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PART 1

CREATION OF OFFICE OF BOROUGH MANAGER

§1-101. Creation of the Office.

The Office of the Borough Manager is hereby created by the Borough Council of the Borough of Rockledge, Montgomery County.

(Ord. 503, 2/14/1994, §1)

§1-102. Appointment of Manager.

The Manager shall be appointed by a majority of all the members of Borough Council and he/she shall serve being subject to removal by the Council at any time by a vote of the majority of the members of Borough Council.

(Ord. 503, 2/14/1994, §2)

§1-103. Qualifications.

The Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to actual experience in or knowledge of accepted practices in respect to the duties of the Office as herein outlined. The Manager need not be a resident of the Borough or of the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office may reside outside the Borough only with the approval of Borough Council.

(Ord. 503, 2/14/1994, §3)

§1-104. Bond.

Before entering upon duties, the Manager shall give a bond to the Borough with a bonding company as surety, to be approved by Borough Council, in such amount as Council shall direct, conditioned upon the faithful performance of duties. The cost of said bond shall be borne by the Borough.

(Ord. 503, 2/14/1994, §4)

§1-105. Manager's Compensation.

The salary of the Manager shall be fixed, from time to time, by Borough Council.

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(Ord. 503, 2/14/1994, §5)

§1-106. Powers and Duties of the Manager.

The Manager shall be the Chief Administrative Officer of the Borough and he/she shall be responsible to the Borough Council as a whole for the proper and efficient administration of the affairs of the Borough of Rockledge. The powers and duties of the administration of all Borough business shall be vested in the Manager, unless limited herein or by the employment contract of the Borough Manager or expressly imposed or conferred by statute upon other Borough officers. Subject to recall or change by Borough Council, the powers and duties of the Borough Manager shall include the following:

- A. He/she shall supervise and be responsible for activities of all municipal departments excepting the Police Department.
- B. He/she shall recommend to Borough Council that a person or persons be hired or that an employee be suspended or discharged provided that those persons covered by the Civil Service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions. Borough Council shall have sole authority to hire, suspend or discharge any person or employee.
- C. He/she shall recommend to Borough Council any adjustments or changes to wages and salaries of all personnel under his/her supervision. Borough Council shall have sole authority to change or adjust wages and salaries of all Borough personnel.
- D. He/she shall prepare and submit to Borough Council, before the close of each fiscal year, a budget for the next fiscal year and explanatory budget message as required by the Pennsylvania Department of Community and Economic Development. He/she shall then be responsible for the administration of the budget after its adoption by Borough Council and shall submit a monthly budget variance report to Borough Council. [Ord. 590]
- E. He/she shall, in conjunction with the preparation of the yearly budget, develop long range fiscal plans for the Borough, such plans to be presented annually to the Borough Council for its review and adoption.
- F. He/she shall hold such other municipal offices and head such municipal departments as the Borough Council may, from time to time, direct.
- G. He/she shall attend all meetings of Borough Council and its committees with a right to take part in discussions, except when said meetings relate to the contract of the Borough Manager or his/her suspension or discharge. In all other cases, he/she shall give notice to the individual Borough Council members of all special meetings of Borough Council and its committees.

- H. He/she shall prepare the agenda for each meeting of Borough Council and supply facts pertinent thereto.
- I. He/she shall keep the Borough Council informed as to the conduct of Borough affairs as well as submitting periodic reports as to the condition of the Borough finances and such other reports as Borough Council requests. He/she shall make such other recommendations to Borough Council as he/she deems advisable.
- J. He/she shall submit to Borough Council, as soon as possible after the close of the fiscal year, a complete report of the finances and administrative activities of the Borough for the preceding year.
- K. He/she shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
- L. He/she recommend to Borough Council, any experts and consultants to perform work in connection with any functions of the Borough. Borough Council shall have sole authority as to whether to retain said experts or consultants.
- M. He/she shall attend to the letting of contracts in due form of law and he/she shall supervise the performance and faithful execution of the same except insofar as such duties are expressly imposed by statute upon some other Borough officer.
- N. He/she shall see that all money owed the Borough is promptly paid and that proper proceedings are taken for the security and collection of all Borough claims.
- O. He/she shall be the Purchasing Officer of the Borough and shall purchase in accordance with the provisions of Borough Code, all supplies and equipment for the agencies, boards, departments and other offices of the Borough. He/she shall keep an account of all purchases and shall, from time to time or when directed by Borough Council, make a full written report thereof. He/she shall also issue rules and regulations, subject to approval of Borough Council, governing the procurement of all municipal supplies and equipment.
- P. All complaints regarding Borough services shall be referred to the Office of the Borough Manager. He/she shall investigate and dispose of all such complaints, after which the Manager shall report thereon to Borough Council.
- Q. He/she shall serve as Permit Officer.
- R. He/she shall serve as Street Excavation Inspector.

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- S. He/she shall assist in the preparation of the bid specifications and in the analysis of bids for acceptability.
- T. He/she shall monitor personnel functions to determine if these functions are in accordance with the desired objectives of Borough Council.
- U. He/she shall assist municipal officials and employees with special technical tasks, projects and problems.
- V. He/she shall propose and assist in the securing of financial aid, in the form of grants and loans from other governmental agencies.
- W. He/she shall supply subjects and data pertinent to the preparation of the agenda for each meeting of Borough Council.

(Ord. 503, 2/14/1994, §6; as amended by Ord. 590, 3/14/2005, §1)

§1-107. Right of Borough to Contract Services of Borough Manager to Rockledge Community Center.

The Borough Council reserves the right to enter into a contract with the Rockledge Community Center for the Borough Manager to perform services at the Rockledge Community Center as delineated in said contract and the Borough's employment contract with the Borough Manager.

(Ord. 503, 2/14/1994, §7)

§1-108. Mayor's Powers and Duties.

The Mayor is hereby authorized to delegate to the Borough Manager, subject to the approval of Borough Council, to recall by written notification at any time, any of his non-legislative and non-judicial powers and duties.

(Ord. 503, 2/14/1994, §8)

§1-109. Disability or Absence of the Manager.

If the Borough Manager becomes ill or needs to be absent from the Borough, he/she shall immediately inform Borough Council of such illness or absence from the Borough, at which time Borough Council shall designate the person or persons who shall perform the duties of the Borough Manager during his absence or disability.

(Ord. 503, 2/14/1994, §9)

§1-110. Obligations and Duties.

All obligations and duties assigned to the Borough Secretary are transferred to the Borough Manager upon the commencement of his/her employment by Borough Council and he/she shall immediately assume said obligations and duties.

(Ord. 503, 2/14/1994, §10)

PART 2

APPOINTMENT OF INDEPENDENT AUDITOR; ABOLISHMENT OF ELECTED AUDITOR

§1-201. Creating the Office of Independent Auditor and Abolishing the Office of Elected Borough Auditor.

1. The Borough Council of the Borough of Rockledge does hereby enact and ordain as follows:
 - A. Section 1005 of the Commonwealth Borough Code (1965 P.L. 1656, No. 581) provides an option for the Boroughs of the Commonwealth, pursuant to which the Borough Council may duly choose to audit its books by use of either an independent appointed auditor, or by persons holding the elected office of Borough Auditor.
 - B. Heretofore, the Borough of Rockledge has utilized auditors holding the elected office of Borough Auditor.
 - C. It is the desire of the Borough Council of Rockledge to utilize an independent appointed auditor to fulfill the audit obligations set forth in the Borough Code.
2. There is hereby created the position of Independent Appointed Auditor to the Borough of Rockledge; further, pursuant to §1005 of the Borough Code, the office of elected Borough Auditor is hereby abolished, with all persons presently holding such office to finish their term and continue with all duties and obligations imposed upon them by law until the conclusion of said term. The Independent Appointed Auditor shall have each and every of the powers, obligations and responsibilities set forth at law for the office of Independent Appointed Auditor.

