any specific time have appointed one or more police officers. The priority of authority among such subordinate classifications shall be in the order above listed.

*(Ord. 64-10, 10/7/1964, §2)*

**§1-203. Appointments.**

The number of persons to serve in each of such classification, on a full-time and/or a part-time basis, and the compensation of each shall be as determined by the Borough Council from time to time.

*(Ord. 64-10, 10/7/1964, §3)*



**Part 3****Boards and Commissions****A. Park and Recreation Board****§1-301. Composition.**

1. A Park and Recreation Board is hereby established in the Borough of Ivyland.
  2. This Board shall be composed of seven members, to serve without pay, appointed by the Borough Council of Ivyland. The two additional members shall be appointed by Borough Council; one of the additional members shall be appointed for an initial term of 2 years and the other additional member shall be appointed for an initial term of 4 years. [*Ord. 1979-2*]
  3. The members of the Board shall serve terms of 5 years or until their successors are appointed except that members of such Board, first appointed, shall be appointed for such terms that the term of one member shall expire annually thereafter.
  4. Vacancies in such Board, occurring otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointments.
  5. The Board shall carry out the following duties and possess the following powers:
    - A. The Board shall recommend to Borough Council a budget for the equipping of, the operating of, the supervising of and the maintaining of Ivyland Borough parks and facilities, and for the conducting of recreation programs.
    - B. The Board shall recommend to Borough Council standards, qualifications and salary schedules for the employment of recreation directors, maintenance personnel, or any other officers or employees. The Board shall supply Borough Council with a list of qualified candidates for the aforementioned positions, and Borough Council shall make all appointments.
    - C. Within this scope of the budget and the programs approved by Borough Council, the Board shall:
      - (1) Equip, operate, supervise, and maintain parks and facilities.
      - (2) Establish and conduct recreation programs.
      - (3) Supervise recreation directors, maintenance personnel, or any other officers or employees appointed by Borough Council.
      - (4) Have all the powers and duties prescribed for a Borough Shade Tree Commission pursuant to the Act of 1966, February 1, P.L. (1965), No. 581, §2721 *et seq.*, 53 P.S. §47721 *et seq.*
    - D. The Board shall submit an annual report to Borough Council. The report shall include an analysis of the parks and facilities.
    - E. The Board shall submit a monthly report to the Borough Council which shall include an analysis of all on going activities of the Board.
- (*Ord. 1965-1, 1/6/1965; as amended by Ord. 1979-2, 4/4/1979, §9*)



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

1. A Department of the Borough of Ivyland is hereby created, to be known as the Department of Borough Planning, which shall be in the charge of the Borough Planning Commission. The said Borough Planning Commission shall be constituted as provided by law and shall perform all the duties and may exercise all the powers conferred upon borough planning commissions by law.

2. The number of members of the Borough Planning Commission is reduced from seven to five, subject to the requirements of 53 P.S. §10203(d) concerning the method for reducing the number of members. [*Ord. 2002-2*]

(*Ord. 1964-11, 11/4/1964, §1; as amended by Ord. 2002-2, 2/13/2002, §1*)



**Part 4****Appointed Officials****A. Secretary and Treasurer****§1-401. Simultaneous Holding of Offices of Secretary and Treasurer Authorized.**

When duly appointed by the Borough Council as provided in the Borough Code, 53 P.S. §45101 *et seq.*, it shall be lawful the same individual to simultaneously hold the offices of Borough Secretary and Borough Treasurer.

*(Ord. 2005-7, 6/8/2005, §1)*

**§1-402. Previous Acts Ratified and Confirmed.**

Any official act taken by any person who has previously held at the same time the offices of Borough Secretary and Borough Treasurer is hereby ratified and confirmed.

*(Ord. 2005-7, 6/8/2005, §2)*





**B. Independent Auditor****§1-411. Position Created.**

From and after the effective date of this Part, a certified public accountant or a firm of certified public accountants, registered in the Commonwealth of Pennsylvania, shall be appointed as independent auditor of the Borough of Ivyland, all pursuant to the authority contained in 53 P.S. §46005(7).

*(Ord. 1993-2, 1/6/1993, §1)*

**§1-412. Appointment.**

Such independent auditor shall be appointed annually, by resolution of Borough Council before the close of a fiscal year, to make an independent examination of the accounting records of the Borough of Ivyland for such fiscal year.

*(Ord. 1993-2, 1/6/1993, §2)*

**§1-413. Other Duties and Powers.**

Such independent auditor shall also perform the other duties and exercise the powers conferred by the provisions of 53 P.S. §46196.

*(Ord. 1993-2, 1/6/1993, §3)*

**§1-414. Office of Elected Auditor Abolished.**

Upon the appointment of an independent auditor as provided for herein, the office of elected Borough auditor is thereby abolished although the Borough auditors then in office shall continue to hold their office during the term for which elected; provided, however, that the Borough auditors shall not audit, settle, or adjust the accounts audited by such independent auditor.

