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Part 1

Elected Officials

Subpart A. Township Supervisors

Section 101. Annual Compensation. Each Supervisor of the Township of Amity seated to a term January 1, 1996, and continuing thereafter, whether by election or appointment, shall receive compensation as a Supervisor in the annual amount of Two Thousand Five Hundred Dollars (\$2,500.00) (Ordinance 150, December 18, 1995, Section 1)

Section 102. Installment Payments. Such compensation shall be payable and be tendered to the respective Supervisor in monthly or quarterly installments as may be determined appropriate by motion or resolution of the Board of Supervisors adopted or enacted from time to time. (Ordinance 150, December 18, 1995, Section 2)

Subpart B. Tax Collector

Section 150. Tax Collector Compensation. The compensation of the Township of Amity Tax Collector for the collection of taxes shall be (a) two percent (2%) for all taxes collected for fiscal year 2001 and thereafter, and (b) five percent (5%) for all taxes collected for all fiscal years prior to fiscal year 2001. (Ordinance 178, February 5, 2001, Section 1)

Section 151. Issuance of Tax Certifications. The duly elected tax collector for the Township of Amity shall be and is hereby authorized and appointed as a municipal officer to issue tax certifications upon request by the general public, property owners, and other interested parties with regard to the status of payment of said municipal taxes as may be necessary from time to time. (Ordinance 152, April 22, 1996, Section 1)

Section 152. Certification Fee. The duly elected tax collector for the Township of Amity, in the process of preparing and issuing such tax certifications, shall be entitled to assess and collect a fee not to exceed Ten Dollars (10.00) per certification request, which fee may be established, revised, altered or amended from time to time by resolution of the Board of Supervisors as is appropriate in their sole discretion. (Ordinance 152, April 22, 1996, Section 2)

Section 153. Additional Service Fees. The duly elected tax collector for the Township of Amity shall and is hereby authorized to assess, collect and retain such fee as is herein established or hereinafter revised, amended or altered from time to time by resolution of the Board of Supervisors of the Township of Amity as compensation for providing such additional service. (Ordinance 152, April 22, 1996, Section 3)

Section 154. Severability. If any sentence, clause, section or part of this Subpart 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 of this Subpart. It is hereby declared as the intent of the Board of Supervisors of the Township of Amity that this Subpart would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 152, April 22, 1996, Section 5; as amended by Ordinance 178, February 5, 2001, Section 2)

Part 2

Appointed Officials

Subpart A. Township Manager

Section 201. Creation of Office. The office of Township Manager ("Manager") for the Township of Amity ("Township") is hereby created by the Board of Supervisors ("Board"). (Ordinance 174, May 8, 2000, Section 1)

Section 202. Appointment and Removal. The Manager shall be a citizen of the United States at least twenty-one (21) years of age. The Manager will be appointed/reappointed annually by the Board at the reorganization meeting in January. The Manager shall serve at the pleasure of the Board and may be removed at any time by a majority vote of the Board. (Ordinance 174, May 8, 2000, Section 2)

Section 203. Qualifications of Manager. The Manager shall be chosen solely on the basis of his executive and administrative abilities, with special reference to the duties of this office as herein outlined. (Ordinance 174, May 8, 2000, Section 3)

Section 204. Bond. Before entering his duties, the Manager shall give a bond, in the sum established annually pursuant to a resolution of the Board, with a bonding company as surety, to be approved by the Board, the premium for said bond to be paid by the Township. The bond of the Manager may be included under the blanket bond in force and effect for all Township employees. (Ordinance 174, May 8, 2000, Section 4)

Section 205. Manager's Compensation. The salary of the Manager shall be fixed by Resolution of the Board at the reorganization meeting. Retirement benefits shall be addressed by the Non-uniform Pension Plan. Vacation, holiday and sick days shall be addressed by the Non-uniform Employee Benefits as decided by the Board. (Ordinance 174, May 8, 2000, Section 5)

Section 206. Responsibilities. The Manager shall be the chief administrative officer representing the Township and shall be responsible to the Board, as a whole, for the proper and effective administration for which affairs he/she is responsible. The responsibility for administration of all Township business shall be vested in the Manager at the discretion of the Board. The responsibility of the Manager will be identified in a Manager's job description. (Ordinance 174, May 8, 2000, Section 6)

Section 207. Reviews. The Board shall review annually the performance of the Manager, the criteria for which shall be addressed in the Non-uniform Employee Handbook. (Ordinance 174, May 8, 2000, Section 7)

Section 208. Disability or Absence. In cases of illness or business that necessitates the Manager's absence, the Board may designate a qualified replacement to perform his/her duties during the absence. (Ordinance 174, May 8, 2000, Section 8)

Section 209. Severability. Should any section, paragraph, clause or phrase of this Subpart be declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of the Subpart shall not be affected thereby, and shall remain in full force and effect. (Ordinance 174, May 8, 2000, Section 10)

Subpart B. Code Enforcement Officer

Section 220. Establishment of Office of Code Enforcement Officer. The office of Code Enforcement Officer is hereby created and the executive official in charge shall be known as the Code Enforcement Officer. He shall be appointed by the Board of Supervisors and shall serve at the pleasure of the Supervisors for an indefinite term of office. During temporary absence or disability of the Code Enforcement Officer, the Supervisors shall designate an acting Code Official. The Code Enforcement Officer is hereby charged with administering and enforcing the terms and conditions of the Building Code, Plumbing Code, Fire Prevention Code, Property Maintenance Code and Mechanical Code of the Township of Amity. (Ordinance 145, August 1, 1994, Section 5)

Section 221. Qualifications of Code Enforcement Officer. To be eligible for appointment as Code Enforcement Officer, a person shall have had experience as an architect, engineer, building inspector, superintendent of building construction, contractor, or have had management and/or executive experience. He shall be in good health, capable of making the necessary examination and inspections. The Code Enforcement Officer shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and/or demolition. If said appointee has had only management and/or executive experience, it will be incumbent upon the Code Enforcement Officer and/or the Township Supervisors to call upon the Township Engineer or other competent and trained professionals as they deem necessary for technical advice and inspections and/or examination. (Ordinance 144, August 1, 1994, Section 3)

Section 222. Duties of Code Enforcement Officer.

(a) The Code Enforcement Officer shall devote his time to the duties of his office of Code Official and any other office or position that he may hold under the government of the Township of Amity. He shall receive applications required by the Codes adopted by the Township, issue permits and furnish the prescribed certificates. He shall examine premises for which permits shall have been issued and shall make necessary inspections to ascertain that the provisions of the law and of the Codes have been complied with and that construction shall be prosecuted safely. He shall enforce the provisions of said Codes. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with the matters referred to in said Codes and render written reports on the same. To enforce compliance with the law and with said Codes, to remove illegal or unsafe construction or to require adequate exit facilities in buildings and structures, he shall issue such orders as may be necessary.

(b) Inspections required by the provisions of the Codes adopted by the Township shall be made by the Code Enforcement Officer and/or by the Township Engineer. The Code Enforcement Officer may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of said Codes shall be issued on any such report unless such report shall be in writing and certified by a responsible officer of such service.

(c) The Code Enforcement Officer shall keep comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices and orders issued. He shall retain, on file, copies of required plans and all documents relating to building work for

so long as any part of the building or structure to which they relate may be in existence.

(d) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Code Enforcement Officer without his written consent.

(e) The Code Enforcement Officer shall make written report to the Board of Supervisors once each month, or more often if requested, including statements of permits and certificates issued and orders promulgated.

