ORDINANCES - START 1998

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ORDINANCE NO. 910

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING A BUDGET FOR THE YEAR 1998 AFTER AMENDMENT OF THE BUDGET PREVIOUSLY ADOPTED IN THE YEAR 1997.

The Township of Wilkins hereby ordains:

Section I. The Budget for the year 1998, as amended, is hereby adopted.

Section II. The Amended Budget is on file in the office of the Township Secretary and is incorporated herein by reference thereto.

ORDAINED and ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held the 9th day of February, 1998.

TOWNSHIP OF WILKINS

By: Paul Costa
President of the Board of Commissioners

ATTEST:

Mae S. Franc
Secretary

02

ORDINANCE NO. 911

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING JOINING INTO A COOPERATION AGREEMENT BY AND AMONG EASTERN REGIONAL COMMUNICATIONS CENTER AND OTHER JOINING MUNICIPALITIES; AUTHORIZING ENTRY OF AN AGREEMENT UNDER WHICH EASTERN REGIONAL COMMUNICATIONS CENTER WILL PROVIDE COMMUNICATIONS SERVICE; AUTHORIZING THE PAYMENT OF AMOUNTS TO BECOME DUE TO EASTERN REGIONAL COMMUNICATIONS CENTER; AUTHORIZING OTHER NECESSARY ACTION; AND REPEALING INCONSISTENT ORDINANCES.

The Township of Wilkins ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 911 in the following form:

04

ORDINANCE NO. 911

ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING JOINING INTO A COOPERATION AGREEMENT BY AND AMONG EASTERN REGIONAL COMMUNICATIONS CENTER AND OTHER JOINING MUNICIPALITIES; AUTHORIZING ENTRY OF AN AGREEMENT UNDER WHICH EASTERN REGIONAL COMMUNICATIONS CENTER WILL PROVIDE COMMUNICATIONS SERVICE; AUTHORIZING THE PAYMENT OF AMOUNTS TO BECOME DUE TO EASTERN REGIONAL COMMUNICATIONS CENTER; AUTHORIZING OTHER NECESSARY ACTION; AND REPEALING INCONSISTENT ORDINANCES.

WHEREAS, the Township of Wilkins (the "Municipality") has determined that it is in the best interest of the citizens of the Municipality to provide the police, fire, and emergency medical service and other local government service personnel with reliable communications both in the Municipality and across municipal boundaries; and

WHEREAS, it is possible to provide a reliable communication service (the "Communications Service") by the use of an intergovernmental cooperative emergency dispatching and communications service which conforms to the County of Allegheny 911 Plan (the "911 Plan"); and

WHEREAS, the Municipality desires to cooperate with the other municipalities (the "Municipalities") which have or may in the future join in providing the Communications Service in accordance with the 911 Plan; and

WHEREAS, in order to implement the Communications Service, an entity known as Eastern Regional Communications Center ("ERC") has been formed; and

WHEREAS, a copy of the Intergovernmental Cooperation Agreement has been presented to this meeting, and a copy of said Agreement is attached hereto and incorporated herein by reference as though set out in full; and

WHEREAS, in order to implement the Communications Service, the Municipality desires to enter into the Intergovernmental Cooperation Agreement by and among the ERC and the Municipalities; and

NOW, THEREFORE, BE AND IT HEREBY IS ORDAINED BY the BOARD OF COMMISSIONERS **OF THE MUNICIPALITY THAT:**

SECTION 1. The Municipality hereby determines to undertake the implementation of a Communications Service in cooperation with the other Municipalities and ERC in the manner described in this Ordinance.

SECTION 2 The Intergovernmental Cooperation Agreement presented to this meeting is hereby approved and the Municipality hereby determines to become a party to the Intergovernmental Cooperation Agreement and to be bound by the terms and conditions of the Intergovernmental Cooperation Agreement. The proper officers of the Municipality are authorized and directed to execute and deliver a Joinder to the Intergovernmental Cooperation Agreement and to deliver an executed counterpart of the Agreement to ERC.

SECTION 3. In accordance with Section 5 of the Agreement, the Municipality shall appoint a member of its governing body as a Director of ERC, and an alternate Director.

SECTION 4. The Municipality agrees to pay the charges required under the Intergovernmental Service Agreement and agrees to budget and appropriate the amounts required under that Agreement.

SECTION 5. The officers of the Municipality are authorized and directed to execute all documents required in connection with the foregoing sections of this Ordinance, provided that such documents have been approved by the Municipality's Solicitor and to cause those documents to be delivered to the proper persons.

SECTION 6. The proper officers of the Municipality are authorized to take such other actions and to execute and deliver such other documents as may be necessary and proper for the implementation of this Ordinance.

SECTION 7. This Ordinance is subject to the approval of this Ordinance and the Intergovernmental Cooperation Agreement by the Municipality of Monroeville. In the event that the Municipality of Monroeville does not approve this Ordinance and the Intergovernmental Cooperation Agreement on or before April 30, 1998, this Ordinance shall be automatically rescinded and shall be null and void. It is understood, by the approval of this Ordinance, that, as a result of pre-existing contractual obligations, the participation of the Borough of Verona in the ERC Intergovernmental Agreement as a Charter Member, shall be effective on January 1, 1999. It is further understood that, by the approval of this Ordinance, that the participation of the Borough of Plum in the ERC Intergovernmental Cooperation Agreement may be limited; and, in the event that the approval and participation of the Borough of Plum in the ERC Intergovernmental Cooperation Agreement is limited, such limited participation must be approved by the Board of Directors, pursuant to Section 5 of the Agreement.

SECTION 8. All ordinances or resolutions which are inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

DULY ENACTED ON _____, 1998.

_____

BY_____
Title:
Name:

ATTEST:

_____
Secretary

Approved:

_____

Approved as to Legality

_____
Solicitor

INTERGOVERNMENTAL COOPERATION AGREEMENT

This Intergovernmental Cooperation Agreement ("Agreement"), is made this 27th day of April, 1998,

BY AND BETWEEN

MUNICIPALITY OF MONROEVILLE, a municipal corporation and a Home Rule Municipality in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 2700 Monroeville Blvd., Monroeville, PA 15146, hereinafter called "MONROEVILLE"

AND

BOROUGH OF WILKINSBURG, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 605 Ross Avenue, Wilkinsburg, PA 15221, hereinafter called "WILKINSBURG",

AND

BOROUGH OF SWISSVALE, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 7560 Roslyn Street, Swissvale, PA 15218, hereinafter called "SWISSVALE",

AND

TOWNSHIP OF WILKINS, a municipal corporation and a Township in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 110 Peffer Road, Turtle Creek, PA 15145, hereinafter called "WILKINS"

AND

BOROUGH OF BRADDOCK, a municipal corporation and a Borough in the County of

Allegheny, Commonwealth of Pennsylvania, with its principal office located at 415 Sixth Street, Braddock, PA 15104, hereinafter called "BRADDOCK",

AND

BOROUGH OF VERONA, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 736 East Railroad Avenue, Verona, PA 15147, hereinafter called "VERONA"

AND

BOROUGH OF WILMERDING, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at Station and Commerce Street, Wilmerding, PA 15148 hereinafter called "WILMERDING"

AND

BOROUGH OF WALL, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 413 Wall Avenue, Wall, PA 15148, hereinafter called "WALL".

AND

BOROUGH OF PITCAIRN, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 582 Sixth Street, Pitcairn, PA 15140, hereinafter called "PITCAIRN"

AND

BOROUGH OF PLUM, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 4575 New Texas Road, Plum, PA 15239, hereinafter called "PLUM".

WITNESSETH:

WHEREAS, MONROEVILLE, WILKINSBURG, SWISSVALE, WILKINS, BRADDOCK, VERONA, WILMERDING, WALL, PITCAIRN AND PLUM desire to enter into an intergovernmental cooperation agreement in order to provide quality emergency dispatching and communication services for the protection of their residents, by consolidating said services in one location known as the Eastern Regional Communications Center (hereinafter referred to as "ERC"). Said municipalities, shall be known as, and shall hereinafter be referred to as, "Charter Members"; provided however, that said municipalities, in order to be Charter Members, must adopt an ordnance approving this Agreement, and execute this Agreement, on or before April 30, 1998. The failure of any of said named municipalities, except Monroeville, to approve and execute this Agreement on or before April 30, 1998, shall not invalidate the approval of this Agreement by the remaining named municipalities, and this Agreement shall be automatically amended to exclude and delete the name of any municipality who does not approve and execute this Agreement on or before April 30, 1998; provided further, the failure of Monroeville to approve and execute this Agreement on or before April 30, 1998 shall cause the complete invalidation of this Agreement, and this Agreement shall become null and void and of no legal effect. Any other municipality who joins and executes this Agreement shall be known as a "New Member". Charter Members and New Members shall hereinafter be referred to as a "Member Municipality";

WHEREAS, the County of Allegheny ("County") has adopted an Enhanced 911 Plan ("Plan") dated February 11, 1997, pursuant to the Public Safety Emergency Telephone Act, Act 78 of 1990 and regulations thereunder ("Act"), which provides for the provision of 911

emergency communication throughout the County;

WHEREAS, the Member Municipalities desire to establish Police, Fire and Emergency Medical Services ("EMS") in order to provide residents of their municipalities and the residents of the County with the highest quality, reliable public safety communications services;

WHEREAS, for the purposes of this Agreement, the term "public safety communications services" shall be defined as "receiving telephonic requests for assistance of the type provided by police, fire, emergency medical service, Department of Public Works, water and sewer personnel and other local government services and functions and directing such requests to the appropriate respondent.";

WHEREAS, the Intergovernmental Cooperation Act, the Act of December 19, 1996, No. 177, 53 PA.C.S.A., 62301 , et seq., authorizes two or more municipalities to cooperate in the exercise or in the performance of their respective municipal functions, powers, or responsibilities;

WHEREAS, it is the desire of each Member Municipality to enter into this Intergovernmental Cooperation Agreement with the other Member Municipalities, in order to form the ERC, and to cooperate in providing quality public safety communications services for the protection of the residents of their respective municipalities; and

NOW THEREFORE, in consideration of the covenants hereinafter set forth and intending to be legally bound hereby, the Member Municipalities and the ERC agree as follows:

1. **Organization**. The Member Municipalities hereby agree to create an entity known as the Eastern Regional Communications Center ("ERC") for public safety dispatching and communications services.

2. **Delegation of Services**. The Member Municipalities hereby agree to delegate or transfer their emergency public safety dispatching and communications functions and services to ERC, which shall manage and operate the public safety communication dispatch center.

3. **Location of ERC**. The Municipality of Monroeville ("Monroeville") shall serve as the host community for the location of the ERC through December 31, 2000, during the "start up" phase of this Agreement. Thereafter, the location of the ERC may only be changed as set forth in Paragraph 6 below. The ERC shall initially occupy the current Monroeville Dispatch Center until the completion of the new Monroeville Municipal Building, which construction is estimated to be completed by late 1999. The ERC shall thereafter be located in the new Monroeville Municipal Building.

4. **Effective Date**. It is anticipated that the ERC will be operational on or about July 1, 1998. When the ERC becomes fully operational, the ERC shall serve as the "public safety answering point" for the Member Municipalities.

5. **Board of Directors**.

A) A Board of Directors ("Board") is hereby created to provide full representation of each Member Municipality which has executed this Agreement. The Board shall meet regularly as it shall determine necessary. The Board shall set policy, adopt a budget and generally govern the emergency public safety dispatch and communications services provided by the ERC. The Board shall be comprised of one delegate from each Member Municipality. Each delegate shall be a member of the governing body of the Member Municipality represented.

B) During the "start up" phase of the ERC, through December 31, 2000, each

delegate shall be entitled to cast one vote on the Board which vote shall be weighted, with the Municipality of Monroeville's vote being 48% of the total vote, and the remaining Member Municipalities vote being 52% of the total vote, based on the combined average of 1) each Member Municipality's percentage of total population from the most recent U.S. Census and 2) the most recent certified local assessed valuation from the Allegheny County Board of Property Assessment, as a percentage of the total populations and local assessed valuations of all Member Municipalities, except Monroeville. (See Addendum "A" for weighted vote percentages.) The affirmative vote of a majority of the total weighted votes of the Board shall be required in order to take action and shall be binding upon each Member Municipality.

C) After the completion of the operational "start-up" phase on December 31, 2000, each delegate shall have one vote per Member Municipality and a simple majority shall be required for all actions, except as stated below. After the completion of the "start-up" phase, each delegate shall have one vote on the Board per each 1,000 municipal residents, based upon the most recent United States census, rounded to the nearest whole number, with respect to voting on any of the following issues or matters:

1. All matters pertaining to budget or finance, including but not limited to, capital expenditures and borrowing
2. The hiring or termination of the Executive Director
3. The location of the ERC
4. All matters relating to utilization of technology at the ERC
5. Any amendment to this agreement

6. **Super Majority Required**. After December 31, 2000, the following actions of

the Board shall require an affirmative vote of 66.667% of the total vote of the Board in order to be effective:

a. The relocation of the ERC;

b. The termination of the Executive Director; or

c. Any amendment of this Agreement (See Paragraph 27).

7. **Administrative Advisory Committee**. The Administrative Advisory Committee ("Administrative Committee") is hereby created at the administrative level to assist the Executive Director in the implementation and formulation of the policies which are adopted by the Board and to perform such other functions as shall be designated by the Board. The Administrative Committee shall develop recommendations for budgets, policies and procedures and personnel staffing, subject to approval by the Board. The Administrative Committee shall be comprised of the Manager/Secretary of each Charter Member. Four at-large Administrative Committee seats may be filled by the Board with persons elected at-large from New Members having a population of 5000 persons or more. The Administrative Committee shall meet regularly as it shall determine. During the construction period of the new Monroeville Municipal Building, the Manager/Secretary of Monroeville shall serve as Chairperson of the Administrative Committee. When the ERC begins operations at the new building, the Administrative Committee shall elect a Chairperson. Thereafter, the Committee shall elect a Chairperson on an annual basis.

8. **Public Safety Advisory Committee**. The Public Safety Advisory Committee ("Public Safety Committee") is hereby created at the administrative level. The Public Safety Committee shall consist of representatives from the Police, Fire and Emergency Medical Service

agencies of the Member Municipalities who shall organize into sub-committees and advise the Executive Director, Administrative Committee and Board on technical and field operational matters.

a. Police Sub-Committee. The Police Sub-Committee shall consist of the police chief or highest-ranking police officer of each Charter Member. Up to four additional seats may be filled with police chiefs of New Members who shall be elected at-large by the Board. During the "start up" phase, the police chief of the host municipality shall serve as the sub-committee chair. Thereafter, the sub-committee shall elect a chairperson on an annual basis.

b. Fire Sub-Committee. The members of the Fire Sub-Committee shall consist of one representative Fire Chief from each Charter Member. Up to four additional seats may be filled with fire chiefs of New Members who shall be elected at-large by the Board. During the "start up" phase, the fire chief representative of the host municipality shall serve as the sub-committee chair. Thereafter, the sub-committee shall elect a chairperson on an annual basis.

c. EMS Sub-Committee. The EMS Sub-Committee shall consist of three (3) EMS Chiefs from Member Municipalities. Any Member Municipality with a population in excess of seventy-five hundred (7,500) persons who

is fully dispatched by the ERC shall be entitled to a permanent seat on the EMS Sub-Committee. The remaining committee members shall be elected by the Board from Member Municipalities on an at-large basis. During the "start up" phase, the EMS Chief of the host Municipality shall serve as the sub-committee chair. Thereafter the sub-committee shall elect a chairperson on an annual basis.

9. **Executive Director**. The Board shall employ an Executive Director, who shall be an employee of the ERC. The selection of the Executive Director shall be made by the Administrative Committee with the consent of the Board. The Board shall set the compensation and benefits of the Executive Director based upon the recommendations of the Administrative Committee. The Executive Director shall manage the day to day operation of the ERC and, together with the Administrative Committee, shall make recommendations to the Board on matters involving annual budgets, policies and procedures and personnel.

10. **Communications Personnel**. The ERC shall be staffed by personnel whose qualifications shall be determined by the Executive Director, with the advice and consent of the Board. The Member Municipalities agree to hire all full-time dispatchers currently employed by the Municipality of Monroeville. All full-time dispatchers employed by the other Charter Members shall be entitled to preference in employment with the ERC, provided, however that such employment shall be subject to such criteria as established by the Executive Director.

11. **Finance**.

A) The ERC shall be financed through the receipt of funds from the County

of Allegheny pursuant to the Public Safety Emergency Telephone Act, No. 1990-78, based upon a formula determined by the County. Additional funding shall be provided to the ERC through appropriations from Member Municipalities. Funds appropriated to the ERC in excess of those required to meet current budget obligations shall be carried over to the subsequent budget year and shall not be refunded to Member Municipalities.

B) During the "Start up" phase, through December 31, 2000, additional funding shall be based upon a 48% contribution from the Municipality of Monroeville, and the remaining 52% shall be contributed by the Member Municipalities based on the combined average of 1) each Member Municipality's percentage of total population from the most recent U.S. Census and 2) the most recent certified local assessed valuation from the Allegheny County Board of Property Assessment, as a percentage of the total populations and local assessed valuations of all Member Municipalities, except Monroeville. A percentage and cost breakdown for all Member Municipalities is attached hereto and made a part hereof and marked "Addendum A".

C) During the "start up" phase, call volumes and other operational measurements and data shall be collected and analyzed to provide the basis for financing the ERC, pursuant to this Paragraph. Starting effective January 1, 2001, the contribution of all Member Municipalities shall be based upon the combined average of the following:

1/3 Each Member Municipality's call volume (the number of emergency calls received by the ERC generated from within said Member Municipality), as a percentage of the total call volume of all Member Municipalities; and

1/3 Each Member Municipality's most recent certified local assessed valuation from the Allegheny County Board of

Property Assessment, as a percentage of the total local assessed valuations of all Member Municipalities.

1/3 Each Member Municipality's population, based upon the most recent US Census, as a percentage of the total population of all Member Municipalities.

12. **Appropriation of Funds**. Each Member Municipality shall budget and appropriate sufficient funds each year to pay the ERC, or its accounting agent, the amounts due from that Member Municipality under this Agreement. It is the intention of the parties that ERC's right to timely payment under this Paragraph is absolute, and time is of the essence. To avoid delay in such payment, the Member Municipalities agree, and by this Agreement do hereby formally authorize, that any and all such payments shall be made without necessity of any additional formal action by the Member Municipalities to approve such payment, unless the payment request exceeds the Member Municipality's budget appropriation.

13. **Annual Budget**. Prior to September 1 of each year, the ERC shall furnish to each Member Municipality, a proposed budget which shall set forth the individual contributions required from each Member Municipality for the next fiscal year. Prior to November 1 of each year, the Board shall adopt a final budget for the next fiscal year.

