

ORDINANCE NO. 2714-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, FURTHER AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD" CHAPTER 175, VEHICLES AND TRAFFIC.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. That Section 175-83, Schedule VIII, Ordinance No. 1960 be and the same is hereby amended and supplemented so as to establish a "STOP Intersections" on the following highways:


On the corner of Gladstone Road where it intersects with Edmonds Avenue – creating a three way stop.

SECTION 2. Upon effective date of this ordinance, the Highway Department shall install appropriate signs in the designated section or zones giving notice of the regulations aforesaid.

SECTION 3. Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this 10th day of March, A.D., 2014.

TOWNSHIP OF HAVERFORD


BY: Mario A. Oliva
President
Board of Commissioners


Attest: Lawrence J. Gentile
Township Manager/Secretary

ORDINANCE NO. 2715-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", BY FURTHER REVISING AND SUPPLEMENTING THE PROVISIONS OF CHAPTER 175, "VEHICLES AND TRAFFIC" SUBSECTIONS 175-65, TO MODIFY THE TERM OF DUTY TOW LICENSES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is enacted and ordained by the authority of the same:

SECTION 1. LANGUAGE AMENDMENTS.

A. § 175-65. Licensing applications, standards and duties of approved duty towers. further subsection B. *License application*, is hereby amended to read as follows:

9. After consideration of the Township Manager's recommendations, the Board of Commissioners shall appoint duty towers by January 31 of each year to serve for a period of ~~one year~~ **two years from the date of issuance with an additional year upon approval of the Board of Commissioners.** Secondary towers shall be placed on standby to substitute services for a primary tower who is unable, for any reason, to fulfill duty tow services. The primary towers shall have on-call status as determined by the Township Manager.

SECTION 2. Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this 13th day of January, 2013.

TOWNSHIP OF HAVERFORD

BY:


President
Board of Commissioners


Attest: Lawrence Gentile
Township Manager/Secretary

ORDINANCE NO. 2716-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", FURTHER AMENDING AND SUPPLEMENTING CHAPTER 86, FIRE PREVENTION.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is enacted and ordained by the authority of the same:

SECTION 1. TEXT AMENDMENTS

Chapter 86 is hereby amended by the addition of the following:

§86-7 Key Lock Boxes

A. Definition.

For purposes of this Section, the term "key lock box" shall mean a key lock box compatible with a Knox Rapid Entry System Key Box, as approved by a designated Fire Inspector with the Haverford Township Department of Code Enforcement.

B. Key Lock Box System.

(1) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Inspector:

a. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system. Other commercial or industrial structures that are secured in a manner that restricts access during an emergency may be voluntarily equipped with such a key lock box.

b. Multi-family residential structures that have restricted access through locked doors and have a common corridor for the access to the living units.

c. Governmental structures, school facilities, and nursing care facilities.

(2) All newly constructed structures subject to this Section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this Section and subject to this Section shall have a key lock box installed and operational within one year of the effective date of this Section.

C. Contents of Key Lock Boxes.

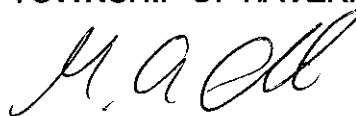
The key lock box shall contain keys to locked ports of entrance, whether on the interior or exterior of the structure, keys to locked mechanical equipment rooms, keys to locked electrical rooms, keys to elevator controls, and keys to any fenced or secured areas.

SECTION 3. Severability. The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 4. Effective Date. This ordinance shall become effective 10 days following final adoption by the Board of Commissioners and publication as required by law.

ADOPTED this 10th day of March, 2014.

TOWNSHIP OF HAVERFORD



BY:

Mario A. Oliva

President

Board of Commissioners

Attest: Lawrence J. Gentile
Township Manager/Secretary

ORDINANCE NO. 2717-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, FURTHER AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD" CHAPTER 175, VEHICLES AND TRAFFIC.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. That Section 175-91, Schedule XVI, Ordinance No. 1960 be and the same is hereby amended and supplemented so as to amend "PARKING OF ALL VEHICLES PROHIBITED AT ALL TIMES" on the following highway:

**Amending Ordinance 2430-2004 (parking of vehicles prohibited at all times)
to include both sides of West Chester Pike between Steel Road and Gilmore Road.**

**Amending Ordinance 2430-2014 (parking of vehicles prohibited at all times)
To include the North side of West Township Line Road from Darby Road to Bryan Street.**

SECTION 2. That Section 175-27 Parking of Vehicles Prohibited at all times, sub-section 175-91, Schedule XVI, hereby amended and supplemented so as to amend "NO PARKING HERE TO CORNER" on the following highway:

To include the north side of West Chester Pike from Gilmore Road to a point 15 feet east.

SECTION 3. That Section 175-94, Schedule XIX, "PARKING TIME LIMITED" – 2 Hour Parking is hereby amended and supplemented so as to add:

**2 Hour Parking on the North side from Vernon Road to a point 15 feet east of the Northwest corner of West Chester Pike and Gilmore Road and
On the South side from Gilmore Road to the driveway at 300 West Chester Pike.**

SECTION 4. That Section 175-95, Schedule XX, SPECIAL PURPOSE PARKING ZONE on the following highway:

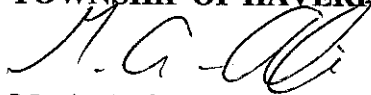
In front of 123 Sycamore Road

SECTION 5. Upon effective date of this ordinance, the Highway Department shall install appropriate signs in the designated section or zones giving notice of the regulations aforesaid.


SECTION 6. Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this 10th day of March, A.D., 2014.

TOWNSHIP OF HAVERFORD



**BY: Mario A. Oliva
President
Board of Commissioners**



**Attest: Lawrence J. Gentile
Township Manager/Secretary**

ORDINANCE NO. 2718-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", FURTHER AMENDING CHAPTER 149, "SEWAGE AND DRAINAGE FACILITIES", TO REMOVE AND AMEND LANGUAGE RELATING TO THE BILLING OF THE SANITARY SEWER RENT.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, Delaware County, Pennsylvania, and it is enacted and ordained by the authority of the same:

Article I TEXT AMENDMENTS

A. Chapter 149, Sewage and Drainage Facilities is hereby amended to read:

§ 149-9 Certain expenses to be met by annual rental or charge (subsection C only):

Sufficient to establish a fund balance of no less than 15% of budgeted sewer fund revenues.

§ 149-10 Basis for determining annual renting or charge.