(Ordinance 144, August 1, 1994, Section 4)

Section 223. Right of Entry. The Code Enforcement Officer in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises in the Township at any reasonable hour. (Ordinance 145, August 1, 1994, Section 6)

Section 224. Saving Clause. Nothing in this Subpart shall be construed to affect any suit or proceeding now pending in any Court or any rights acquired or liability incurred, or any cause or causes of action accrued or existing, under any ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this Subpart. (Ordinance 145, August 1, 1994, Section 10)

Subpart C. Delinquent Tax Collector

Section 240. Establishment of Office of Delinquent Tax Collector. The elected tax collector of Amity Township shall be appointed as the Township delinquent tax collector to provide for the collection of delinquent taxes in accordance with 72 P.S. §5511.26a (Act 104 of 2000). (Ordinance 187, April 1, 2002, Section 1)

Section 241. Powers and Duties of Delinquent Tax Collector. The delinquent tax collector is hereby provided the same powers, rights, privileges, duties and obligations as are set forth in Section 686 of the Act of March 10, 1949 (P.L. 30, No. 14) known as the "Public School Code of 1949". (Ordinance 187, April 1, 2002, Section 1)

Section 242. Severability. If any sentence, clause, section or part of this Subpart 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 of this Subpart. It is hereby declared as the intent of the Board of Supervisors of Amity Township that this Subpart would have been adopted had such unconstitutional, illegal or invalid sentence, clause, Section or part thereof not been included herein. (Ordinance 187, April 1, 2002, Section 1)

Part 3

Local Taxpayers Bill of Rights

Section 301. Definitions. The following words and phrases when used in this Part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(a) Act 50. Act 50 of 1998, known as the "Local Taxpayers Bill of Rights".

(b) Appeals Board. A board of local tax appeals established under Section 509 of the Act (relating to administrative appeals).

(c) Assessment. The determination by a local taxing authority of the amount of underpayment by a taxpayer.

(d) Board of Supervisors. The Board of Supervisors of the Township.

(e) Eligible Tax. Any of the following, including interest and penalty provided by law, when levied by a political subdivision:

(1) Any tax authorized or permitted under the Act of December 31, 1965 (P.L. 1257, No. 511), known as "The Local Tax Enabling Act."

(2) Any per capita tax levied under any act.

(3) Any occupation, occupation assessment or occupation privilege tax levied under any act.

(4) Any tax on income levied under any act.

(5) Any tax measured by gross receipts levied under any act.

(6) Any tax on a privilege levied under any act.

(7) Any tax on amusements or admissions levied under any act.

(8) Any tax on earned income and net profits.

Except as provided in Section 305 of this Chapter, the provisions of this Part shall not apply to any tax on real property.

(f) Local Taxing Authority. A political subdivision levying an eligible tax. The term shall include any officer, agent, agency, clerk, income tax officer, collector, employee or other person to whom the Board of Supervisors has assigned responsibility for the audit, assessment, determination or administration of an eligible tax. The term shall not include a tax collector or collection agency who has no authority to audit a taxpayer or determine the amount of an eligible tax or whose only responsibility is to collect an eligible tax on behalf of the Board of Supervisors.

(g) Taxpayer. An individual, partnership, association, corporation, limited liability company, estate, trust, trustee, fiduciary

or any other entity subject to or claiming exception from any eligible tax or under a duty to perform an act for itself or for another under or pursuant to the authority of an act providing for an eligible tax.

(h) Township. The Township of Amity, Berks County, Pennsylvania.

(Ordinance 163, November 30, 1998, Section 1)

Section 302. Notice and Distribution of Disclosure Statement. The Township, as a local taxing authority, shall notify any taxpayer contacted regarding the assessment, audit, determination, review or collection of an eligible tax of the availability of a disclosure statement. The local taxing authority shall make copies of the disclosure statement available to taxpayers upon request at no charge to the taxpayer, including mailing costs. A copy of the notification shall read as follows:

You are entitled to receive a written explanation of your rights with regard to the assessment, audit, appeal, enforcement, refund and collection of local taxes. The written explanation is entitled "Amity Township Taxpayers Bill of Rights Disclosure Statement". Upon receiving a request from you, the Township will provide you with a copy of the Disclosure Statement at no charge. You may request a copy in person, or by mailing a written request to the following address:

Amity Township
Township Secretary
2004 Weavertown Road
Douglassville, PA 19518

A copy will also be mailed to you if you call the Township Secretary at telephone number 610-689-6000 weekdays during the hours of 9:00 a.m. to 3:30 p.m.

(Ordinance 163, November 30, 1998, Section 2)

Section 303. Requirements for Requests. The Disclosure Statement shall set forth the following information as required by Act 50 and shall be made available for distribution as set forth in Section 302 of this Chapter:

- (a) The rights of a taxpayer and the obligation of a local taxing authority during an audit or administrative review of a taxpayer's books and records.
- (b) The administrative and judicial appeals process.
- (c) The procedure for filing and processing refund claims and taxpayer complaints.
- (d) The enforcement procedures.

(Ordinance 163, November 30, 1998, Section 3)

Section 304. Minimum Time Periods for Taxpayer Response to Requests from Local Taxing Authority.

(a) The taxpayer shall have at least thirty (30) calendar days from the mailing date to respond to requests for information by a local taxing authority. The local taxing authority shall grant additional reasonable extensions upon application for good cause. Such applications for extension shall be submitted in writing to the Board of Supervisors prior to the expiration of said thirty (30) day period and shall specify

the reasons for the requested extension and the facts supporting those reasons.

(b) The local taxing authority shall review and respond to an application for extension within fifteen (15) days of receipt of written request of the application for extension. If the request is granted, the Township shall inform the taxpayer of the number of days of the extension. If the request is denied, the taxpayer shall immediately provide the Township with the requested information. Failure to respond to the written request for extension within said fifteen (15) day period shall be deemed the grant of a thirty (30) day extension, which shall be subject to additional applications for extension.

(c) A local taxing authority shall take no lawful action against a taxpayer for the tax year in question until the expiration of the applicable response period, including extensions.

(Ordinance 163, November 30, 1998, Section 4)

Section 305. Administrative Appeals. The administrative process for appeals shall consist of review and decision or hearing and decision by a local tax appeals board appointed by the Board of Supervisors from time to time. The appeals board shall consist of three (3) members. The members of the local tax appeals board shall be residents of the Township and shall receive no compensation for their service on the local tax appeals board. (Ordinance 163, November 30, 1998, Section 5)

Section 306. Petitions.

(a) Filing. A petition is timely filed if the letter transmitting the petition, addressed to the Township Secretary at the Township offices located at 2004 Weavertown Road, Douglassville, PA 19518, is postmarked by the United States Postal Service on or before the final day on which the petition is required to be filed. Deadlines for filing petitions to the Board of Supervisors are as follows:

(1) Refund petitions shall be filed within three (3) years after the due date for filing the report, as extended, or one (1) year after actual payment of an eligible tax, whichever is later. If no report is required, the petition shall be filed within three (3) years after the due date for payment of an eligible tax or within one (1) year after actual payment, whichever is later.

(2) Petitions for reassessment of an eligible tax shall be filed within ninety (90) days of the date of the assessment notice.

(b) Contents. The petition shall contain all information required by the form which is attached to the Disclosure Statement as Exhibit "A".

(Ordinance 163, November 30, 1998, Section 6)

Section 307. Decisions. Decisions on petitions submitted under Section 306 of this Chapter shall be issued within sixty (60) days of the date a complete and accurate petition is received by the Board of Supervisors. Failure to act within sixty (60) days shall result in the petition being deemed approved. (Ordinance 163, November 30, 1998, Section 7)

Section 308. Appeals. Any person aggrieved by a decision under this Part who has a direct interest in the decision shall have the right to appeal to the Court of Common Pleas of Berks County, Pennsylvania within thirty (30) days of the adverse decision denying the petition. Failure to file an appeal to the

Court of Common Pleas of Berks County, Pennsylvania within said thirty (30) day time period shall be deemed waiver of all rights of said taxpayer to further appeal. (Ordinance 163, November 30, 1998, Section 8)

Section 309. Enforcement.

(a) Collection of Tax. The Township may pursue any and all legal remedies prescribed by applicable federal, state and local laws, statutes, ordinances, rules and regulations, including but not limited to the filing of a civil lawsuit for collection of the delinquent tax and/or the filing of a municipal lien, in order to collect the delinquent tax and all accrued interest and penalties thereon.

(b) Interest and Penalties. In the event a taxpayer fails to make payment of any eligible tax, interest shall accrue at the highest legal rate permitted by law. In addition, the taxpayer may be subject to penalties for failure to pay eligible taxes when due as prescribed by applicable federal, state and local laws, statutes, ordinances and regulations.

(Ordinance 163, November 30, 1998, Section 9)

Section 310. Severability. If any sentence, clause, section or part of this Part 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 of this Part.