*(Ord. 1993-2, 1/6/1993, §4)*

**§1-415. Compensation.**

The compensation of the independent auditor shall be determined by resolution of Borough Council and shall be paid out of Borough funds.

*(Ord. 1993-2, 1/6/1993, §5)*



**C. Delinquent Tax Collector****§1-421. Appointment.**

The Borough Council of Ivyland Borough appoints the elected Tax Collector of Ivyland Borough, or, in the event of a vacancy, that person's duly selected successor, as the Delinquent Tax Collector for Ivyland Borough. The Delinquent Tax Collector shall have the same powers, rights, privileges, duties, and obligations as set forth in 24 P.S. §6-686 of the Public School Code of 1949.

*(Ord. 2004-8, 12/29/2004, §1)*



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**Part 5****Ivyland Borough Open Records Policy****§1-501. General Rules.**

1. *Availability of Public Records.* Unless otherwise provided by law, Ivyland Borough shall make all public records as defined by the Pennsylvania Open Records Law, 65 P.S. §67.101 *et seq.*, accessible for inspection and duplication by a requester in accordance with Pennsylvania Open Records Law as amended by Act 3 of 2008.

2. *Record Form.* A public record shall be provided to a requester in the medium requested if the public record exists in that medium; otherwise, it shall be provided in the medium in which it exists.

3. *Access Hours.* Public records shall be available for access during the regular business hours of Ivyland Borough. Nothing in this policy shall provide for access to a record which is not a public record.

(*Res. 2008-11, 12/10/2008, §1*)

**§1-502. Requests for Access to Public Records.**

1. *Record Request Form.* All requests for public records shall be in writing, and shall be submitted on the Ivyland Borough record request form, a sample of which is attached hereto as Attachment "A."<sup>1</sup> The form shall include, among other things, the requester's contact information, the date received, and the specific records requested. Requests may be submitted in person or by mail, email, or fax.

2. *Specificity of Request.* Requests must be specific enough for the Borough to determine what records are needed.

3. *Submission of Request.* Requests shall be directed to Borough's Open Records Officer. Written requests may be submitted to the person in charge of the Borough Office during available office hours for delivery to the Open Records Officer.

4. *Open Records Officer.* The Borough Secretary is designated as the Borough's Open Records Officer. In the event that the Borough Secretary is unavailable, then the Borough Council President shall serve as the Borough's Open Records Officer.

5. *Open Records Officer Availability.* The Borough's Open Records Officer can be reached through the Borough Office, 991 Pennsylvania Avenue, Ivyland, Pennsylvania 18976, telephone 215-675-0110.

(*Res. 2008-11, 12/10/2008, §2*)

**§1-503. Borough's Response to Requests for Access.**

1. *General Rule.* Upon receipt of a written request for access to a record, the Borough 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 5 business days from the date the written

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<sup>1</sup>Editor's Note: Attachment "A" of *Res. 2008-11* is on file in the Borough office.

request is received by the Borough. Except as set forth in subsection .3, below, if the Borough fails to send the response within 5 business days of receipt of the written request for access, the written request for access shall be deemed denied.

2 *Presumption That Records Are Public; Exemptions.* Under Act 3 of 2008, it is presumed that all records of the Borough are public records unless specifically exempted by law. Exempted documents include:

- A. Any records, the disclosure of which could result in loss of State or Federal funds.
- B. Security records, including homeland security, infrastructure security, and computer security.
- C. HIPPA-type medical records.
- D. Personal identifiers such as social security numbers and phone numbers.
- E. Many, but not all, employee records.
- F. Collective bargaining or arbitration records until in final form.
- G. Draft forms of ordinances, resolutions, policies and other predecisional records.
- H. Trade secrets or proprietary information.
- I. Personal use notes and working papers.
- J. Investigative records.
- K. 911 recordings and records.
- L. DNA/RNA records.
- M. Minutes of meetings until approved and minutes of executive sessions (note: minutes are not required for executive session, but included in act).
- N. Records of real estate transactions until decisions are final.
- O. Library circulation records.
- P. Certain historical records, such as those that are fragile.
- R. Certain archaeological site information.
- S. Certain insurance information.
- T. Identifying information about a minor child.

3. *Exception.* Upon receipt of a written request for access, if the Borough determines that one of the following applies:

- A. The request for access requires redaction of a public record.
- B. The request for access requires the retrieval of a record stored in a remote location.
- C. A timely response to the request for access cannot be accomplished due to 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 Pennsylvania Open Records Law, 65 P.S. §67.101 *et seq.*
- E. The requester has not complied with the Borough's policy regarding access to public records.

F. The requester refuses to pay applicable fees set forth in this policy.

G. The extent or nature of the request precludes response within the required time.

The Borough shall send written notice to the requester within 5 business days of the Borough's receipt of the request notifying the requester that the request for access is being reviewed, the reason for the review; an estimate of the fees to be paid when/if the record is made available, and a reasonable date that a 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 5 business days allowed in subsection .1, the request for access shall be deemed denied, unless the requester has agreed in writing to an extension to the date specified in the notice.