(Ord. 576, 10/8/2001)

PART 3

POLICE DEPARTMENT

§1-301. Department Established.

1. A Police Department is hereby established in and for the Borough of Rockledge. The Chief of Police shall be the chief executive of the Police Department. He shall, under the direction of the Mayor, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.
2. Subordinate to the Chief of Police, in the Police Department, the following classifications are hereby established: sergeant and patrolman, or those of such classifications to which Council shall at any specific time have appointed one or more police officers. The priority of authority among such subordinate classifications shall be in the order listed. The number of persons to serve in each of such subordinate classifications, on a full-time or a part-time basis, and the compensation of each, shall be as determined by the Borough Council, from time to time.
3. Nothing herein contained shall affect the authority of the Mayor to appoint special policemen during emergencies.

(Ord. 278, 12/12/1960, §§1-3; as amended by Ord. 590, 3/14/2004, §1)

§1-302. Auxiliary Police Force.

1. An Auxiliary Police Force is hereby established in and for the Borough of Rockledge. The Chief of Police may nominate persons as auxiliary policemen who have satisfactorily completed such training as he may prescribe. All such persons so nominated shall, before they enter upon their duties, be confirmed and sworn by the Mayor. Such auxiliary policemen shall serve at the pleasure of the Chief of Police of the Borough of Rockledge.
2. All former police officers receiving a pension from the Rockledge Police Pension Fund shall, during the period they are receiving such pension, be members of the Borough of Rockledge Auxiliary Police Force.

(Ord. 278, 12/12/1960; as added by Ord. 416, 12/-/1981, §137.02)

§1-303. Special Fire Police.

Any volunteer fire company in the Borough of Rockledge may nominate any of its members as Special Fire Police. All Special Fire Police so nominated shall, before they enter upon their duties as such, be confirmed and sworn by the Mayor of the Borough of Rockledge. When so confirmed and sworn and displaying a badge of authority, they shall per-

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form their duties in accordance with applicable law and shall be subject to the control of the Chief of Police of the Borough of Rockledge.

(Ord. 278, 12/12/1960; as added by Ord. 416, 12/-/1981, §137.03)

PART 4

ESTABLISHMENT OF COMPENSATION FOR MAYOR

§1-401. Compensation of Mayor.

The compensation of the Mayor of the Borough of Rockledge is hereby amended by increasing the amount of said compensation from the rate of \$800 per annum to \$1,200 per annum which shall be paid in quarterly installments. This increase in the rate of compensation for the Mayor of the Borough of Rockledge shall become effective on January 1, 1990.

(Ord. 373, 1/12/1976, §2; as amended by Ord. 450, 12/14/1987, §1)

PART 5

ESTABLISHMENT OF COMPENSATION FOR COUNCIL MEMBERS

§1-501. Compensation of Council Members.

The compensation of the members of the Borough Council of the Borough of Rockledge is hereby amended to provide an increase in the compensation from the rate of \$600 per annum to \$1,000 per annum, which shall be paid in quarterly installments. The increase in compensation to the members of the Borough Council of the Borough of Rockledge shall become effective on January 1, 1990.

(Ord. 396, 12/28/1977, §1; as amended by Ord. 449, 12/14/1987, §1)

PART 6

ESTABLISHMENT OF COMPENSATION FOR TAX COLLECTOR

§1-601. Compensation of Tax Collector.

1. The Real Estate Tax Collector of the Borough of Rockledge shall be compensated for the collection of Borough real estate taxes, sewer rental charges and fire tax, and any other taxes on real estate by means of an annual salary as fixed by the Borough Council of the Borough of Rockledge in the amount of \$6,250 per annum. [Ord. 565]
2. The aforementioned annual salary shall be payable in quarterly installments to the Tax Collector by the Borough Treasurer upon appropriate authorizations. [Ord. 565]
3. In addition to the aforementioned annual salary, the Tax Collector shall be reimbursed by the Borough Council of the Borough of Rockledge for the actual and necessary expenditures for printing and postage.
4. The Borough Tax Collector shall make remittances to the Borough of Rockledge on a weekly basis of all monies collected by said Tax Collector during the discount period applicable to said taxes. [Ord. 434]

(Ord. 388, 2/14/1977, §§1-3; as amended by Ord. 414, 2/14/1981, §§1-2; by Ord. 434, 2/11/1985, §§I-III; by Ord. 461, 2/13/1989, §§1-2; by Ord. 496, 2/15/1993, §§1-2; and by Ord. 565, 3/26/2001, §§1-2)

PART 7

SECURITY AND BONDS

§1-701. Security of Treasurer.

The Treasurer shall enter security to the amount of \$75,000 for the faithful performance of his duty; the security to be approved by Council.

(Ord. 2, 6/19/1893; as amended by Ord. 416, 12/-/1981, §125.01)

§1-702. Security of Tax Collector.

The Tax Collector shall enter security equal to the amount of the Duplicate for the faithful performance of his duty; Council to approve the said security.

(Ord. 3, 6/19/1893; as amended by Ord. 416, 12/-/1981, §133.01)

§1-703. Security of Secretary.

The Secretary shall enter security to the amount of \$15,000 for the faithful performance of his duty; the security to be approved by Council.

(Ord. 416, 12/-/1981, §123.01)

PART 8

SHADE TREE COMMISSION

§1-801. Creation of Shade Tree Commission.

The Borough of Rockledge hereby establishes a Shade Tree Commission, which shall be composed of three residents of the Borough, who shall be appointed by Borough Council and shall serve without compensation. Council shall appoint one member of said Commission for a term of 3 years, one for a term of 4 years and one for a term of 5 years. On the expiration of the term of any Commissioner, a successor shall be appointed by the Borough Council to serve for a term of 5 years. Vacancies in the office of any Commissioner shall be filled by Borough Council for the unexpired term.

(Ord. 508, 12/12/1994, §1)

§1-802. Powers of Commission.

1. The Shade Tree Commission shall have custody and control of the shade trees in the Borough of Rockledge, only to the extent herein provided, and it is authorized to make recommendations to the property owners in the Borough and to Borough Council, to plant, transplant, remove and protect shade trees on the streets and highways in the Borough of Rockledge. The maintenance of shade trees in the Borough of Rockledge shall continue to be the responsibility of the property owner whose property abuts said shade trees.
2. The Commission may employ and pay such superintendents, engineers, foresters, tree-wardens or other assistants, as the proper performance of the duties devolving upon it shall require, and may make, and enforce regulations for the planting, removal and protection of the shade trees in the Borough of Rockledge. No such regulation shall be in force until it has been approved by Borough Council and enacted as an Ordinance of the Borough of Rockledge.

(Ord. 508, 12/12/1994, §2)

§1-803. Report of Shade Tree Commission.

The Rockledge Shade Tree Commission shall report annually in full to Borough Council, which report shall include the transactions and expenses of said Commission for the last fiscal year.