The Board of Commissioners of Haverford Township finds as a fact that the majority of properties of the Township which are connected to the public sewers obtain water from the Aqua PA, hereafter for convenience called "water company", and further that the water company has water meters installed in the majority of said properties; and the Township further finds that the majority of all properties which are thus served by the water company are connected to the public sewers. The Board of Commissioners of Haverford Township therefore declares that the fairest manner in which to equitably apportion the total sewer rental or charge to be made is to base the charge for each property on the metered consumption of water used by each property connected to the sewers. It is also determined that the annual sewer rental or charge for any property for any year should be billed and shown separately on the annual real estate, sewer rent and trash fee bill dated February 1 of each year; and based, so far as practicable, on water actually consumed by said property during the 12 (twelve) consecutive months ending September 30 preceding the annual bill date.

§ 149-20 Establishment of sewer charges for homes with wells.

The annual sewer charge for homes with a well water source and therefore, not serviced by the water company, shall be calculated by multiplying the same rate (per 1,000 gallons) as established annually by ordinance of the Board of Commissioners by the amount of average annual water use (in gallons, per person) as computed by Aqua PA in its most recently published sustainability report as of September 30 of each year. Property owners are required to complete a bi-annual statement to the Township attesting to the number of individuals residing at the property being sourced by well water.

§ 149-21 Maintenance of records.

It shall be the duty of the Director of Finance to keep full, accurate and complete records of all sewer rentals and charges, bills, receipts, payments and transmittals of money to the Township.

Article II REPEALER

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

Article III SEVERABILITY

The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

ORDINANCE NO. 2718-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", FURTHER AMENDING CHAPTER 149, "SEWAGE AND DRAINAGE FACILITIES", TO REMOVE AND AMEND LANGUAGE RELATING TO THE BILLING OF THE SANITARY SEWER RENT.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, Delaware County, Pennsylvania, and it is enacted and ordained by the authority of the same:

Article I TEXT AMENDMENTS

A. Chapter 149, Sewage and Drainage Facilities is hereby amended to read:

§ 149-9 Certain expenses to be met by annual rental or charge (subsection C only):

Sufficient to establish a fund balance of no less than 15% of budgeted sewer fund revenues.

§ 149-10 Basis for determining annual renting or charge.

The Board of Commissioners of Haverford Township finds as a fact that the majority of properties of the Township which are connected to the public sewers obtain water from the Aqua PA, hereafter for convenience called "water company", and further that the water company has water meters installed in the majority of said properties; and the Township further finds that the majority of all properties which are thus served by the water company are connected to the public sewers. The Board of Commissioners of Haverford Township therefore declares that the fairest manner in which to equitably apportion the total sewer rental or charge to be made is to base the charge for each property on the metered consumption of water used by each property connected to the sewers. It is also determined that the annual sewer rental or charge for any property for any year should be billed and shown separately on the annual real estate, sewer rent and trash fee bill dated February 1 of each year; and based, so far as practicable, on water actually consumed by said property during the 12 (twelve) consecutive months ending September 30 preceding the annual bill date.

§ 149-11 Water company to furnish statements of water consumption; compensations.

In October of each year, the Director of Finance shall secure a data file from the water company showing the total number of metered gallons of water used by each individual consumer or property within the Township for the 12 (twelve) consecutive months ending September 30 and as records of the water company and their schedules of water meter readings permit. Reasonable compensation shall be paid to the water company for such data and shall be included as a part of the total amount of annual sewer rental as per §149-9 hereof.

§ 149-12 Estimation of water consumed for new properties required.

REMOVED IN ITS ENTIRETY

§ 149-13 Annual enactment of ordinance setting total water consumption and establishment of sewer fees.

As part of the annual budget process, the Board of Commissioners shall, adopt an ordinance which shall set a rate, for the ensuing year, to be applied for every 1,000 gallons of water used by consumers within the Township. The number of gallons shall be the number of gallons used for the 12 (twelve) consecutive months ending September 30 of the preceding year, as shown by water company records. In computing the number of thousand of gallons per property, usage will be determined to the closed 1/10 of a thousand gallons.

§ 149-14 Second Meter Refunds.

Whenever a property upon which a sewer rental is hereby imposed uses water from the water company, a portion of which is not discharged into the sewage system of the Township, the quantity of water so used and not discharged into the Township sewers shall be excluded in determining the sewer rental of said property, provided that the quantity of water so used and not discharged into the Township sewers is measured by a device or devices approved by the Township and installed without cost to the Township. A photograph of the initial "zero" reading of the newly installed separate meter must be furnished to the Township Finance Department upon installation. Annual readings, accompanied by a photograph of the separate meter (as of September 30) must be furnished to the Finance Department by the property owner no later than November 1 of each year. Upon payment in full of the annual sewer rent billed (at gross water usage) the following February 1, the reading from the second meter will be used

to calculate a refund back to the property owner. This refund represents the sewer rents or charges on water not discharged into the sewage system.

§ 149-15 Determination of separate or additional sewer rental; installation of meters.

REMOVED IN ITS ENTIRETY

§ 149-16 Procedure for billing properties connected to sewer system after mailing of sewer bills.

If a newly constructed property is connected to the public sewers after the annual bills are calculated, water readings from the date of connection through the next 12 (twelve) consecutive month cycle ending September 30 will be used to calculate the next sewer rent bill dated February 1 of the following year.

§ 149-17 Preparation of estimated sewer revenues.

In December of each year, estimated sewer rental revenues for the ensuing year shall be computed by the Director of Finance to assist the Township Manager and Board of Commissioners in its enactment of the ensuing year's budget. The estimated revenues shall be calculated by multiplying the number of thousands of gallons of water used by each property for the preceding 12 (twelve) month consecutive period ending September 30 as furnished by the water company times the amount of charge per 1,000 gallons of water as hereinbefore provided. It shall be the duty of the Township Secretary to certify a copy of the ordinance fixing the annual sewer rental or charge for the ensuing year to the Director of Finance.

§ 149-18 Computation, preparation and mailing of final sewer bill.

The Township does not prepare final sewer bills and therefore at the time of property transfer, the entire sewer rental should be apportioned in a like manner as real estate taxes, as per normal practice at settlement.

§ 149-19 Collection of sewer charges.

The Director of Finance is hereby charged with the duties of collecting all sewer charges and is authorized to adopt such regulations with respect hereto as may, in his or her discretion, seem fit and proper.

§ 149-20 Establishment of sewer charges for homes with wells.