4. *Third Party Information, Trade Secrets and Proprietary Information.* Any person submitting a document to the Borough for any reason may at the time of the submission notify the Borough in writing that the document contains a trade secret or proprietary information. If, in response to a request, the Borough provides a record that was provided to the Borough by a third party, the Borough will notify the third party, any person who was the subject of such record, and the person who submitted the request. In the event a requester requests a record that contains trade secret or proprietary information provided by a third party, and the third party has informed the Borough in writing that the record contains such information, the Borough will, within 5 business days of receiving the request notify the third party who will then have 5 business days to advise the Borough of its position or take other action. The Borough will decide not later than 10 business days following notification of the third party whether to release the record, and will notify the third party of its decision. The Borough will be without liability to any such third party for its decision to release a document in accordance with this procedure. [Res. 2010-2]

5. *Denial.* If the Borough'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:

A. A description of the record requested.

B. 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 Borough's determination that the record is not a public record shall be included.

C. The typed or printed name, title, business address, business telephone number and signature of the Open Records Officer on whose authority the denial is issued.

D. Date of the response.

E. The procedure to appeal the denial of access to the Office of Open Records, Pennsylvania Department of Community and Economic Development, under Act 3 of 2008.

6. *Certified Copies.* If the Borough grants a request for access, the Borough shall, upon request, provide the requester with a certified copy of the record if the requester pays the applicable certification fee.

7. *Discarding Unclaimed Records.* If a requester fails to retrieve copies of a record within 60 days after the Borough's response indicating that copies of the requested

record or records are available for delivery, then the Borough may dispose of any such copies and may retain fees paid to date.

(*Res. 2008-11, 12/10/2008, §3; as amended by Res. 2010-2, 1/13/2010*)

#### **§1-504. Partial Denial, Redaction.**

If the Borough determines that a public record contains information which is subject to access, as well as information which is not subject to access, the Borough's response shall grant access to the information which is subject to access and may 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 Borough 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 Borough 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 Borough redacts in accordance with this Section shall be deemed a denial under §1-503.4 of this policy.

(*Res. 2008-11, 12/10/2008, §4*)

#### **§1-505. Appeal from Final Borough Determination.**

If a written request for access is denied or deemed denied, the requester may file an appeal to the State Office of Open Records within 15 business days of the mailing date of the Borough's response or within 15 days of a deemed denial. The appeal shall state grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Borough for delaying or denying the request.

(*Res. 2008-11, 12/10/2008, §5*)

#### **§1-506. Fees.**

1. *Postage, Copying, Certification, Conversion.* The Borough may charge the following fees for requests made for access to public records:

A. *Postage.* Fees for postage shall be the actual cost of mailing.

B. *Copying.* Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be the same as the per copy fee set forth in the Ivyland Borough Fee Schedule, as amended from time-to-time by resolution of the Borough Council.

C. *Certification.* The fee for official certification of copies, if an official certification is requested by the requester for the purpose of legally verifying the public record, shall be as set forth in the Ivyland Borough Fee Schedule.

D. *Conversion to Paper.* If a public record is only maintained electronically or in other nonpaper media, duplication fees shall be the lesser of those imposed by subsection .1.B of this Section, or the fee for duplication of the original media.

2. *Waiver of Fees.* The Borough may waive the fees for duplication of a public record including, but not limited to, when:

A. The requester duplicates the public record.

B. The Borough deems it is in the public interest to do so.



3. *Prepayment.* Prior to granting a request for access in accordance with this policy, the Borough may require a requester to prepay an estimate of the fees authorized under this Section if the fees required to fulfill the request are expected to exceed \$100.

4. *Limitations.* Except as otherwise provided by statute, no other fees may be imposed unless the Borough necessarily incurs costs for complying with the request, and provided that such fees must be reasonable or must be equal to the actual cost of compliance. No fee may be imposed for the Borough's review of a record to determine whether the record is a public record subject to access in accordance with Act 3 of 2008. (Res. 2008-11, 12/10/2008, §6)

#### **§1-507. Regular Business Hours.**

The regular business hours of Ivyland Borough are as announced, published or as publicly posted from time to time.

(Res. 2008-11, 12/10/2008, §7)

#### **§1-508. Miscellaneous.**

1. *Requester Need Not State Reason for Request; No Limit on Number of Records Requested.* Ivyland Borough 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.

2. *Conversion from Electronic Record to Paper.* If a record is only kept in electronic form, Ivyland Borough shall make it available in paper on request upon payment of the required fees.

3. *Nonexistent Documents.* Nothing in this policy requires the Borough to create a record that does not exist or to modify a record or compile records into a format other than a format or compilation that exists at the time the request is made.

4. *Posting of Policy.* This policy shall be posted prominently at the Ivyland Borough building.

(Res. 2008-11, 12/10/2008, §8)