(Ord. 508, 12/12/1994, §3)

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§1-804. Notices by Commission.

Whenever said Shade Tree Commission proposes to make recommendations to plant, transplant or remove shade trees on any street, notice of the time and place of the meeting at which such work is to be considered shall be given in one newspaper of general circulation in the Borough of Rockledge, once a week for 2 weeks immediately preceding the time of the meeting. Written Notice of the Public Hearing, by regular mail, mailed at least 14 days prior to the scheduled public hearing, must be given by the Commission to each property owner, who is the subject of the proposed recommendations. The notice shall specify in detail the streets or portions thereof, upon which trees are proposed to be planted, transplanted or removed.

(Ord. 508, 12/12/1994, §4)

§1-805. Appeal of Property Owner.

After notice has been given to the property owner who is the subject of the proposed recommendations to be determined at a public hearing in accordance with §1-804 hereof, the Commission shall mail a copy of its decision to said property owner effected on the next business day following the Commission's written decision. The property owner who is the subject of the proposed recommendations by way of a written decision by the Commission herein, shall have 14 days from the date of the Commission's written decision in which to appeal to Borough Council for reconsideration of the recommendations of the Commission. This appeal must be in writing to the Borough Manager to be received by said Borough Manager within the time period referred to in this Section. The decision of Borough Council shall be final as to whether Borough Council will accept, reject or modify the recommendations of the Commission.

(Ord. 508, 12/12/1994, §5)

§1-806. Payment by Owners.

1. The cost of planting, transplanting or removing any shade trees in and along the streets and highways in the Borough of Rockledge, of the necessary and suitable guards, curbing or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate abutting that location where the work is done.
2. The amount each owner is to pay shall be ascertained and certified by the Shade Tree Commission to Borough Council and to the Borough Treasurer.

(Ord. 508, 12/12/1994, §6)

§1-807. Assessments; Liens.

1. Upon the filing of a certificate with the Borough Council as provided in the prior Section, the Borough Secretary or Borough Manager shall cause 30 days' written notice to be given to every person against whose property an assessment has been made. Said notice shall state the amount of the assessment, the time and place of payment and shall be accompanied with a copy of the certificate provided by the Shade Tree Commission.
2. The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with Borough Council, and if not paid within the time designated in the notice, a claim may be filed and collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.

(Ord. 508, 12/12/1994, §7)

§1-808. Maintenance by Borough; Tax Levy.

1. The costs and expenses of publishing the notices hereinbefore provided for shall be paid by the Borough of Rockledge.
2. The Borough Council may levy a general tax, not to exceed the sum of one-tenth of 1 mill on each dollar of the assessed valuation of real property in the Borough of Rockledge which is taxable for County purposes, for the purpose of defraying the cost and expense of publishing the notices.

(Ord. 508, 12/12/1994, §8)

§1-809. Penalties.

1. The Shade Tree Commission, to the extent as may be provided by ordinance of the Borough of Rockledge, may assess penalties for the violation of its regulations and this Part so far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected by the Borough Solicitor in the same manner as municipal claims are filed and collected.
2. All penalties or assessments imposed for violation of the Commission's regulations and/or for violation of any Section of this Part, shall be paid to the Borough Treasurer and be placed to the credit of the Shade Tree Commission, subject to be drawn upon by the Commission for the purposes for which this Commission was established by this Part.

(Ord. 508, 12/12/1994, §9)

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§1-810. Ordinances to Require Planting and Replanting.

The Borough of Rockledge may, by ordinance, upon the petition of a majority of the property owners upon any public street thereof, require the planting and replanting of suitable shade trees along and upon the sides of such streets, upon such alignment and at such points as may be designated by such ordinance, by the owners of property abutting the street at the points designated. This Section shall not authorize the Borough to require the planting or replanting of trees at any point which may interfere with the necessary or reasonable use of any street or abutting property or unreasonably interfere with any business conducted thereon.

(Ord. 508, 12/12/1994, §10)

§1-811. Power of Borough Where Owners Fail to Comply.

On failure of any owner, after reasonable notice, to comply with the terms of any such ordinance, the Borough of Rockledge may cause such trees to be planted or replanted at the expense of the Borough, and thereupon, in the name of the Borough, collect the cost of such work from the owners in default, as debts of like amount are by law collectible including the manner by which municipal claims are filed and collected.

(Ord. 508, 12/12/1994, §11)

§1-812. Removal of Diseased Plants, Shrubs and Trees.

The Shade Tree Commission may upon proper notice as required by this Part make recommendations to require owners of property to cut and remove plants, shrubs and trees, afflicted with the Dutch elm or other disease, which threatens to injure or destroy plants, shrubs and shade trees, in the Borough of Rockledge. Upon the failure of any such owner to comply with such recommendation of the commission, and where no appeal is taken as permitted in §1-805 above, the Borough may cause the work to be done by the Borough or its appointed agent, and levy and collect the cost thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the Borough Engineer and shall be filed with the Borough Secretary or Borough Manager. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

(Ord. 508, 12/12/1994, §12)

PART 9

PLANNING COMMISSION

§1-901. Creation.

The Borough of Rockledge, Montgomery County, Pennsylvania hereby establishes a Planning Commission which has the powers, duties and advisory functions specified in the following Sections and by the Pennsylvania Municipalities Planning Code Act of July 31, 1968 (P.L. 805, No. 247) (Act 247).

(Ord. 352-13, 8/14/1972; as amended by Ord. 416, 12/-/1981, §153.01; and by Ord. 542 11/9/1998, §2)

§1-902. Planning Commission.

The Planning Commission shall have five members. All members of the commission shall serve without compensation, but may be reimbursed for necessary and reasonable expenses. Any reduction or increase in the number of members shall be by amendment of this Part.

(Ord. 542, 11/9/1998, §3)

§1-903. Appointment, Term, Vacancy.

1. All members of the Planning Commission shall be appointed by the Rockledge Borough Council.
2. The term of the Commission members shall be for 4 years, or until their successors are appointed and qualified, except for the terms of the members first appointed pursuant to this Part shall be so fixed that no more than two shall be re-appointed or replaced during any future year.
3. The Chairman of the Planning Commission shall promptly notify the Borough Council of any vacancies in the Commission. If the vacancy shall occur other than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this Part.

(Ord. 416, 12/-/1981, §153.02; as amended by Ord. 542, 11/9/1998, §4)

§1-904. Membership.

All members of the Planning Commission shall be residents of Rockledge Borough. Planning Commission members may not be officers or employees of Rockledge Borough.

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(Ord. 542, 11/9/1998, §5)

§1-905. Removal.

Any member of the Planning Commission once qualified and appointed may be removed from office for malfeasance, misfeasance or nonfeasance in office or other just cause by a majority vote of Borough Council taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

(Ord. 542, 11/9/1998, §6)

§1-906. Conduct of Business.

The Commission shall elect its own Chairman, Vice-Chairman and Secretary. Officers shall serve annual terms and may succeed themselves. The Commission may make and alter by laws and rules and regulations to govern procedures consistent with the ordinances of the Borough and the laws of the Commonwealth. The Commission shall keep a record of its business and shall report such to the Borough by forwarding true and accurate minutes of each meeting to the Borough Council.

(Ord. 542, 11/9/1998, §7)

§1-907. Powers and Duties.