The annual sewer charge for homes with a well water source and therefore, not serviced by the water company, shall be calculated by multiplying the same rate (per 1,000 gallons) as established annually by ordinance of the Board of Commissioners by the amount of average annual water use (in gallons, per person) as computed by Aqua PA in its most recently published sustainability report as of September 30 of each year. Property owners are required to complete a bi-annual statement to the Township attesting to the number of individuals residing at the property being sourced by well water.

§ 149-21 Maintenance of records.

It shall be the duty of the Director of Finance to keep full, accurate and complete records of all sewer rentals and charges, bills, receipts, payments and transmittals of money to the Township.

Article II REPEALER

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

Article III SEVERABILITY

The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

Article IV

EFFECTIVE DATE

This ordinance shall become effective ten (10) days following final adoption by the Board of Commissioners and publication as required by law.

ADOPTED this 9th day of June, 2014.

TOWNSHIP OF HAVERFORD

By:



Mario A. Oliva, President
Board of Commissioners

Attest:



Lawrence J. Gentile, Township Manager

ORDINANCE NO. 2719-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", FURTHER AMENDING CHAPTER 95, "GARBAGE, REFUSE AND RUBBISH", TO AMEND LANGUAGE RELATING TO THE BILLING OF THE ANNUAL TRASH COLLECTION FEE.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, Delaware County, Pennsylvania, and it is enacted and ordained by the authority of the same:

Article I TEXT AMENDMENTS

A. Chapter 95, Garbage, Rubbish and Refuse is hereby amended to read:

§ 95-27 Authorization

The Board of Commissioners of the Township of Haverford is hereby authorized to impose a fee and other regulations for the collection of garbage, rubbish, and refuse, pursuant to Article XV, Section 1501 and Section 1502, Clause XXVIII of the First Class Township Code Act of 1931, June 24, P.L. 1206, as amended, 53 P.S. §§ 56501, 56527, and to adopt this article pursuant to and as part of the budget adoption procedures under the Home Rule Charter of the Township.

§ 95-28 Establishment of fee for dwelling units

During the annual budget process, the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, shall establish an annual fee, per resident building containing one dwelling unit for the purpose of collecting garbage, rubbish and other refuse materials. The owner of record of any residence building containing one or more dwelling units shall be charged the fee per calendar year for each dwelling unit contained in said resident building up to a maximum of four units for the collection of said refuse from the resident building by the Township of Haverford. The responsibility for this charge remains with the owner of record.

§ 95-29 Applicability

The fee specified in §95-28 above does not apply to commercial and industrial establishments and/or apartment units exceeding four dwelling units, as these are not collected by the Township's Sanitation Department.

§ 95-30 Trash Fee Rebate Program

A. The Board of Commissioners of the Township of Haverford hereby establishes a Trash Fee Rebate Program which will provide a rebate of the trash fee to qualified residents. To qualify for the rebate, a claimant must be the property owner and have a total household income from all sources of less than \$9,000 for a fifty-dollar rebate (\$50) or less than \$15,000 for a thirty-dollar rebate (\$30). Further, a claimant must also be:

- (1) Age 65 years or older as of December 31 of the previous year;
- (2) A widow or widower, age 50 to 64 years as of December 31 of the previous year;
or
- (3) Permanently disabled and age 18 to 64 years as of December 31 of the previous year.

B. The Township Finance Department shall establish procedures to determine an individual's qualifications for this rebate. No rebate shall be issued until qualifications listed above have been substantiated. Rebate payments shall be processed on a monthly basis.

C. The Board of Commissioners of the Township of Haverford hereby establishes it to be a misdemeanor, punishable by a fine up to \$1,000 and/or imprisonment for up to 90 days upon conviction, to make excessive claims or to make fraudulent claims under this rebate program.

§ 95-31 Submission of bills

The fee is charged and separately stated on the annual real estate tax, sewer rental and trash fee bill mailed to all property owners on February 1 of each year.

In the event of new residential construction, a pro-rated bill will be prepared and mailed to the homeowner.

§ 95-32 Payment of bills

A two-percent discount shall be applied to all bills paid within 60 days from the date of the bill. The face amount of the bills shall be due and payable on or after 60 days from the date of the bill. If said bills are not paid on or before 120 days from the date of the bills, an additional penalty of 10% shall be added.

Article II REPEALER

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

Article III SEVERABILITY

The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

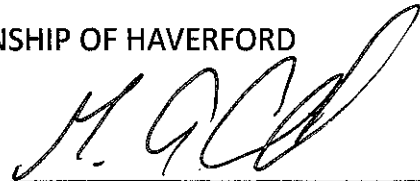
Article IV EFFECTIVE DATE

This ordinance shall become effective ten (10) days following final adoption by the Board of Commissioners and publication as required by law.

ADOPTED this 9th day of June, 2014.

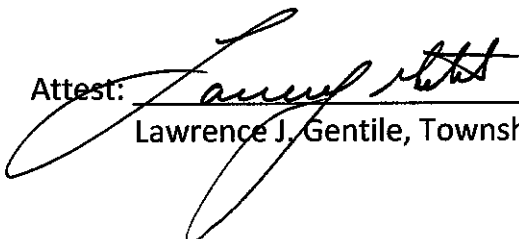
TOWNSHIP OF HAVERFORD

By:



Mario A. Oliva, President
Board of Commissioners

Attest:


Lawrence J. Gentile, Township Manager

ORDINANCE NO. 2720-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, FURTHER AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD" CHAPTER 175, VEHICLES AND TRAFFIC.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. That Section 175-94, Schedule XIX: Parking Time Limited -- 2 hours

On north side from Vernon Road to a point 15 feet east of the Northwest corner of West Chester Pike and Gilmore Road by exempting the residents of the 300 block of West Chester Pike from the 2 hour parking restriction.

SECTION 2. Upon effective date of this ordinance, the Highway Department shall install appropriate signs in the designated section or zones giving notice of the regulations aforesaid.

SECTION 3. Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

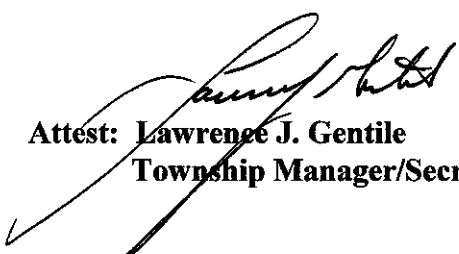
ADOPTED this 12th day of May, A.D., 2014.

