

# CHAPTER 1

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### PART 1

#### **PLANNING COMMISSION**

##### **§ 1-101. Creation of Planning Commission.**

A Township Planning Commission to be composed of five members, appointed as provided by law (53 P.S. § 10202), is hereby created in-and for the Township of Lamar. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Lamar Township planning agencies; provided, the Planning Commission previously created in and for the said Township shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission, hereafter occurring, shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

(Ord. 12/10/2001)

### PART 2

#### **MUNICIPAL AUTHORITY**

##### **§ 1-201. Name.**

The name of the authority shall be "Municipal Authority of the Township of Lamar."

(Ord. 20-11-7-9,11/6/1972, § 1)

**§ 1-202. Authority.**

Said Authority shall be formed under the Municipality Authority Act of 1945 of the Commonwealth of Pennsylvania as a body politic incorporate (53 Pa.C.S. §§ 5601 et seq.).

(Ord. 20-11-72, 11/6/1972, §2)

**§ 1-203. Jurisdiction.**

The jurisdiction of said Authority shall be in and throughout the entire Township of Lamar, Clinton County, Pennsylvania.

(Ord. 20-11-72, 11/6/1972, § 3)

**§ 1-204. Purposes and Powers.**

The purposes and powers of said Authority shall be to deal with and handle any and all matters dealing with sewage, sewage facilities and sewage control and all other powers and purposes granted such an Authority under and by virtue of said act and all other relevant and pertinent acts and regulations.

(Ord. 20-11-7-9,11/6/1972, § 4)

**§ 1-205. Office.**

The name and location of the principal registered office of the Authority is Lamar Municipal Building, Rote, Lamar Township, Clinton County, Pennsylvania, the address being 148 Beagle Road, Mill Hall, Pennsylvania 17751.

(Ord. 20-11-72, 11/6/1972, § 5)

**PART 3**

**COMPENSATION OF TOWNSHIP SUPERVISORS**

**§ 1-301. Compensation for Attendance.**

Each Supervisor of Lamar Township elected or appointed to office on or after November 5, 1985, shall receive compensation for attending duly advertised general or special meetings of the Board of Supervisors at the rate of \$75 for such meeting attended by such Supervisor.

(Ord. 38-12-85, 1/1/1986, § 1; as amended by Ord. 12/10/2001)

**§ 1-302. Limit to Compensation.**

No Supervisor shall receive annual compensation under this Part in excess of the annual statutory limit set for Supervisors of townships within the appropriate population category.

(Ord. 38-12-85,11111986, § 2)

**Statutory reference:**

*Compensation; limitation, see 53 P.S. § 65606*

**§ 1-303. Payment of Compensation.**

Such compensation shall be paid in monthly, quarterly or semi-annual installments.

(Ord. 38-12-85,1/1/1986, § 3)

**PART 4**

**RIGHT-TO-KNOW LAW**

**§ 1-401. Applicability.**

This policy shall apply only to those public records as specified in the Right-to-Know Law, Act 3 of 2008, and shall take effect for all requests made on or after December 26, 2002.

(Res. 06-2006, 7/10/2006, § 1)

**§ 1-402. Procedure for Access to Public Records**

1. **Written Request.** Any and all requests for access to records shall be submitted in writing and directed to the Township Secretary at 148 Beagle Road, Mill Hall, Pennsylvania 17751. Written requests shall be on a form provided by the Township and shall include the following:

- A. Date of the request.
- B. Name and address of the requestor(s).
- C. A clear description of the records sought; the name and address to which the Township should address its response.
- D. The duplication medium requested (provided that the public record exists in that medium).

2. **Time of Accessibility.** Public records shall be available for access for inspection and copying at the Township Municipal Building, 148 Beagle Road, Mill Hall, Pennsylvania, during normal business hours, Monday through Friday, 8 a.m. to 12 p.m. and 1 p.m. to 4 p.m., with the exception of Holidays.

(Res. 06-2006, 7/10/2006, § 2)

### § 1-403. Fees and Costs

1. The following fees and costs shall be imposed upon an individual requesting access to public records as follows:
  - A. **Postage.** Actual costs of mailing.
  - B. **Duplication.** Photocopying shall be \$0.50 per page per side. The cost of duplication by other means, if available, shall be based on prevailing fees for comparable duplication services provided by local business entities.
  - C. **Certification.** If a "true and correct certification" is requested, an additional charge of \$2 will be imposed.
  - D. Such other reasonable fees as the Township necessarily incurs for complying with the request.
2. **Prepayment of Fees.** Prior to granting a request for access, the Township shall require an individual to pre-pay an estimate of fees as authorized herein if the fees required to fulfill the request are expected to exceed \$100.