1. Prepare/maintain the Comprehensive Plan for the development of Rockledge as set forth in Act 247.
2. Make recommendations concerning the adoption or amendment of the Official Map.
3. Make recommendations and/or propose amendments to the Zoning Ordinance [Chapter 27] as set forth in Act 247.
4. Prepare, recommend and administer subdivision, land development and planned residential development regulations as set forth in Act 247.
5. Make recommendations to the Borough Council concerning proposed amendments to Building and Housing Codes [Code Enforcement Chapter 5].
6. Prepare and present such environmental studies as may be required.
7. Submit, to the Borough Council, a recommended capital improvement program.

8. Promote public interest in, and understanding of, the Comprehensive Plan and planning.
9. Make recommendations to government, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
10. Hold public hearings and meetings. Hearings will be scheduled as required. A public meeting will be scheduled and held in each of the months of January, March, May, September and November for the purpose of general public input.
11. Present testimony before any board.
12. Require from other departments and agencies of the Borough such available information as relates to the work of the Planning Commission.
13. In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
14. Review the Zoning Ordinance [Chapter 27], subdivision and land development ordinances, official map, provisions for planned residential development and such other ordinances and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.
15. Do such other acts or make such studies as may be necessary to fulfill the duties and obligation of Act 247.

(Ord. 542, 11/9/1998, §8)

PART 10

INCORPORATION OF MUNICIPAL AUTHORITY

§1-1001. Intention.

Borough Council of the Borough of Rockledge, Montgomery County, Pennsylvania, hereby signifies its intention and desire to organize a municipal authority under the provisions of "Municipality Authorities Act of 1945", being the Act of May 2nd, 1945, P.L. 382, as amended.

(254, 3/10/1958, §1)

§1-1002. Articles of Incorporation.

The Mayor of Rockledge, and the Borough Secretary are hereby authorized and directed to execute on behalf of the Borough of Rockledge, Articles of Incorporation for the said Authority, in substantially the following form: [Ord. 590]

ARTICLES OF INCORPORATION

TO THE SECRETARY OF THE COMMONWEALTH, COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Act of May 2nd, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945" as amended, the Borough of Rockledge, Montgomery County, Pennsylvania, desiring to incorporate an Authority thereunder, DOES HEREBY CERTIFY:

- A. The name of the Authority is "Rockledge Municipal Authority."
- B. Said Authority is formed under the provisions of the Act of May 2nd, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945" as amended.
- C. The name of the incorporating municipality is the Borough Rockledge, Montgomery County, Pennsylvania.
- D. No other Authority has been organized by The Borough of Rockledge under the above cited "Municipality Authorities Act of 1945," or under the Act of June 28th, 1935, P.L. 463, and no other Authority is in existence in or for the Borough of Rockledge.
- E. The names and addresses of the Municipal Authorities of The Borough of Rockledge, including its Council members are as follows: [Here followed the names and addresses of the first members of the Board.]

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- F. The names, addresses and terms of office of the first members of the Board of the Municipal Authority to be formed hereby are as follows: [Here followed the names, addresses and terms of office of the first members of the Board.]

(Ord. 254, 3/10/1958, §II; as amended by Ord. 590, 3/14/2005, §1)

§1-1003. Publication.

The proper officers of the Borough are hereby directed to cause this Part to be published as required by law, but said notice of publication shall contain only a brief statement of the substance of this Part, including the substance of the proposed Articles of Incorporation, and shall make reference to the Act under which said proposed Authority is to be created, and shall state a date on or before which the Articles of Incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth.

(Ord. 254, 3/10/1958, §III)

§1-1004. Filing of Articles of Incorporation.

The appropriate Borough officials are directed to file said Articles of Incorporation, together with the necessary proof or 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 "Rockledge Municipal Authority."

(Ord. 254, 3/10/1958, §10)

§1-1005. Appointment.

The following named persons be and they are hereby appointed as the first members of the Board of the Rockledge Municipal Authority whose terms of office shall commence on the date of appointment and the terms of office hereinafter designated shall be computed from the January next succeeding the date of incorporation. [Here followed the names, addresses and terms of office of the first members of the Board.]

(Ord. 254, 3/10/1958, §V)

PART 11

CIVIL SERVICE COMMISSION

§1-1101. Establishment.

1. It is hereby established within the Borough of Rockledge a Civil Service Commission which shall be composed of three members, who shall be qualified electors and shall be appointed by the Borough Council initially to serve for the terms of 2, 4 and 6 years, and as terms thereafter expire shall be appointed for terms of 6 years.
2. One of the Civil Service Commissioners may be a member of the Borough Council of the Borough of Rockledge.
3. The Civil Service Commissioners shall receive no compensation.
4. The Commissioners shall prepare and promulgate rules, regulations and forms, which may, from time to time, with the approval of the Borough Council, be amended.

(Ord. 416, 12/-/1981, §159.01; as amended by Ord. 590, 3/14/2005, §1)

PART 12

BOARD OF HEALTH

(The County of Montgomery provides health and sanitation oversight and enforcement within the Borough of Rockledge.)

PART 13

POLICE PENSION PLAN

§1-1301. Purpose of Plan.

The Borough of Rockledge situate in the County of Montgomery, Commonwealth of Pennsylvania, hereby amends and restates the Police Pension Plan and Fund for the purpose of providing retirement and other benefits for eligible Police Officers of this Borough and their beneficiaries.

(Ord. 415, 10/12/1981, Art. I)

§1-1302. Definitions.

AGE — the age attained by the employee at his or her last birthday.

ANNIVERSARY DATE — any January 1 after the Effective Date.

ATTENDING COLLEGE — means that eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of 7 credits for semester.

BOROUGH — the Borough of Rockledge, Montgomery County, Commonwealth of Pennsylvania.

COMMITTEE — the Administrative Committee appointed as provided in §1-1312 of this Part.

CREDITED SERVICE –

- A. With respect to each employee who became or who becomes a member hereof when first eligible to be a member and who thereafter remains a member continuously until such date as he becomes eligible to receive benefit payments hereunder, such employee's period of service as an employee, computed in years and months, with each completed calendar month counted as one-twelfth of a year. With respect to all other employees becoming members hereof, "credited service" shall mean all of the period of the employee's service as an employee, computed in years and months as aforesaid, during which said employee was a member.
- B. The following shall be deemed not to interrupt the continuity of service, credited service or membership for any of the purposes of this Plan, notwithstanding the fact that no "credited service" will be granted for such periods and that no member contributions will be accepted with respect to such period:

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- (1) Any period of absence during which said employee receives his regular compensation.
 - (2) Absence on leave granted by the Borough for any cause for the period stated in such leave, or, if no period is stated, then for 6 months and any extensions the Borough may grant in writing. For the purposes of this paragraph, the Borough shall give equal treatment to all employees who are in similar circumstances.
 - (3) Absence in the armed forces or government service in a time of war or emergency, as defined by the Borough, provided he returns to service with the Borough within 6 months after his discharge or release to inactive duty (whichever shall occur first), or, if he does not return to such service within the said 6 month period because of a disability incurred while in the armed forces of the United States, if he returns to service with the Borough upon the termination of such disability, provided that within the said 6 month period he indicates his intention of returning to such service and furnishes satisfactory proof to the Committee that his disability prevents him from returning within said period and provided he continues to furnish such proof at such times as may be requested by the Committee until he returns.
 - (4) Continued employment by the Borough other than as an employee; provided, that for the purposes hereof, service rendered as an independent contractor or as an employee of another employer shall not be deemed to be "continued employment by the Borough."
- C. Any employee whose credited service is interrupted under circumstances other than those specified above shall forfeit all credited service prior to the date of his termination and if subsequently rehired shall requalify for membership as though he had never been an employee; the member, however, shall not forfeit credited service if either of the following conditions are met:
- (1) The member never received his contributions with accumulated interest according to the provisions of Article IX, or
 - (2) The member restores to the fund all contributions with interest that he received pursuant to the provisions of §1-1309.