TOWNSHIP OF HAVERFORD



**BY: Mario A. Oliva
President
Board of Commissioners**

**Attest: Lawrence J. Gentile
Township Manager/Secretary**



ORDINANCE NO. 2721-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, DELAWARE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", FURTHER AMENDING CHAPTER 30, "PENSIONS AND EMPLOYEE BENEFITS".

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, Delaware County, Pennsylvania, and it is enacted and ordained by the authority of the same:

Article I TEXT AMENDMENTS

Chapter 30 PENSIONS AND EMPLOYEE BENEFITS

Article IV. Municipal Employees Pension Plan

§ 30-31. Administration and management

The Municipal Employees Pension Plan established by this article shall be managed and administered by the Board of Commissioners, which shall provide pensions, as herein provided, through an Administrator of its choosing and by authorizing the investment of funds with designated brokerage firms and/or investment money managers by resolution of the Board of Commissioners. It shall be the duty of the Commissioners to apply all monies paid to the pension plan in accordance with the provisions of the article.

§ 30-36. Death and disability benefits

- A. **Non-Service Connected Disability:** If a non-probationary employee is permanently and totally disabled at a time when not engaged in the performance of his/her duty, as determined by a Township medical review and approved by the Board of Commissioners, there will be payable to him/her a monthly disability benefit equal to 70% (seventy) of the his/her monthly, regular wages at the date of disability. Of this disability benefit, 30% (thirty) will be paid through the Township Municipal Employees' Pension Plan and the remaining 40% (forty) will be paid through a long-term disability policy secured by the Township. The maximum duration of the 70% disability benefit is until age 65 unless as provided below, the employee has already attained age 65 at the time of disability.

If a non-probationary employee is permanently and totally disabled AND has already attained the age of 65, the 40% monthly benefit paid from the long-term disability policy will only be paid for the maximum months of disability as follows:

If disability is determined between age 65 but before attaining age 66: 21 monthly benefit payments

If disability is determined between age 66 but before attaining age 67: 18 monthly benefit payments

If disability is determined between age 67 but before attaining age 68: 15 monthly benefit payments

If disability is determined between age 68 but before attaining age 69: 12 monthly benefit payments

At the point in which the long-term disability policy expires, the subsequent benefit will be the greater of the employee's accrued pension benefit calculated at the time of disability or 30% of the employee's salary at time of disability, whichever is greater.

Service Connected Disability: If an employee is permanently and totally disabled while engaged in the performance of duty, as determined by a Township medical review and approved by the Board of Commissioners, there will be a monthly service disability benefit payable to him/her equal to 1/12th of 50% (fifty) of his/her annual, regular wages at the date of his/her disability. This benefit is paid through the Township Municipal Employees' Pension Plan.

The amount of service disability payments from the pension plan will be reduced by any benefits to which you may become entitled under the Pennsylvania Worker's Compensation Laws or any Acts of the Pennsylvania Legislature. However in no event will a combination of monies received from service-connected disability benefits and worker's compensation exceed 70% (seventy) of total compensation paid to the employee over a 12 (twelve) month period preceding the disability.

This benefit is payable until normal retirement date at which time the employee will receive his/her normal accrued pension benefit calculated at the time of the disability or the 50% service disability benefit, whichever is higher.

- B. **Benefits payable to spouse:** In the event of a member's death arising out of the performance of his employment, as determined by the Board of Commissioners, the member's widow shall be entitled to an annual benefit, payable monthly, in an amount equal to 40% of the member's annual salary or wage as of the date of his death. Payment of the aforesaid benefit shall commence on the first day of the month following the date of the member's death and shall continue to be paid until the earliest of the following events:

- (1) The date of death of the member's widow.
- (2) The date the member's widow remarries

C. Benefits payable to children.

- (1) In the event of a member's death arising out of the performance of his employment, as determined by the Board of Commissioners, there shall be paid on behalf of each child of the member under 18 years of age an annual benefit, payable monthly, in an amount determined under Subsection **C(1)(a)** or below, whichever is applicable:
 - (a) Ten percent of the member's annual salary or wage as of the date of his death if a benefit as a result of the member's death is also payable under Subsection **B** of this section; or
 - (b) Twenty-five percent of the member's annual salary or wage as of the date of his death if there is no benefit payable under Subsection **B** of this section or if the benefit payable under said Subsection **B** is discontinued.
- (2) Payment of the aforesaid benefit shall commence on the first day of the month following the date of the member's death and shall continue to be paid with respect to each child until said child attains the age of 18 years or dies, whichever is earlier. Payment of the aforesaid benefit shall be made on behalf of said child or children to such adult or adults as have, in the opinion of the Board of Commissioners, assumed the custody and principal support of such child or children, provided that upon receipt of notice by the Board of Commissioners that a legal guardian of the estate of such minor child or children has been appointed, such payment shall be made thereafter to the aforesaid legal guardian. The total amount to be paid annually under this subsection, including any amount payable under Subsection **B** of this section, shall not exceed 50% of the member's annual salary or wage as of the date of his death. In the event that more than one child of a member is entitled to the benefit provided under Subsection **C(1)(a)** above, the benefit payable on behalf of each child shall be equal to 10% of the member's annual salary or wage as of the date of his death, divided by the number of such children. In the event that more than two children of a member are entitled to the benefit provided under Subsection **C(1)(b)** above, the benefit payable on behalf of each child shall be equal to 50% of the member's annual salary or wage as of the date of his death, divided by the number of such children.

- D. Pre-retirement. Upon the death of a vested active member or upon the death of a terminated vested member whose benefits had not commenced, the surviving spouse of each member shall receive an immediate monthly pension payable for life equal in

Article II REPEALER

Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

Article III SEVERABILITY

The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

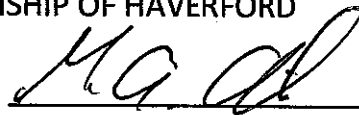
Article IV EFFECTIVE DATE

This ordinance shall become effective ten (10) days following final adoption by the Board of Commissioners and publication as required by law.

ADOPTED this 14th day of July, 2014.