14. **Insurance**. Each Member Municipality shall be required to name the ERC as an additional insured on their General Liability, Professional Liability and Errors and Omissions insurance policies. A certificate of insurance verifying coverage limits of one million dollars ($1,000,000.00) per occurrence and two million dollars ($2,000,000.00) in the aggregate shall be provided to the ERC. Such insurance shall remain in force throughout the term of this Agreement and shall provide for sixty (60) days prior written notice to the ERC in the event of

cancellation. This insurance will be in addition to the insurance coverage maintained by the ERC itself.

15. **Rent**. The ERC shall enter into a Lease Agreement with the Municipality of Monroeville for the use of the facilities for the ERC. Monroeville agrees to execute a lease on mutually acceptable terms with a nominal charge for rent and utilities. The charges for rent and utilities and other operation requirements are attached hereto and made a part hereof as the "ERC Budget - 1998" and marked "Addendum B".

16. **Terms of Payment of Member Contributions**. On or before May 31, 1998, each Member Municipality shall pay its contribution for the remainder of 1998, as set forth in Addendum A. Starting in 1999, each Member Municipality shall pay its contribution to the ERC in two equal semi-annual payments, one on or before January 31 and the second payment on or before June 15. The annual charge or fee may correspondingly increase or decrease in accordance with the actual cost of operation of the previous year as determined by ERC. Further, the pro rata share of each Member Municipality may be increased or decreased at any time during the year in the event any Member Municipality withdraws from the ERC or additional municipalities are added as members. The Member Municipalities shall be notified in writing of any adjustment and shall be invoiced by the ERC. Payment shall be due to the ERC 30 days thereafter.

17. **Late Payment**. It is the intention of the Member Municipalities that ERC's right to timely payment under this Agreement shall be absolute. Payments which are not made by the due date shall bear interest at the rate of 1% per month, or fraction thereof.

18. **Communications Equipment**.

a. Initial Operations. During the initial operation of the ERC, which is anticipated to begin in mid 1998, the ERC operations shall be conducted in the existing Monroeville Municipal Building. During the ERC's occupancy of the existing Monroeville Dispatch Center, the equipment provided by Monroeville shall remain the property of the Municipality of Monroeville. Any equipment purchased with County "start up funds" by the ERC shall be owned by the ERC. The ERC shall assume responsibility for the maintenance of all equipment located at the Monroeville Dispatch Center.

b. New Facility. Upon completion of the new Monroeville Municipal Building which is expected in late 1999, the ERC operations shall be located in the new facility. All communications equipment located at the ERC shall then be owned by and under the control of the ERC. Any Member Municipality may assign or donate equipment to the ERC. Maintenance of all equipment located at the ERC shall be the responsibility of the ERC. All other communications equipment including, but not limited to, base stations, repeaters, receivers, transmitters, microwave equipment, telephone lines, mobile units, portables and pagers shall remain in the ownership of the respective Member Municipality, who shall remain responsible for the maintenance, repair and proper operation of such equipment.

19. **FCC Licenses**. Each Member Municipality shall be responsible for the maintenance of their operating license with the Federal Communications Commission ("FCC") for all equipment owned by them or under their control and shall, if required, assign the right to use said licenses to the ERC. Ownership of public safety dispatch frequencies shall be shared with the ERC.

20. **Records**. The ERC shall be responsible for the maintenance of regular and customary records of all public safety communication and dispatch activity as well as financial records related to the operation of the ERC. These records shall be made available to any Member Municipality upon reasonable request during normal business hours.

21. **New Members**. On or prior to September 1 of each year, any Municipality may become a Member Municipality, subject to approval by the Board, based upon the following:

1. Assessment of impact on ERC Center
2. Capacity of ERC to service the New Member
3. Any special or extraordinary costs associated with bringing in the New Member
4. Execution of this agreement.

Upon admission the New Member must agree to pay:

1. 23% of the New Member's next year's annual contribution to the ERC contingency fund
2. Any special or extraordinary costs, as determined by the Board

The effective date of admission shall be the beginning of the next calendar year, unless otherwise specified by the Board. The financial obligation of a newly-admitted Member Municipality shall

begin as of the date it starts to receive service from the ERC. If the Board admits a New Member effective during the year, the newly-admitted Member must make advanced payment of its contribution for the remainder of the calendar year in question. New members shall bear the full costs of bringing their dispatch capability into compliance with ERC Standards including, but not limited to, insurance, facility upgrades, additional personnel, and other applicable costs as determined by the Board at the time of acceptance.

22. **Terms of Agreement**. The initial "start up" phase of this agreement shall remain in effect through December 31, 2000. Thereafter, this agreement shall remain in full force and effect on a year to year basis until amended or terminated.

23. **Termination**. Any Member Municipality may terminate its participation in this Agreement effective on December 31, 2000, by giving notice of termination on or before December 31, 1999. Thereafter, any Member Municipality may terminate its participation in this Agreement upon written notice to all other Member Municipalities and to the ERC not less than one calendar year prior to the end of the subsequent calendar year, which will be the effective date of termination. However, any New Member must remain a member for at least 2 years before it may elect to give notice of termination under this Paragraph.

24. **Obligations in the Event of Termination**. It is understood and agreed by the Member Municipalities that no refunds shall be paid to any municipality upon termination of a Member Municipality's participation in this Agreement. Liabilities incurred by a Member Municipality during the Member Municipality's participation of this Agreement shall continue to be the liability of such Member Municipality even subsequent to the termination of such Member Municipality's participation in this Agreement.

25. **Powers Granted to ERC**. By execution of this Agreement, each Member Municipality authorizes the ERC to:

a. Acquire, manage, license and dispose of property, both real and personal, as it shall deem to be in the best interest of the ERC, including Federal Communication Commission licenses for broadcasting and rebroadcasting emergency communications;

b. Enter into contracts for policies of group insurance and employee benefits, including social security for its employees;

c. Develop and acquire additional sources to finance the operations contemplated by this Agreement;

d. Contract for the furnishing of supplies, equipment and contracted services associated with the operation of ERC; and

e. Provide for the costs and administration of personal services of ERC personnel, including salaries, pension funding and any other responsibilities related thereto.

26. **Succession**. This Agreement shall be binding upon the successors and assigns of the parties hereto, but may be assigned only upon the prior written consent of the ERC and the Member Municipalities. ERC may not assign its obligations under this Agreement to any third party without the prior written consent of the Member Municipalities.

27. **Amendments**. During the "start up" phase, this Agreement may be amended only by the unanimous consent of all Member Municipalities. After December 31, 2000, this

Agreement may be amended only as set forth in Paragraphs 5 C and 6 of this Agreement. Any such amendment will be binding upon all Member Municipalities.

28. **Notice**. All notices required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed sufficient if sent by registered or certified mail, return receipt requested, to the address of each Member Municipality which shall be supplied to the ERC. All written communication shall be considered effective upon receipt.

29. **Waiver**. No waiver of any breach of any term of this Agreement shall be held to be a waiver of any subsequent breach of the Agreement. No party shall be deemed to have waived any right, power or privilege under this Agreement or any provision thereof, unless such waiver shall have been duly executed in writing and acknowledged by the Member Municipalities and the ERC.

30. **Applicable Law**. This Agreement and the rights and obligations of the ERC and the Member Municipalities shall be governed and construed pursuant to the laws of the Commonwealth of Pennsylvania.

31. **Entire Agreement**. This Agreement sets forth the entire Agreement and understanding among the Member Municipalities and the ERC as to the subject matter hereof. Any and all prior discussion, negotiations, commitments and understandings, whether oral or in writing, are hereby superseded by this Agreement.

WITNESS THE EXECUTION HEREOF, the day and year first written above.

ATTEST:

Manager, Township of Wilkins

MUNICIPALITY
TOWNSHIP OF WILKINS

Mae S. Franc, Secretary

ERC SUMMARY OF COSTS

23-Mar-98

	1998			1999
1998 E R 9-1-1- Center Budget	$689,280.00			$1,326,060.00
Allegheny County 9-1-1 contribution from all 23 communities ($3.00 per capita for 218,661 population)	$655,000.00			$655,000.00
ERDC Estimated Costs	$34,280.00	$154,000.00 $	188,280.00	$671,060.00
Less: Monroeville Contribution for 1998 (48%)	$16,454.40	$73,920.00 $	90,374.40	
Less: Monroeville Contribution for 1999 (48%)				$322,108.80
Other Community Commitments based on Avg 50% Population and 50% Assessed Valuation:	$17,825.60			$348,951.20

	VOTES	REGULAR CONTRIB.	CONTINGENCY	TOTAL CONTRIB.	
MONROEVILLE	48.00%				
BRADDOCK	4.00%	$ 713.02	$ 3,203.20	$ 3,916.22	$ 13,958.05
PITCAIRN	4.00%	$ 713.02	$ 3,203.20	$ 3,916.22	$ 13,958.05
PLUM BORO	35.00%	$ 6,238.96	$ 28,028.00	$ 34,266.96	$ 122,132.92
SWISSVALE	13.00%	$ 2,317.33	$ 10,410.40	$ 12,727.73	$ 45,363.66
VERONA	4.00%	$ 713.02	$ 3,203.20	$ 3,916.22	$ 13,958.05
WALL	1.00%	$ 178.26	$ 800.80	$ 979.06	$ 3,489.51
WILKINS TWP	12.00%	$ 2,139.07	$ 9,609.60	$ 11,748.67	$ 41,874.14
WILKINSBURG	24.00%	$ 4,278.14	$ 19,219.20	$ 23,497.34	$ 83,748.29
WILMERDING	3.00%	$ 534.77	$ 2,402.40	$ 2,937.17	$ 10,468.54
TOTAL	100.0%	$17,825.60	$80,080.00	$97,905.60	$348,951.20

APPENDIX A

ERC
1998 BUDGET

EASTERN REGIONAL CENTER PROPOSED			
FUNC	SUB	DESCRIPTION	01-Jul-98
001	100	SALARIES DEPT HEAD	30,000.00
001	300	SALARIES PROFESSIONAL STAFF	32,500.00
001	400	WAGES:SUPERVISORS	75,000.00
001	900	WAGES:FULL TIME TCO'S	236,080.00
001	300	WAGES:PART TIME TCO'S	51,480.00
001	400	OVERTIME	25,000.00
001	100	SHIFT DIFFERENTIAL	7,250.00
		OBJECT TOTAL	457,310.00
002	110	MISC OUTSIDE PERSONAL SER	500.00
002	203	POSTAGE	200.00
002	206	TRAVELING EXPENSES	2,000.00
002	280	SEMINAR EXPENSES	1,500.00
002	304	PRINTING	375.00
002	407	HOSPITALIZATION & HEALTH	79,200.00
002	409	EMPLOYEES' PENSION INSURA	25,000.00
002	410	SOCIAL SECURITY CONTRIBUT	35,320.00
002	413	EMPLOYEES' LIFE INSURANCE	1,500.00
002	503	TELEPHONE & TELEGRAPH	3,000.00
002	608	RADIO EQUIP REPAIR & MAIN	10,000.00
002	610	OFFICE EQUIP REPAIR & MAI	3,000.00
002	613	MISC EQUIP REPAIR & MAINT	1,000.00
002	730	CONTRACT SERVICE FEES	15,000.00
002	805	EDUCATION BENIFITS	-
002	903	DUES & MEMBERSHIPS	500.00
002	904	LEGAL	25,000.00
002	110	RENT	6,000.00
002	110	DATA PROCESSING EXPENSES	1,500.00
002	401	INSURANCE	6,000.00
		OBJECT TOTAL	216,595.00
003	101	GENERAL OFFICE SUPPLIES	2,500.00
003	102	MAGAZINES MAPS BOOKS & RE	375.00
003	208	INSTITUTIONAL SUPPLIES	500.00
003	213	HARDWARE	-
003	220	WEARING APPAREL	12,000.00
003	208	HOUSEKEEPING SUPPLIES	-
		OBJECT TOTAL	15,375.00
005	308	OFFICE FURNITURE & EQUIP	-
005	311	RADIO & COMMUNICATION EQU	-
		OBJECT TOTAL	-
		DEPARTMENT TOTAL	689,280.00

SOURCE: Budget developed from model Communications Center provide
Associates and approved by Municipal Managers/Secretary Cc

APPENDIX B

ORDINANCE NO. 912

AMENDMENT TO THE

TOWNSHIP OF WILKINS POLICE PENSION PLAN

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE 791 BY DEFINING THE WORDS "COMPENSATION" AND "FINAL MONTHLY AVERAGE SALARY"

WHEREAS, the Township of Wilkins (the "Township") has previously enacted an Ordinance establishing the Wilkins Township Police Pension Plan (the "Plan"); and

WHEREAS, the Township reserved the right to amend the Plan; and

WHEREAS, the township now desires the Plan to be further amended;

BE IT ORDAINED AND ENACTED by the Township Board of Commissioners and it is HEREBY ORDAINED AND ENACTED by authority of the same:

Section I. Effective January 1, 1998, Ordinance 791 is amended by deleting Section 6 D. and revising Section 6 D. to read as follows:

D. "Compensation" shall mean for all purposes under the Plan the total remuneration of the Employee, whether salary or hourly wages, including overtime pay, holiday pay, longevity pay and any other form of remuneration paid by the Employer for police services rendered. Compensation shall be limited to the amount specified pursuant to Internal Revenue Code Section 401(a)(17) as adjusted under Code Section 415(d).

Section II. A new Section 6 E. is added to read as follows:

E. "Final Monthly Average Salary" shall mean the average monthly Compensation earned by the Participant and paid by the Employer during the final thirty-six (36) months immediately preceding termination of active Employment. For this purpose, Compensation shall exclude the portion of any single sum or extraordinary payment made which is not directly attributable to active Employment during the averaging period, including but not limited to payment of a back pay damage award.

ORDAINED AND ENACTED this 14th day of September, A.D., 1998

ATTEST:

Mae S. Franc

Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

President, Board of Commissioners

06

ORDINANCE NO. 913

ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROVING AN ADDENDUM TO THE INTERGOVERNMENTAL COOPERATION AGREEMENT RELATING TO THE EASTERN REGIONAL COMMUNICATIONS CENTER, TO ELIMINATE THE INSURANCE REQUIREMENT FOR MEMBER MUNICIPALITIES.

WHEREAS, Monroeville, Wilkinsburg, Swissvale, Wilkins, Braddock, Verona, Wilmerding, Wall and Pitcairn are all Charter Members and parties to the Intergovernmental Cooperation Agreement which was adopted, by ordinance, by each of said Municipalities during the month of April, 1998; and

WHEREAS, Paragraph 14 of said Agreement requires each Member Municipality to name the Eastern Regional Communications Center as an additional insured on their general liability, professional liability and errors and omissions insurance policies, and further requires a certificate of insurance verifying coverage limits of $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate; and

WHEREAS, the Public Safety Emergency Telephone Act of the Commonwealth of Pennsylvania was amended by Act No. 17 of 1998, House Bill No. 911, effective April 13, 1998, 35 P.S. §7021.1 as follows: All 911 systems run by county and local governments shall be local agencies who shall enjoy local governmental immunity as provided under 42 Pa. C.S. Chapter 85, Subchapter C (relating to actions against local parties); and

WHEREAS, the Board of Directors of the ERC has purchased general liability and errors and omission liability insurance policies with coverage limits of $1,000,000.00 per occurrence, $2,000,000.00 in the aggregate and an umbrella liability policy in the amount of $3,000,000.00. Said ERC insurance policies name all nine (9) Charter Members as additional insured entities; and

WHEREAS, as a result of said amendment to the laws of the Commonwealth of Pennsylvania and based upon the insurance coverages which have been purchased by the ERC, the parties hereto desire to amend the Intergovernmental Cooperation Agreement to delete Paragraph 14.

WHEREAS, Paragraph 18 section b of said Agreement addresses the ownership of communications equipment at the new facility of the ERC. The Board of Directors of the ERC agreed to amend said Paragraph to read:

Upon completion of the new Monroeville Municipal Building which is expected in late 1999, the ERC operations shall be located in the new facility. All communications equipment located at the ERC shall then be owned by and under the control of the ERC. Any Member Municipality may assign or donate equipment to the ERC. <u>In the event of a dissolution, any Member Municipality who has assigned or donated equipment may request the return of such</u>

equipment in its "as is" condition. Maintenance of all equipment located at the ERC shall be the responsibility of the ERC. All other communications equipment including, but not limited to, base stations, repeaters, receivers, transmitters, microwave equipment, telephone lines, mobile units, portables and pagers shall remain in the ownership of the respective Member Municipality, who shall remain responsible for the maintenance repair and proper operation of such equipment.

NOW, THEREFORE, BE IT ORDAINED BY

the Township of Wilkins and it is hereby ordained and enacted by the authority of the same:

SECTION 1. The Township of Wilkins hereby approves the attached Addendum to Intergovernmental Cooperation Agreement, relating to the 911 emergency dispatch system of the Eastern Regional Communications Center, in order to eliminate the requirement that each Charter Member Municipality provide insurance coverages for the ERC and name the ERC as an additional insured on said policies.

SECTION 2. Township of Wilkins hereby approves the attached Addendum to Intergovernmental Cooperation Agreement, relating to the ownership of communications equipment by the ERC at the new facility.

SECTION 3. Any Ordinance or Resolution, or any part of any Ordinance or Resolution, which is inconsistent with the provisions of this Ordinance, are hereby repealed, to the extent of such inconsistency.

DULY ENACTED ON SEPTEMBER 14, 1998.

TOWNSHIP OF WILKINS

BY Paul Costa

Title: President, Board of Commissioners

Name: Paul Costa

ATTEST:

Mae S. Franc

Secretary, Mae S. Franc

Approved:

Approved as to Legality

Solicitor

ADDENDUM TO INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS ADDENDUM to Intergovernmental Cooperation Agreement ("Agreement") is made the 14th day of September, 1998,

BY AND BETWEEN

MUNICIPALITY OF MONROEVILLE, a municipal corporation and a Home Rule Municipality in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 2700 Monroeville Blvd., Monroeville, PA 15146, hereinafter called "MONROEVILLE",

AND

BOROUGH OF WILKINSBURG, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 605 Ross Avenue, Wilkinsburg, PA 15221, hereinafter called "WILKINSBURG",

AND

BOROUGH OF SWISSVALE, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 7560 Roslyn Street, Swissvale, PA 15218, hereinafter called "SWISSVALE",

AND

TOWNSHIP OF WILKINS, a municipal corporation and a Township in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 110 Peffer Road, Turtle Creek, PA 15145, hereinafter called "WILKINS",

AND

BOROUGH OF BRADDOCK, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 415 Sixth Street, Braddock, PA 15104, hereinafter called "BRADDOCK",

AND

BOROUGH OF VERONA, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 736 East Railroad Avenue, Verona, PA 15147, hereinafter called "VERONA",

AND

BOROUGH OF WILMERDING, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at Station and Commerce Street, Wilmerding, PA 15148 hereinafter called "WILMERDING",

AND

BOROUGH OF WALL, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 413 Wall Avenue, -Wall, PA 15148, hereinafter called "WALL",

AND

BOROUGH OF PITCAIRN, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 582 Sixth Street, Pitcairn, PA 15140, hereinafter called "PITCAIRN",

WHEREAS, Monroeville, Wilkinsburg, Swissvale, Wilkins, Braddock, Verona, Wilmerding, Wall and Pitcairn are all Charter Members and parties to the Intergovernmental Cooperation Agreement which was adopted, by ordinance, by each of said Municipalities during the month of April, 1998; and

WHEREAS, Paragraph 14 of said Agreement requires each Member Municipality to name the Eastern Regional Communications Center as an additional insured on their general liability, professional liability and errors and omissions insurance policies, and further requires a certificate of insurance verifying coverage limits of $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate; and

WHEREAS, the Public Safety Emergency Telephone Act of the Commonwealth of Pennsylvania was amended by Act No. 17 of 1998, House Bill No. 911, effective April 13, 1998, 35 P.S. §7021.1 as follows: All 911 systems run by county and local governments shall be local agencies who shall enjoy local governmental immunity as provided under 42 Pa. C.S. Chapter 85, Subchapter C (relating to actions against local parties); and

WHEREAS, the Board of Directors of the ERC has purchased general liability and errors and omission liability insurance policies with coverage limits of $1,000,000.00 per occurrence, $2,000,000.00 in the aggregate and an umbrella liability policy in the amount of $3,000,000.00. Said ERC insurance policies name all nine (9) Charter Members as additional insured entities; and

WHEREAS, as a result of said amendment to the laws of the Commonwealth of Pennsylvania and based upon the insurance coverages which have been purchased by the ERC, the parties hereto desire to amend the Intergovernmental Cooperation Agreement to delete Paragraph 14.