It is hereby declared as the intent of the Board of Supervisors of the Township of Amity that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 163, November 30, 1998, Section 10)

Part 4

Attorneys Fees

Section 401. Statement of Policies. The Township of Amity hereby approves the Statement of Collection Policies for delinquent unpaid taxes, user charges and other items covered by the Municipal Claims Act ("Accounts"), or such other policies and administrative statements as may be approved by the Board of Supervisors for the Township of Amity by resolution or other formal enactment from time to time. (Ordinance 156, September 2, 1997, Section 1)

Section 402. Schedule of Fees.

(a) The Township hereby approves the following schedule of attorneys fees for services in connection with the collection of Accounts, which is hereby determined to be fair and reasonable compensation for the services set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996 (the "Act"):

<u>Legal Services</u>	<u>Fee for Services (Designated in Time for Service to be Billed at Approved Rates)</u>
Initial review and sending first demand letter	0.50 hours
Prepare and transmit second demand letter	0.30 hours
Prepare and file lien	0.75 hours
Prepare and file Writ of Scire Facias	0.50 hours
Obtain re-issued Writ	0.33 hours
Prepare and mail letter under Pa. R.C.P. §237.1	0.25 hours
Prepare Motion for Alternate Service	0.50 hours
Prepare and file Motion for Summary Judgment and related Judgment	0.75 hours
Prepare and file Writ of Execution	0.40 hours
Attendance at sale; review Schedule of Distribution and resolve distribution issues	1.50 hours
Services not covered above	Hourly amount equal to solicitor's regular charges to Township

(b) There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, as itemized in the applicable counsel bills, which shall be deemed to be part of the fees.

(c) The amount of fees determined as set forth above shall be added to the Township's claim in each account.

(Ordinance 156, September 2, 1997, Section 2)

Section 403. Collection Procedures. The following collection procedures are hereby established in accordance with Act No. 1:

(a) At least thirty (30) days prior to assessing or imposing attorneys fees in connection with the collection of an account, the Township shall mail or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the taxpayer or other entity liable for the Account (the "Account Debtor").

(b) If within thirty (30) days after mailing the notice in accordance with subsection (a), the certified mail to any Account Debtor is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to the assessing or imposing such attorney fees, the Township shall mail or cause to be mailed, by first class mail, a second notice to such Account Debtor.

(c) All notices required by this Part shall be mailed to the Account Debtor's last known post office address as recorded in the records or other information of the Township, or such other address as it may be able to obtain from the Board of Assessment Appeals and/or the Recorder of Deeds.

(d) Each notice as described above shall include the following:

(1) The type of tax or other charge, the date it became due and the amount owed, including penalties and interest;

(2) A statement of the Township's intent to impose or assess attorneys fees within thirty (30) days after the mailing of the first notice, or within ten (10) days after the mailing of the second notice;

(3) The manner in which the assessment or imposition of attorneys' fees may be avoided by payment of the Account;

(4) The place of payment for Accounts and the name and/or title of the Township official designated to be responsible for collection matters; and

(5) For the purpose of this Part and the implementation of attorneys' fees to be charged to such collection activities, the solicitor's hourly rate shall be the same as that would be otherwise chargeable to the Township for other services rendered by the solicitor and as approved by the Board of Supervisors at their annual reorganization meeting.

(Ordinance 156, September 2, 1997, Section 3)

Section 404. Related Action. The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Part. (Ordinance 156, September 2, 1997, Section 4)

Part 5

Authorities

Subpart A. Amity Township School Authority

Section 501. Intention and Desire to Organize. The Board of Supervisors hereby signifies its intention and desire to organize an Authority, under the provisions of the Municipality Authorities Act of 1945, P.L. 382, as amended by the Act of 1974, P.L. 571. (Ordinance 1, November 6, 1950, Section 1)

Section 502. Articles of Incorporation. The Chairman of the Board of Supervisors and the Secretary thereof are hereby authorized and directed to execute on behalf of the Township of Amity, Articles of Incorporation for said Authority in the following form:

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH,
COMMONWEALTH OF PENNSYLVANIA:

In compliance with the requirements of the Act of May 2, 1945 P.L. 382 as amended by the Act of June 12, 1947 P.L. 571, known as "Municipality Authorities Act of 1945" the Township of Amity, Berks County, Pennsylvania, desiring to incorporate an Authority thereunder, does hereby certify:

1. The name of the Authority is "AMITY TOWNSHIP SCHOOL AUTHORITY".
2. Said Authority is formed by the Township of Amity, Berks County, Pennsylvania, under the provisions of the Act of May 2, 1945 P.L. 382 as amended by the Act of June 1974 P.L. 571.
3. No other Authority organized under this Act or under the act approved the twenty-eighth day of June, 1935, P.L. 163, is in existence in or for the incorporating municipality.
4. The name of the incorporating municipality is the Township of Amity, Berks County, Pennsylvania.
5. The names and addresses of its municipal authorities are as follows:¹
6. The names and addresses and terms of office of the first members of the Board of the said Authority to be formed hereby are as follows:²

¹Here follow the names and addresses of the first members of the Board of Supervisors of the Authority.

²Here follow the names, addresses and terms of office of the first members of the Board of the Authority.

7. The ordinance authorizing the creation of the said Authority, certified from the records of the Board of Supervisors of Amity Township, together with advertisement of notice of filing these Articles of Incorporation, are each submitted herewith.

IN WITNESS WHEREOF, the undersigned have executed these Articles on behalf of the Township of Amity, Berks County, Pennsylvania, this 6th day of November, 1950.

By: /s/ J. Hunter Dilzer
J. Hunter Dilzer, Chairman

Attest: /s/ Irwin L. Geiger, Secretary
Irwin L. Geiger, Secretary

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF BERKS :

On this 6th day of November, A.D. 1950 before me, the undersigned, personally came the above J. Hunter Dilzer, Chairman, and Irwin L. Geiger, Secretary, whose official positions in the Township of Amity are respectively Chairman of the Board of Supervisors and Secretary of the Board of Supervisors, and who in due form of law acknowledged the foregoing to be the act and deed of the Township of Amity for the purposes therein specified.

WITNESS my hand and Notarial seal the day and year above written.

/s/ Howard W. Body
Notary Public
My commission expires:
March 5, 1953

(Ordinance 1, November 6, 1950, Section 2)

Section 503. Publication of Notice. The proper officers of the Township of Amity are hereby directed to cause a notice of this Ordinance to be published one (1) time in a newspaper published and of general circulation in the County of Berks, and one (1) time in the Berks County Law Journal, the legal periodical in the County of Berks, as directed by the Act of May 2, 1945, P.L. 382, as amended by the Act of June 12, 1947, P.L. 571. In the publication of the Ordinance as provided in said Act, it shall not be necessary to set forth the proposed Articles of Incorporation in full, but to set forth briefly the substance thereof and to refer to the provisions of the Act. (Ordinance 1, November 6, 1950, Section 3)

Section 504. Filing of Articles of Incorporation and Proofs of Publication. The Chairman of the Board of Supervisors and the Secretary thereof are directed to file said Articles of Incorporation together with the necessary proofs of publication with the Secretary of the Commonwealth and to do all other acts and things necessary or appropriate to effect the incorporation of the Amity Township School Authority. (Ordinance 1, November 6, 1950, Section 3)

Subpart B. Amity Township Municipal Authority

Section 510. Intention and Desire to Organize. The Board of Supervisors of Amity Township hereby signifies its intention and desire to organize a municipality authority (the "Authority") under provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945", as amended and supplemented (the "Authorities Act"), for the purpose of exercising any and all powers conferred by the Authorities Act. (Ordinance 22, December 10, 1964, Section 1)

Section 511. Articles of Incorporation. The Chairman or Vice Chairman of the Board of Supervisors and the Secretary-Treasurer, respectively, of this Township hereby are authorized and directed to execute, in behalf of this Township, Articles of Incorporation for such Authority in substantially the following form:

ARTICLES OF INCORPORATION

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with requirement of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945", as amended and supplemented, and pursuant to an Ordinance duly enacted by the municipal authorities of the Township of Amity, Berks County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipality to organize a municipality authority under provisions of said Act, the said incorporating municipality hereby does certify:

1. The name of the Authority is "AMITY TOWNSHIP MUNICIPAL AUTHORITY".

2. The Authority is formed under provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945".

3. No other municipality authority has been organized under provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945", or under provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for the said incorporating municipality, except that the municipal authorities of the Township of Amity, Berks County, Pennsylvania, heretofore have organized the "Amity Township School Authority" under provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945".