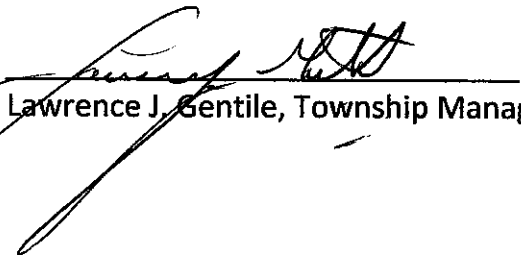
TOWNSHIP OF HAVERFORD

By:



Mario A. Oliva, President
Board of Commissioners

Attest:


Lawrence J. Gentile, Township Manager

ORDINANCE NO. 2722-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", FURTHER AMENDING AND SUPPLEMENTING CHAPTER 43, AIR POLLUTION REGARDING THE USE OF PORTABLE OUTDOOR FIREPLACES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is enacted and ordained by the authority of the same:

SECTION 1. TEXT AMENDMENTS

The following provisions of Chapter 43, Air Pollution, are hereby amended as indicated herein:

- A. §43-3, *Definitions*, is hereby amended by the addition of the following:

PORTABLE OUTDOOR FIREPLACE

A portable, outdoor, solid-fuel burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

- B. §43-3, *Definitions*, the following term is amended:

OPEN FIRE

A fire in which any material is burned in the open or in a receptacle other than a furnace, incinerator, or portable outdoor fireplace.

- C. §43-4, *Enforcement*, is hereby amended to read as follows:

The Haverford Township Police Chief, Code Enforcement Officer or any other duly authorized agent shall have the power and duty to enforce the provisions of this article.

- D. §43-5, *Restrictions; exceptions*, is

A. After the effective date of this article, no person shall:

- (1) Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building; or
- (2) Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control outside any building.

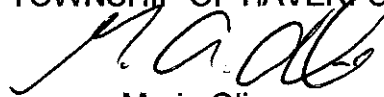
SECTION 3. Severability. The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 4. Effective Date. This ordinance shall become effective 10 days following final adoption by the Board of Commissioners and publication as required by law.

ADOPTED this 14th day of July, 2014.

TOWNSHIP OF HAVERFORD

BY:



Mario Oliva
President

Board of Commissioners



Attest: Lawrence J. Gentile
Township Manager/Secretary

ORDINANCE NO. 2722-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", FURTHER AMENDING AND SUPPLEMENTING CHAPTER 43, AIR POLLUTION REGARDING THE USE OF PORTABLE OUTDOOR FIREPLACES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is enacted and ordained by the authority of the same:

SECTION 1. TEXT AMENDMENTS

The following provisions of Chapter 43, Air Pollution, are hereby amended as indicated herein:

- A. §43-3, *Definitions*, is hereby amended by the addition of the following:

PORTABLE OUTDOOR FIREPLACE

A portable, outdoor, solid-fuel burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

- B. §43-3, *Definitions*, the following term is amended:

OPEN FIRE

A fire in which any material is burned in the open or in a receptacle other than a furnace, incinerator, or portable outdoor fireplace.

- C. §43-4, *Enforcement*, is hereby amended to read as follows:

The Haverford Township Police Chief, Code Enforcement Officer or any other duly authorized agent shall have the power and duty to enforce the provisions of this article.

- D. §43-5, *Restrictions; exceptions*, is

A. After the effective date of this article, no person shall:

- (1) Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building; or
- (2) Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control outside any building.

B. Exceptions.

- (1) Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for the following:
 - (a) The prevention of a fire hazard which cannot be abated by other means.
 - (b) The protection of public health.
- (2) Open fires may be set with the approval of the authorized enforcement agent of this article, provided that:
 - (a) Rubbish only is burned.
 - (b) There is no practical available alternate method for the disposal of the material to be burned.
 - (c) No hazardous or other objectionable condition will be created by such burning.
- (3) Portable outdoor fireplaces as defined in this Chapter, provided they are used in accordance with the manufacturers recommendations and the following additional standards:
 - (a) Portable outdoor fireplaces shall not be operated within 15' of a structure or combustible material at multi-family and nonresidential properties; within 12' of a structure and 5' of other combustible material at single- or two-family dwellings.
 - (b) The device shall not exceed 3' in diameter.
 - (c) The device shall be placed on non-combustible surface.
 - (d) No flammable liquids should be utilized to start or maintain fire.
 - (e) With wood burning devices, only hard wood should be used as fuel.
 - (f) Devices should not be placed under any awnings or roof type structures.
- (4) The burning of leaves, twigs and brush is prohibited.

E. §43-6, Violations and penalties, is hereby amended to read as follows:

Any person, firm, or corporation who shall violate any provision of this Section, upon conviction thereof, in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Section continues or each Section of this Section that shall have been found to have been violated shall constitute a separate offense.

SECTION 2. Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.

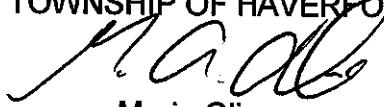
SECTION 3. Severability. The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 4. Effective Date. This ordinance shall become effective 10 days following final adoption by the Board of Commissioners and publication as required by law.

ADOPTED this 14th day of July, 2014.

TOWNSHIP OF HAVERFORD

BY:



Mario Oliva
President

Board of Commissioners



Attest: Lawrence J. Gentile
Township Manager/Secretary

Ordinance No. 2723-2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, FURTHER AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD" CHAPTER 175, VEHICLES AND TRAFFIC.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. Section 175-83, Schedule VIII: STOP INTERSECTIONS:

Establish:

On Hirst Avenue, 30 feet north of the intersection of Merion Avenue, stopping traffic on Hirst Avenue.

On the corner of Cherry Lane, where it intersects with Wynnefield Drive, stopping the traffic on Cherry Lane.

On the corner of Rosewood Lane, where it intersects with Wynnefield Drive, stopping the traffic on Rosewood Lane.

Remove:

On Wynnefield Drive at the intersection of Cherry Lane.

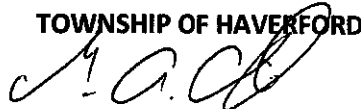
On Wynnefield Drive (Northbound) at the intersection of Cherry Lane.

SECTION 3. Upon effective date of this ordinance, the Highway Department shall install appropriate signs in the designated section or zones giving notice of the regulations aforesaid.

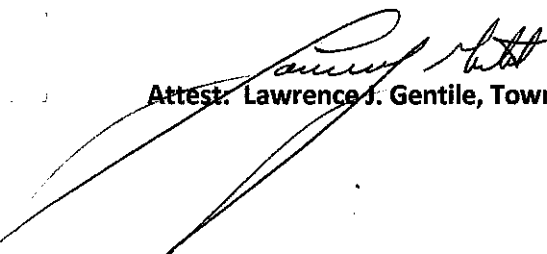
SECTION 4. Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this 14th day of July, A.D., 2014.