(Res. 06-2006, 7/10/2006, § 3)

### § 1-404. Response to Written Request for Access

1. **Township Response Time.** The Township 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 request is received by the Township Secretary. Township employees shall cooperate with those requesting to review and/or duplicate original Township documents while taking reasonable measures to protect Township documents from the possibility of theft and/or modification.
2. *Exceptions to Response Time.*
  - A. Upon receipt of a written request for access, if:
    - (1) The request for access requires redaction of a record in accordance with 65 P.S. § 67.706;
    - (2) The Township Secretary determines that the request for access requires retrieval of a record stored in a remote location, or
    - (3) A timely response to the request cannot be accomplished due to specified staffing limitations, or
    - (4) A legal review is necessary to determine if the record is subject to access, or
    - (5) The requestor has not complied with the Township's policy regarding access to public records, or
    - (6) If the requestor refuses to pay applicable fees, a written notice shall be forwarded to the requestor within 5 business days of the Township Secretary's receipt of the request for access notifying the requestor that the request is being reviewed and that a response is expected to be provided within 35 days following the initial request.
    - (7) The extent or nature of the request precludes a response within the required time period.
  - B. Notice.
    - (1) Upon a determination that one of the factors listed in 2.A. applies, the open-records officer shall send written notice to the requester within 5 business days of receipt of the request for access under subsection 2.A.
    - (2) The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the 5 business days allowed for in 65 P.S. § 67.901, 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.
    - (3) If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.
3. **Deemed Denial.** If the Township fails to send a response within 5 business days of receipt of a written request for access when none of the above exceptions apply, the request for access shall be deemed denied. Moreover, if the date that

a response is expected to be provided is in excess of 30 days following the initial 5 business days allowed for response, the request for access shall also be deemed denied.

4. **Written Denial.** If the Township's response is a denial of a written request for access, whether in whole or in part, the Township shall issue a written response which shall include the following:

- A. A description of the record requested.
- B. The specific reasons for the denial, including a citation of supporting legal authority.
- C. The name, title, business address, business telephone number and signature of the public official or public employee on whose authority the denial is issued.
- D. Date of response.
- E. The procedure to appeal the denial of access.

5. **Available Format.** The Township will not compile, maintain, format or organize a public record in any manner it does not already do so.

(Res. 06-2006, 7/10/2006, § 4)

#### **§ 1-405. Appeal Process.**

1. **Time of Appeal.** If a written request for access is denied or deemed denied, the Requestor may file exceptions with the Township Secretary within 15 business days of the mailing date of the Township's response or within 15 days of the deemed denial. The exceptions shall state grounds upon which the requestor asserts that the record is a public record and shall address any grounds stated by the Township for delaying or denying the request.

2. **Determination of Appeal.** The Township Board of Supervisors shall make a final determination regarding the exceptions within 30 days of the mailing date of the exceptions. Prior to issuing the final determination regarding the exceptions, the Township Board of Supervisors may hold a hearing on the issue. If it is determined that the Township Secretary correctly denied the request for access, the Township Board of Supervisors shall provide a written explanation to the requestor of the reason for the denial.

3. **Judicial Appeal.** Within 30 days of the mailing date of a final determination of the Township Board of Supervisors affirming the denial of access, the requestor may file an appeal with the court of common pleas in accordance with applicable law.

(Res. 06-2006, 7/10/2006, § 5)

#### **§ 1-406. Penalties.**

The Township of Lamar, its public officials and employees shall not be liable for any civil or criminal damages or penalties other than as specifically provided in the Right-to-Know Law as a result of compliance or non-compliance with this Policy or the Right-to-Know Law.

(Res. 06-2006, 7/10/2006, § 6)

#### **§ 1-407. Interpretation.**

This policy shall be interpreted in accordance with the Right-to-Know Law. In the case of Page Added 12/10/2007 1-11 a conflict between this policy and the Right-to-Know Law, or if this policy fails to cover a particular aspect of the law, the terms of the Right-to-Know Law shall control.

(Res. 06-2006, 7/10/2006, § 7)

#### **§ 1-408. Implementation/Posting.**

The within policy and regulations shall be conspicuously posted at the Lamar Township Municipal Building.

(Res. 06-2006, 7/10/2006, § 8)