4. The name of the incorporating municipality is:
Township of Amity
Berks County, Pennsylvania

5. The names and addresses of the municipal authorities of the said incorporating municipality are:³

6. The names, addresses and terms of office of the first members of the Board of the Authority, each of whom is a resident and citizen of said incorporating municipality, are as follows:⁴

IN WITNESS WHEREOF, the TOWNSHIP OF AMITY, Berks County, Pennsylvania, has caused these Articles of Incorporation to be executed by the Chairman or Vice Chairman of its Board of Supervisors and to be attested by its Secretary-Treasurer, and its official seal to be affixed hereunto, this 2nd day of December, 1964.

TOWNSHIP OF AMITY,
Berks County, Pennsylvania

By: /s/ Irwin L. Geiger
Chairman of the Board
of Supervisors

Attest: /s/ Russell H. High
Secretary/Treasurer

(SEAL)

(Ordinance 22, December 10, 1964, Section 2)

Section 512. Publication of Notice. The Chairman or Vice Chairman of the Board of Supervisors and the Secretary-Treasurer, respectively, of this Township hereby are authorized and directed to cause notice of the substance of this Ordinance, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act. (Ordinance 22, December 10, 1964, Section 3)

Section 513. Filing of Articles of Incorporation and Proofs of Publication. The Chairman or Vice Chairman of the Board of Supervisors and the Secretary-Treasurer, respectively, of this Township hereby are authorized and directed to cause such Articles of Incorporation, together with necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania and to do all other acts and things necessary or appropriate in order to effect the incorporation of the Authority, including payment of any fees necessary in connection therewith. (Ordinance 22, December 10, 1964, Section 4)

³ Here follow the names and addresses of the first members of the Board of Supervisors of the Authority.

⁴ Here follow the names, addresses and terms of office of the first members of the Board of the Authority.

Section 514. Board Members. The following named persons shall be and they hereby are appointed as the first members of the Board of the Authority for the following terms of office:⁵ (Ordinance 22, December 10, 1964, Section 5)

Section 515. Purpose. The enactment of this Ordinance is deemed necessary for the benefit of and preservation of the public health, peace, comfort and general welfare of and will increase the prosperity of the citizens of this Township. (Ordinance 22, December 10, 1964, Section 6)

⁵ Here follow the names, addresses, and terms of office of the first members of the Board of the Authority.

Part 6

Boards and Commissions

Subpart A. Parks and Recreation Board

Section 601. Establishment of Board of Recreation. The power to equip, operate and maintain playgrounds, play fields, gymnasiums, public baths, bathing places, swimming pools or recreation centers shall be exercised by a Recreation Board for which purpose such Recreation Board is hereby established. Such Board shall consist of five (5) persons. (Ordinance 31, March 15, 1968, Section 1; as amended by Ordinance 32, April 4, 1969, Section 1; as further amended by Ordinance 96, July 1, 1985, Section 1)

Section 602. Appointment; Term; Compensation. The Board shall be appointed by the Board of Supervisors of the Township of Amity, and each member thereof shall serve for a term of five (5) years or until his or her successor is appointed, except that the members of such Board first appointed shall be appointed for such terms, so that the term of one member shall expire annually thereafter. Members of such Board shall serve without pay. Women shall be eligible for appointment. Vacancies occurring, otherwise than by expiration of term, shall be filled for the unexpired term in the same manner as the original appointments. (Ordinance 31, March 15, 1968, Section 2)

Subpart B. Zoning Hearing Board

Section 610. Creation; Establishment. There is hereby created and established an expanded Zoning Hearing Board to be composed of five (5) members, appointed as provided by law and pursuant to the authority granted by the Pennsylvania Municipalities Planning Code, the Act of October 4, 1978, P.L. 990, No. 203, Section 1, as amended and re-enacted by the Act of December 21, 1998, P.L. 1329, No. 170, Section 80, et seq., 53 P.S. 10903. (Ordinance 125, October 1, 1990, Section 1)

Section 611. Appointment; Term; Removal. The members of the Zoning Hearing Board shall be appointed by the Board of Supervisors for the Township of Amity for a term of five (5) years following such an appointment, such term to be so fixed that the term of office of one (1) member of the Zoning Hearing Board shall expire annually. Notwithstanding the aforesaid, the term of office of the three (3) members making up the Zoning Hearing Board on the date immediately prior to the effective date of this Subpart shall continue in office until their term would expire as under the prior Ordinance and law. Further, notwithstanding the appointment for a specific term of office, a Zoning Hearing Board member may remain in such office at the discretion of the Board of Supervisors until a successor qualifies or is appointed and, further, the Board of Supervisors may remove any member of the Zoning Hearing Board at their pleasure and discretion for failure to perform the duties and obligations of a member of such Zoning Hearing Board. (Ordinance 125, October 1, 1990, Section 2)

Section 612. Duties. The members of the Zoning Hearing Board shall serve and perform such functions as are established by the Pennsylvania Municipalities Planning Code and the Amity Township Ordinance creating a Zoning Hearing Board and such additional functions, duties, obligations or services as may be established from time to time by directive and resolution of the Board of Supervisors. (Ordinance 125, October 1, 1990, Section 3)

Section 613. Pending and Previously Rendered Decisions. Nothing herein shall be construed as abrogating, negating or limiting the authority of the Zoning Hearing Board or its members as permitted by law with reference to either applications now pending before the Zoning Hearing Board or applications and decisions previously rendered. (Ordinance 125, October 1, 1990, Section 4)

Section 614. Severability. If any sentence, clause, section or part of this Subpart is for any reason found to be unconstitutional, illegal or invalid, such defect shall not effect or impair any of the remaining provisions or parts of this Subpart, it being the intention of the Board of Supervisors that this Subpart would have been adopted and such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 125, October 1, 1990, Section 5)

Section 615. Repeal; Re-enactment. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, however the ordinance creating and establishing the Zoning Hearing Board as originally constituted by a three (3) member Board is specifically re-enacted with the exception of the expansion of the Zoning Hearing Board membership from three (3) members to five (5) members. (Ordinance 125, October 1, 1990, Section 6)

- (a)
- (b)

Subpart C. Amity Township Planning Commission

Section 650. Creation and Establishment. A Township Planning Commission, consisting of five (5) members, is hereby created and established for Amity Township, Berks County, Pennsylvania, pursuant to the provisions of Article XX-A, Section 2051 of the Second Class Township Code, as amended by the Article of July 13, 1953, P.L. 404. (Ordinance 19, October 5, 1963, Section 1)

Section 651. Number of Members; Terms of Office. The Planning Commission shall be comprised of five (5) members who shall be appointed for a term of office of five (5) years except that the terms of office of the original members shall be fixed at one (1) year, two (2) years, three (3) years, four (4) years, and five (5) years, respectively, to be established in a series of overlapping terms, with one (1) term expiring each year. (Ordinance 19, October 5, 1963, Section 2)

Section 652. Powers and Duties. The Planning Commission shall have all the powers and duties conferred and imposed upon it as set forth in said Article XX-A, of the Second Class Township Code, as amended by the Article of July 13, 1953, P.L. 404. (Ordinance 19, October 5, 1963, Section 3)

Subpart D. Amity Township Environmental Advisory Council

Section 670. Creation. An advisory council to be known as the Amity Township Environmental Advisory Council (the "Council") is hereby created and shall continue to function until this Subpart is repealed. (Ordinance 218, November 15, 2005, Section 1)

Section 671. Number of Members. The Council shall be composed of five (5) voting members at least three (3) of whom shall be residents and the other two (2) of whom shall own property in the Township. The voting members of the Council may consist of up to five (5) residents, but may contain up to two (2) property owners whose residence is not in the Township. The Council may also have an unlimited number of associate members, who may be either residents or property owners in the Township. Said associate members may participate in discussions, deliberations and activities of the Environmental Advisory Council, but shall not have a vote on any issue or on appointments of officers, nor shall said nonvoting members be counted towards a quorum. (Ordinance 218, November 15, 2005, Section 1; as amended by Ordinance 240, October 2, 2007, Section 1)

Section 672. Appointment; Terms of Office. Voting Council members shall be appointed in accordance with the following procedures:

(a) All Council members shall be appointed by the Board.