TOWNSHIP OF HAVERFORD



**BY: Mario A. Oliva
President
Board of Commissioners**



Attest: Lawrence J. Gentile, Township Manager/Secretary

**TOWNSHIP OF HAVERFORD
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. 2724-2014**

**AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD,
DELAWARE COUNTY, PENNSYLVANIA AMENDING THE
POLICE PENSION PLAN TO INCLUDE AN ACT 44
RETIREMENT PROGRAM AND AMENDING THE PRE-
RETIREMENT SURVIVOR BENEFIT.**

WHEREAS, the Township of Haverford did, by Ordinance No. 1047 of 1957, enact a Police Pension Plan; and

WHEREAS, on September 18, 2009, Act 44 was approved by the Pennsylvania Legislature amending Title 53 as it relates to Municipal Police Pension Plans; and

WHEREAS, the Township, through collective bargaining negotiations with Fraternal Order of Police Delaware County Lodge No. 27 determined it is desirable and beneficial to establish an Act 44 Retirement Program for its police officers who meet certain eligibility requirements, and entered into a Collective Bargaining Agreement providing for such Act 44 Retirement Program; and,

WHEREAS, to implement the terms of the collectively bargained Act 44 Retirement Program, it is necessary for the Township to adopt an Ordinance amending its Police Pension Plan; and

NOW, THEREFORE, BE IT ORDAINED THAT:

SECTION I – Ordinance No.1047 and its amendments, the Police Pension Plan, which is contained in Chapter 30, Article III of the Codified Ordinances of the Township of Haverford, is **AMENDED** to add a new section establishing and implementing an Act 44 Retirement Program:

- **Title.** This Section shall be known as the “Haverford Police Act 44 Retirement Program.”

- **Definitions.** When used in this Section, the below words shall have the meaning indicated.

“**Township**” – Township of Haverford, Delaware County, Pennsylvania.

“**ACT 44 PROGRAM**” – The ACT 44 DEFERRED RETIREMENT OPTION PROGRAM referred to in the Collective Bargaining Agreement

between the Fraternal Order of Police Delaware County Lodge No. 27 and the Township of Haverford.

“ACT 44 PROGRAM Account” – Separate ledger account created to accept ACT 44 PROGRAM participants’ monthly pension benefit while an ACT 44 PROGRAM participant, as well as any interest thereon.

“Fund” or “Plan” – the Police Pension Plan.

“Participant” – a Police Officer who meets the eligibility for and has executed the proper documents for participation in ACT 44 PROGRAM and has had such application approved by the Township.

“Police Officers” - Police Officers of the Police Department.

- **Eligibility.** Eligibility for the ACT 44 PROGRAM shall be determined as follows:
 - Police Officers who have not retired prior to the implementation of the ACT 44 PROGRAM may enter into the ACT 44 PROGRAM on the first day of any month following completion of 25 years of credited service and attaining the age of 53.

- **Written Election.** Eligible Officers who wish to be Participants in the ACT 44 PROGRAM must signify that intention in writing as follows:
 - A Police Officer electing to participate in the ACT 44 PROGRAM must complete and execute an “ACT 44 PROGRAM Participation Election Form” prepared by the Township, which shall evidence the member’s election to participate in the ACT 44 PROGRAM. The form must be signed by the Police Officer and be notarized and submitted prior to the date on which the member wishes ACT 44 PROGRAM participation to commence. The ACT 44 PROGRAM Participation Election Form shall include an irrevocable notice to the Township, by the Police Officer member, that the Police Officer shall resign from employment with the Police Department effective on a specific date (the “resignation date”) that is no later than three (3) years from the effective date of ACT 44 PROGRAM Election Form. A Police Officer shall cease to work as and may no longer be employed as a Police Officer on the officer’s resignation date, unless the Township properly terminates or honorably discharges the officer prior to the resignation date. A participant may

resign from employment while in ACT 44 PROGRAM status, which shall terminate his/her participation in the ACT 44 PROGRAM.

- In addition to the above information, the ACT 44 PROGRAM Participation Election Form shall also advise the employee of the following: (1) an explanation of the Participant's rights and obligations while in ACT 44 PROGRAM; (2) that, as a condition of ACT 44 PROGRAM participation, the Participant foregoes active participation in the Police Pension Plan and foregoes any recalculation of pension benefits to include salary increases occurring after ACT 44 PROGRAM participation commences; and (3) that the ACT 44 PROGRAM Participant's service while in ACT 44 PROGRAM will not count as pension service nor will it entitle a participant to any service increment benefits to which the Participant was not entitled prior to commencing ACT 44 PROGRAM participation. An ACT 44 PROGRAM Participant must also complete any and all retirement documents required by the Police Pension Plan Administrator, and such documents must be filed and presented to the Township for approval of retirement and payment of pension. Once an ACT 44 PROGRAM Participation Election Form has been approved by the Township, it is irrevocable. Likewise, once an ACT 44 PROGRAM Participant enters the ACT 44 PROGRAM program, the Participant may not subsequently leave and then re-enter the ACT 44 PROGRAM, even if the employee separates from employment and subsequently begins employment with the Township again.
- **Benefit Calculation.** For all Pension Plan purposes, continuous service of a Police Officer participating in the ACT 44 PROGRAM shall remain as it existed on the effective date of commencement of participation in the ACT 44 PROGRAM. Service thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Township Police Pension Plan. The average monthly compensation of the Police Officer for pension calculation purposes shall remain, as it existed on the effective date of commencement of participation in the ACT 44 PROGRAM. The balance of any accumulated time available to the ACT 44 Participant will be paid in full in the ACT 44 Participant's final paycheck issued prior to entering the ACT 44 PROGRAM. Thereafter, during the time in which the ACT 44 Participant remains employed with the Township, if the ACT 44 Participant accumulates additional leave time, the balance of any additional accumulated leave time shall be paid in full in the ACT 44 Participant's final paycheck issued prior to resignation. In no event shall the ACT 44

Participant's leave time accumulated during the course of their ACT 44 PROGRAM be used to recalculate any pension benefit at the time of the ACT 44 Participant's resignation. Earnings or increases in earnings thereafter shall not be recognized or used for the calculation or determination of any benefits payable by the Pension Plan. The pension benefit payable to the members shall increase only as a result of Cost of Living Adjustments in effect on the effective date of the member's participation in the ACT 44 PROGRAM or by applicable cost of living adjustments granted thereafter.