EFFECTIVE DATE — January 1, 1981.

EMPLOYEE — any police officer in the employment of the Borough whose customary employment by the Borough is for not fewer than 40 hours per week. [Ord. 575]

FINAL AVERAGE EARNINGS — one-sixteenth of the member's aggregate earnings from employment by the Borough during his final 60 months as an Employee. "Aggre-

gate earnings" shall include all base pay as well as compensation for overtime, holidays, vacation and sick leave.

FUND — all assets held by the Trustee under the Trust Agreement.

MEMBER — any employee who has satisfied the eligibility requirements established in §1-1303 hereof and who is, at the time of reference, making such contributions as may be required pursuant to §1-1304(1) hereof.

NORMAL RETIREMENT DATE — the first day of the month coincident with or next following the member's completion of the following requirements:

- A. The member's 55th birthday, and
- B. Twenty-five years of credited service.

PLAN — the Borough of Rockledge Police Pension Plan as herein set forth and as the same may hereafter be amended.

PLAN YEAR — a period of 12 consecutive months commencing on any January 1st and ending on the following December 31st. The first plan year is the period from January 1, 1981 through December 31, 1981.

SPOUSE — the spouse of a member or retired member who has been married to the member for 2 years or more at the date of the member's death.

SUSPENDED MEMBER — shall mean any Member who is absent from the employ of the Borough for any reason set forth in §2.5(a), (b) or (c), or who is not an Employee, by reason of a change in the conditions of his employment, as set forth in §2.5(d).

TOTAL DISABILITY — any condition which precludes the member from employment as a police officer for so long as such condition persists in a degree of severity to continue to preclude the member from employment as a police officer. [Ord. 575]

TRUST AGREEMENT — the contract between the Borough and the Trustee establishing the terms by which and under which the fund is invested, distributed, accounted for and terminated, as the same now exists and as it may hereafter be amended.

TRUSTEE — any fiduciary appointed by the Borough Council to serve in that capacity under the Trust Agreement.

(Ord. 415, 10/12/1981, §Art II; as amended by Ord. 575, 7/9/2001, §§1,2)

§1-1303. Eligibility.

1. All employees will be members of the Plan and will make the contributions required by 1-1304(1) hereof in such manner as is prescribed by the Committee.

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2. Any employee currently a member of the pension plan as it existed prior to January 1, 1981, continues to be covered as a member under this amended and restated Police Pension Plan.

(Ord. 415, 10/12/1981, Art. III)

§1-1304. Contributions.

1. Member Contributions. Each member shall contribute 5% of his aggregate earnings to the Fund.
2. State Contributions. The Trustee shall accept any payments made by the State Treasurer from proceeds of the tax paid on premiums by foreign casualty insurance companies.
3. Borough Contributions. Subject to the provisions of and limitations set forth in §§1-1313 and 1-1314 hereof, the Borough shall contribute the remaining amounts certified as necessary by the fund's actuary to provide the benefits contemplated by this Plan.
4. Other Contributions. The Trustee shall accept any gifts, bequests, or other contributions in addition to those funds contributed by the members, the State and the Borough.

(Ord. 415, 10/12/1981, Art. IV)

§1-1305. Retirement Benefits.

1. Accrued Benefit. Each member's accrued benefit shall be equal to 50% of his final average earnings.
2. Normal Retirement. Each member retiring on his normal retirement date shall be entitled to receive a monthly pension commencing upon said normal retirement date and ending on the first day of the month in which his death occurs equal to his accrued benefit as of said normal retirement date.
3. Postponed Retirement. Each member retiring after his normal retirement date shall be entitled to receive a monthly pension commencing upon the first day of the month after he ceases to be an employee and ending on the first day of the month in which his death occurs equal to his accrued benefit as of his actual retirement date.
4. Disability Retirement.

- A. Should any member suffer total disability which is service-connected, he shall be entitled to receive a monthly pension commencing upon the first day of the month after the onset of such total disability and continuing thereafter during the remainder of such period of total disability. The amount of the disability pension shall be the member's accrued benefit less any Worker's Compensation benefits that the member is receiving because of such total disability.
- B. The Committee reserves the right to require disabled members to present evidence of total disability and of the continuance of such condition, from time to time, and further reserves the right to require members to submit to medical examinations from time to time by one or more licensed medical practitioners selected by the Committee as a precondition to the continued payment of benefits.

(Ord. 415, 10/12/1981, Art. V)

§1-1306. Death Benefits.

- 1. Death Before Eligibility for Retirement Benefits.
 - A. If a member dies prior to such member's eligibility for retirement benefits pursuant to the provisions of §1-1305, death benefits are only payable if the member's death is service-connected.
 - B. The death benefit shall be a monthly annuity equal to 50% of the member's accrued benefit at the date of death.
 - C. The death benefit shall be paid to the member's spouse until the earlier of the spouse's death or remarriage. If no spouse survives the member's death or if the spouse survives and subsequently dies or remarries, the benefit is payable to any child or children until they reach age 18.
 - D. Payments shall begin on the first day of the month after the member's death and shall continue until the first of the month of the spouse's death or remarriage or the first of the month of the 18th birthday of the member's youngest child, whichever is applicable pursuant to subsection (3).
- 2. Death After Eligibility for Retirement Benefits.
 - A. If a member who is eligible to retire pursuant to §1-1305(2), (3) or (4), or if a member dies who is receiving benefits pursuant to said Sections, a death benefit is payable to his spouse or his child or his children.
 - B. The death benefit shall be a monthly annuity equal to 50% of the benefit the member was receiving or would have been receiving if such member had retired on the first day of the month of his death.

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- C. The death benefit shall be paid to the member's spouse until the earlier of the spouse's death or remarriage. If no spouse survives the member's death or if the spouse survives and subsequently dies or remarries, the benefit is payable to any child or children until they reach age 18.
 - D. Payments shall begin on the first day of the month after the member's death and shall continue until the first of the month of the spouse's death or remarriage or the first of the month of the 18th birthday of the member's youngest child, whichever is applicable pursuant to subsection (2)(C).
3. Any benefit payable under the terms of individual insurance policies owned by the Police Pension Plan Trustee shall be payable to the appropriate beneficiary in addition to the benefits outlined under subsection (1) of this Section.

(Ord. 415, 10/12/1981, Art. VI)

§1-1307. Provisional Benefit Guarantee.

An additional benefit will be paid to the member's designated beneficiary, or to the member's estate if the member has no designated beneficiary, as promptly as practicable after the last benefits are paid pursuant to the provisions of §1-1305 and §1-1306 equal to the excess, if any, of the sum of the member's contributions and accumulated interest at 5%, compounded annually, thereon standing to the member's credit at the time of the commencement of his pension benefits over the sum of the benefits paid to the member, the member's spouse, and the member's children.

(Ord. 415, 10/12/1981, Art. VII)

§1-1308. Cost of Living Increases.