(b) Voting Council members' terms of office shall expire on the first Monday in January following the last year of their term of office. Non-voting associate members may be appointed at any time, and shall not serve for any set period of time. Non-voting associate Council members may be removed by a majority vote of the Council or Board of Supervisors at any time, with or without cause.

(c) Duly appointed voting Council members shall serve a term of three (3) years, except that initial appointments shall be so staggered that the terms of approximately one-third (1/3rd) of the Council members shall expire each year.

(d) Whenever possible, one (1) voting Council member shall also be a member of the Township Planning Commission.

(Ordinance 218, November 15, 2005, Section 1; as amended by Ordinance 240, October 2, 2007, Section 2)

Section 673. Compliance with Law. All members are to comply with the Pennsylvania Ethics Law, Act 170 of 1978, as amended, and the conflicts of interest policies under the Bylaws of the Berks County EAC. (Ordinance 218, November 15, 2005, Section 1)

Section 674. Compensation. Council members shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties, with the approval of the Board. (Ordinance 218, November 15, 2005, Section 1)

Section 675. Coordination of Activities. The Council shall be advisory to, and shall coordinate its activities with, the Board, the Township Planning Commission, the Township Parks and Recreation Board, and other local governmental boards and agencies. (Ordinance 218, November 15, 2005, Section 1)

Section 676. Officers. The voting members of the Council shall designate the chairman, vice chairman and secretary of the Council. (Ordinance 218,

November 15, 2005, Section 1; as amended by Ordinance 240, October 2, 2007, Section 3)

Section 677. Powers and Duties. The Council shall have the following powers:

(a) Identify environmental issues affecting the Township, the areas surrounding the Township, and the Township's residents.

(b) Recommend plans and programs to the appropriate agencies for promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within the Township and the areas surrounding the Township.

(c) Make recommendations as to the possible use of open land areas within the Township.

(d) Promote a community environmental program.

(e) Keep an index of all open areas, publicly or privately owned, including but not limited to flood prone areas, swamps and unique natural areas.

(f) Advise the appropriate local governmental agencies in the acquisition of real property within the Township.

(g) Undertake such environmental tasks as requested by the Board and/or propose environmental issues that the Council considers to be significant to be undertaken within the community.

(h) The Council shall operate in accordance with the Bylaws of the Council, as approved and amended from time to time by the Board.

(Ordinance 218, November 15, 2005, Section 1)

Section 678. Records. The Council shall keep records of its meetings and activities and shall make an annual report to the Board which shall be made publicly available. Minutes of each meeting of the Council shall be forwarded to the Board. (Ordinance 218, November 15, 2005, Section 1)

Section 679. Funds. The Board may, from time to time, appropriate funds for expenses to be incurred by the Council. (Ordinance 218, November 15, 2005, Section 1)

Subpart E. Amity Township Economic Development Advisory Council

Section 680. Creation. An advisory council to be known as the Amity Township Economic Development Advisory Council (the "Council") is hereby created and shall continue to function until this Subpart is repealed. (Ordinance 224, May 2, 2006, Section 1)

Section 681. Number of Members. The Council shall be composed of either five (5) or seven (7) members, at the discretion of the Board of Supervisors, as follows:

(a) If the Council is a seven (7) member Council, at least five (5) members shall be residents of Amity Township, with at least three (3) of these resident members physically residing in Amity Township, and the other two (2) of whom shall own property in Amity Township, but need not physically reside in the Township. Of the remaining two (2) members, one (1) member shall be a resident of Union Township, and one (1) member shall be a resident of the Borough of Birdsboro.

(b) If the Council shall consist of five (5) members, at least three (3) members shall physically reside in Amity Township, and the remaining two (2) members shall own property in Amity Township, but need not be residents of Amity Township.

(Ordinance 224, May 2, 2006, Section 1)

Section 682. Appointment; Terms of Office. Council members shall be appointed in accordance with the following procedures:

(a) All Council members shall be appointed by the Board.

(b) Council members' terms of office shall expire on the first Monday in January following the last year of their term of office.

(c) Duly appointed Council members shall serve a term of three (3) years, except that initial appointments shall be so staggered that the terms of approximately one-third ($1/3^{\text{rd}}$) of the Council members shall expire each year.

(d) Whenever possible, one (1) Council member shall also be a member of the Township Planning Commission.

(Ordinance 224, May 2, 2006, Section 1)

Section 683. Compliance with Law. All members are to comply with the Pennsylvania Ethics Law, Act 170 of 1978, as amended, and the conflicts of interest policies of Amity Township, Berks County. (Ordinance 224, May 2, 2006, Section 1)

Section 684. Compensation. Council members shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties, with the approval of the Board. (Ordinance 224, May 2, 2006, Section 1)

Section 685. Coordination of Activities. The Council shall be advisory to and shall coordinate its activities with the Board, the Township Planning Commission and other local governmental boards and agencies. (Ordinance 224, May 2, 2006, Section 1)

Section 686. Officers. The members of the Council shall designate the

chairman, vice chairman and secretary of the Council. (Ordinance 224, May 2, 2006, Section 1)

Section 687. Powers and Duties. The Council shall have the following powers:

(a) Identify economic development issues, problems, challenges and opportunities affecting the Township, the areas surrounding the Township and the Township's residents.

(b) Recommend plans and programs to the appropriate agencies for promotion of responsible business development and improvement of the business climate within the Township and the areas surrounding the Township.

(c) Make recommendations as to the optimal uses of land for purposes of business development within the Township.

(d) Promote a community business development program.

(e) Keep an index of all areas, publicly or privately owned, which are suitable for business development.

(f) Advise the appropriate local governmental agencies in the acquisition of real property within the Township.

(g) Undertake such tasks as requested by the Board and/or to propose business development/economic opportunity issues that the Council considers to be significant to be undertaken within the community.

(h) The Council shall operate in accordance with the Bylaws of the Council, as approved and amended from time to time by the Board.

(Ordinance 224, May 2, 2006, Section 1)

Section 688. Records. The Council shall keep records of its meetings and activities and shall make an annual report to the Board which shall be made publicly available. Minutes of each meeting of the Council shall be forwarded to the Board. (Ordinance 224, May 2, 2006, Section 1)

Section 689. Funds. The Board may, from time to time, appropriate funds for expenses to be incurred by the Council. (Ordinance 224, May 2, 2006, Section 1)

Part 7

Plans

Subpart A. Emergency Response Plan

Section 701. Emergency Response Plan. The Amity Township Emergency Response Plan, a true and correct copy of which is on file in the Office of the Township at the Township Municipal Building, 2004 Weavertown Road, Douglassville, PA 19518, is hereby approved and shall be implemented to prevent and minimize such injury and damage as may be caused by any disaster or emergency designated by either the Commonwealth Emergency Management Agency or the Board of Supervisors of Amity Township by and through the Municipal Emergency Response Coordinator, and said Plan is hereby adopted, subject to appropriate amendment as may be necessary from time to time, to insure prompt and effective response to disaster and emergency circumstances consonant with the Pennsylvania Emergency Management Plan. (Ordinance 98, December 16, 1985, Section 1)

Section 702. Emergency Management Coordinator. The office, position and title of Emergency Management Coordinator is hereby created, which individual shall be responsible for planning, administration and operation of the Amity Township Emergency Response Plan and Emergency Response Committee, as that office is established, authorized and defined by the Pennsylvania Emergency Preparedness Act, 35 Pa. C.S.A. 7502. The Board of Supervisors of Amity Township shall from time to time, as is appropriate, recommend the name of a qualified individual to be appointed by the Governor of the Commonwealth of Pennsylvania to fill the position of Amity Township Emergency Management Coordinator. The Amity Township Emergency Management Coordinator shall have such duties, obligations and responsibilities as may be set forth in the Pennsylvania Emergency Preparedness Act, 35 Pa. C.S.A. 7502, as the same may be amended from time to time by the Commonwealth of Pennsylvania, and such further duties and responsibilities as may be specifically set forth in the Amity Township Emergency Response Plan as may be in effect from time to time. The Board of Supervisors of Amity Township does hereby specifically confirm and ratify the nomination and appointment of Harold Riegel as the Amity Township Emergency Management Coordinator subject to confirmation for said appointment by the Governor of the Commonwealth of Pennsylvania and subject to such successor appointees as may be designated from time to time by resolution of the Board of Supervisors. (Ordinance 98, December 16, 1985, Section 2)