- **Accumulation of the ACT 44 PROGRAM Account.** The monthly retirement benefits that would have been payable had the Police Officer elected to cease employment and receive a normal retirement benefit, shall, upon the Police Officer commencing participation in ACT 44 PROGRAM, accumulate to the benefit of that Officer and be accounted for on that Police Officer's ACT 44 PROGRAM Account. Participants shall not have the option of self-directed investment of their individual ACT 44 PROGRAM Account while in the ACT 44 PROGRAM. Instead, the monies shall be invested in a fund to be identified and selected solely by the Township in accordance with applicable law so as to generate a rate of return of no less than zero percent (0%) and no more than four and a half percent (4.5%).
- **Accrual of Non-Pension Benefits.** After a Police Officer elects to participate in the ACT 44 PROGRAM, all other contractual benefits shall continue to accrue with the exception of those provisions relating to the Police Pension Plan.
- **Payout.** Upon separation from employment, the ACT 44 PROGRAM payout options available to the ACT 44 PROGRAM Participant shall be as follows:
 - The balance of the ACT 44 PROGRAM Participant's account, less withholding taxes, if any, remitted to the Internal Revenue Service, shall be paid to the Participant or the Participant's surviving beneficiary.
 - The balance of the ACT 44 PROGRAM Participant's account shall be paid directly to the custodian of an eligible retirement plan as defined by Internal Revenue Code Section 402(c)(8)(b), or in the case of an eligible rollover distribution to the surviving spouse of a deceased ACT 44 PROGRAM Participant, an eligible retirement plan that is an

individual retirement account or an individual retirement annuity as defined by Internal Revenue Code Section 402(c)(9).

- If the ACT 44 PROGRAM Participant or beneficiary fails to make an election within sixty days (60) following the date of termination of ACT 44 PROGRAM participation, then the Township shall implement section 1 above.
- **Service Connected Disability During ACT 44 PROGRAM.** If an ACT 44 PROGRAM Participant becomes temporarily incapacitated due to a service-connected injury during his participation in ACT 44 PROGRAM, that Police Officer shall continue to participate in the ACT 44 PROGRAM as if fully employed. The Police Officer shall receive disability pay in the same amount as disabled Police Officers that are not participating in ACT 44 PROGRAM. In no event shall a Police Officer on temporary disability have the ability to draw from his ACT 44 PROGRAM account. However, notwithstanding any other provision in this paragraph, if a Police Officer is disabled and has not returned to work as of the date of his required resignation, then such resignation shall take precedence over all other provisions herein and said officer shall be required to resign. Nothing contained in this Plan shall be construed as conferring any legal rights upon any Police Officer or other person to a continuation of employment nor shall participation in the ACT 44 PROGRAM supersede or limit in any way the right of the Township to honorably discharge a Police Officer based upon an inability to perform his or her full duties as a police officer. If a ACT 44 PROGRAM Participant becomes eligible for a service-connected disability pension and his employment is terminated due to an inability to continue in service on grounds that render him eligible for a service-connected disability pension, the monthly normal retirement benefit of the ACT 44 PROGRAM Participant shall be reclassified as being on account of a service-connected disability. In no event shall an ACT 44 Participant's monthly retirement benefit be recalculated. The ACT 44 Participant's monthly retirement benefit shall remain 50% as calculated at the time of entry into the ACT 44 PROGRAM.
- **Death.** If an ACT 44 PROGRAM Participant dies, the Participant's eligibility for ACT 44 PROGRAM shall terminate upon the date of death. In such case, if the ACT 44 PROGRAM account balances have not yet been paid out, the Participant's legal beneficiary shall have the same rights and options as the Participant to withdraw/roll over the account balance.

- **Forfeiture of Benefits.** Notwithstanding a Police Officer's status as an ACT 44 PROGRAM Participant, a current or former Participant who is convicted or pleads guilty to engaging in criminal misconduct which constitutes a "crime related to public office or public employment," as that phrase is defined in Pennsylvania's Pension Forfeiture Act, 43 P.S. §§ 1311-1314, shall forfeit his right to receive a pension, including any amounts currently deposited in the ACT 44 PROGRAM Account. In such a case, the Participant shall only be entitled to receive the contributions, if any, made by the Participant to the Police Pension Fund, without interest.
- **Cost of Management for ACT 44 PROGRAM.** The Police Officers and the Township agree that any costs or fees associated with the management of the ACT 44 PROGRAM accounts shall be paid directly from the Pension Fund and not by the Township.
- **Amendment.** Any amendments to this ACT 44 PROGRAM Ordinance shall be consistent with the provisions covering Individual Retirement option plans set forth in any applicable collective bargaining agreement and shall be binding upon all future ACT 44 PROGRAM Participants and upon all ACT 44 PROGRAM Participants who have balances in their Individual Retirement option accounts. The ACT 44 PROGRAM may only be amended by a written instrument, not by any oral agreement or past practice.
- **Construal of Provisions.** A Police Officer's election to participate in the ACT 44 PROGRAM shall in no way be construed as a limitation on the Township's right to suspend or to terminate a Police Officer for just cause or to grant the Police Officer an honorable discharge based upon a physical or mental inability to perform his or her duties.
- **Severability.** The provisions of the ACT 44 PROGRAM shall be severable; and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any of the remaining provisions of the ACT 44 PROGRAM shall not be affected thereby. It is hereby expressly declared as the intent of the Township that the ACT 44 PROGRAM would have been adopted had such unconstitutional or illegal provision or provisions not been included herein.
- **Effective Date.** The Effective Date of the ACT 44 PROGRAM shall be August 1, 2014.

SECTION II. PRE-RETIREMENT SURVIVOR BENEFIT – As part of the Collective Bargaining Agreement, the parties agreed to changes to the Pension Plan's killed in service survivor benefit provided for in Act 51 of 2009. Therefore, Chapter 30-15 of the Codified Ordinances of the Township of Haverford pertaining

to the Police Pension Plan Pre-Retirement Survivor Benefits, is amended to replace the existing language, and the following is inserted therein so it shall be as follows:

Pre-Retirement Survivor Benefit. In the event a MEMBER is killed in service, the MEMBER'S family shall receive the benefits provided for and subject to the terms of Act 51 of 2009, which benefits are paid exclusively by the Commonwealth of Pennsylvania with the exception of any pension benefit to which the MEMBER was entitled prior to the MEMBER's death, solely by virtue of the MEMBER's service as a TOWNSHIP police officer (i.e., either a normal, early, or vested pension benefit). It is understood that family shall refer to the surviving spouse and dependent children. The benefit is payable to the surviving spouse until death, then to the surviving dependent children under the age of eighteen (18) years, or if attending college, under or attaining the age of twenty-three (23) years.