WHEREAS, Paragraph 18 section b of said Agreement addresses the ownership of communications equipment at the new facility of the ERC. The Board of Directors of the ERC agreed to amend said Paragraph to read:

> Upon completion of the new Monroeville Municipal Building which is expected in late 1999, the ERC operations shall be located in the new facility. All communications equipment located at the ERC shall then be owned by and under the control of the ERC. Any Member Municipality may assign or donate equipment to the ERC. <u>In the event of a dissolution, any Member Municipality who has assigned or donated equipment may request the return of such equipment in its "as is" condition</u>. Maintenance of all equipment located at the ERC shall be the responsibility of the ERC. All other communications equipment including, but not limited to, base stations, repeaters, receivers, transmitters, microwave equipment, telephone lines, mobile units, portables and pagers shall remain in the ownership of the respective Member Municipality, who shall remain responsible for the

maintenance repair and proper operation of such equipment.

NOW THEREFORE, in consideration of the mutual promises between the parties and for other valuable consideration, the parties agree as follows:

1. Paragraph 14 of the Intergovernmental Cooperation Agreement between the parties, which relates to the requirement of each Member Municipality to obtain certain insurance coverages and names the ERC as a certificate holder, is hereby deleted in its entirety.

2. Paragraph 18 section b of the Intergovernmental Cooperation Agreement between the parties, which relates to the ownership of the communications equipment at the new facility, is hereby amended.

3. The remainder of the Intergovernmental Cooperation Agreement between the parties shall remain in full force and effect, except as specifically modified by this Addendum.

4. Paragraph 27 of the Agreement states that the Agreement may be amended only by the unanimous consent of all Member Municipalities prior to December 31, 2000. Therefore, this Addendum shall be effective on the date it is approved and adopted, by ordinance, by each Charter Member party hereto. In the event that any Charter Member or party hereto does not approve and adopt this Addendum, then this Addendum shall not be binding on any other Charter Member and shall have no legal effect.

WITNESS the execution hereof, the day and year first written above.

ATTEST:

Mae S. Franc

Mae S. Franc, Secretary

MUNICIPALITY :

TOWNSHIP OF WILKINS

By Paul Costa

Paul Costa, President,
Board of Commissioners

ADDENDUM TO INTERGOVERNMENTAL COOPERATION AGREEMENT

THIS ADDENDUM to Intergovernmental Cooperation Agreement ("Agreement") is made the _____ day of _____, 1998,

BY AND BETWEEN

MUNICIPALITY OF MONROEVILLE, a municipal corporation and a Home Rule Municipality in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 2700 Monroeville Blvd., Monroeville, PA 15146, hereinafter called "MONROEVILLE",

AND

BOROUGH OF WILKINSBURG, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 605 Ross Avenue, Wilkinsburg, PA 15221, hereinafter called "WILKINSBURG",

AND

BOROUGH OF SWISSVALE, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 7560 Roslyn Street, Swissvale, PA 15218, hereinafter called "SWISSVALE",

AND

TOWNSHIP OF WILKINS, a municipal corporation and a Township in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 110 Peffer Road, Turtle Creek, PA 15145, hereinafter called "WILKINS",

AND

BOROUGH OF BRADDOCK, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 415 Sixth Street, Braddock, PA 15104, hereinafter called "BRADDOCK",

AND

BOROUGH OF VERONA, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 736 East Railroad Avenue, Verona, PA 15147, hereinafter called "VERONA",

AND

BOROUGH OF WILMERDING, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at Station and Commerce Street, Wilmerding, PA 15148 hereinafter called "WILMERDING",

AND

BOROUGH OF WALL, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 413 Wall Avenue, -Wall, PA 15148, hereinafter called "WALL",

AND

BOROUGH OF PITCAIRN, a municipal corporation and a Borough in the County of Allegheny, Commonwealth of Pennsylvania, with its principal office located at 582 Sixth Street, Pitcairn, PA 15140, hereinafter called "PITCAIRN",

WHEREAS, Monroeville, Wilkinsburg, Swissvale, Wilkins, Braddock, Verona, Wilmerding, Wall and Pitcairn are all Charter Members and parties to the Intergovernmental Cooperation Agreement which was adopted, by ordinance, by each of said Municipalities during the month of April, 1998; and

WHEREAS, Paragraph 14 of said Agreement requires each Member Municipality to name the Eastern Regional Communications Center as an additional insured on their general liability, professional liability and errors and omissions insurance policies, and further requires a certificate of insurance verifying coverage limits of $1,000,000.00 per occurrence and $2,000,000.00 in the aggregate; and

WHEREAS, the Public Safety Emergency Telephone Act of the Commonwealth of Pennsylvania was amended by Act No. 17 of 1998, House Bill No. 911, effective April 13, 1998, 35 P.S. §7021.1 as follows: All 911 systems run by county and local governments shall be local agencies who shall enjoy local governmental immunity as provided under 42 Pa. C.S. Chapter 85, Subchapter C (relating to actions against local parties); and

WHEREAS, the Board of Directors of the ERC has purchased general liability and errors and omission liability insurance policies with coverage limits of $1,000,000.00 per occurrence, $2,000,000.00 in the aggregate and an umbrella liability policy in the amount of $3,000,000.00. Said ERC insurance policies name all nine (9) Charter Members as additional insured entities; and

WHEREAS, as a result of said amendment to the laws of the Commonwealth of Pennsylvania and based upon the insurance coverages which have been purchased by the ERC, the parties hereto desire to amend the Intergovernmental Cooperation Agreement to delete Paragraph 14.

NOW THEREFORE, in consideration of the mutual promises between the parties and for other valuable consideration, the parties agree as follows:

1. Paragraph 14 of the Intergovernmental Cooperation Agreement between the parties, which relates to the requirement of each Member Municipality to obtain certain insurance coverages and names the ERC as a certificate holder, is hereby deleted in its entirety.

2. The remainder of the Intergovernmental Cooperation Agreement between the parties shall remain in full force and effect, except as specifically modified by this Addendum.

3. Paragraph 27 of the Agreement states that the Agreement may be amended only by the unanimous consent of all Member Municipalities prior to December 31, 2000. Therefore, this Addendum shall be effective on the date it is approved and adopted, by ordinance, by each Charter Member party hereto. In the event that any Charter Member or party hereto does not approve and adopt this Addendum, then this Addendum shall not be binding on any other Charter Member and shall have no legal effect.

WITNESS the execution hereof, the day and year first written above.

ATTEST:

MUNICIPALITY

CAPITAL EXPENDITURE PROJECT ORDINANCE

WILKINS TOWNSHIP Allegheny County, Pennsylvania

Ordinance No. 914

AN ORDINANCE AUTHORIZING THE INCURRING OF NONELECTORAL DEBT TO FINANCE THE COST OF A PROJECT; PROVIDING FOR THE ISSUANCE OF A GENERAL OBLIGATION TERM LOAN NOTE; ESTABLISHING THE FORM AND TERMS OF THE NOTE; COVENANTING TO PAY DEBT SERVICE ON THE NOTE AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER FOR THE PAYMENT THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTE AND THE PREPARATION AND FILING OF A DEBT STATEMENT, BORROWING BASE CERTIFICATE, DEBT EXCLUSION PROCEEDINGS AND A TRANSCRIPT OF THE PROCEEDINGS FOR THE ISSUANCE OF THE NOTE; ESTABLISHING A SINKING FUND; APPOINTING A SINKING FUND DEPOSITORY; AWARDING THE NOTE TO THE PURCHASER THEREOF; PROVIDING FOR THE REGISTRATION AND TRANSFER OF THE NOTE; SETTING FORTH COVENANTS, REPRESENTATIONS AND WARRANTIES REGARDING FEDERAL INCOME TAX MATTERS; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, Wilkins Township, Allegheny County, Pennsylvania (the "Municipal Unit") proposes to incur nonelectoral debt by the issuance of its general obligation note to finance all or part of the cost for roof repairs and environmental cleanup (the "Project"); and

WHEREAS, in accordance with Section 8006 of the Local Government Unit Debt Act, constituting Title 53, Subpart B, Part VII of the Pennsylvania Consolidated Statutes, as amended (the "Act"), the Municipal Unit has obtained realistic cost estimates for the Project through actual bids, or professional estimates from professional architects or engineers or others qualified by experience;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Municipal Unit as follows:

SECTION 1. The Municipal Unit hereby determines to incur nonelectoral debt in accordance with the Act by the issuance of its General Obligation Term Loan Note (the "Note") in the aggregate principal amount of $100,000.00. The proceeds of the Note will be used to pay "costs" of the Project (within the meaning of the Act) having an estimated cost of $ 100,000.00 and hereby determined to have a realistic useful life in excess of 30 years.

SECTION 2. The Note shall be in registered form, shall be dated the date of the execution and delivery thereof and shall be payable in 5 (five) annual principal payments of $20,000.00 plus interest at the rate of 4.25% per annum, based on a year of 360 days and actual days elapsed, commencing on _____, and on the 1st day of November of each year thereafter, with the balance of the indebtedness, if not sooner paid, due and payable on _____.

After maturity, whether by declaration, acceleration or otherwise, each installment of principal of the Note shall bear interest until fully paid at a variable rate per annum equal to 2% above the Prime Rate in effect from time to time, such interest rate to change automatically from time to time, effective as of the effective date of each change in the Prime Rate, payable on demand. The rates of interest referred to herein are hereinafter called the "Tax-Free Rates".

"Prime Rate" means the interest rate per annum announced from time to time by Mellon Bank, N.A. (the "Bank") as its Prime Rate. The Prime Rate may be greater or less than other interest rates charged by the Bank to other borrowers and is not solely based or dependent upon the interest rate which the Bank may charge any particular borrower or class of borrowers.

The principal of and interest on the Note shall be payable at the Business Banking Loan Center of the Bank, Pittsburgh, Pennsylvania in any coin or currency of the United States of America which, at the respective times of payment, is legal tender for payment of public and private debts.

If at any time or from time to time after the date of the Note there should be a change in the maximum marginal rate of income tax imposed upon national banks and corporations under Section 11 of the Internal Revenue Code of 1986, as amended (the "Code"), then the applicable Tax-Free Rate shall be adjusted, effective as of the effective date of the change in the rate (taking into account the provisions of Section 15 of the Code) imposed by Section 11 of the Code (the "Bank Tax Rate"), by multiplying the Tax-Free Rate by a fraction, the denominator of which shall be 100% minus the Bank Tax Rate on the date of the Note and the numerator of which shall be 100% minus the Bank Tax Rate immediately after the change.

Any provision herein to the contrary notwithstanding, no rate of interest on the Note shall exceed 18% per annum.

The Note may be prepaid or redeemed in whole or in part in accordance with the prepayment calculation as follows:

The Municipality shall have the right at any time and from time to time to prepay this Note in whole or in part upon at least five (5) but no more than thirty (30) business days prior written notice to the registered owner. Any prepayment will not be permitted unless the Municipality pays to the registered owner the sum of (a) the interest accrued on the Note to the date of prepayment, (b) the outstanding principal balance of the Note, and (c) if applicable, the prepayment charge. The prepayment charge shall apply only if the sum of (i) the yield on U.S. Treasury Notes of comparable maturity to the average life remaining on the Note at the time of prepayment plus (ii) the Receive Fixed Swap Spread of same maturity determined as of the time of prepayment is less than the sum of (iii) the yield on U.S. Treasury Notes of comparable maturity to the original term of the Note plus (iv) the Pays Fixed Swap Spread of same maturity determined as of _____. If applicable, the prepayment charge shall be an amount equal to the product of (1) the outstanding principal balance of the Note prepaid times (2) the difference, discounted semiannually for the average life remaining on the Note, between (A) the sum of (I) the yield on U.S. Treasury Notes of comparable maturity to the original term of the Note plus (II) the Pay Fixed Swap Spread of same maturity determined as of _____, and (B) the sum of (I) the yield on U.S. Treasury Notes of comparable maturity to the average life remaining on the Note at the time of prepayment plus (II) the Receive Fixed Swap Spread of same maturity determined as of the time of prepayment. The Pay Fixed Swap Spread is the spread over Treasury at which Mellon Bank, N.A. would pay the fixed rate for the term to maturity and receive a variable rate. The Receive Fixed Swap Spread is the spread over Treasury at which Mellon Bank, N.A. could receive the fixed rate to maturity and pay a variable rate. The variable rate index used in calculating the Pay Fixed Swap Spread and the Receive Fixed Swap Spread shall be the same index on both cases, and shall be an appropriate index selected by Mellon Bank, N.A. such as the six-month LIBOR rate.

The Note shall be in substantially the form of the General Obligation Term Loan Note annexed hereto.

SECTION 3. The Note is hereby declared to be a general obligation of the Municipal Unit. The Municipal Unit hereby covenants that it shall include the amount of the debt service on the Note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; shall duly and punctually pay or cause to be paid the principal of the Note and the interest thereon at the dates and place and in the manner stated in the Note according to the true intent and meaning thereof; and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the Municipal Unit are hereby irrevocable pledged.

The amounts which the Municipal Unit hereby covenants to pay in each fiscal year on the basis of an interest rate of 4.25% are set forth in Schedule I appended hereto.

SECTION 4. The Note shall be executed in the name and under the corporate seal of the Municipal Unit by the _____ and attested to by the_____ of the Municipal Unit. The proper officers of the Municipal unit are hereby authorized and directed to deliver the Note to the Bank and receive payment therefore on behalf of the Municipal Unit. The _____ and _____ of the Municipal Unit are authorized and directed to prepare, verify and file with the Pennsylvania Department of Community and Economic Development, in accordance with the Act, a transcript of the proceedings relating to the issuance of the Note, including the Debt Statement required by Section 8110 of the Act and a Borrowing Base Certificate and to take other necessary action, including, if necessary or desirable, any statements required to qualify and portion of the debt from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 5. The Bank is hereby designated as the Sinking Fund Depository for the Note, and there is hereby created and established a Sinking Fund, to be known as the "General Obligation Term Loan Note Sinking Fund" for the payment of the principal of and interest on the Note. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until the Note is paid in full, sufficient amount for payment of principal of the interest on the Note no later than the day prior to the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the Municipal Unit, withdraw available monies in the Sinking fund and apply said monies to the payment of the principal of and interest on the Note.

SECTION 6. The proper officers of the Municipal Unit are hereby authorized to contract with the Bank for its services as Sinking Fund Depository for the Note.

SECTION 7. The Municipal Unit hereby finds that a private sale of the Note by negotiation is in the best financial interest of the Municipal Unit. The Proposal To Purchase General Obligation Term Loan Note of the Bank submitted to the Municipal Unit is hereby approved and accepted. The Note is approved and shall be awarded, issued and sold upon a negotiated sale to the Bank at the principal amount thereof in accordance with said Proposal.

SECTION 8. The Municipal Unit shall cause books for the registration and transfer of the Note to be kept with the Bank and hereby appoints the Bank its registrar and transfer agent to keep such books and to make such registrations and transfers under such reasonable regulations as the Municipal Unit or the Bank may prescribe.

Upon surrender for transfer of the Note, the Municipal Unit shall execute and the Bank shall deliver in the name of the transferee or transferees a new Note. In lieu of the delivery of a new Note, the Bank may deliver to the transferee the Note surrendered for transfer. The Note shall not be subdivided and no transfer of the Note will be effective until entered on the Note registry books of the Municipal Unit. No service charge shall be made for any transfer or registration of the Note, but the Municipal Unit may require payment of a sum sufficient to pay any tax or other governmental charge that may be imposed in relation thereto.

SECTION 9.

a) The Municipal Unit hereby covenants with the holder of the Note that it will make no use of the proceeds of the Note which will cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations thereunder and that it will comply with the requirements of said Section and regulations throughout the term of the Note. In addition, the Municipal Unit will comply with all requirements of the Code and the regulations promulgated or proposed thereunder applicable to the Note.
b) None of the proceeds of the Note will be used to reimburse the Municipal Unit for an expenditure made prior to the date of the Note unless (i) such expenditure complies with the applicable provisions of Section 1.150-2 of the Treasury Regulations or (ii) the proceeds of the Note are exempt from the arbitrage rebate requirements of Section 148(f) of the Code.

SECTION 10. The Municipal Unit hereby represents as follows:

a) It is a governmental unit with general taxing powers;
b) The aggregate amount of tax-exempt obligations which are not "private activity bonds" (as defined in Section 141 of the Code) issued after December 31, 1997 by the Municipal Unit, any subordinate entity controlled by the Municipal Unit or any entity which issues bonds on behalf of the Municipal Unit, when added to the principal amount of the Note and the amount of tax-exempt obligations which are not "private activity bonds" which are reasonable expected to be issued by the Municipal Unit, any subordinate entity controlled by the Municipal Unit or any entity which issues bonds on behalf of the Municipal Unit on or after the date of issuance of the Note and before January 1, 1999, does not and will not exceed $5,000,000.
c) The aggregate amount of tax-exempt obligations which are not "private activity bonds" (as defined in Section 141 of the Code", other than "qualified 501(c)(3) bonds" (as defined in Section 145 of the Code) issued after December 31, 1997 by the Municipal Unit, any subordinate entity controlled by the Municipal Unit or any entity which issues bonds on behalf of the Municipal Unit, when added to the principal amount of the Note and the amount of tax-exempt obligations (including "qualified 501(c)(3) bonds") which are not "private activity bonds" which are reasonable expected to be issued by the Municipal Unit, any subordinate entity controlled by the Municipal Unit or any entity which issued bonds on behalf of the Municipal Unit on or after the date of issuance of the Note and before January 1, 1999, does not and will not exceed $10,000,000.