Section 703. Emergency Response Operations Center. An Emergency Response Operations Center is hereby created and established in the Amity Township Municipal Building, Amity Township, Berks County, Pennsylvania. Said Operations Center shall consist of necessary equipment, machinery and other items as will be necessary to organize, prepare and implement sufficient warning and communication activities and direct or supply sufficient man power, materials, facilities and services as may be necessary for disaster emergency readiness, response and recovery. The Township Emergency Operations Center shall be available at all times for use and occupation by the Emergency Management Coordinator, his staff and appropriate municipal officials in the event of the declaration of an emergency or disaster by the Commonwealth Emergency Management Agency or the Municipal Emergency Management Coordinator. (Ordinance 98, December 16, 1985, Section 3)

Section 704. Emergency Response Committee. The Emergency Management Coordinator, as may be appointed from time to time, shall identify and create an Emergency Response Committee to consist of appropriate volunteers, municipal officials and health and safety officers of the Commonwealth, the County and the Township as will be necessary to address the consequences and respond to any

emergency or disaster as may arise within the boundaries of the Township of Amity. The Emergency Management Coordinator is hereby authorized to nominate and recommend appropriate individuals to staff the Emergency Operations Center maintained by the Township which individuals shall be provided with appropriate training and such information and direction as may be necessary to adequately and properly respond to all emergencies and/or disasters which may occur within the boundaries of the Township. The Emergency Management Coordinator shall provide the Board of Supervisors of Amity Township with a list of volunteers, municipal officials and public health and safety officers who will act as staff for the Emergency Operations Center and who shall constitute the Emergency Response Committee on or before the fifteenth (15th) day of January of each year hereafter. (Ordinance 98, December 16, 1985, Section 4)

Section 705. Budget Expenditures for Emergency Response Operations Center.

The Township Emergency Response Coordinator, as may be appointed from time to time, shall provide the Board of Supervisors of Amity Township with a list of machinery, equipment, goods and materials as may be necessary from time to time to equip and furnish the Township Emergency Operations Center. The Emergency Management Coordinator shall further provide the Board of Supervisors of Amity Township with a written budget proposal of necessary expenditures to equip and furnish the Emergency Response Operations Center on or before the fifteenth (15th) day of October of each and every year hereafter, which budget shall be received and reviewed by the Board of Supervisors for incorporation into the municipal budget subject to specific approval of any and all budget proposals and actual expenditures by the Board of Supervisors of Amity Township. Any and all expenses incurred to date and expenditures authorized to date with regard to the acquisition of equipment or furnishings for the Emergency Response Operations Center are hereby specifically ratified and approved as if the same were previously authorized by the Board of Supervisors of Amity Township. (Ordinance 98, December 16, 1985, Section 5)

Subpart B. Comprehensive Plan

Section 710. Acknowledgments. In December of 1989, the Amity Township Board of Supervisors retained the services of Motley Engineering Co., Inc. to prepare a Comprehensive Plan for Amity Township. Motley Engineering would like to extend its appreciation to the Amity Township Board of Supervisors, Administrative Staff, Solicitor and especially the Planning Commission for their time, participation and knowledge, thus making this Plan possible. (Ordinance 124, July 30, 1990)

Section 711. Adoption. The Comprehensive Plan of Amity Township was officially adopted by the Amity Township Board of Supervisors on July 30, 1990. A copy of the Township's Comprehensive Plan is on file in the office of the Township at the Township Municipal Building, 2004 Weavertown Road, Douglassville, PA 19518. (Ordinance 124, July 30, 1990)

Part 8

Pension and Pension Funds

Subpart A. Police Pension

Section 801. Definitions. For the purposes of this Subpart, the following definitions shall apply:

- (a) Age. Age at nearest birthday.
- (b) Accrued Benefit. The Member's Normal Retirement Benefit multiplied by the ratio of (1) over (2), where
 - (1) equals the years and months of service completed by the Member as a police officer for the Township as of his termination of employment, and
 - (2) equals the years and months of service the Member would have completed if he had continued to work as a police officer for the Township until his Normal Retirement Date.
- (c) Average Monthly Condensation. Shall mean the average of a Member's Monthly Compensation over the last thirty-six (36) months of employment.
- (d) Compensation. Shall mean the total compensation paid to an employee for services rendered as a Police Officer, and shall exclude "buy backs" and "severance pay."
- (e) Employer. The Township of Amity, Berks County, Pennsylvania.
- (f) Fund. The Amity Township Police Pension Plan Trust Fund.
- (g) Members. All Police Employees who meet the requirements set forth in Section 804 of this Subpart. The masculine pronoun shall include the feminine.
- (h) Municipality. The Township of Amity, Berks County, Pennsylvania.
- (i) Plan. The Amity Township Police Pension Plan. The Plan's Fiscal Year is the calendar year.
- (j) Township. The Township of Amity, Berks County, Pennsylvania.

(Ordinance 213, June 7, 2005, Section 1)

Section 802. Funding of Pensions. This plan is to be funded and maintained by any of the following methods, or combination of each:

- (a) General Fund. Contributions from the General Fund of the Township which may be required after appropriate approval of the Township Supervisors.
- (b) Member Contributions. All Members shall make contributions which shall be five percent (5%) of their total compensation. The

Township Supervisors may, on an annual basis, by ordinance or resolution, reduce or eliminate contributions into the Plan by Members. The Township may, but need not, have an actuarial study performed prior to reducing or eliminating Member contributions into the Plan.

(c) State Aid. State aid received pursuant to the Municipal Pension Plan Funding Standard and Recovery Act (Act 205).

(d) Gifts, Grants, Devises or Bequests. The sums which may be received by the Township in the form of gifts, grants, devises or bequests, may, to the extent authorized by law, be contributed to such Fund so long as prior approval of the Township Supervisors is obtained.

(e) Other. Any other sums received or contributed to the Township Supervisors to the extent authorized by law and with prior approval of the Township Supervisors.

(Ordinance 213, June 7, 2005, Section 1)

Section 803. Administration.

(a) Pension Committee. The general administration and management of the Plan shall be under the direction of a Pension Committee as appointed by the Township Board of Supervisors. The Committee shall consist of two (2) duly appointed Township representatives and one (1) Plan Member.

The Pension Committee shall have complete control of the administration of the Plan and shall have all powers necessary to enable it to properly to carry out its duties, including but not limited to the power to construe the provisions of the Fund, to determine all questions relating to eligibility of Members and to authorize all disbursements for benefits to Members. The decisions of the Pension Committee on all matters within the scope of its authority shall be final, subject to the approval of the Township's Supervisors.

(b) Trustees. The Fund shall be under the direction of Trustees designated by Resolution by the Township Board of Supervisors. The Trustees shall have full responsibility for administration of the program established hereunder and shall hold, invest, reinvest and distribute all funds and other property received pursuant hereto in trust for the purposes of this Subpart. The Trustees may receive, at any time, gifts, grants, devises or bequests to the Pension Fund of any money or property, real, personal or mixed, to be held by the Trustees in trust for the benefit of this Fund and in accordance with the provisions hereof. The Trustees shall be subject to such rules and regulations as may from time to time be adopted by the Board of Supervisors of the Township by Ordinance or Resolution.

The Trustees shall have full power and authority by a majority action of its members either directly or through their designated representatives, to do all acts, execute, acknowledge and deliver all instruments, and to exercise for the sole benefit of the Plan Members hereunder, any and all powers and discretion necessary to implement and effectuate the purposes of this Subpart, including for purposes of illustration, but not limited to any of the following:

(1) To hold, invest and reinvest all funds received pursuant to this Subpart and such legal investments as may be authorized as legal investments under the laws of the Commonwealth of Pennsylvania.