SECTION III. Superannuation Retirement for employees hired after June 1, 2014 – As part of the Collective Bargaining Agreement, the parties agreed to changes to the Pension Plan's superannuation retirement benefit provided for in Act 600. Therefore, Chapter 30-12 of the Codified Ordinances of the Township of Haverford pertaining to the Police Pension Plan, is amended to add to the existing language, and the following is inserted therein so it shall be as follows:

- Police Officers hired after August 1, 2014 will be eligible for superannuation retirement benefits after having attained 25 years of credited service and attained the age of 53.

SECTION IV: All Township elected and appointed officials are authorized to take all action necessary to ensure the implementation and effect the purpose hereof.

SECTION V: Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

SECTION VI: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause, sentence, subsection or section rendered. It is hereby declared the intent of the Board of Commissioners that this ordinance

would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

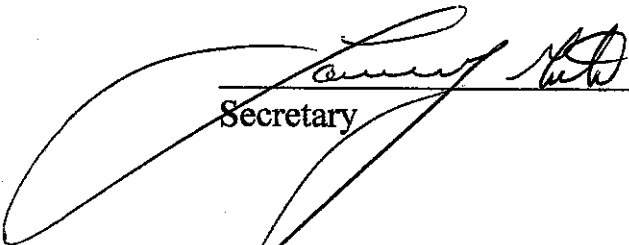
SECTION VII: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Board of Commissioners of the Township of Haverford.

ADOPTED by the Township Board of Commissioners this 14th day of July, 2014.



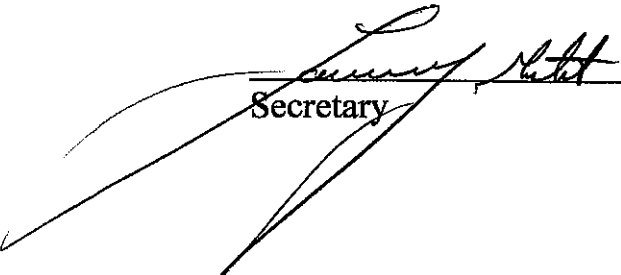
President, Board of Commissioners

ENACTED this 25th day of July, 2014.



Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a meeting of Township Board of Commissioners held on the 14th day of July, 2014.



Secretary

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, by and between the FRATERNAL ORDER OF POLICE, DELAWARE COUNTY LODGE #27, on behalf of the Police Officers of the Township of Haverford (hereinafter referred to as "Police"), and the TOWNSHIP OF HAVERFORD (hereinafter referred to as "Township").

WITNESSETH

WHEREAS, the Binding Arbitration Act of 1968 provides that settlements entered into as a result of collective bargaining shall be reduced to written agreement; and

WHEREAS, the Police and the Township have previously reached an agreement concerning terms and conditions of employment of Police through December 31, 2015 (the "Consolidated CBA"); and

WHEREAS, the Police and the Township have agreed to additional terms which shall apply through December 31, 2015 and thereafter until a new agreement or Award is reached;

NOW, THEREFORE, the Police and the Township agree that the Consolidated CBA shall be modified as herein indicated, which constitutes the agreement reached between the parties:

The following provisions will be added to and amend the existing Consolidated CBA:

1. Effective August 1, 2014, an Act 44 Deferred Retirement Option Program (DROP) shall be implemented.
2. The terms and conditions of the Act 44 Program are detailed in the Act 44 Program Ordinance, which is attached hereto, and incorporated herein.
3. While in the Act 44 program, the officer's longevity pay shall be capped at 13.5%.
4. Killed-in-service survivor payments shall be provided by the Commonwealth of Pennsylvania pursuant to the terms and conditions of Act 51. If the law is amended to discontinue or eliminate benefits, the parties will revert back to the killed-in-service benefits

previously provided by the CBA. Survivor medical benefits shall remain "as is" and payable by the Township, as per the existing terms of the Consolidated CBA.

5. Officers hired on August 1, 2014, shall be eligible for superannuation retirement when the officer attains both twenty-five (25) years of service and the age of fifty-three (53) years.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have hereunto set their hands and seals.

HVERFORD TOWNSHIP

By: M. A. [Signature]

Attest: [Signature]

Date: 6/10/14

**FRATERNAL ORDER OF POLICE,
DELAWARE COUNTY LODGE #27
ON BEHALF OF THE POLICE OFFICERS
OF HVERFORD TOWNSHIP**

By: [Signature]

Attest: [Signature]

Date: 7/22/2014

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, FURTHER AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, ADOPTED JUNE 30, 1986, AND KNOWN AS "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD" CHAPTER 175, VEHICLES AND TRAFFIC.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. That Section 175-95, Schedule XX: SPECIAL PARKING ZONES is hereby amended and supplemented so as to establish Handicapped Parking on the following highway:

**in front of 178 Juniper Road
on the South side of Decatur Road, 85 feet west of the intersection of Darby Road**

SECTION 2. That Section 175-99, STICKER PARKING ONLY, is hereby amended and supplemented to include:

the 700 block of Powder Mill Lane, from 8:00 am to 11:00 am, Monday-Friday

SECTION 3. That Section 175-27 PARKING OF VEHICLES PROHIBITED AT ALL TIMES, SUB-SECTION 175-91 SCHEDULE XVI to include:


- **The South Side of Decatur Road from Darby Road to a point 55 feet East.**
- **The West Side of Myrtle Road, from E. Manoa Road to a point 20 feet South**
- **The North Side of Heatherwood Road from Manoa Road to the driveway leading to 427 Heatherwood.**
- **The South Side of Heatherwood Road, from the crosswalk at Manoa Road to a point 30 feet east.**
- **The North Side of Ralston Avenue, from Belvedere Avenue to the dead end.**

SECTION 4. Upon effective date of this ordinance, the Highway Department shall install appropriate signs in the designated section or zones giving notice of the regulations aforesaid.

SECTION 5 . Any ordinance or part of an ordinance to the extent that it is inconsistent herewith is hereby repealed.

ADOPTED this 11th day of August, A.D., 2014.

TOWNSHIP OF HAVERFORD

**BY:  Mario A. Oliva
President
Board of Commissioners**


**Attest: Lawrence J. Gentile
Township Manager/Secretary**