SECTION II The Municipal Unit hereby designates the Note under Section 265(b)(3)(B)(ii) of the Code as a "qualified tax-exempt obligation", as that term is defined in Section 265(b)(3)(B) of the code.

SECTION 12 All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED this 23rd day of November, 1998.

WILKINS TOWNSHIP

By: _____
Paul Costa
President,
Board of Commissioners

ATTEST:

_____
Mae S. Franc, Secretary

ORDINANCE NO. 915

AN ORDINANCE OF THE TOWNSHIP OF WILKINS APPROPRIATING SPECIFIC SUMS ESTIMATES TO BE REQUIRED FOR THE SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH DURING THE YEAR 1999

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins are authorized to execute Ordinance No. 915.

SECTION I: That the expenditures and expenses of the fiscal year 1999 the following amounts are hereby appropriated from the fund equities, revenues and other FINANCING SOURCES AVAILABLE FOR THE YEAR 1999 FOR THE SPECIFIC AS SET FORTH:

	GENERAL FUND	HIGHWAY FUNDS	OTHER FUNDS	PROPIETARY	FIDUCIARY
REVENUES					
CASH	52,000.00	100.00	3,376.48	14,847.91	105,000.00
TAXES	2,309,000.00				
LICENSES/PERMITS	68,100.00				
FINES	21,500.00				
INTEREST	31,000.00	1,000.00	400.00	1,400.00	3,800.00
INTERGOVERNMENTAL	402,399.97	121,509.97	15,000.00		
CHARGES FOR SERVICES	133,646.29			649,790.00	
MISCELLANEOUS	414,350.00				
TOTAL	3,431,996.26	122,609.97	18,776.48	666,037.91	108,800.00
EXPENDITURES					
GENERAL GOVERNMENT	442,367.08			9,000.00	20,820.00
PUBLIC SAFETY	1,221,252.02		15,000.00		
SANITATION	196,709.00			454,790.00	
HIGHWAYS & STREETS	972,733.94	122,509.97			5,000.00
RECREATION	43,164.22				
DEBT SERVICE	391,875.00			192,144.00	
MISCELLANEOUS	118,045.00				
OTHER FINANCING	45,850.00				
RESERVES	-0-	100.00	3,376.48	10,103.91	82,980.00
TOTAL APPROPRIATED	3,431,996.26	122,509.97	15,000.00	655,394.00	25,820.00

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled meeting held this 28th day of December 1998.

TOWNSHIP OF WILKINS

By Paul Costa
Paul Costa
President
Board of Commissioners

ATTEST

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 916

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
FIXING THE REAL ESTATE TAX RATE
FOR THE YEAR 1999

That a tax be and same is hereby levied on all real property within the Township of Wilkins subject to taxation for the fiscal year 1999 as follows:

TAX RATE FOR GENERAL PURPOSES

The sum of Twenty and one half (20-1/2) mills on each dollar of assessed valuation or the sum of two hundred and five (205) cents on each one hundred dollars of assessed valuation.

The same being summarized in tabular form as follows:

	MILLS ON EACH DOLLAR OF ASSESSED VALUATION	CENTS ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION
Tax Rate for General Purposes	20-1/2 Mills	205 Cents
TOTAL	20-1/2 Mills	205 Cents

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 28th day of December, 1998.

TOWNSHIP OF WILKINS

By Paul Costa
Paul Costa
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 917

AN ORDINANCE OF THE TOWNSHIP OF WILKINS TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN: TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN: AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF.

The TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 917 in the following form:

ORDINANCE NO. 917

AN ORDINANCE OF THE TOWNSHIP OF WILKINS TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN: TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN: AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF.

The TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 917 in the following form:

ORDINANCE NO. 917

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION OF A COMPLETE BODY OF LEGISLATION FOR THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF

ARTICLE I
Adoption of Code

Be it enacted and ordained by the Board of Commissioners of the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§ 1-1. Approval, adoption and enactment of Code.

Pursuant to Section 1502, Clause I, II (53 P.S. § 56502) of the First Class Township Code, the codification of a complete body of legislation for the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania, as revised, codified and consolidated into titles, chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 177, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Wilkins, which shall be known and is hereby designated as the "Code of the Township of Wilkins," hereinafter referred to as the "Code."

§ 1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Commissioners of the Township of Wilkins, and it is the intention of said Board of Commissioners that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of legislation not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Township of Wilkins and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4. Legislation saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly

saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

A. Any ordinance adopted subsequent to October 27, 1998.

B. Any right or liability established, accrued or incurred under any legislative provision of the township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the township or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the township.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the township or any lawful contract, obligation or agreement.

F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the township or other instruments or evidence of the township's indebtedness.

G. Any ordinance adopting an annual budget or establishing an annual tax rate.

H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

J. Any ordinance annexing land to the township.

K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.

M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.

N. Any ordinance providing for the making of public improvements.

O. Any ordinance providing for the salaries and compensation of officers and employees of the township or setting the bond of any officer or employee.

P. Any ordinance concerning changes and amendments to the Zoning Map.

Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances and resolutions of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances and resolutions shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted legislation; new provisions.

A. Nonsubstantive grammatical changes. In compiling and preparing the ordinances and resolutions of the township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one (1) or more of said ordinances and resolutions. It is the intention of the Board of Commissioners that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

B. Obsolete nomenclature, such as "Justice of the Peace" and "District Magistrate," shall be updated to refer to "District Justice."

C. References to the "county workhouse" in penalty provisions shall be amended to refer to the county jail.

D. Substantive changes and revisions. In addition to the changes and revisions described above, the following changes and revisions of a substantive nature are hereby made to various ordinances and resolutions included in the Code. These changes are made to bring provisions into conformity with the desired policies of the Board of Commissioners, and it is the intent of the Board of Commissioners that all such changes be adopted as part of the Code as if the legislation so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

(1) Chapter 20, Manager. [Ord. No. 329]

(a) Section 20-5 (original Section 5) shall be amended to change the word "resolution" to "ordinance."

(b) Section 20-6A (original Section 6, first paragraph) shall be amended to read as follows:

A. Subsequent to his appointment and after assuming office, the Manager shall be the chief administrative officer of the Township of Wilkins. He shall be responsible to the Board of Commissioners as a whole for the proper and efficient administration of the affairs of the Township of Wilkins. The powers and duties of administration of all township business shall be vested in the Manager, unless expressly imposed or conferred by statute upon other township officers.

(c) Section 20-6B(14) (original Section 6, Subsection 14) shall be amended to read as follows:

(14) He may employ, by and with the approval of the Board, experts and consultants to perform work and to advise in connection with any of the functions of the township.

(d) Section 20-6B(19) shall be added to read as follows:

(19) He shall be the chief administrative officer of Act No. 205 (pensions).

(2) Chapter 23, Meetings. [Ord. No. 612, 2-14-1977]

(a) Section 23-1 (original Section I) shall be amended to read as follows:

§ 23-1. Meeting days and times.

Regular stated meetings are scheduled for the second and last Mondays of every month at 7:00 p.m. prevailing time or at such other time as designated by resolution adopted by the Board of Commissioners and advertised under applicable law.

(b) Section 23-2 (original Section II) shall be amended to read as follows:

§ 23-2. Special and emergency meetings.

Special meetings and emergency meetings may be held in accordance with applicable law.

(c) Section 23-4 (original Section IV) shall be amended to read as follows:

§ 23-4. Holidays.

In the event that the aforementioned date falls on one of the holidays observed by the township, the meeting shall be held on the following business day.

(3) Chapter 33, Personnel.

(a) Article I, Personnel Policies [Ord. No. 334].

[1] Section 33-2D(1) (original Section IID1) shall be amended to read as follows:

(1) Any provision of this Article in conflict with provisions of the First Class Township Code.

[2] Section 33-4D (original Section IVD) shall be amended to change the words "paragraph (9)" to "Subdivision (D)."

[3] Section 33-5A (original Section VA) shall be amended to read as follows:

A. Appointments to, promotions in and separations from all classified positions in the township service coming under the jurisdiction of the Township Manager, except full-time police personnel, shall be by action of the Township Manager. No appointment or promotion shall be made to a paid office or position not previously created by the Board of Commissioners.

[4] Section 33-5C (original Section VC) shall be amended to delete its first sentence.

[5] In § 33-7A (originally the first Section VIII) the word "annually" shall be deleted.

[6] Original Section VIII (second), entitled "Holidays," and original Section IXA, which dealt with annual leave, shall be deleted.

[7] Section 33-8 shall be added to read as follows:

§ 33-8. Employee benefits.

Permanent full-time employees shall receive compensation and other benefits as designated in written agreements. Employees without written agreements shall receive compensation and benefits as determined from time to time by the Board of Commissioners; and, if no Board determination of benefits other than compensation has been made, then benefits shall be equivalent to those benefits received by the Township Road Department.

[8] Section 33-9 (original Section IX) shall be amended to delete the original paragraph A.

[9] Section 33-10 (original Section X) shall be amended to read as follows:

§ 33-10. Sick leave.

A. Sick leave, unlike annual leave (vacation), is not something to which the employee is automatically entitled but is provided by the township in an attempt to keep the employee from being seriously handicapped financially if he is unable to work because of illness. For the purpose of this Article, "personal illness" shall include disability due to sickness, injury or accident which is not compensable under the Workmen's Compensation Laws of Pennsylvania.

(1) To be entitled to the benefits of this Article, employees who are off-duty sick more than three (3) days shall file with the Manager a physician's certificate certifying to the illness of such employee, the nature thereof, its cause and such additional information as may be required.

(2) In the event that an employee is hospitalized, the three-day waiting period for sick-leave benefits shall be waived.

(3) In the event that an employee is absent from work due to an illness as defined in this Article for a period in excess of ten (10) days, the three-day waiting period shall be waived.

B. No employee of the township shall be entitled to the benefits of this Article for any disability which shall result form any of the following:

(1) The use of drugs or intoxicants.

(2) Illness or injury intentionally self-inflicted.

(3) Illness or injury which shall be the result of the employee's own misconduct or gross negligence.

(4) Disability which existed and which was known to the employee at the time of his employment.

(5) Disability or illness which shall occur while an employee is on leave of absence, furlough or suspension from work, other than on regularly earned vacation.

C. Sick-leave time shall be computed from the day a person becomes an employee of the township, but the employee shall not receive any paid sick-leave time before completing six (6) months' township service.

D. Saturdays and Sundays occurring during an employee's illness shall not count as a part of the sick-leave time. Holidays occurring during a sick-leave period shall not be compensated for separately.

E. The Manager shall require an employee to file competent written certification that his absence was for an authorized reason. If he has been incapacitated for the period of his absence or a major part thereof, he shall be required to provide evidence that he is again physically able to perform his duties. Claiming sick leave or benefits under any conditions other than those permitted by this Article may be cause for disciplinary action, including suspension, demotion or dismissal.

F. The falsification of any sick-leave certificate by an employee of the township shall constitute grounds for dismissal of such employee, and he shall be subject to all actions and remedies at law for the recovery of all moneys paid to such employee by reason of said false certificate or certificates.

[9] Original Section XVIII, entitled "Leave of Absence," shall be deleted.

[10] Original Section XX, entitled "Effective Date," shall be deleted.

(4) Chapter 35, Planning Commission. This chapter shall be adopted at time of adoption of Code to read as follows:

§ 35-1. Commission created.

There is hereby created a Planning Commission for the Township of Wilkins, to consist of five (5) members appointed by the Board of Commissioners for terms of four (4) years each, in accordance with Article II of the Pennsylvania Municipalities Planning Code (53 P.S. § 10201 et seq.).

§ 35-2. Powers and duties.

The Planning Commission shall consider plans for proposed subdivisions and land development and shall make its recommendations thereon to the Board of Commissioners and shall have such other powers and duties as provided in the Pennsylvania Municipalities Planning Code and as determined by the Board of Commissioners.

(5) Chapter 37, Police Department [Ord. No. 606]. Original Sections III and IV, which dealt with the rank of corporal, shall be deleted.

(6) Chapter 45, Retirement.

(a) Article II, Nonuniformed Employees Pension Plan [Ord. No. 808]. Section 45-19 (original Section II) shall be amended to add the word "nonuniformed" prior to the words "municipal" and "employees."

(7) Chapter 62, Amusements and Amusement Devices. [Ord. No. 700].

(a) Section 62-8A (original Section 8) shall be amended to read as follows:

A. Each person offering mechanical, electrical or electronic devices, music boxes or video devices within the Township of Wilkins for a price shall, at the time of making application for a mechanical device license, pay the fees in accordance with the schedule as adopted by resolution of the Board of Commissioners.

(1) Regular schedule. The regular schedule is applicable to mechanical, electrical or electronic devices, music boxes or video devices which are installed or offered to the general public or a selected number thereof for a price upon the premises of an establishment which is open to the general public to do any type of business for a period of six (6) months or more out of a license year.

(2) Seasonal schedule. The seasonal schedule shall be applicable to any mechanical, electrical or electronic devices, music boxes or video devices which are installed or offered to the general public or a selected number thereof for an established price upon the premises which are open to the general public for any type of business for a period of time of less than six (6) months out of a license year.

(b) Original Section 13, which dealt with payments made prior to the effective date of this chapter, shall be deleted.

(c) Section 62-14 (Original Section 15) shall be amended to change the word "tax" to "fee."

(d) Section 62-15 (Original Section 16) shall be amended to change the word "tax" to "fee."

(e) Section 62-16 (original Section 17) shall be standardized to provide for a maximum fine of $600.

(8) Chapter 65, Animals.

(a) Article I, Rabies Vaccination of Dogs [Ord. No. 539]. Section 65-8 (original Section VIII) shall be standardized to provide for a maximum fine of $1,000.

(9) Chapter 70, Brush, Grass and Weeds [Ord. No. 601].

(a) Section 70-1 (original Section 1) shall be amended by changing the words "six (6) inches" to "one (1) foot."

(b) Section 70-4 (original Section 4) shall be standardized to provide for a maximum fine of one thousand dollars ($1,000.).

(10) Chapter 72, Building Construction.

(a) Article II, Building Permits; Construction Within Flood Hazard Areas [Ord. No. 878]. Section 72-10B (original Section 2.10B) shall be standardized to provide for a maximum fine of not more than one thousand dollars ($1,000.) and a maximum prison sentence of not more than thirty (30) days.

(11) Chapter 74, Buildings, Dangerous [Ord. No. 798].

(a) Section 74-1 (original Section I), definition of "enforcement officer," shall be amended to read as follows:

ENFORCEMENT OFFICER — The Zoning Officer, Building Inspector, Fire Official, Ordinance Enforcement Officer or any other person designated by the Board of Commissioners to enforce township ordinances.

(b) Section 74-9 (original Section IX) shall be standardized to provide for a maximum fine of one thousand dollars ($1,000.)

(12) Chapter 76, Cable Television [Ord. No. 849]. Section 76-14 (original Section D1d) shall be standardized to provide for a maximum fine of $600.

(13) Chapter 79, Driveways.

(a) Article I, Drainage [Ord. No. 80]. Section 79-1 (original Section I) shall be amended to read as follows:

§ 79-1. Placement of sewer pipe.

Any property owner building a driveway from his property to any public road or street in the township shall be required to place a storm sewer pipe at least twelve (12) inches in diameter underneath said driveway where the driveway connects with the public road or street to prevent water from standing on the road or at the side of the road.

(b) Article II, Permits for Driveways for Nonresidential Uses [Ord. No. 621].

[1] Section 79-3 (original Section II) shall be amended to read as follows:

§ 79-3. Permit required.

No person shall construct, open up or connect any driveway to a public right-of-way of a local street from a nonresidential land use without first obtaining a driveway permit, the conditions for which are further set forth in this Article, and complying with the provisions of Section 308 of Chapter 173, Zoning.

[2] Section 79-5 (original Section IV) shall be amended to read as follows:

§ 79-5. Application for driveway permit; fee.

Applications for driveway permits can be obtained from the Township Ordinance Enforcement Officer at the Wilkins Township Municipal Building, 110 Peffer Road, during any normal business day. An application fee shall be paid at the time of filing in an amount set by resolution of the Board of Commissioners.

[3] Section 79-20 (original Section XIX) shall be standardized to read as follows:

§ 79-20. Violations and penalties.

Any person, partnership or corporation who or which shall violate the provisions of this Article shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than six hundred dollars ($600.), plus costs of prosecution. In default of payment of such fine and costs, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than thirty (30) days. Each day that a violation is continued shall constitute a separate offense. In appropriate cases, actions seeking injunctive relief may be filed.

(14) Chapter 85, Firearms [Ord. No. 324]. This chapter shall be amended in its entirety to read as follows:

§ 85-1. Purpose.

The purpose of this chapter is to prohibit the hunting of game and discharge of firearms in the Township of Wilkins thereby creating conditions promoting the health, safety, morals and general welfare of the residents of the Township of Wilkins.

§ 85-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AIR GUN — Any gun which discharges metal missiles through a smooth barrel and derives its force from a spring which is set by a cocking device.

FIREARM — Any rifle, shotgun, carbine, revolver, pistol, bow and arrow, compound bow or crossbow or any other mechanism capable of firing a percussion cartridge and ejecting a projectile therefrom.

PERSON — Every natural person, corporation, partnership or association.

§ 85-3. Discharge unlawful.

No person shall fire or discharge any firearm or air gun anywhere within the Township of Wilkins.

§ 85-4. Violations by children.

The parent or legal guardian of any person within the jurisdiction of the Juvenile Court of Allegheny County, Pennsylvania, who knowingly permits such child to violate the provisions of this chapter, shall, upon conviction, be subject to the penalties herein provided.

§ 85-5. Enforcement.

It shall be the duty of the municipal police or the Ordinance Enforcement Officer employed by the Township of Wilkins to enforce the provisions of this chapter and to make information and arrests for violations thereof.

§ 85-6. Violations and penalties.

For each and every violation of the provisions of this chapter, any person violating the same shall, upon summary conviction before any District Justice of said township, be sentenced to pay a fine of not more than one thousand dollars ($1,000.) and costs of prosecution and, in default of the payment thereof, shall be sentenced and committed to imprisonment for a period not exceeding thirty (30) days.

(15) Chapter 88, Fire Prevention [Ord. No. 824]. Section 88-12 (original Section XII) shall be standardized to provide for a maximum fine of one thousand dollars ($1,000.); the minimum fine shall be deleted.

(16) Chapter 94, Grading and Drainage [Ord. No. 827]. Section 94-16 (original Section 16) shall be standardized to provide for a maximum fine of one thousand dollars ($1,000.)

(17) Chapter 104, Municipal Building and Property [Ord. No. 426].

(a) Section 104-1 (original Section I) shall be revised to delete the words "6:30 – 8:30 P.M. Wednesdays, and 9:00 – 11:00 A.M. Saturdays before the Board meetings prevailing time."

(b) Section 104-5D [original Section V(d)] shall be amended to change the words "Board of Adjustment" to "Zoning Hearing Board."