(2) To retain any property which may at any time become an asset of the Fund, as long as said Trustees may deem it advisable; and

(3) To make distribution of the monies in the Fund, in accordance with the terms of this Subpart.

The expense of administering this Pension Fund, including compensation of any actuary, any custodian of the Fund, and any other charges or expenses related thereto, exclusive of the payment of pensions, may be paid by the Township or by the Pension Fund as determined by the Board of Supervisors of the Township.

(Ordinance 213, June 7, 2005, Section 1)

Section 804. Eligibility. Each full-time Police employee (regularly working not less than thirty-five (35) hours per week during the calendar year) employed by the Employer is eligible to participate and shall be a Member in the Amity Township Police Pension Plan and Fund as of their date of hire.

For the purpose of this Section 804, service shall mean the period of an employee's aggregate employment by the Employer. The following types of absence shall not break continuity and the time elapsed shall be included in computing length of service:

(a) Temporary leave of absence or layoff which shall, if not otherwise stated, expire in six (6) months unless sooner renewed;

(b) Absence during which regular remuneration is paid;

(c) For any member of the police force who has been employed as such for a period of at least six (6) months and who thereafter shall enter into the military service of the United States, if such person returns or has heretofore returned to his employment within six (6) months after his separation from service. For the purpose of this Section, employees in similar circumstances shall be similarly treated.

(Ordinance 213, June 7, 2005, Section 1)

Section 805. Normal Retirement. The benefits from the Fund shall be payable to Members who have served in the Township in a full-time capacity and who meet the following requirements, after which the Member may retire from service with the Employer. Benefits commence on the first day of the month coincident with or next following actual retirement.

The Member shall have achieved his "Normal Retirement Date" on the first day of the month coincident with or next following the attainment of his fiftieth (50th) birthday and the completion of twenty-five (25) years of total service.

Retirement at a later age than seventy (70) years may be permitted by the Township Board of Supervisors in exceptional circumstances upon terms mutually agreeable to the Township and the Member, but not inconsistent with the terms of this Plan. The late retirement benefit shall be equal to the actual benefit earned based on average compensation and completed years and completed months of service to the date of actual retirement. (Ordinance 213, June 7, 2005, Section 1)

Section 806. Normal Retirement Benefit. The monthly Normal Retirement Benefit shall equal fifty percent (50%) of Average Monthly Compensation. The Normal Retirement Benefit payable to a Member shall be subject to an annual Cost

of Living adjustment equalling the lesser of three percent (3.0%) or the annual increase in the Consumer Price Index for the greater Philadelphia area. The maximum Normal Retirement Benefit cannot exceed seventy-five percent (75%) of the Member's compensation used for computing benefits and the total cost of living adjustment cannot exceed thirty percent (30%), per Act 600, as amended, or such other limits as may be prescribed in Act 600 or other applicable law from time to time. No cost of living increase shall be granted which would impair the actuarial soundness of the Plan. (Ordinance 213, June 7, 2005, Section 1)

If a Member is killed while performing his duties as a police officer on behalf of the Township, the Continuation Benefit shall be calculated as an amount equal to his annual salary as of the date of his death.

The benefits of the Fund payable to any member shall (i) be equal to or exceed the minimum distributions required under the Internal Revenue Code and the regulations promulgated thereunder and (ii) shall not exceed the limitations set forth in Internal Revenue Code Section 415(a)(1)(B). (Ordinance 213, June 7, 2005, Section 1)

Section 807. Total and Permanent Disability. In the event of any Member's Total and Permanent Disability that is incurred while performing his duties as a police officer on behalf of the Township, the Member shall become eligible for a monthly disability pension as set forth below. Such disability benefits shall begin when such Member's disability has been verified and approved by the Employer.

"Total and Permanent Disability" shall mean a physical or mental condition of a Member which precludes him from engaging in any police employment. Determination of disability is to be made by a duly qualified physician selected by the Employer. Such determination shall be final and conclusive.

The monthly service-related Total and Permanent Disability pension benefits shall be equal to seventy-five percent (75%) of the highest single year's Compensation prior to the date of disability, without regard to service requirements, reduced, however, by any Social Security Disability benefits payable to the affected Member.

Disability benefit payments shall cease upon recovery from disability. The Employer shall have the right to require the disabled Member to undergo medical examination at reasonable intervals.

Disability benefit payments shall cease upon death. (Ordinance 213, June 7, 2005, Section 1)

Section 808. Termination Benefits and Vesting. Any Member who has completed twelve (12) years of service in this Plan shall become one hundred percent (100%) vested in his Accrued Benefit. Upon termination of employment with the Employer, a Member shall be eligible to receive his Accrued Benefit, starting as a monthly annuity at his Normal Retirement Date under this Subpart.

However, any Member who separates from service prior to his Normal Retirement Date for any reason other than death or total and permanent disability shall receive a complete refund of the total amount of his Member Contributions made pursuant to Subsection 802(b) above, without interest, if such refund is greater in value than the actuarial equivalent of the Accrued Benefit. (Ordinance 213, June 7, 2005, Section 1)

Section 809. Death Benefit. Any monthly benefits being paid pursuant to this Subpart shall terminate as of the end of the month during which the Member dies. Thereafter, or in the event of the death of any Member to whom Normal

Retirement Benefit payments have not commenced, Continuation Benefits shall be paid in accordance with this Section.

If a vested Member dies, the Member's surviving spouse shall be eligible for a monthly benefit calculated as set forth below. Those benefit payments shall commence on the first day of the month coincident with or next following the Member's death, and shall be payable until the spouse dies. If no spouse survives, or if he or she survives and then dies, then the child or children of the Member under the age of eighteen (18) years, or the child or children under or attaining the age of twenty-three (23) years if that child or children are attending college, shall be eligible for this monthly benefit (in either case "Continuation Benefits").

The Continuation Benefit payable pursuant to the preceding paragraph shall be equal to fifty percent (50%) of the monthly Normal Retirement Benefit the Member was receiving at the time of his death or would have been receiving had he been retired at the time of his death; provided, however, that the Continuation Benefit payable to the surviving spouse or children of a Member who died as a result of the performance of his duties as a police officer on behalf of the Township shall be calculated in accordance with Section 806 above.

If a non-vested Member dies other than as a result of the performance of his duties as a police officer on behalf of the Township, the surviving spouse of that Member, or if no spouse survives, the child or children of the Member under the age of eighteen (18) years, or the child or children under or attaining the age of twenty-three (23) years if that child or children are attending college, or such other beneficiary as the Member may have designated for this purpose, shall be entitled to receive repayment of all money which the Member invested in the Fund, plus interest or other increases in the value of that Member's investment in the Fund. (Ordinance 213, June 7, 2005, Section 1)

Section 810. Transfer or Assignment. The pension payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the Member or his designated beneficiary. No Member or his beneficiary shall have any right to alienate, encumber or assign any assets of the Fund held by the Trustees on his behalf, or any of the benefits or payments or agreement purchased or acquired by the Township hereunder. (Ordinance 213, June 7, 2005, Section 1)

Section 811. Severability. If any sentence, clause, section or part of this Subpart 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 of this Subpart. It is hereby declared as the intent of the Board of Supervisors of the Township of Amity that this Subpart would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 213, June 7, 2005, Section 1)

Subpart B. Non-uniformed Employee Pension

Section 850. Definitions.

(a) Accrued Benefit. One and two-tenths percent (1.2%) of the Participant's compensation averaged over the last thirty-six (36) months of his or her employment with the Employer, multiplied by the aggregate full and partial years of service from the Participant's initial date of employment to his/her retirement date, death, disability or termination of employment with the Employer, whichever comes first.

(b) Employer. The Township of Amity, Berks County, Pennsylvania.

(c) Fund. The Amity Township Municipal Employees Pension Plan Trust Fund.

(d) Municipality. The Township of Amity, Berks County, Pennsylvania.

(e) Participants. All employees of the Township who meet the requirements set forth in Section 853 of this Chapter.

(f) Plan. The Amity Township Municipal Employees Pension Plan. The Plan's Fiscal Year is the calendar year.