- 1. Retired members and spouses and children of retired members receiving benefits pursuant to §1-1305 and §1-1306 shall be eligible for cost-of-living increases subject to the restrictions of the remaining sections of this section.
- 2. The Committee shall annually determine the size of the cost of living increase, and the decision will be made as soon as practicable after the increase in the Consumer Price Index for the Philadelphia region has been released by the Bureau of Labor Statistics. Each annual cost of living increase will not exceed the lesser of 7% or one-half of the relevant year's increase in the Philadelphia region's Consumer Price Index and will uniformly apply to all retired members and beneficiaries receiving benefits, subject to the limits in subsection (3).
- 3. The following limits apply to each member's cost of living increases:

- A. Each retired member's total monthly pension benefit may never exceed 75% of his final average earnings. In the case of a member's spouse and children receiving benefits pursuant to §1-1306, the total monthly benefit may never exceed 37-1/2% of the member's final average earnings.
 - B. The sum of the cost-of-living increases received by a Member and his beneficiaries may not exceed 30%.
4. The following restriction applies in all years to all cost-of-living increases:
- A. No cost-of-living increase will be granted in any year in which such increase would impair the actuarial soundness of the Fund.

(Ord. 415, 10/12/1981, Art. VIII)

§1-1309. Severance of Employment.

- 1. Any member who ceases employment for reasons other than those described in §§1-1305 and 1-1306 shall be entitled to receive his contributions accumulated with 5% interest, compounded annually, to the member's date of termination.
- 2. Notwithstanding any other provision of this Plan, any member who ceases to be an employee by reason of discharge for "cause," which includes:
 - A. Willfully damaging the Borough's property.
 - B. Proven or admitted dishonesty or stealing.
 - C. Conviction of a felony, or who, after having terminated his service as an employee prior to normal retirement date, is proven or admits to having committed an act that was grounds for discharge for "cause" hereunder shall be divested of all rights under this Plan, except those rights provided by subsection (1).

(Ord. 415, 10/12/1981, Art. IX)

§1-1310. Method of Distribution of Benefits.

- 1. Refund benefits becoming distributable pursuant to §1-1309(1) and death benefits becoming distributable pursuant to the provisions of §1-1307(1) shall be paid in the form of a lump-sum distribution.
- 2. The normal form of all benefits payable hereunder shall be a pension for the life of the member commencing on the date specified and ending with a payment made on the first day of the month in which the member dies, subject, however, to the payment of death benefits calculated pursuant to §§1-1306 and 1-1307.

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3. Pension benefits may be paid directly by the Trustees or by purchase of annuity contracts which may be held by the Trustee or which may be assigned by the Trustee to the member, provided that such contracts are, in the hands of the member, non-assignable and non-commutable.

(Ord. 415, 10/12/1981, Art. X)

§1-1311. Management of Fund.

1. It is the duty of the Trustee to pay the benefits to members and their beneficiaries, as provided in §§1-1305, 1-1306, 1-1307, 1-1308 and 1-1309 in accordance with instructions received from the Committee; provided, however, that the duty of the Trustee to make such payments is wholly contingent upon the sufficiency of the Fund for such purpose. Neither the Trustee nor the Borough in any way guarantees the sufficiency of the Fund to make such payments nor assumes any liability for the insufficiency thereof.
2. The Borough or the Committee may employ an actuary, investment advisors, counsel or other professional consultants, from time to time, in connection with the operation of the Fund or this Plan. If hired by the Borough, such persons or entities shall be compensated by the Borough at such rates as may be agreed upon by the Borough Council. If hired by the Committee, such persons or entities shall be compensated by the Borough if agreed upon by the Borough Council, but shall otherwise be compensated by the Committee directly from the Fund.
3. The Trustee shall make an annual determination of the fair market value of the Fund as of the anniversary date and as of such additional dates as the Committee may direct. The fair market value of the Fund shall be reported to the actuary who shall calculate the amount to be contributed to the Fund by the Borough with respect to each plan year in accordance with the assumptions most recently adopted by the Committee for the purpose of such computations; provided, however, that the liability of the Borough to make such contributions is subject to all of the conditions and limitations set forth elsewhere in this Plan.

(Ord. 415, 10/12/1981, Art. XI)

§1-1312. Police Pension Committee. [Ord. 590]

1. The Plan shall be administered by a Police Pension Committee which shall consist of three or more citizens who shall be Borough of Rockledge citizens appointed by the Borough Council; one member shall be a Borough Councilman, one member shall be a member of the police force and one member shall be a member of the general public. Each member shall be appointed to serve without compensation for an indeterminate term at the will of the Council. In addition to the Committee members, the Committee shall have a Secretary who shall be the Secretary or

Manager of the Borough. The Committee shall make and adopt rules and regulations for the efficient administration of the Plan, subject to the approval of the Borough Council. The Borough shall notify the Trustee of the Committee's appointment and the Trustee shall be entitled to assume that the Committee's authority to act continues until written notice to the contrary is given. Any member of the Committee may resign by notice, in writing, filed with the Borough. Any vacancy, however arising, shall be filled by the Borough Council; provided, however, that the Council shall not be compelled to fill any vacancy if at least three members of the Committee remain in office.

2. The Committee shall keep all data, records and documents pertaining to the administration of the Plan and shall execute all documents pertaining to the administration of the Plan and shall execute all documents necessary to carry out the provisions of the Plan, and shall provide all such data, records and documents to the Trustee, the actuary and any other professional whose services are employed pursuant to §1-1311(2) of this Plan.
3. The Committee shall construe the Plan, shall determine any questions of fact arising under the Plan, and shall make all decisions required of it under the Plan or the Trust Agreement and its construction thereof and decisions and actions taken thereon in good faith shall be final and conclusive. It may correct any defect or supply any omission or reconcile any inconsistency in such manner and to such extent as it shall deem expedient to carry the Plan into effect, and it shall be the sole judge of such expediency. The Committee shall act uniformly with respect to matters coming before it concerning employees in similar circumstances.
4. The Committee shall serve without bond except as may be otherwise required by law and without compensation for its services as such. All expenses of the Committee shall be paid by the Borough.
5. The members of the Committee, and each of them, shall be free of all liability for any act or omission except by willful misconduct or gross negligence, and each of them shall be fully indemnified by the Borough against all judgments not involving findings of their respective personal or collective willful misconduct or gross negligence and against all costs, including counsel fees, incurred in defense of actions brought against them.
6. The Committee shall make available to members, retired members and terminated members and to their beneficiaries, for examination during business hours, such records as pertain to the person examining.
7. To enable the Committee to perform its functions, the Borough shall supply full and timely information to it on all matters relating to the pay of all members, their retirement, death, termination of employment and such other pertinent facts as the Committee may require; and the Committee shall advise the Trustee of such of the foregoing facts as may be pertinent to the Trustee's administration of the Trust and shall give proper instructions to the Trustee for the carrying out of the purposes of this Plan.

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8. The Committee shall enact such rules and regulations for the conduct of its business and for the administration of the Plan as it may consider desirable, provided the same shall not be in conflict with any of the provisions of the Plan. All actions of the Committee shall be taken at meetings at which at least two members shall be present, or by written resolution, without the holding of a meeting, and any resolutions concurred in by not less than two of its members shall be the action of the entire Committee. Written minutes shall be kept of the meetings and actions of the Committee. No member of the Committee, who is a member of the Plan, shall vote on any matter affecting his benefits separately from the benefits of all other Employees.
9. The Secretary, acting on behalf of the Committee, or any three members of the Committee shall have the power to execute all documents necessary to carry out the actions of the Committee, and any person, partnership, corporation or government agency shall accept such documents over such signature or signatures as if executed by the Committee.