(c) Section 104-6 (original Section VI) shall be amended to read as follows:

§ 104-6. Acts prohibited on township or school property.

The following actions are hereby prohibited in and on any property owned by the Township of Wilkins or the school lands of the Woodland Hills School District, within the Township of Wilkins, including but not limited to parks and public school grounds:

A. Fighting.

B. Destruction of or tampering with any sign, equipment, building facility or structure or attempting the same.

C. Destruction of trees, shrubs, foliage, flowers, grass or other plantings.

D. Entry upon or into any township park or other township lands or any public school lands and playgrounds before or after the hours designated by action of the Board of Commissioners of the Township of Wilkins or the Board of Directors of the Woodland Hills School District when the open hours are posted on such properties.

E. Use of township recreational facilities without required proof of payment of any fee required by the township.

F. Permitting any animal (other than dogs used by the blind, handicapped person or the hearing impaired), whether tame, domestic or feral, to enter upon any property of the township.

(d) Section 104-7 (original Section VII) shall be standardized to read as follows:

§ 104-7. Violations and penalties.

Any person convicted of a violation of this chapter shall be fined or penalized in an amount not to exceed six hundred dollars ($600.) and costs. Upon judgment against any person by summary conviction or by proceeding by summons on default of the payment of the fine or penalty imposed by said judgment and the costs, such person may be sentenced to the county jail for a period not exceeding thirty (30) days.

(18) Chapter 110, Noise [Ord. No. 561].

(a) Section 110-4 (original Section 4) is to be revised to add the following wording "nor shall said machines or devices be operated ..." after the word "inhabitants." The words "or open lot in or on" are to replace the word "in" following the word "building." The last sentence is to read "The operation of any such instrument, machine or device in such a manner as to be audible at a distance of fifty (50) feet from the building, structure, vehicle or open lot in which it is located is prohibited."

(b) Section 110-12 (original Section 12) shall be amended to read as follows:

§ 110-12. Violations and penalties.

Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars ($600.) and the costs of prosecution and, in default of the payment thereof, to be sentenced to undergo imprisonment in the county jail for a period of not more thirty (30) days.

(19) Chapter 117, Parks and Recreation Areas [Ord. No. 801].

(a) Section 117-16.1E shall be amended to read as follows:

E. Fees for permits shall be in the amount set by resolution of the Board of Commissioners from time to time.

(b) Section 117-22 (original Section 22) shall be amended to read as follows:

§ 117-22. Domestic animals.

No person shall bring into or keep in any township park or in the Municipal Building or its appurtenant property any animal, reptile or bird, except dogs when used by blind persons.

(b) Original Section XXV, entitled "Dress," is to be deleted.

(c) Original Section XXVII, entitled "Youth Groups," is to be deleted.

(d) Section 117-28A (original Section XXX.A) shall be standardized to read as follows:

A. Any person who violates any of the provisions of this chapter shall be subject to a fine not exceeding one thousand dollars ($1,000.), plus costs of prosecution, and, in default of payment of such fine and costs, to a period of imprisonment not exceeding thirty (30) days or both.

(20) Chapter 121, Peddling and Soliciting [Ord. No. 693]. Section 121-13 (original Section XIII) shall be standardized to read as follows:

§ 121-13. Violations and penalties.

Any person, firm or corporation that shall violate any of the provisions of this chapter shall forfeit and pay to the township for each and every separate offense a sum of not more than one thousand dollars ($1,000.) to be used for and recovered as other fines and penalties are now by law recoverable, and, in default of payment of the fine and costs of prosecution, shall be committed to the county jail for a period not exceeding thirty (30) days.

(21) Chapter 131, Sewers.

(a) Article I, Connections From Outside District [Ord. No. 579]. Section 131-5A (original Section V, first paragraph) shall be amended to change the words "Capital Reserve Fund" to "Sewer Fund."

(b) Article II, Rates and Charges [Ord. No. 822].

[1] Section 131-7A (original Section IA) shall be amended to read as follows:

A. Basic service: seventy-five cents ($.75) per one thousand (1,000) gallons of water used, with a minimum quarterly fee as provided by the fees resolution of the Board of Commissioners.

[2] Section 131-10 (original Section IV) shall be amended to change the words "thirty (30)" to "ninety (90)."

(c) Article III, Sewage Holding Tanks [Ord. No. 851]. Section 131-21 (original Section 9) shall be standardized to read as follows:

§ 131-21. Violations and penalties.

Any person who violates any provisions of § 131-20 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not more than one thousand dollars ($1,000.) and costs and, in default of said fine and costs, to undergo imprisonment in the county prison for a period not in excess of thirty (30) days.

(22) Chapter 141, Storage Yards [Ord. No. 549].

(a) Section 141-5 (original Section V) shall be amended to read as follows:

§ 141-5. Fire prevention standards.

All storage of goods, materials, machinery, equipment, things or vehicles shall be established and maintained in accordance with the Fire Prevention Code of the township.

(b) Section 141-6 (original Section VI) shall be amended to change "Township Secretary" to "Ordinance Enforcement Officer."

(c) Section 141-7 (original Section VIII) shall be standardized to read as follows:

§ 141-7. Violations and penalties.

Any person, partnership or corporation who or which shall violate the provisions of this chapter shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than one thousand dollars ($1,000.), plus costs of prosecution. In default of payment of the fine and costs, such person, the members of such partnership or the officers of such corporation shall be liable to imprisonment for not more than thirty (30) days. Each day that a violation is continued shall constitute a separate offense.

(23) Chapter 144, Streets and Sidewalks.

(a) Article I, Sidewalk Construction [Ord. No. 240].

[1] Throughout this Article, "Township Secretary" shall be changed to "Township Manager."

[2] Section 144-10 (original Section 10) shall be amended to read as follows:

§ 144-10. Fee.

Such application and the permit issued pursuant thereto shall be accompanied by a fee in the amount as set by the fees resolution as adopted by the Board of Commissioners, payable to the Township Secretary for general township purposes.

[3] Section 144-11 (original Section 11) shall be standardized to read as follows:

§ 144-11. Violations and penalties.

Any person, firm, partnership or corporation or any member or members of such firm, partnership or corporation violating any of the provisions of this Article shall, upon conviction thereof before a District Justice, be fined not to exceed six hundred dollars ($600.) for any one (1) offense, recoverable with costs, and, in default of payment of such fine and costs, be sentenced to undergo imprisonment in the Allegheny County jail for a period not to exceed thirty (30) days, at the discretion of the District Justice imposing sentence. Each day that a violation is permitted to exist after notice, in writing, shall have been served by the Township Manager shall constitute a separate offense. Proceedings for the violation hereof may be instituted by anyone making an information before any District Justice and may be commenced by issuing either a summons or a warrant after information has been made, and proceedings to restrain any violation or the continuance of any violation of this Article may be prosecuted as provided by law.

(b) Article II, Debris on Roads [Ord. No. 433]. Section 144-17 (original Section VI) shall be standardized to read as follows:

§ 144-17. Violations and penalties.

Any person convicted of a violation of this Article shall be fined or penalized in an amount not to exceed one thousand dollars ($1,000.) and costs. Upon judgment against any person by summary conviction or by proceedings by summons, on default of payment of the fine or penalty imposed by said judgment and the costs, such person may be sentenced to the county jail for a period not exceeding thirty (30) days.

(c) Article III, Guarding of Construction [Ord. No. 541]. Section 144-20 (original Section II) shall be standardized to read as follows:

§ 144-20. Violations and penalties.

The operator of any vehicle who breeches any barricade or disobeys the instructions of any sign, signal or flagman shall be guilty of a violation of this Article and, upon conviction before a District Justice, be sentenced to pay a fine of not more than one thousand dollars ($1,000.) and costs of prosecution and, in default of payment thereof, shall undergo imprisonment for not more than thirty (30) days.

(24) Chapter 148, Subdivision and Land Development [Ord. No. 802].

(a) Section 148-10 (original Section 202), definition of "lot, nonconforming," shall be amended to read as follows:

> LOT, NONCONFORMING — A lot which does not comply with the applicable use provisions of this chapter or an amendment heretofore or hereafter enacted where such lot was lawfully in existence prior to the enactment of such chapter or amendment or prior to the application of such chapter or amendment to its location by reason of annexation.

(b) Section 148-29B (original Section 511, Subsection 2) shall be amended to change the words "Section 503(11)d" to "53 P.S. § 10503(11)."

(25) Chapter 152, Swimming Pools [Ord. No. 538].

(a) In § 152-9 (original Section IX) the reference to the "National Electrical Code 1970 Edition" shall be revised to refer to the "BOCA Building Code."

(b) Original Section XI, which dealt with the period for bringing electrical fixtures and wiring into compliance with the electrical standards (which time period is now long past) shall be deleted.

(c) Section 152-11 (original Section XII) shall be standardized to read as follows:

§ 152-11. Violations and penalties.

Any person or persons, including any agent or employee of any corporation, association or organization, who shall violate any of the provisions of this chapter, shall, upon conviction before a District Justice, be sentenced to pay a fine of not more than one thousand dollars ($1,000.), plus costs of prosecution, and, in default of payment thereof, shall undergo imprisonment for a period not exceeding thirty (30) days. Each day a violation is permitted to exist after notice, in writing, has been served by the Ordinance Enforcement Officer shall constitute a separate offense.

(26) Chapter 156, Taxation.

(a) Article I, Earned Income Tax [Ord. No. 386]. Section 156-1 (original Section I), definition of "domicile," shall be amended by revising the third sentence to read "Domicile is the voluntarily fixed place of habitation of a person, not for a mere..." (53 P.S. § 6913 provides that the statutory definitions "shall not be altered or changed by any political subdivision levying and assessing such tax").

(b) Article II, Deed Transfer Tax [Ord. No. 418].

[1] Section 156-17 (original Section 4) shall be revised as follows:

"The Allegheny County Recorder of Deeds, or such other authority as designated by the General Assembly of Pennsylvania from time to time, is hereby appointed the Transfer Tax Collection Agent of the Township of Wilkins and is hereby empowered and directed to collect the tax imposed by this ordinance and to distribute stamps to evidence the payment of the said tax. The *Collecting Agent shall be entitled to a fee as provided by applicable law.*"

[2] Section 156-25 (original Section 12) shall be standardized to read as follows:

§ 156-25. Violations and penalties.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars ($1,000.) for each and every offense and costs and, upon default in the payment of said fine and costs, be imprisoned in the Allegheny County jail for a period not exceeding thirty (30) days. The penalties imposed by this section shall be in addition to any other penalties imposed by any other section of this Article, and said person shall also be required to pay the amount of the tax, together with interest and penalties as aforesaid.

(c) Article III, Occupational Privilege Tax [Ord. No. 434].

[1] Section 156-32 (original Section 5) shall be amended to delete the its last sentence, which relates to the year 1968, since it is of no further force and effect.

[2] Section 156-36 (original Section 9) shall be standardized to read as follows:

§ 156-36. Violations and penalties.

Any person or employer who violates any provision of this Article shall, upon conviction thereof before a District Justice, be subject to a fine of not more than one thousand dollars ($1,000.) plus costs of prosecution or, in default of payment of such fine and costs, shall be subject to imprisonment in the Allegheny County jail for a period not exceeding thirty (30) days. In the case of partnerships or associations, the fine and penalty may be imposed upon any of the partners or members thereof, and in the case of corporations, upon any of the officers thereof in lieu of the corporation itself.

(d) Article V, Business Privilege Tax [Ord. No. 646]. Section 156-48 (original Section 9) shall be standardized to read as follows:

§ 156-48. Violations and penalties.

Whoever makes any false or untrue statement on his return or who refuses to permit inspection of the books, records or accounts of any business in his custody or control when the right to make such inspection by the Tax Collector is requested and whoever fails or refuses to file a return required by this Article, shall, upon conviction before any District Justice, be sentenced to pay a fine of not more than one thousand dollars ($1,000.), plus costs of prosecution, for each offense and, in default of payment of said fine and costs, be imprisoned for a period not exceeding thirty (30) days for each offense.

(e) Article VI, Mercantile License Tax [Ord. No. 647]. Section 156-61 (original Section 10) shall be standardized to read as follows:

§ 156-61. Violations and penalties.

Whoever makes any false or untrue statement on his return or who refuses to permit inspection of the books, records or accounts of any business in his custody or control when the right to make such inspection by the Tax Collector is requested and whoever fails or refuses to file a return required by this Article, and whoever fails or refuses to procure a mercantile license when so required under this Article or fails to keep his license conspicuously posted at his place of business as required herein shall, upon conviction before any District Justice, be sentenced to pay a fine of not more than one thousand dollars ($1,000.), plus costs of prosecution, for each offense and, in default of payment of said fine and costs, be imprisoned for a period not exceeding thirty (30) days for each offense.

(27) Chapter 161, Utilities, Public [Ord. No. 647]. Section 161-6 (original Section VI) shall be amended to read as follows:

§ 161-6. Violations and penalties.

Any person or corporation violating the provisions of this chapter shall, upon conviction, pay a fine to the township for each and every separate offense a sum of not more than one thousand dollars ($1,000.), plus costs of prosecution, and, in default of payment of the fine and costs of prosecution, shall be committed to the county jail for a period not exceeding thirty (30) days. Each day's violation of this chapter shall constitute a separate offense.

(28) Chapter 165, Vector Control [Ord. No. 703]. Section 165-8 (original Section VIII) shall be standardized to read as follows:

§ 165-8. Violations and penalties.

Any person, firm or corporation who shall violate any provision(s) of this chapter shall, upon conviction before any District Justice, be sentenced to pay a fine not exceeding one thousand dollars ($1,000.), plus the cost of prosecution. Each day's violation shall constitute a separate offense. In default of the payment of such fine and costs, said person shall undergo imprisonment in the Allegheny County jail for a period not to exceed thirty (30) days.

(29) Chapter 168, Vehicles and Traffic [Ord. No. 643].

(a) Section 168-3B (original Section 3, last paragraph) shall be amended to delete its last sentence.

(b) Original Section 8, entitled "Stopping, standing or parking prohibited," shall be deleted.

(c) Section 168-14 (original Section 15) shall be amended to delete its last sentence.

(d) Section 168-15 (original Section 16) shall be amended to delete its last sentence.

(e) Original Section 19, entitled "Backing up restricted," shall be deleted.

(f) Section 168-19A (original Section 22) shall be amended by the addition of new Subsections (6) and (7), to read as follows:

(6) As posted at the Laurel Village Apartments and Penn Tower Apartments.

(7) As posted at the west side of an unnamed right-of-way along the boundary of the lands owned by Joseph Suffer and PCIV Inc.

(g) Section 168-23 (original Section 26) shall be amended to delete its last subsection.

(h) Section 168-24 (original Section 27) shall be amended to delete its last subsection.

(i) Original Section 28, entitled "Prohibition of Turns," shall be deleted.

(j) Section 168-29 shall be added to read as follows:

§ 168-29. Violations and penalties.

Except as otherwise provided herein, any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be subject to a fine not exceeding one hundred dollars ($100.).

(30) Chapter 173, Zoning [Ord. No. 542].

(a) In § 173-7 (original Section 601), the definition of "nonconforming use" shall be amended to read as follows:

> "NONCONFORMING USE — A use, whether of land or of structure, which does not comply with the applicable use provisions of this chapter or an amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such chapter or amendment, or prior to the application of such chapter or amendment to its location by reason of annexation."

(b) In § 173-7 (original Section 601), the definition of "planned residential development" shall be deleted.

(c) In § 173-7 (original Section 601), a new definition of "Zoning Officer" shall be added to read as follows. In addition, all references to "Zoning Administrator" and "Ordinance Enforcement Officer" shall be amended to refer to the "Zoning Officer."

> "ZONING OFFICER — The person or persons appointed by the Board of Commissioners to enforce this chapter."

(d) Section 173-8 (original Section 201) shall be amended to read as follows:

§ 173-8. Zoning districts.

The municipality is divided into the following districts as shown by the district boundaries on the Zoning Map:

R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Residential District
C	Commercial District
M	Manufacturing District
F-1	Floodplain District

(e) Section 173-10 (original Section 203) shall be amended to read as follows:

§ 173-10. Permitted uses.

The permitted uses for each district are as follows. Uses not specifically listed shall not be permitted.

A. R-1 Residential District. Permitted uses shall be as follows:

(1) Single-family dwellings.

(2) Parks.

(3) Accessory uses.

(4) Unused school buildings. Unused school buildings are subject to the following conditions:

(a) One (1) sign for each separate occupancy not in excess of three (3) square feet in size may be displayed on the property, provided that all signs are affixed to one (1) common structure not exceeding one hundred (100) square feet in size nor in excess of twenty (20) feet in height.

(b) No sign shall be lighted directly or indirectly.

(c) No use shall begin prior to 7:00 a.m. or end after 9:00 p.m. prevailing time.

(d) No recreational use shall result in noise discernable beyond the property line of the subject property.

(e) No substantial change in exterior architecture or building size shall be permitted.

(f) The use shall comply with parking and general regulations of this chapter.

B. R-2 Residential District. Permitted uses shall be as follows:

(1) Single-family dwellings.

(2) Parks.

(3) Accessory uses.

(4) Unused school buildings. Unused school buildings are subject to the following conditions:

(a) One (1) sign for each separate occupancy not in excess of three (3) square feet in size may be displayed on the property, provided that all signs are affixed to one (1) common structure not exceeding one hundred (100) square feet in size nor in excess of twenty (20) feet in height.

(b) No sign shall be lighted directly or indirectly.

(c) No use shall begin prior to 7:00 a.m. or end after 9:00 p.m. prevailing time.

(d) No recreational use shall result in noise discernable beyond the property line of the subject property.

(e) No substantial change in exterior architecture or building size shall be permitted.

(f) The use shall comply with parking and general regulations of this chapter.

C. R-3 Residential District. Permitted uses shall be as follows:

(1) Single-family dwellings.

(2) Multiple-family dwellings.

(3) Parks.

(4) Accessory uses.

(5) Unused school buildings. Unused school buildings are subject to the following conditions:

(a) One (1) sign for each separate occupancy not in excess of three (3) square feet in size may be displayed on the property, provided that all signs are affixed to one (1) common structure not exceeding one hundred (100) square feet in size nor in excess of twenty (20) feet in height.

(b) No sign shall be lighted directly or indirectly.

(c) No use shall begin prior to 7:00 a.m. or end after 9:00 p.m. prevailing time.

(d) No recreational use shall result in noise discernable beyond the property line of the subject property.

(e) No substantial change in exterior architecture or building size shall be permitted.

(f) The use shall comply with parking and general regulations of this chapter.

D. R-4 Residential District. Permitted uses shall be as follows:

(1) Single-family dwellings.

(2) Double houses.

(3) Duplex.

(4) Multiple-family dwellings.

(5) Parks.

(6) Accessory uses.

(7) Unused school buildings. Unused school buildings are subject to the following conditions:

(a) One (1) sign for each separate occupancy not in excess of three (3) square feet in size may be displayed on the property, provided that all signs are affixed to one (1) common structure not exceeding one hundred (100) square feet in size nor in excess of twenty (20) feet in height.