(g) Township. The Township of Amity, Berks County, Pennsylvania.

(Ordinance 213, June 7, 2005, Section 1; as amended by Ordinance 219, December 20, 2005, Section 1)

Section 851. Funding of Pensions. This Plan is to be funded and maintained by any of the following methods or combinations of each:

(a) General Fund. Contributions from the general fund of the Township which may be required after appropriate approval of the Township Supervisors.

(b) Participant Contributions. None.

(c) Gifts, Grants, Devises or Bequests. The sums which may be received by the Township in the form of gifts, grants, devises or bequests may, to the extent authorized by law, be contributed to said Fund so long as prior approval of the Township Supervisors is obtained.

(d) Other Contributions. Any other sums received or contributed to the Township Supervisors, to the extent authorized by law and with prior approval of the Township Supervisors.

(Ordinance 213, June 7, 2005, Section 1)

Section 852. Administration. The Fund shall be under the direction of the governing body of the Township, or such committee or persons as the governing body of the Township may from time to time designate by Resolution, who shall act as Trustees of the Pension Fund, and such Trustees shall have full responsibility for administration of the program established hereunder and shall hold, invest, re-invest and distribute all funds and other property received pursuant hereto in trust for the purposes of this Subpart. The Trustees may receive at any time gifts, grants, devises or bequests to the Fund of any money or property, real, personal or mixed, to be held by them in trust for the benefit of this Fund and

in accordance with the provisions hereof. The Trustees shall be subject to such rules and regulations as may from time to time be adopted by the governing body of this Township by Ordinance or Resolution.

The Trustees shall have full power and authority by a majority action of its members, either directly or through their designated representatives, to do all acts, execute, acknowledge and deliver all instruments, and to exercise for the sole benefit of the Participants any and all powers and discretions necessary to implement and effectuate the purposes of this Subpart, including for purposes of illustration, but not limited to, any of the following:

(a) To hold, invest and re-invest all funds received pursuant to this Subpart and such legal investments as may be authorized as legal investments under the laws of the Commonwealth of Pennsylvania.

(b) To retain any property which may at any time become an asset of the Fund, as long as said Trustees may deem it advisable; and

(c) To make distribution of the monies in the Fund, in accordance with the terms of this Subpart.

The expense of administering the Fund, including compensation of any actuary, any custodian of the Fund, and any other charges or expenses related thereto, exclusive of the payment of pensions, shall be paid from the assets of the Fund. (Ordinance 213, June 7, 2005, Section 1)

Section 853. Eligibility. Each full-time non-uniformed municipal employee (working not less than thirty-five (35) hours per week throughout the calendar year) employed by the Employer is eligible to participate and shall be a Participant in the Plan as of the date of his or her employment. (Ordinance 213, June 7, 2005, Section 1)

Section 854. Normal Retirement. The benefits from the Fund shall be payable to Participants who have served in the Township for an aggregate total of at least fifteen (15) years and have attained the age of at least sixty-five (65) years, after which the Participant may retire from service with the Employer.

Retirement at a later age than sixty-five (65) years may be permitted by the Township Supervisors upon terms mutually agreeable to the Township and the Participant, but not inconsistent with the terms of this Plan. (Ordinance 213, June 7, 2005, Section 1)

Section 855. Normal Retirement Benefit. The basis for determining the amount of annual pensions to Participants retiring under Section 854 of this Subpart shall be the Accrued Benefit.

The Normal Retirement Benefit payable to a Member shall be subject to an annual Cost of Living adjustment equalling the lesser of three percent (3.0%) or the annual increase in the Consumer Price Index for the greater Philadelphia area. No cost of living increase shall be granted which would impair the actuarial soundness of the Plan.

Such pension or retirement benefit shall be payable from the assets of the Fund established pursuant to this Subpart.

The normal form of annuity under this Plan is a single life annuity. However, upon retirement, a Participant may elect to receive benefits in a form different from the normally prescribed annuity form. Any such alternative form must be the actuarial equivalent of the normal form of annuity. Alternative options available include, but are not limited to, the following:

(a) A lifetime annuity coupled with a guarantee that payments will be made for a certain period of years, such as ten (10) or fifteen (15) years;

(b) A joint and contingent survivor annuity, whereby the annuity is continued to the Participant's spouse after the death of the retired participant as a specified percentage of the annuity being paid while the participant survived;

(c) Any other alternative form requested by the Participant, and which is approved by the Employer.

A Participant who is a married retiree may not choose other than a joint and survivor annuity without delivering the written consent of his or her spouse to the Township Supervisors.

(Ordinance 213, June 7, 2005, Section 1)

Section 856. Total and Permanent Disability. In the event of any Participant's total and permanent disability, the Participant shall become eligible for a monthly disability pension as set forth below. Such disability benefits shall begin when such Participant's disability has been verified and approved by the employer.

"Total and permanent disability" shall mean a physical or mental condition of a Participant which precludes him from engaging in any substantial gainful employment. Determination of disability is to be made by a duly qualified physician selected by the Employer. Such determination shall be final and conclusive.

Total and permanent disability pension benefits shall be equal to the actuarial equivalent of the Accrued Benefit of the Participant as of the date of total and permanent disability. There will be no offset for social security or workmen's compensation benefits.

Disability benefit payments shall cease upon recovery from disability and the employer shall have the right to require the disabled Participant to undergo medical examination at reasonable intervals. (Ordinance 213, June 7, 2005, Section 1)

Section 857. Pre-retirement Death Benefits. In the event of a vested Participant's death prior to retirement, a death benefit will be payable to his or her spouse, if any, in an amount calculated as one hundred percent (100%) of the actuarial equivalent of the Participant's Accrued Benefit as of the date of death, payable as a joint and fifty percent (50%) survivor annuity to the Participant's spouse; or in the absence of spouse, payable as a lump sum to one or more named beneficiaries or the estate of the deceased Participant. (Ordinance 213, June 7, 2005, Section 1)

Section 858. Termination Benefits and Vesting. Any Participant who has completed five (5) years of total service for the employer shall become one hundred percent (100%) vested in his Accrued Benefit. Upon termination of employment with the Employer, a vested Participant shall be eligible to receive his/her Accrued Benefit, starting at his/her Normal Retirement date. Ordinance 213, June 7, 2005, Section 1)

Section 859. Transfer or Assignment. The pension payments herein provided for shall not be subject to attachment, execution, levy, garnishment or other legal process, and shall be payable only to the participant or his/her designated beneficiary.

(a) No Participant or his/her beneficiary shall have any right to alienate, encumber or assign any assets of the Fund held by the Trustees on his/her behalf, or any of the benefits or payments or proceeds of any contract or agreement purchased or acquired by the Township hereunder.

(b) Any contract or agreement purchased or acquired pursuant to this Subpart upon the life of such Participant shall contain a provision, in substance that to the extent permitted by law, none of the benefits or payments or proceeds of such contract or agreement shall be subject to any legal process by any creditor of such Participant or beneficiary of such participant.

(Ordinance 213, June 7, 2005, Section 1)

Section 860. Severability. If any sentence, clause, section or part of this Subpart 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 of this Subpart. It is hereby declared as the intent of the Board of Supervisors of the Township of Amity that this Subpart would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 213, June 7, 2005, Section 1)

Section 9

Records Retention

Section 901. Establishment of Records Retention Procedure.

(a) The Amity Township Board of Supervisors hereby declares its intent to follow the procedures for the disposition of records set forth in the "Retention and Disposition Schedule for Records of Pennsylvania Municipalities" issued on May 17, 1982, as amended.

(b) In accordance with Act 428 of 1968, each individual act of disposition shall be approved by Resolution duly adopted and passed by the Amity Township Board of Supervisors.

(c) The Board of Supervisors is hereby empowered to adopt revisions to the "Retention and Disposition Schedule for Records of Pennsylvania Municipalities" referred to in Subsection (a) of this Section, as it may be subsequently revised from time to time, by Resolution duly adopted and passed.

(Ordinance 159, April 6, 1998, Article I)

Section 902. Severability. Should any section, paragraph, clause or phrase of this Part be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Part shall not be affected thereby, and shall remain in full force and effect. (Ordinance 159, April 6, 1998, Article II)