(Ord. 415, 10/12/1981, Art. XII; as amended by Ord. 590, 3/14/2005, §1)

§1-1313. Provisions Relating to the Borough.

1. It is the expectation of the Borough that it will continue this Pension Plan indefinitely and will, from time to time, contribute to the Fund such amounts as may be needed to provide the benefits set forth in the Plan; but continuance of the Plan is not assumed as an obligation of the Borough and the right is reserved by the Borough at any time to reduce, suspend or discontinue its contributions hereunder.
2. The Borough assumes no obligation or responsibility with respect to the operation of the Plan and does not guarantee the payment of the benefits therein provided for members of the Plan. The Borough shall have no liability with respect to the administration of the Fund held by the Trustee, and payments made under the provisions of any ordinance establishing, amending or maintaining the Plan shall not be a charge on any other fund in the treasury of the Borough or under its control, save the Police Pension Fund herein provided for.
3. Nothing contained in the Plan shall be held or construed as a contract or guarantee of employment nor shall create any liability upon the Borough to retain any person in its service. The Borough reserves its full right to discontinue the services of any person without any liability except for salary or wages that may be due and unpaid, whenever in its judgment its best interest so required, and such discontinuance shall be without regard to this Plan.

(Ord. 415, 10/12/1981, Art. XIII)

§1-1314. Termination or Amendment.

1. The Borough may amend, curtail or terminate this Plan at any time; provided, however, that no amendment affecting the Trustee shall be made without its consent (other than an amendment having the effect of terminating the Plan), nor shall any amendment be made which will in any manner divert any part of the Fund to any purpose other than the exclusive benefit of members or their beneficiaries (except that upon termination such diversion may be made after all of the fixed and contingent liabilities to members and their beneficiaries have been met), nor shall any amendment be made at any time which will in any manner divest any benefit then vested in a member.
2. In the event of termination of this Plan, the Trustee, upon written instructions from the Committee, shall allocate the assets then remaining in the Fund, to the extent that such assets are sufficient, to members and retired members in the following order of precedence:
 - A. To members and retired members in an amount equal to their respective contributions, reduced in the cases of retired members by any prior distributions made to them.
 - B. To provide benefits due retired members in the proportion that the pension earned of each such member bears to the total pensions earned for all such members.
 - C. The remaining assets, if any, to each of the remaining members in the proportion that his pension credits earned to the date of termination bears to the total pension credits so earned for all such remaining members.
3. After allocation of the funds, the Committee shall determine whether to operate the Fund as the source of whatever payments the money so allocated will provide, or to purchase immediate or deferred annuities from an insurance company in whatever amounts the money so allocated will provide.
4. Notwithstanding any provision of the Plan to the contrary, if the Plan is terminated or its full current costs have not been paid for the first 10 years after the establishment thereof or after an amendment increasing benefits provided by the Plan, the benefits provided by the Employer's contributions for each of its 25 highest paid Employees as of the date of establishment of the Plan or as of the date of an amendment increasing benefits, but excluding those employees whose yearly pension as estimated at such time will not exceed \$1,500, shall be limited to those benefits which may be derived from contributions equal to the largest of:
 - A. Twenty thousand dollars.
 - B. The sum of the Employer's contributions which would have been applied to provide an amount equal to 20% of the first \$50,000 of the Participant's average regular annual compensation, multiplied by the number of years and

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fractions thereof since the establishment of the Plan or the amendment substantially increasing benefits, plus, if there has been an amendment substantially increasing benefits, the Employer's contributions which would have been applied to provide benefits for the Participant if the Plan had been terminated on the day it was amended.

- C. The Employer's contributions which would have been applied to provide benefits for the Participant if no amendment increasing benefits had been adopted. These limitations shall also apply if a Participant described above begins receiving a pension within the 10-year period.
- 5. If the Plan is terminated within 10 years after the establishment thereof or after an amendment increasing benefits, all benefits in excess of those permitted hereunder shall be distributed to the remaining eligible Participants in the order provided hereinafter.
 - 6. Plan Effects.
 - A. If the Plan is in full force and effect and the full current costs have been met, the foregoing conditions contained in §1-1309(1) shall not restrict the current payment of the full retirement benefits called for by the Plan to any participant. The limitations of this section shall be inapplicable to the extent the Commissioner of Internal Revenue or his duly authorized representative may later rule that the limitations are no longer necessary for the Plan to meet the requirements for qualifications under the Internal Revenue Code.
 - B. If this Plan is not terminated within the period specified in subsection (4), the benefits, if any, which have been withheld from a participant in accordance with this Section shall be turned over to the participant or his representative at the end of said period or as soon thereafter as the full current costs of the Plan attributable to the said period have been met for the first time.
 - C. If the Plan is terminated within 10 years of the effective date or if the full current costs of the Plan have not been met within 10 years of the effective date and if as a result thereof, subsection (4) of the Plan provides for any former or current member of the police force benefits less than that provided by the Plan (exclusive of the effect of subsection (4), then the Borough shall provide benefits to such former or current members of the police force so that the benefits provided under the Plan and the benefits provided by the Borough shall equal the benefits that would have been provided by the Plan if it had continued in full force and effect.

(Ord. 415, 10/12/1981, Art. XIV)

§1-1315. Miscellaneous Provisions.

1. No benefit under this Plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge or encumbrance, not to seizure, attachment or other legal process for the debts of any member of member's beneficiary.
2. Anything heretofore contained in this Plan to the contrary notwithstanding, it is the intention of the Borough that any action herein provided to be taken by the Trustee shall be taken only in accordance with written instructions of the Committee given in such detail as to preclude the exercise by the Trustee of discretion in the performance thereof.
3. In no circumstance, whether upon amendment or termination of this Plan or otherwise, shall any part of the Fund be used for or diverted to any purpose other than the exclusive benefit of members or their beneficiaries until all of the actuarial obligations to such members or members' beneficiaries have been met.
4. If the Committee deems any person incapable of receiving benefits to which he is entitled by reason of minority, illness, infirmity, or other incapacity, it may direct the Trustee to make payment directly for the benefit of such person, or to any person selected by the Committee to disburse it, whose receipt shall be a complete acquittance therefor. Such payment shall, to the extent therefor, discharge all liability of the Borough, the Committee, the Trustee and the Fund.
5. In the case of all provisions utilized herein, the singular shall include the plural and the masculine shall include the feminine.
6. Should any provision of this Plan be determined to be void by any court, the Plan will continue to and, to the extent necessary, will be deemed not to include the provision determined to be void.
7. Headings and captions provided herein are for convenience only and shall not be deemed part of the Plan.
8. This Plan shall be construed and applied under the laws of the Commonwealth of Pennsylvania where not in conflict with Federal laws which shall otherwise prevail.

(Ord. 415, 10/12/1981, Art. XV, as added by Ord. 575, 7/9/2001, §3)

§1-1316. Pension Benefits.

1. **Age/Service Requirement.** Any Police Officer who shall attain the minimum age of 50 years and shall have completed a minimum of 25 years of consecutive service with the Rockledge Borough Police Department shall be entitled to retire from service as a Police Officer under the provisions of the Rockledge Borough Police Pension Plan and the statutory obligations of Act 600 which are then in effect.

