

ORDINANCE 2017-01

**BOROUGH OF DOWNINGTOWN
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF DOWNINGTOWN, CHAPTER 207 "PEACE AND GOOD ORDER" TO ADD A NEW ARTICLE VII ENTITLED "BOROUGH VOLUNTEERS", REQUIRING BACKGROUND CHECKS FOR ALL BOROUGH VOLUNTEERS AND MISCELLANEOUS PROVISIONS, VALIDITY, REPEAL, EFFECTIVE DATE AND FORMATTING.

AND NOW, this 5th day of April, 2017, it is hereby Enacted and Ordained by the Borough Council of the Borough of Downingtown, Chester County, Pennsylvania, that:

SECTION 1. Chapter 207, "Peace and Good Order," is hereby amended to add a new Article VII as follows:

ARTICLE VII. BOROUGH VOLUNTEERS

§ 207-18. Definitions

1. As used in this article, the following terms shall have the meanings indicated:

BOROUGH VOLUNTEER

An individual who performs a service or task under the direction and guidance of the Borough and receives no compensation or benefits from the Borough for that service or task, which shall include unelected members of Borough Boards and Commissions.

PENNSYLVANIA STATE POLICE CRIMINAL BACKGROUND CHECK

A Pennsylvania State Police criminal background check requested no earlier than three months prior to its submission to the Borough.

§207-19. Background Checks Required

1. All Borough volunteers shall be responsible for obtaining a Pennsylvania State Police criminal background check and a Pennsylvania Child Abuse History Certification, in accordance with Borough policy.
2. A Borough volunteer who has not been a resident of Pennsylvania for the entirety of the 10 years previous to their application for a position as a Borough volunteer shall also obtain a Federal Criminal History Background check.
3. An individual shall not serve as a Borough volunteer in any capacity until he/she obtains all certifications and backgrounds check required by this section to the Borough.

4. An individual shall be disqualified from serving as a Borough volunteer if the background checks required by this section provide a reasonable basis for determining that the public health, safety, and welfare will be jeopardized by the individual serving as a Borough volunteer.

§207-20. Intent

1. This Article is not intended to supersede or replace any requirements imposed by Pennsylvania's Child Protective Services Law or any other state or federal legislation.

SECTION 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

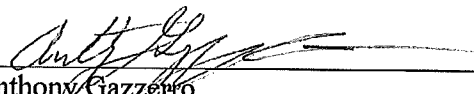
SECTION 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective upon enactment as provided by law.

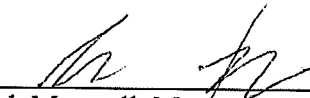
SECTION 5. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Downingtown Borough Code and to bring the Ordinance into conformity with the Downingtown Borough Code.

ADOPTED by Borough Council this 5th day of April, 2017.

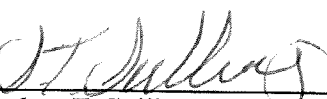
BOROUGH OF DOWNINGTOWN

By: 
Anthony Gazzo
President, Borough Council

APPROVED by the Mayor, this 5th day of April, 2017.

By: 
Josh Maxwell, Mayor

ENACTED this 5th day of April, 2017.

By: 
Stephen T. Sullins, Borough Secretary