(b) No sign shall be lighted directly or indirectly.

(c) No use shall begin prior to 7:00 a.m. or end after 9:00 p.m. prevailing time.

(d) No recreational use shall result in noise discernable beyond the property line of the subject property.

(e) No substantial change in exterior architecture or building size shall be permitted.

(f) The use shall comply with parking and general regulations of this chapter.

E. C Commercial District. Permitted uses shall be as follows:

(1) Banks.

(2) Bowling alleys.

(3) Funeral homes.

(4) Hotels and motels.

(5) Public buildings.

(6) Offices.

(7) Restaurants.

(8) Service shops.

(9) Theaters (indoor).

(10) Enclosed stores for the sale of goods.

(11) Gasoline stations. [NOTE: Any use or structure involving, as a principal part of the conduct of the business, the use or servicing of motor vehicles such as an automobile or gasoline service station, automobile sales area, major garage or drive-in business (a business where a patron can receive goods or services without entering the principal structure of the lot) shall be so located that no vehicular entrance or exit shall be closer than two hundred fifty (250) feet to the line of any elementary or secondary or vocational school, playground, hospital, medical clinic, medical center, church, residential lot or the same use as the proposed use, whether or not said lot line is located on the same frontage as the proposed uses described elsewhere in this section.]

(12) Repair garages. [NOTE: Any use or structure involving, as a principal part of the conduct of the business, the use or servicing of motor vehicles such as an automobile or gasoline service station, automobile sales area, major garage or drive-in business (a business where a patron can receive goods or services without entering the principal structure of the lot) shall be so located that no vehicular entrance or exit shall be closer than two hundred fifty (250) feet to the line of any elementary or secondary or vocational school, playground, hospital, medical clinic, medical center, church, residential lot or the same use as the proposed use, whether or not said lot line is located on the same frontage as the proposed uses described elsewhere in this section.]

(13) Auto sales and service. [NOTE: Any use or structure involving, as a principal part of the conduct of the business, the use or servicing of motor vehicles such as an automobile or gasoline service station, automobile sales area, major garage or drive-in business (a business where a patron can receive goods or services without entering the principal structure of the lot) shall be so located that no vehicular entrance or exit shall be closer than two hundred fifty (250) feet to the line of any elementary or secondary or vocational school, playground, hospital, medical clinic, medical center, church, residential lot or the same use as the proposed use, whether or not said lot line is located on the same frontage as the proposed uses described elsewhere in this section.]

(14) Public garage. [NOTE: Any use or structure involving, as a principal part of the conduct of the business, the use or servicing of motor vehicles such as an automobile or gasoline service station, automobile sales area, major garage or drive-in business (a business where a patron can receive goods or services without entering the principal structure of the lot) shall be so located that no vehicular entrance or exit shall be closer than two hundred fifty (250) feet to the line of any elementary or secondary or vocational school, playground,

hospital, medical clinic, medical center, church, residential lot or the same use as the proposed use, whether or not said lot line is located on the same frontage as the proposed uses described elsewhere in this section.]

(15) Drive-in business. [NOTE: Any use or structure involving, as a principal part of the conduct of the business, the use or servicing of motor vehicles such as an automobile or gasoline service station, automobile sales area, major garage or drive-in business (a business where a patron can receive goods or services without entering the principal structure of the lot) shall be so located that no vehicular entrance or exit shall be closer than two hundred fifty (250) feet to the line of any elementary or secondary or vocational school, playground, hospital, medical clinic, medical center, church, residential lot or the same use as the proposed use, whether or not said lot line is located on the same frontage as the proposed uses described elsewhere in this section.]

(16) Accessory uses. [NOTE: Any use or structure involving, as a principal parts of the conduct of the business, the use or servicing of motor vehicles such as an automobile or gasoline service station, automobile sales area, major garage or drive-in business (a business where a patrol can receive goods or services without entering the principal structure of the lot) shall be so located that no vehicular entrance or exit shall be closer than two hundred fifty (250) feet to the line of any elementary or secondary or vocational school, playground, hospital, medical clinic, medical center, church, residential lot or the same use as the proposed use, whether or not said lot line is located on the same frontage as the proposed uses described elsewhere in this section.]

F. M Manufacturing District. Permitted uses shall be as follows:

(1) Building equipment or materials yards.

(2) Maintenance equipment of a public agency or utility.

(3) Offices.

(4) Research laboratories.

(5) Warehousing.

(6) Light manufacturing.

(7) Accessory uses.

G. F-1 Floodplain District. Permitted uses shall be as follows:

(1) Parking areas.

(2) Parks.

(f) Section 173-11 (original Section 204) shall be amended to read as follows:

§ 173-11. Conditional uses.

The governing body may authorize conditional uses as follows if all conditions and provisions of Article V are met:

A. R-1 Residential District. Conditional uses shall be as follows:

(1) Churches.

(2) Golf clubs.

(3) Golf courses.

(4) Public buildings.

(5) Recreation areas.

B. R-2 Residential District. Conditional uses shall be as follows:

(1) Churches.

(2) Golf clubs.

(3) Golf courses.

(4) Public buildings.

(5) Recreation areas.

C. R-3 Residential District. Conditional uses shall be as follows:

(1) Churches.

(2) Golf clubs.

(3) Golf courses.

(4) Public buildings.

(5) Recreation areas.

D. R-4 Residential District. Conditional uses shall be as follows:

(1) Churches.

(2) Golf clubs.

(3) Golf courses.

(4) Public buildings.

(5) Recreation areas.

(6) Public schools.

(7) Swim clubs.

(8) Tennis courts.

E. C Commercial District. Conditional uses shall be as follows:

(1) Multifamily dwellings.

(2) Swim clubs.

(3) Tennis courts.

(4) Private schools.

(5) Group care facilities.

F. F-1 Floodplain District. Conditional uses shall be as follows:

(1) Single-family dwellings.

(2) Equipment storage.

(g) Section 173-12 (original Section 205) shall be amended to add "Except as provided in § 173-20" at its beginning.

(h) Section 173-13A shall be added immediately preceding original Section 206.1 to read as follows:

A. The Table of Lot, Area and Bulk Requirements shall be as follows:

Table of Lot, Area and Bulk Requirements

District	Minimum Lot Area (square feet)	Lot Area Per Family (square feet)	Lot Width (feet)	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)
R-1	15,000	15,000	80	40	25	15
R-2	10,000	10,000	65	30	20	10
R-3	7,500	7,500	50	30	20	8
R-4	7,500	2,500	50	30	20	5
C	5,000	2,000	50	50	30	0
M	20,000	—	50	50	30	[1]
F-1	20,000	10,000	50	50	30	10

NOTES:
[1]See § 173-13F.

(i) Section 173-13C (original Section 206.2) shall be amended to add "Except as provided in §§ 173-16 and 173-17 of this chapter" at its beginning.

(j) Section 173-14C (original Section 301.3) shall be amended by adding the word "is" as follows: "equals one hundred percent (100%) or is less than one hundred percent (100%) of the tax assessed value."

(k) Original Section 302.7c, relating to directional signs, shall be deleted.

(l) Original Section 302.7h, relating to flashing and rotational signs, shall be deleted.

(m) Section 173-24E (original Section 306.5) shall be amended to read as follows:

E. No cutting, filling or other disturbing of land and natural vegetation is permissible within fifty (50) feet of the edge of natural drainage courses except as permitted by action of to Zoning Hearing Board. In such cases, the Board may grant permission, provided that special precautions are taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream, provided that no permission shall be granted which is not in conformance with all township ordinances regulating cutting and filling.

(n) Section 173-46 (original Section 401) shall be amended to read as follows:

§ 173-46. General requirements.

Conditional uses as specified in Article III may be allowed or denied by the Board of Commissioners after recommendations by the Planning Commission and after public notice (as defined in the Pennsylvania Municipalities Planning Code) and hearing, in accordance with the following criteria and provisions.

(o) Section 173-63 (original Section 1003) shall be amended to read as follows:

§ 173-63. Technical assistance fee.

When technical assistance is deemed necessary by the Zoning Hearing Board, the applicant shall deposit with the township a fee as set by the fees resolution of the Board of Commissioners to pay for the cost of such assistance. If the cost exceeds said sum, an additional deposit shall be made. Any excess sum shall be returned to the applicant.

(p) Section 173-69 (original Section 503) shall be amended to read as follows:

§ 173-69. Violations and penalties.

Any person, partnership or corporation who or which shall violate the provisions of this chapter shall be subject to the penalties provided by the Pennsylvania Municipalities Planning Code, 53 P.S. § 10617.2.

§ 1-7. Interpretation of provisions.

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general

welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

A. Chapter and Article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Filing of copies of Code.

Three (3) copies of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copies shall be certified to by the Township Secretary, as provided by law, and such certified copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Commissioners to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Commissioners subsequent to the effective date of this codification which the Board of Commissioners shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publication of notices.

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the township. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the township to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding six hundred dollars ($600.), plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding thirty (30) days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, Article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, Article, chapter or part thereof rendered. It is hereby declared to be the intent of the Board of Commissioners that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, Article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after December 28, 1998.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled meeting held this 28th day of December 28, 1998.

TOWNSHIP OF WILKINS

By Paul Costa
Paul Costa
President, Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

TOWNSHIP OF WILKINS

CERTIFICATION

I, MAE S. FRANC, Secretary of the Township of Wilkins, Pennsylvania, hereby certify that three copies of the Code Adoption Ordinance of the Township of Wilkins were on file in the offices of the Township between the Ordinance's introduction and enactment, and that the Ordinance was duly enacted and recorded in the Ordinance Book of the Township of Wilkins within thirty (30) days of its enactment.

Given under my hand and the Seal of the Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania, this 28th day of December, 1998, at Turtle Creek, Pennsylvania.

Mae S. Franc

Mae S. Franc, Secretary

NAME AND TITLE

P402179.1

TOWNSHIP OF WILKINS

ORDINANCE NO. 918

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AS REQUIRED BY SECTION 1502(IV) OF THE
FIRST CLASS TOWNSHIP CODE OF PENNSYLVANIA
ESTABLISHING THE COMPENSATION OF THE
MANAGER OF THE TOWNSHIP OF WILKINS

The Board of Commissioners of the Township of Wilkins, Allegheny County, Pennsylvania, hereby ordain and enact as follows:

SECTION I: The annual compensation of the Township Manager shall be set at $48,806.53 per year effective January 1, 1999.

SECTION II: The Manager shall be eligible for all benefits as previously authorized.

SECTION III: All ordinances or parts of ordinances conflicting with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ADOPTED this 29th day of March 1999 at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins.

TOWNSHIP OF WILKINS

By Irene J. Pohl
Irene J. Pohl
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc, Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 919

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ARTICLE II OF CHAPTER 82
OF THE CODE OF THE TOWNSHIP OF WILKINS

SECTION I: Subsection J of Section 82.4 of Article II of Chapter 82 of the Code of the Township of Wilkins is hereby amended to read as follows:

J. A fee for this application shall be in the amount set by the Board of Commissioners by Resolution adopted from time to time.

SECTION II: Section 82.7 of Article II of Chapter 82 of the Code of the Township of Wilkins is hereby amended and Article II is amended by adding Sections 82.9 and 82.10 as follows:

S 82.7 The applicant understands that any permit issued by the Township of Wilkins shall be for the specific job set forth in the blast plan and shall expire within thirty (30) days of the permit date.

S 82.9 Notice of the date and approximate hour of detonation.

The applicant shall give the occupants of each residential structure identified in Subsection F(2) of Section 82.4 above written notice of the date and approximate hour of detonation at least forty-eight (48) hours prior to the detonation.

The notice shall be delivered by first class mail or personally handed to an adult person on the premises.

The applicants shall certify to the Fire Marshal that such notices have been delivered.

S 82.10 No permit shall be issued when the blast plan identifies any house in a residential district within two hundred fifty (250) feet of the site of the proposed detonations.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled meeting held this 29th day of March, 1999.

TOWNSHIP OF WILKINS

ATTEST:

Mae S. Franc

Mae S. Franc, Secretary

By Irene J. Pohl

Irene J. Pohl, President

ORDINANCE NO. 920

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ARTICLE II OF CHAPTER 82 OF THE CODE OF THE TOWNSHIP OF WILKINS

Section 1: Section 82.5 (Issuance of Permit) of Article II of Chapter 82 of the Code of the Township of Wilkins is hereby amended to read as follows:

§ 82.5. ISSUANCE OF PERMIT.

The Fire Marshal shall review the application and the report of the person, firm or corporation reviewing the blast plan as set forth in Section 82.11.5 hereof.

If the Fire Marshal finds that all conditions set forth in Section 82.4, A through K, have been satisfied and that there is no likelihood of harm to public health, safety and welfare (including private property) the Fire Marshal shall issue a permit, provided that the applicant has supplied proof that all notices required in Section 82.9 have been sent.

§ 82.5.1. With respect to any blast site on which blasting has occurred without complying with all the requirements of Article II, as enacted and amended, no new permit shall be issued to any original or new applicant, except upon approval of the Board of Commissioners, given after a public hearing.

Section 2: Article II of Chapter 82 of the Code of the Township of Wilkins is hereby amended to add Section 82.11 and 82.12 to read as follows:

§ 82.11. MONITORING.

§ 82.11.1 Ground vibrations and air overpressures from production blasts shall be conducted in accordance with generally accepted industry protocols, by a responsible person, firm or corporation regularly engaged and qualified in monitoring operations.

§ 82.11.2 The measurements shall be compared with recommendations of the U.S. Bureau of Mines and existing regulations of the Pennsylvania Department of Environmental Protection.

§ 82.11.3 The monitoring entity shall have a qualified representative on the premises prior to and during the blasting operation.

§ 82.11.4 A report of all findings shall be delivered to the Fire Marshal and the applicant.

§ 82.11.5 The blast plan shall be reviewed and approved by a responsible person, firm or corporation regularly engaged in and qualified to conduct such reviews.

§ 82.11.6 The reviewing entity shall have a qualified representative on the premises prior to and during the blasting operation.

§ 82.11.7 The monitoring entity and the reviewing entity shall be retained by and compensated by the Township of Wilkins. The applicant shall advance to the Township the estimated cost of these consultants prior to the issuance of the blasting permit.

§ 82.12. INSPECTION AND REPORT.

§ 82.12.1 Any property owner who believes his or her property has been damaged as a result of blasting may notify the Township in writing, delivered within sixty (60) days of the blasting date, specifying the nature of the alleged damage.

During the year 1999 notices will be accepted for any damage claimed to have occurred between February 8, 1999 and May 1, 1999, provided the notice is received on or before June 30, 1999.

§ 82.12.2 The Township shall retain a responsible person, firm or corporation qualified to inspect property damage and qualified to give an opinion as to the cause thereof.

§ 82.12.3 The Township Manager shall, upon receipt of any claim as above described in 82.12.1, forthwith request an inspection and report from the entity retained under 82.12.2 above; the report shall be delivered to the property owner and the applicant.

§ 82.12.4 The inspection entity shall be compensated by the Township; the estimated cost of the inspections and reports shall be advanced to the Township by the applicant prior to issuance of the blasting permit.

The estimate shall take into consideration the number of structures shown to be within the blast zone by the blast plan.

Section 3: Article II of Chapter 82 of the Code of the Township of Wilkins is hereby amended by adding thereto Section 82.13 to read as follows:

§ 82.13. VIOLATIONS AND PENALTIES.

Any person, firm or corporation who shall violate any of the provisions of this Chapter or who shall violate or fail to comply with any order made thereunder by the Fire Marshal within the time fixed herein shall severally, for each and every such violation and noncompliance, respectively, be guilty of an ordinance violation, punishable by a fine or penalty of not more than one thousand dollars ($1,000.), plus costs of prosecution, and, in default of payment of the fine or penalty and costs imposed, the violator may be sentenced and committed to the county jail for a period not to exceed thirty (30) days. The imposition of one (1) penalty for any violation shall not excuse the violation nor

permit it to continue, and all such persons shall be required to correct or remedy such violations immediately on notice to do so. Each day that prohibited conditions are maintained shall constitute a separate offense.

ORDAINED and ADOPTED by the Board of Commissioners at a duly assembled public meeting held the 10th day of May, 1999.

TOWNSHIP OF WILKINS

ATTEST:

Mae S. Frane

Secretary

By: Grace J. Pohl

President, Board of Commissioners

ORDINANCE NO. 921

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING SECTION 173-30 G OF ARTICLE V OF CHAPTER 173 OF THE CODE OF THE TOWNSHIP OF WILKINS TO PROVIDE FOR THE ERECTION AND REMOVAL OF TEMPORARY POLITICAL SIGNS.

SECTION 1

Section 173-30 G of Article V of Chapter 173 of The Code of the Township of Wilkins is deleted and hereby reenacted to provide as follows:

G. Temporary Political Signs. Temporary political signs announcing political candidates seeking office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

A. Private Property. There shall be not more than three (3) temporary political signs for each zoning lot, provided the consent of the property owner is obtained in writing and submitted with a permit application.

B. Area. On private property, temporary political signs shall not exceed an aggregate gross surface area of twenty (20) square feet.

C. Location. On private property, temporary political signs may be located in any required yard.

D. Height. On private property temporary political signs shall not project higher than six (6) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

E. Special Conditions As To All Temporary Political Signs.

(1) Timing. Temporary political signs may be erected or maintained for a period not to exceed thirty (30) days prior to the date of the election to which such signs are applicable and shall be removed within seven (7) days following such election. The candidate is responsible for all political signs of the candidate if they are located in the public right-of-way, or in private property.

(2) Permit. The erector of such signs or an authorized agent of the political party or candidate shall apply for and obtain a permit from the Township Zoning Officer and deposit with the Township at the time of his application, a fee in an amount established by Resolution as a guarantee that all such signs shall be removed promptly within seven (7) days after the date of the election to which such signs relate. If such signs are not removed at the end of the seven (7) day period, the Township will then have them removed and keep the full sum deposited to reimburse the expense incurred by the Township. The Township Commissioners shall determine by Resolution the amount of deposit which shall be returned upon the satisfactory removal of such signs with the seven (7) day period.

(1) All signs erected without a permit shall be removed forthwith by the Township, and if not claimed by the owner, within ten days of removal, disposed of. If claimed by the owner, the permit fee due shall be paid.

F. Public Property. No sign shall be erected on public property which:

(1) Obstructs the site triangle distance at an intersection along a public right-of-way.

(2) Tends by its location, color, shape, message or nature to be confused with or obstruct the view of traffic signs or traffic signals by motorists or pedestrians; no red, green or yellow illuminated signs shall be permitted within three hundred (300) feet of any traffic signal.

(3) Uses admonitions such as stop, go, slow, danger, etc., which might be confused with traffic signals.

(4) Exceeds an aggregate gross surface area of twenty (20) square feet.

(5) Temporary political signs shall not project higher than six (6) feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is higher.

(6) No temporary political sign shall be erected in any public park or land which is part of the Township Municipal Building site.