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2. Computation. The existing language is deleted in its entirety and replaced with the following language: "Pension benefits shall be computed by using the average actual monthly compensation of the employee at the time of reference computed over the last 36 months (or shorter period as represents the member's total period of continuous employment by the Borough) of his continuous employment by the Borough prior to such date of reference." [Ord. 586]
3. Vesting. The Borough agrees that the Police Pension of any Officer who shall have completed 12 years of continuous service with the Rockledge Borough Police Department shall be entitled to vest his or her pension benefits, said pension benefits to be calculated and paid in compliance with Act 600 and any amendments thereto.
4. Survivor's Benefits.
 - A. The surviving spouse of a member of the police force or a member who retires on pension who dies or if no spouse survives or if he or she survives and subsequently dies, then the child or children under the age of eighteen years or, if attending college, under or attaining the age of twenty-three years, of a member of the police force or a member who retires on pension who dies, shall, during her lifetime in the case of a surviving spouse or until reaching the age of eighteen years or, if attending college, under or attaining the age of twenty-three years in the case of a child or children, be entitled to receive a pension calculated at no less than fifty per centum of the pension the member was receiving or would have been receiving had he been retired at the time of his death. For the purposes of this subsection, the phrase "attending college" shall mean the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven credit hours per semester.
 - B. The surviving spouse of a member of the police force who dies before his pension has vested or if no spouse survives or if he or she survives and subsequently dies, the child or children under the age of eighteen years or, if attending college, under or attaining the age of 23 years, of the member of the police force shall be entitled to receive repayment of all money which the member invested in the pension fund plus interest or other increases in value of the member's investment in the pension fund unless the member has designated another beneficiary for this purpose.
 - C. Pensions for the families of members killed in service shall be calculated at 100% of the member's salary at the time of death. For the purposes of this subsection, the phrase "attending college" shall mean the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven credit hours per semester.

[Ord. 590]

5. Police Pension Board. The Police Pension Board shall always include at least one full-time Police Officer of Rockledge Borough Police Department.
6. Early Retirement. After 20 years of continuous service, regardless of age, as authorized by Act 24 of 1998, codified as 53 P.S. §771(i), specifically providing as follows:
 - A. There is hereby established an early retirement benefit which shall be available to a member of the police force with 20 or more years of continuous service who terminates employment prior to the completion of superannuation retirement age and service requirements and who files a written application for an early retirement benefit with the Borough Manager. The early retirement benefit shall become effective on the date the application is filed with the Borough Manager or the date designated on the application, whichever is later, and shall be the actuarial equivalent of a partial superannuation retirement benefit calculated as follows:
 - (1) A partial superannuation retirement benefit shall be determined by applying the percentage that the member's years of service bear to the years of service that the member would have rendered had the member continued to be employed until his superannuation retirement date to the gross pension amount calculated using the monthly average salary during the appropriate period prior to his termination of employment; and
 - (2) The actuarial equivalent of the partial superannuation retirement benefit shall be determined by actuarially reducing the partial superannuation retirement benefit to reflect that it will commence on the effective date of the early retirement rather than on the date on which the member would have completed superannuation age and service requirements. The actuarial reduction shall be calculated using the actuarial assumptions reported in the last actuarial valuation report filed with the Public Employee Retirement Commission under the act of December 28, 1984 (P.L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act" or "Act 205," 53 P.S. §895.101, et seq.
7. Intervening Military Service. Any member of the police force employed by the Borough who has been a regularly appointed employee for a period of at least 6 months and who thereafter shall enter into the military service of the United States, shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service, if such person returns or has heretofore returned to his employment within six months after his separation from the service.

(Ord. 415, 10/12/1981, Art. XV; as added by Ord. 575, 7/9/2001, §3; as amended by Ord. 586, 4/26/2004, §1; and by Ord. 590, 3/14/2005, §1)

PART 14

FIREMEN'S RELIEF ASSOCIATION

§1-1401. Recognition of Firemen's Relief Association.

1. The Rockledge Volunteer Fire Company Relief Association of Rockledge, Pennsylvania, is hereby officially recognized by the Borough Council of the Borough of Rockledge as an organization formed for the purpose of maintaining an association for beneficial and protective purposes, to its members and their families in case of death, sickness, temporary or permanent disability or accident, from the funds collected therein.
2. The Rockledge Volunteer Fire Company Relief Association of Rockledge is hereby designated by the Borough Council of the Borough of Rockledge as the proper association to receive such funds as are due and payable to the Borough Treasury by the Treasurer of the State of Pennsylvania, from the tax on premiums from foreign fire insurance companies.

(Ord. 159, 1/12/1931, §I,II; as revised by A.O.)

§1-1402. Certification to Auditor General.

The Borough Council shall annually certify to the Auditor General of the Commonwealth the name of the active association and the percentage of service it contributes to the Borough. Such certification shall be on forms prescribed by the Auditor General.

(Ord. 159, 1/12/1931, §II; as revised by A.O.)

§1-1403. Annual Appropriation.

There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies pursuant to the Foreign Fire Insurance Tax Distribution Law, the Act of December 18, 1984, P.L. 1005, No. 205, 53 P.L., §895.701 et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Borough Treasurer from the State Treasurer shall be distributed to the duly recognized association within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(Ord. 159, 1/12/1931, §III; as revised by A.O.)

PART 15

TAX CERTIFICATION

§1-1501. Authorization to Provide Tax Certification.

The Rockledge Tax Collector is hereby authorized to provide Tax Certifications relating to properties located in the Borough of Rockledge, upon request by the public. The Tax Collector is hereby authorized to assess, collect and retain as his own compensation, a fee in an amount to be established, from time to time, by resolution of Borough Council per Tax Certification. The purpose of this fee is to compensate said Tax Collector for his personal time and expense in providing Tax Certifications to the public.

(Ord. 504, 7/11/1994, §1; as amended by A.O.

PART 16
SMOKING

§1-1601. Purpose.

The purpose of this Part is to protect the public health and to provide for the comfort of all parties by regulating and controlling smoking in certain municipal public places and at municipal public meetings.

(Ord. 510, 1/9/1995, §1)

§1-1602. Definitions.

As used in this Part, the following words and phrases shall have the following meanings:

MUNICIPAL PUBLIC MEETING(S) — all meetings opened to the public pursuant to the act of July 3, 1986 (P.L. 388 No. 84), known as the "Sunshine Act."

MUNICIPAL PUBLIC PLACE — an enclosed, indoor area owned or operated by a state or local governmental municipality or agency and used by the general public or serving as a place of work for municipal employees, including police officers, or any meeting place for a municipal public body, including an office, auditorium, arena, meeting room or public conveyance.

SMOKING — the carrying by a person of lighted cigar, cigarette, pipe or other lighted smoking device.

(Ord. 510, 1/9/1995, §2)

§1-1603. Non-Smoking Areas Designated.

No person shall smoke in an area designated non-smoking in accordance with the terms of this Part by the proprietor or person in charge, in a municipal public place or during a municipal public meeting.

(Ord. 510, 1/9/1995, §3)

§1-1604. Exemptions.

The following places shall be exempt from this Part:

ADMINISTRATION AND GOVERNMENT

Private and social functions held in the Borough Hall where the area utilized is under the control of the sponsor and not the proprietor.

(Ord. 510, 1/9/1995, §4)