SECTION 2

This ordinance shall not apply to billboards or outdoor advertising structures, as defined in Code Section 173-28.

SECTION 3

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4

This ordinance shall be effective on and after July 1, 1999.

ORDAINED and ADOPTED by the Board of Commissioners at a duly assembled public meeting held the 7th day of June, 1999.

TOWNSHIP OF WILKINS

ATTEST:

Mae S. Franc
Secretary

By: Bruce J. Pohl
President, Board of Commissioners

ORDINANCE NO. 922

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
REGULATING THE KEEPING AND POSESSION OF ANIMALS
WITHIN THE TOWNSHIP

THE TOWNSHIP OF WILKINS ORDAINS AS FOLLOWS:

That the proper officers of the Township of wilkins are authorized to execute ORDINANCE NO. 922 IN THE FOLLOWING FORM:

ORDINANCE NO. 922

AN ORDINANCE OF THE TOWNSHIP OF WILKINS REGULATING THE KEEPING AND POSSESSION OF ANIMALS WITHIN THE TOWNSHIP.

I. PURPOSE

This Ordinance is enacted to prohibit and to regulate the maintenance, keeping and possession of certain animals within the Township of Wilkins in order to promote the health, safety and general welfare of its inhabitants.

II. INTERPRETATION; SEVERABILITY

Where the provisions of this ordinance impose greater restrictions than those of any other ordinance, regulation or resolution, the provisions of this ordinance shall be controlling. Where the provisions of any other ordinance impose greater restrictions than this ordinance, the provisions of such other ordinances shall be supplemental to any laws of the Commonwealth of Pennsylvania hereinbefore or hereinafter adopted covering animals within the Commonwealth of Pennsylvania and specifically in the Township of Wilkins. Should any of the provisions of this ordinance be contrary to the provisions of any act of assembly, it is the intent that the act of assembly shall supersede this ordinance. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such section or provisions shall not affect the validity of the ordinance as a whole or any other part thereof.

III. DEFINITIONS

As used in this ordinance the following terms shall have the meanings indicated:

ANIMAL--Construed in a broad sense to include not only animals so called but also birds, fish, reptiles, insects, hogs, dogs, cats, pets, livestock and fowl.

ORDINANCE ENFORCEMENT OFFICER--Any Township Police Officer and any person(s) employed, appointed or contracted by the Township who is certified to enforce ordinance or animal control.

BOARD--Board of Commissioners of Wilkins Township.

COMMISSIONERS--The Board of Commissioners of the Township of Wilkins.

KENNEL--Any lot in which animals are kept, boarded or trained, whether or not in special buildings or runways, including but not limited to dog and cat kennels, or any lot in which more than three (3) animals are kept.

PERSON--Any individual, partnership, association, corporation, estate or trust, as well as all officers, agents, servants, employees or others acting for any of the same, and shall be taken as applying in the singular or plural, as the case *may* require.

PET SHOP--A retail shop primarily in the business of selling animals and maintaining, keeping or possessing any animal for which a permit may be issued by the Board of Commissioners at any time during the calendar year or any part thereof.

TOWNSHIP--The Township of Wilkins.

IV. PERMITTED ANIMALS

A. Any person is permitted to maintain, keep or possess in their residence or place of business not more than a total of three (3) animals of any of the following types of animals, or combination thereof, which classification shall be strictly construed:

(1) Cats (Felis Catus)
(2) Dogs (Canis familiaris), except dingoes, subject to §§ V through VIII
(3) More than three (3) animals but not more than five (5) animals may be maintained, kept or possessed if said animals are in existence at a home or business on the effective date of this Ordinance.

B. Any person is permitted to maintain, keep or possess within the Township of Wilkins any of the following types of animals, which classification shall be strictly construed, limited to not more than ten of any species:

(1) Frogs (Salientia)
(2) Goldfish and carp (Cyprinidae)
(3) Lizards (Sauria), except those listed under animals prohibited in the Township.
(4) Salamanders (any tailed amphibian)
(5) Toads (Salientia)
(6) Tropical fish, limited to those customarily maintained in a household aquarium, except piranhas.
(7) Turtles (Chelonia)
(8) Cage birds (The term includes parakeets, parrots, canaries, finches, lovebirds, myna birds and other birds ordinarily kept in cages in

households; it excludes wild birds captured or rescued and kept in cages)

(9) Guinea pigs (Cavia cutleri)
(10) Hamsters (Cricetus and mesocricetus)
(11) Mice, white (Mus muscules)
(12) Pigeons kept for show or racing, subject to § IX
(13) Rabbits, restricted to European-type rabbits (Oryctolagus cunniculus) commonly kept as pets or livestock, subject to § IX
(14) Rats, white (Rattus norvegicus)

V. NOISE DISTURBANCES

A. Any owner, person, firm, association or corporation utilizing the service of an animal or animals for security purposes or possessing an animal as a pet shall be responsible for the quieting of said animal or animals from barking and/or howling or otherwise disturbing the peace and quiet of the surrounding neighbors.

B. The keeping of any animal or bird which causes noise which disturbs the comfort or repose of any person in the vicinity is prohibited.

VI. RUNNING AT LARGE

A. It shall be unlawful for the owner or person in custody or control of any animal to allow the animal to run at large upon public property or upon the private property of another other than the owner or person in custody or control of said animal. Any animal beyond the boundaries of its owner's property or the property of the person in custody or control of said animal must be under positive control by a leash.

B. Every Police Officer and Ordinance Enforcement Officer of the Township of Wilkins may seize and detain any animal which is found running at large, either on the public property of the Township or the highways of the Commonwealth or upon the property of another than the owner of such animal and unaccompanied by the owner or keeper.

C. Police Officers and Ordinance Enforcement Officers are hereby authorized and empowered to go upon any premises and enter any building to seize and detain animal(s)which have been found running at large, unaccompanied by the owner or keeper, when such Police Officer or Ordinance Enforcement Officer is in immediate pursuit of any such animal.

VII. CONTROL AND KEEPING OF DOGS AND ANIMALS

A. All dogs must be licensed in accordance to the provisions of Pennsylvania Statutes, Title 3 Chapter 8 entitled "Dogs, as hereafter amended or supplemented.

B. It shall be the duty of every Police Officer or Ordinance Enforcement Officer to seize and detain any licensed dog or dogs which are found running at large upon the public streets of the Township, County or Commonwealth or upon the property of other than the owner or keeper of said dog or dogs when unaccompanied by the owner or keeper.

C. Every Police Officer or Ordinance Enforcement Officer may seize and detain any dog or dogs which do not bear a proper license.

D. All dogs seized by Officers of the Township shall be disposed of in conformance with Pennsylvania Statutes Title 3 Chapter 8 entitled "Dogs".

E. Any dog which is within the limits of the Township shall be confined or controlled on a leash no longer than eight (8) feet, except when on the owners or keepers property or on the private property of another person with the knowledge and consent of such person.

F. No owner or keeper of any animal, dog or dogs shall permit the premises or enclosures in which the animal or dog is kept, to be unsanitary or unclean.

G. No person shall bring into, keep, or permit, in any Township Park, or in the Township Municipal Building or its appurtenant property, any animal, reptile or bird.

H. It shall be unlawful for the owner or person in custody or control of any animal, to allow such animal to defecate or urinate upon the public property of Wilkins Township, the highways of the County, Commonwealth and the private property of another other than the owner or keeper of said animal.

I. If such animal shall defecate upon the property other than the owner or keeper of the animal, the owner or person in control must immediately clean up the feces and make proper disposition of it so as not to endanger the health and safety of the public.

J. If an animal shall defecate upon the property of the owner or keeper of such animal, the owner or keeper must clean up the feces and make

proper disposition of it within a reasonable time so as not to endanger the health and safety of the public.

VIII. ENFORCEMENT

A. It shall be lawful for any authorized private entity to perform the duties under the provisions of this ordinance.

B. It shall be unlawful for any person to interfere with any Police Officer or Ordinance Officer in the enforcement of this ordinance.

C. It shall be unlawful for any person to cut the leash or take an animal away from such Officer having an animal in his possession when found running at large unaccompanied by the owner or keeper.

IX. CONDITIONS FOR KEEPING PIGEONS AND RABBITS

It shall be lawful for any person to keep pigeons and rabbits anywhere in the Township only if the following conditions are strictly adhered to:

A. There shall be no violation of any provision if the Township's Zoning Ordinance(s)

B. Such pigeons and rabbits shall at all times be confined to pens which shall be constructed out of doors and shall be at least thirty (30) feet from any street and at least thirty (30) feet from any inhabited dwelling. All such pens shall be constructed so that the floors shall be not less then two (2) feet from the ground. All filth accumulating in, about and under the same shall be removed at least once every twenty-four (24) hours and oftener if so ordered by the Board or Ordinance Enforcement Officer.

C. Notwithstanding any contrary provision of this ordinance, in no event shall any person keep or maintain more than a total of three (3) rabbits or pigeons within the Township, subject to grandfathering as set forth in Section IV A.3.

X. PROHIBITED ANIMALS

A. No person is permitted to maintain, keep or possess within the Township any of the following animals, which classification shall be broadly construed:

(1) All poisonous animals
(2) Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo) and simians (Symphalangus)

(3) Cows (Bos Taurus) Beef and Dairy
(4) Baboons (Papio, mandrillus)
(5) Bears (Ursidae)
(6) Bison (Bison bison)
(7) Cheetahs (Acinonyx jubatus)
(8) Coats (Capra hircus)
(9) Coyotes (Canis latrans)
(10) Crocodilians (Crocodilia) thirty (30) inches in length or more
(11) Deer (Cervidae) includes all members of the deer family, for example, white-tailed deer, elk, antelopes, moose
(12) Elephants (Elephas and Loxodonta)
(13) Game cocks, i.e. fighting birds
(14) Hippopotamuses (Hippopotamidae)
(15) Hogs
(16) Horses and ponies (Equus caballus)
(17) Hyenas (Hyaenidae)
(18) Jaguars (Panthera onca)
(19) Leopards (Panthera pardus)
(20) Lions (Panthera leo)
(21) Lynxes (Lyrnx)
(22) Monkeys, old world (Cercopithecidae)
(23) Ostriches (Struthio)
(24) Pigs
(25) Piranha fish (Characidae)
(26) Poultry (ducks, chickens, swans, geese, turkeys and guinea fowl) except as permitted in S IV
(27) Pumas (Felis concolor) also known as cougars, mountain lions and panthers
(28) Rhinoceroses (Rhinocerotidae)
(29) Sharks (class Chondrichthyes)
(30) Sheep (Ovis aries)
(31) Snakes which are poisonous, nonpoisonous or constrictor
(32) Snow leopards (Panthera uncia)
(33) Swine (Suidae)
(34) Tigers (Panthera tigris)
(35) Wolves (Canis lupus)

XI. KENNELS AND PIG PENS

A. It shall be unlawful for any person(s) to maintain any dog kennel or pig and/or hog pen within the limit of the Township of Wilkins.

XII. ANIMALS PERMITTED WITH PERMIT

A. No individual other than a registered veterinarian in the course of his professional duties is permitted to maintain, keep or possess within the Township of Wilkins any animal not specifically mentioned in § IV herein, unless application for a permit shall have been made by such person to the Board of Commissioners or their designated agent, and a permit shall have been issued thereof. Among such animals for which a permit may be issued by the Board are as follows:

(1) Coatimundis (Nasua)
(2) Crocodilians (Crocodilia) under thirty (30) inches in length, including baby alligators and caimans
(3) Eagles (Aquila and Haliaeetus) subject to state and federal law
(4) Falcons (Falconidae) subject to state and federal law
(5) Foxes (Vulpes and Urocyon)
(6) Iguanas (Iguanidae)
(7) Jugaurandis (Herpailurus)
(8) Kinkajous (Potos)
(9) Margays (Feiis paradalis)
(10) Monkeys: white-throated capuchins and other Cebus monkeys; night monkeys or douroucoulis (Aotes); marmosets (Callimico), Callithrix and Leontocebus; squirrel monkeys (Saimiri) and woolly monkeys (logothrix)
(11) Ocelots (Felis paradalis)
(12) Otters (Lutrinae)
(13) Raccoons (Procyon)
(14) Skunks (Mephitinae)

B. If all of the standards have not been satisfied, the Board shall reject the application for the permit or revoke the permit, as the case may be, and promptly notify the applicant or permit holder of his decision in writing. if the application is not approved within thirty (30) days of the date on which it was filed, the application shall be deemed to be denied.

C. If all of the standards have been satisfied, the Board shall approve the application for permit, whereupon the permit shall be issued to the individual applicant only for the calendar year or remaining part thereof. Such permit shall not be transferable.

XIII. APPLICATION FOR PERMIT

A. Unless waived by the Board of Commissioners, the application for a permit shall have attached thereto a registered veterinarian's health

certificate for each animal to be covered by the permit, shall be verified by an affidavit and shall set forth the following:

(1) The type and number of animals to be covered by the permit.
(2) The purpose of keeping such animals.
(3) The period for which the permit is requested.
(4) A description of the quarters in which the animals will be kept, including plans and specifications thereof, where appropriate.
(5) The circumstances, if any, under which the animals will be removed from their quarters.
(6) Biographical information about the applicant and any other person to be placed in charge of the animals, with particular emphasis on the knowledge of such persons about the animals in question and the experience of such persons handling the animals in question.
(7) Such additional information as the Board may require which is reasonably related to standards set forth in § XIV.

XIV. CONSIDERATIONS FOR ISSUANCE OR DENIAL OF PERMIT

A. In making the determination as to whether a permit should be issued or revoked, the Board of Commissioners shall consider the following standards:

(1) All animals and animal quarters shall be kept in a clean and sanitary conditions. Adequate ventilation shall be maintained.
(2) The permit holder shall use every reasonable precaution to assure that the animals are not teased, abused mistreated, annoyed, tormented or in any manner made to suffer by any means.
(3) Animals which are enemies by nature or are temperamentally unsuited shall not be quartered together or so near each other as to cause the animals fear or to be abused, tormented or annoyed.
(4) The permit holder shall maintain the premises so as to eliminate offensive odors or excessive noise.
(5) The permit holder shall not permit any condition causing disturbance of the peace and quiet of his neighbors.
(6) Animals must be maintained in quarters so constructed as to prevent their escape. The permit holder assumes full responsibility for recapturing any animal that escapes from his premises. The permit holder shall make adequate provisions and safeguards to protect the public from the animals.

XV. APPEALS

A. Any person aggrieved by any decision of the Board of Commissioners may, within thirty (30) days thereafter, file a written notice of appeal with the Board. A person aggrieved by any decision of the Board shall include any person who is a property owner in or a resident of the Township who disagrees with such decision. Such appeal shall be heard by the Board in accordance with the provisions of the Local Agency Law (Act of April 28, 1978 P.L. 202, No. 523, as amended 2 Pa C.S.A. 5 101 et seq.)

B. The notice of appeal shall state the name and address of the applicant or the permit holder, as the case may be, the date on which the Board made the decision appealed from and a statement of the grounds on which the appellant contends the decision of the Board was erroneous.

C. Within forty-five (45) days of receipt of the notice of appeal, the Board of Commissioners shall fix a time and a place for public hearing thereon and shall, not less than five (5) days before the date of the hearing, cause to be published once in a newspaper having a general circulation in the Township notice of the time and place of the hearing; the name and address of the applicant or permit holder, as the case may be; and a brief statement of the issues involved in the appeal.

D. The Board of Commissioners or Hearing Officer shall not be required to conduct and/or complete such a hearing unless the appellant first pays to the Township a sum determined by the Township Solicitor to be sufficient to cover any costs of the preparation of the stenographic record of the hearing which the Township shall make part of the original record to be filed with the Court of Common Pleas if an appeal is taken to that court. Otherwise, such stenographic record shall be filed and preserved by the Township.

E. The Board of Commissioners shall review the written findings and conclusions of any hearing officer and render its adjudication within sixty (60) days of its receipt of the stenographic record.

XVI. FEES

The applicant for any permit hereunder shall, at the time of his application, pay to the Township the following fees:

A. Pet shop or a fee as set by resolution for each calendar year or part thereof.

B. All other applicants: a fee as set by resolution.

XVII. VIOLATIONS AND PENALTIES

Any person who violates any provision of this chapter or any of the rules and regulations made pursuant hereto shall be liable for each offense upon conviction before any District Justice to a fine of not more than $, together with the costs of prosecution, or to imprisonment in the county jail for a period not exceeding thirty (30) days, or both, and each day's failure to comply with such provision shall constitute a separate violation. In addition, the Board may authorize the Ordinance Enforcement Officer to institute any appropriate action or proceeding, whether by legal process or otherwise, to restrain, correct or abate a continuing violation of any provision of this Ordinance.

XVIII. CONSTRUAL OF PROVISIONS

Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any actions required or liability incurred or any cause or causes of action occurred or existing under any act or ordinance repealed hereby. No right or remedy of any character shall be lost, impaired or affected by this Ordinance.

XIX. ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH BE AND THE SAME ARE HEREBY REPEALED.

ORDAINED and ADOPTED by the Board of Commissioners at a duly assembled public meeting held the 9th day of August, 1999.

TOWNSHIP OF WILKINS

ATTEST:

Mae S. Franc

Secretary

By: Irene J. Pohl

President, of the Board of Commissioners

TOWNSHIP OF WILKINS

ORDINANCE NO. 923

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN FOR TOWNSHIP PUBLIC BUILDING PURPOSES OF PRIVATE PROPERTY IN SAID TOWNSHIP AND SETTING FORTH THE NAMES OF THE OWNERS THEREOF.

THE TOWNSHIP OF WILKINS ORDAIN S AS FOLLOWS:

SECTION I: The Township of Wilkins hereby appropriates and takes the property hereinafter described, for Township purposes for use as a public building.

SECTION II: The aforesaid private property in the Township of Wilkins is situate in the Township of Wilkins, Allegheny County, Pennsylvania, is realty deeded to, registered in the names of, and now or formerly owned by the following persons: The administrator of the Estate of Lizzie Barclay, Deceased, his, her or its successors or assigns; Hannah May Poujoulas; Charles A. Welsch; Harry Barclay, Mary J. Spears, and Hannah Alcorn.

SECTION III: The real estate is described as follows:

All that certain lot being Numbered 42 in Section "B" in the Plan of the New York and Cleveland Gas Coal Company, recorded in Plan Book Volume 5, pages 10, 11, 12 and 13 and situate in the Township of Wilkins, County of Allegheny and Commonwealth of Pennslvania, and more particularly described as follows:

Beginning on a 33 foot street at the corner of Lot No. 41 in said plan; thence along said street, North 49 degrees 15' East, 132 feet to Lot No. 43; thence along said Lot No. 43 North 40 degrees 45' West 305.91 feet to line of heirs of James Curry; thence along line of land of James Curry heirs North 49 degrees 15' West 132 feet to Lot No. 41; thence along line of Lot No. 41 South 40 degrees 15' East 305.91 feet to place of beginning.

Being designated as Block 454-E, Lot 185 in the Deed Registry Office of Allegheny County.

SECTION IV: The title to be acquired shall be absolute or fee simple title, including all easements and rights of way.

SECTION V: A plan prepared by the Township Engineer, showing the exact location of the property aforesaid is adopted as a part of this Ordinance and is on file in the office of the Township Secretary, where same may be examined by any interested person.

SECTION VI: The Township Solicitor is directed to prepare, file and serve Declarations of Taking upon the aforesaid property owners in accordance with the law.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled meeting held this 13th day of September, 1999.

TOWNSHIP OF WILKINS

By Irene J. Pohl
Irene J. Pohl
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 924

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 542 (CODE CHAPTER 173) BY REZONING CERTAIN PROPERTY FROM ZONING DISTRICT RESIDENTIAL 2 TO ZONING DISTRICT COMMERCIAL

The Township of Wilkins Ordains as Follows:

SECTION I: The Wilkins Township Zoning Map, adopted as part of Ordinance No. 542 (Code Chapter 173), is hereby amended to re-zone a parcel of land from Zoning District Residential 2 to Commercial.

The re-zoned Commercial Parcel is delineated on a Plan prepared by Senate Engineer, dated September 22, 1999 and numbered 4007-01, which Plan is adopted as part of this Ordinance and is on file in the Office of the Secretary of the Towship of Wilkins, Pennsylvania, where it may be examined by any interested person.

SECTION II: The Zoning Map shall be amended to show the are re-zoned.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 8th day of November, 1999.

TOWNSHIP OF WILKINS

By Irene J. Pohl
Irene J. Pohl
President
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 925

AN ORDINANCE OF THE TOWNSHIP OF WILKINS CREATING THE POSITION OF AT-WILL EMPLOYEE, DEFINING THE POSITION, COMPENSATION AND BENEFITS OF AT-WILL EMPLOYEES AND THE ADMINISTRATION OF THE AT-WILL EMPLOYEE PROGRAM.

WHEREAS, it is the finding of the Board of Commissioners of the Township of Wilkins that a number of public spirited citizens desire to provide services to the Township including but not limited to the Township recreation programs and clean and green programs; and

WHEREAS, there is a concern that these persons may be injured while acting within the scope of Township related and approved activities; and

WHEREAS, there is uncertainty as to the liability and responsibility of the Township for persons injured while serving the interests of the Township.

NOW, THEREFORE, the Township of Wilkins Ordains as follows:

SECTION I: There is hereby created a department to be called the Township of Wilkins At-Will Employees Department.

SECTION II: Employees of the At-Will Employee Department shall be persons employed to provide services as directed by the Township Manager.

SECTION III: The services may include but shall not be limited to:

(a) Participation in organizing, directing and performing duties in Township recreational activities, such as, Community Day, Hayrides, Art Shows, Halloween and other societal celebrations as may be adopted and authorized by the Township Commissioners.

(b) Participation in organizing and performing duties in other Township authorized programs, such as road refuse clean-up and planting beautification programs.

SECTION IV: Persons duly registered in the At-Will Employee Department shall receive compensation of One ($1.00) Dollar per year.

SECTION V: Persons duly registered in the At-Will Employee Department shall be certified as employees with the Township workers compensation insurance carrier.

SECTION VI: Except for the yearly One Dollar compensation and registration with the Township workers' compensation insurance carrier, no person registered in the At-Will Employees Department shall be eligible for or receive any other benefit arising from the status of At-Will Employee.

SECTION VII: The Township, by attempting to provide workers' compensation coverage to At-Will Employees, shall not be liable for any claims arising from the denial of workers' compensation benefits by the Township workers compensation insurance carrier.

SECTION VII: No person shall be an employee in the At-Will Department unless that person has completed and filed with the Township an At-Will Employee application and other documemnts required by local, state and federal law or regulation.

SECTION IX: No person shall be authorized to provide services of any nature for the Township unless that person is a duly appointed AT-Will Employee.

SECTION X: An At-Will Employee shall serve at the pleasure of the Board of Commissioners.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 8th day of November, 1999.

TOWNSHIP OF WILKINS

By Irene J. Pohl
Irene J. Pohl
President,
Board of Commissioners

ATTEST:

Mae S. Franc
Mae S. Franc
Secretary

ORDINANCE NO. 926

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR THE FISCAL YEAR 2000 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2000.

The Board of Commissioners of the Township of Wilkins ordain as follows:

SECTION I: The estimated total revenue to be received by the Township during the fiscal year 2000 is $3,361,636.00.

SECTION II: There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

General Government	437,971.00
Public Safety	1,130,855.00
Sanitation	204,772.00
Public Works	927,295.00
Recreation	52,479.00
Debt Service	488,474.00
Intergovernmental	39,000.00
Refunds	76,200.00
Interfund Transfers	40,590.00
TOTAL EXPENSES	**3,361,636.00**

SECTION III. A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2000 as follows:.

1. Tax rate for general revenue purposes, the sum of twenty and one-half (20.5) mills on each dollar of assessed valuation, or the sum of two hundred five (205) cents on each one hundred ($100) dollars of assessed valuation.

SECTION IV. Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

SECTION V. Penalties. A taxpayer subject to the payment of a tax levied by this ordinance, who shall fail to make payment of such tax for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) (which penalty shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

SECTION VI. Effective Date. This ordinance and the real estate tax shall take effect on January 1, 2000.

SECTION VII. Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 27th day of December, 1999.

TOWNSHIP OF WILKINS

By Grace J. Pohl
President of the Board of Commissioners

ATTEST:

Mae S. Franc
Secretary

P0511190.1

ORDINANCE NO. 921

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ARTICLE II SECTION 173-7 DEFINITIONS (ORDINANCE 542) OF THE CODE OF THE TOWNSHIP OF WILKINS AND ARTICLE III SECTION 173-11 CONDITIONAL USES.

SECTION I. Code Chapter 173, Article II Section 173-7. Definitions. is amended by deleting the definition of "family" and republishing same to read:

FAMILY:

(1) One (1) or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of four (4) or more persons who are not within the second degree of kinship shall not be deemed to constitute a "family."

(2) Notwithstanding the definition in the preceding subsection, a "family" shall be deemed to include four (4) or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit, as defined in Subsection (1) of this definition.

SECTION II. Code Chapter 173 Article III Section 173-11 Conditional Uses is amended by deleting from the first sentence of Section 173-11 the number designation "V" and republishing the first sentence to state:

The governing body may authorize conditional uses as follows if all conditions and provisions of Article VI are met:

SECTION III. Code Chapter 173 Article III Section 173-11 Conditional Uses is amended to add subparagraph G as follows:

G. M - Manufacturing District.

Conditional uses shall be as follows:

H. Any use not prohibited by Ordinance and not specifically permitted in any district by the Zoning Ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 27th day of December, 1999.

TOWNSHIP OF WILKINS

By Bruce J. Pohl
President of the Board of Commissioners

ATTEST:

Mae S. Franc
Secretary

ORDINANCE NO. 928

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING THE 1998 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE: ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES, PROVIDING STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE SANITARY AND FIT FOR OCCUPANCY AND USE: REQUIRING THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND PROVIDING FOR THE DEMOLITION OF SUCH STRUCTURES: PROVIDING FOR ADMINISTRATION AND ENFORCEMENT: AND, PRESCRIBING PENALTIES FOR VIOLATION.

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 926 in the following form:

ORDINANCE NO. 928

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ADOPTING THE 1998 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; ESTABLISHING MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; PROVIDING STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL CONDITIONS ESSENTIAL TO INSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPANCY AND USE; REQUIRING THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND PROVIDING FOR THE DEMOLITION OF SUCH STRUCTURES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; AND, PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Commissioners of the Township of Wilkins hereby ordains:

SECTION 1. **Adoption of Property Maintenance Code.** The Township of Wilkins hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration, enforcement and penalties, the property maintenance code known as the "International Property Maintenance Code, 1998" as published by the Building Officials and Code Administrators International, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three (3) copies have been and are now filed in the office of the Township Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the Township of Wilkins.

SECTION 2. **Amendments Made in Property Maintenance Code.** The property maintenance code hereby adopted is amended as follows:

A. Section 101.1, "Title," is amended to read:

§101.1. Title. These regulations shall be known as the Property Maintenance Code of the Township of Wilkins, hereinafter referred to as "this code."

B. Section 103.5, "Liability," is amended to read:

§103.5. Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not

thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. This section is subject to Pennsylvania Political Subdivision Tort Claims Act.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

C. Section 103.6, "Fees," is amended to read:

§103.6. Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the schedule adopted by resolution of the Board of Commissioners.

D. Section 104.2, "Rule Making Authority," is amended to read:

§104.2. Rule-Making Authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to recommend to the Board of Commissioners rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

E. Section 106.4, "Penalty," is amended to read:

§106.4. Penalty. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall pay a fine or penalty of One Thousand ($1,000.00) Dollars which fine or penalty shall be collected by suit brought in the

name of the township before any district magistrate, in like manner as debts of like amount may be sued for by existing laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The fine or penalty may be reduced by official action of the Township Board of Commissioners, upon written recommendation of the code official who investigated the violation.

F. Section 108.1.3, "Structure Unfit for Human Occupancy," is amended to read:

§108.1.3. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe or unlawful as described in Sections 108.1.1 and 108.1.4 or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

G. Section 111.2, "Membership of the Board," is amended to read:

§111.2. Board of Appeals. Board of Appeals shall be the Zoning Hearing Board of the Township of Wilkins.

H. Section 111.3, "Notice of Meeting," is amended to read:

§111.3. Notice of Meeting. The board shall meet upon notice from the chairman, within thirty days of the filing of an appeal, or at stated periodic meetings. The meeting may be postponed by the board for good cause.

I. Section 111.4.1, "Procedure," is amended to read:

§111.4.1. Procedure. Hearings shall be conducted pursuant to the Pennsylvania Local Agency Law.

J. Section 111.5, "Postponed Hearing," is amended to read:

§111.5. Postponed Hearing. When less than four members of the board are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. Granting the request shall be at the

discretion of the board.

K. Section 111.7, "Court Review," is amended to read:

§111.7. Court Review. Appeals shall be processed as provided in the Pennsylvania Local Agency Law.

L. Section 302.8, "Motor Vehicles," is amended to read:

§302.8. Motor Vehicles. Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. No vehicle shall be parked, kept or stored in any residential yard area not part of a garage driveway.

M. Section 303.15, "Insect Screens," is amended to read:

§303.15. Insect Screens. During the period from April 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every, swinging door shall have a self-closing device in good working condition.

N. Section 507, "Storm Drainage," is amended to read:

§507. Storm Drainage. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance, nor which is in violation of Township Code Section 131-52 or any federal, Pennsylvania, or Allegheny County law or regulation.

O. Section 602.3, "Heat Supply," is amended to read:

§602.3. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from May 15 to September 15 to maintain a temperature of not less than 65°F.

(18°C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the plumbing code.

P. Section 602.4, "Occupiable Work Spaces," is amended to read:

§602.4. Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from May 15 to September 15 to maintain a temperature of not less than 65°F. (18°C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

SECTION 3. **State Law and Regulations.** In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Township of Wilkins, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this ordinance. The code shall control in all cases where the State requirements, or the requirements of other ordinances of the Township of Wilkins, are not as strict as those contained in this ordinance.

SECTION 4. **Provisions to be Continuation of Existing Regulations.** The provisions of this ordinance so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the

authority of any of the repealed ordinances.

SECTION 5. **Severability.** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. **Repealer.** All ordinances or parts of ordinances which are inconsistent herewith, except to the extent otherwise provided herein, are hereby repealed.

SECTION 7. **Effective Date.** This ordinance shall become effective on February 1, 2000.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 26th day of January, 2000.

TOWNSHIP OF WILKINS

By Bruce J. Pohl
President of the Board of Commissioners

ATTEST:

Paul Vary
Secretary

PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF WILKINS

CHAPTER 1
ADMINISTRATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *Property Maintenance Code of The Township of Wilkins*, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

102.1 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safe-guards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning code.

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and -after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.

103.4 Restriction of employees. An official or employee connected with the enforcement of this code, except one whose only connection is that of a member of the board of appeals established under the provisions of Section 111, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interest of the department.

103.5 Liability. The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. This section is subject to Pennsylvania Political Subdivision Tort Claims Act.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

103.6 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the schedule adopted by resolution of the Board of Commissioners.

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of this code.

104.2 Rule-making authority. The code official shall have authority as necessary in the interest of public health, safety and general welfare, to recommend to the Board of Commissioners rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed n . necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or stricture to which such records relate remains in existence, unless otherwise provided for by other regulations.

104.8 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully

as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

SECTION 105
APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official, after review and approval of the Commissioners' Public Safety Committee, shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 Testing agency. All tests shall be performed by an approved agency.

105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

SECTION 106
VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107.

106.3 Prosecution of violation. If the notice

of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall pay a fine or penalty of One Thousand ($1,000.00) Dollars which fine or penalty shall be collected by suit brought in the name of the township before any district magistrate, in like manner as debts of like amount may be sued for by existing laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The fine or penalty may be reduced by official action of the Township Board of Commissioners, upon written recommendation of the code official who investigated the violation.

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107
NOTICES AND ORDERS

107.1 Notice to owner or to person or persons responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 107.2 and 107.3. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued;
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
5. Inform the property owner of the right to appeal.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.5 Transfer of ownership. It shall be

unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or (device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe or unlawful as described in Sections 108.1.1 and 108.1.4 or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or occupied contrary to law.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a *placard* of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is

located and shall be a lien upon such real estate.

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure *or* equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

108.5 Prohibited occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Removal of placard. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

SECTION 109
EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and

places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

110.1 General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

110.2 Notices and orders. All notices and orders shall comply with Section 107.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served, An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Board of Appeals shall be the Zoning Hearing Board of the Township of Wilkins.

111.3 Notice of meeting. The board shall meet upon notice from the chairman, within thirty days of the filing of an appeal, or at stated periodic meetings. The meeting may be postponed by the board for good cause.

111.4 Open hearing. All hearings before the board shall be open to the public, The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

111.4.1 Procedure.. Hearings shall be conducted pursuant to the Pennsylvania Local Agency Law.

111.5 Postponed hearing. When less than four members of the board are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. Granting the request shall be at the discretion of the board.

111.6 Board decision. The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

111.6.1 Records and copies. The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the board.

111.7 Court review. Appeals shall be processed as provided in the Pennsylvania Local Agency Law.

111.8 Stays of enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A 17.1 and NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises..... building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

APPROVED. Approved by the code official.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE SPACE. Space in a structure

for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT HAZARD. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building;
or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land including any structures thereon.

ROOMING HOUSE. A building, arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cations, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRUCTURE. That which is built or

constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 305 and 306. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

> **Exception:** Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of Sections 303. 10 and 702.9.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall he defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or

adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

> **302.7.1** Gates which are required to be self-closing and self-latching in accordance with the building code shall be maintained such that the gate will positively close and latch when released from a still position of 6 inches (152 mm) from the gatepost.

302.8 Motor vehicles. Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. No vehicle shall be parked, kept or stored in any residential yard area not part of a garage driveway.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure **or** building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303
EXTERIOR STRUCTURE

303.1 General. The exterior of a structure shall be maintained in good repair. structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall he maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

303.3 Street numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way. All numbers shall be in Arabic numerals at least 3 inches (76 mm) high and ½-inch (13 mm) stroke.

303.4 Structural members. All structural members shall be maintained free from deterioration, and shall he capable of safely supporting the imposed dead and live loads.

303.5 Foundation walls. All foundation wells shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

303.6 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good

repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

303.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

303.9 Overhang extensions. All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.10 Stair and walking surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 702.9.

303.11 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

303.12 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weathercoating materials, such as paint or similar surface treatment.

303.13 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.14 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

> **303.14.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.
>
> **303.14.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.15 Insect screens. During the period from April 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every, swinging door shall have a self-closing device in good working condition.

> **Exception:** Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

303.16 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

303.17 Basement hatchways. Every basement hatchway shall be maintained to

prevent the entrance of rodents, rain and surface drainage water.

303.18 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

SECTION 304
INTERIOR STRUCTURE

304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

304.2 Structural members. All structural members shall be maintained structurally, sound, and be capable of supporting the imposed loads.

304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

304.4 Stairs and railings. All interior stairs and railings shall be maintained in sound condition and good repair.

304.5 Stairs and walking surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with **the** provisions of Section 702.9.

304.6 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.7 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 305
RUBBISH AND GARBAGE

305.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

305.2 Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

> **305.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

305.3 Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

> **305.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage

container.

305.3.2 Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with closefitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 306
EXTERMINATION

306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

306.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

306.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

306.4 Multiple occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination *in* the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

> **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet (19 m^2) Of floor area, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). Every exterior means of egress stairway, other than in one- and two-family dwellings, shall be illuminated with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every habitable

space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402. 1.

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403. 1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

> **Exception:** Where specifically approved in writing by the code official.

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes. gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and wells.

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry area-s, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.

2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom requirements. Every bedroom shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m^2) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m^2) of floor area for each occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in (fie same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirement:, of Table 404.5.

TABLE 404.5
MINIMUM AREA REQUIREMENTS

MINIMUM AREA IN SQUARE FEET

SPACE	MINIMUM AREA IN SQUARE FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living room [a,b]	No requirements	120	150
Dining room [a,b]	No requirements	80	100
Kitchen [b]	50	50	60
Bedrooms	Shall comply with Section 404.4		

For SI: 1 square foot = 0.093 m^2.
a See Section 404.5.2 for combined living room/dining room spaces.
b See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in deter-mining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

4. The maximum number of occupants shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to

store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

> **502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503
TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

Employee facilities shall either be separate facilities or public customer facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall he maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the plumbing code.

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120°F. (49°C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506
SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shalt be properly connected to either a public sewer system or to an approved private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 507
STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance, nor which is in violation of Township Code Section 131-52 or any federal, Pennsylvania, or Allegheny County law or regulation.

CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements or this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F. (18°C.) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the plumbing code.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from May 15 to September 15 to maintain a temperature of not less than 65°F. (18°C.) in all habitable rooms, bathrooms, and toilet rooms.

> **Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the plumbing code.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from May 15 to September 15 to maintain a temperature of not less than 65°F. (18°C.) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical equipment. All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Cooking and heating equipment. All cooking and heating **equipment,** components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

> **603.2.1 Cooking equipment.** Cooking appliances shall not be used to provide space heating to meet the minimum requirements of Section 602.3.

603.3 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

> **Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

603.4 Clearances. All required clearances to combustible materials shall be maintained.

603.5 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.6 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided *for* the fuel-burning equipment.

603.7 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Every dwelling shall be served by a main service that is not less than 60 amperes, three wires.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper filling, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one

receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Lighting fixtures. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

> **Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of all obstructions and shall be capable of providing the required function.

CHAPTER 7
FIRE SAFETY REQUIREMENTS

SECTION 701
GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702
MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

702.2 Exit capacity. The capacity of the exits serving a floor shall **be** sufficient for the occupant load thereof as determined by the building code.

702.3 Number of exits. In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet (186 m^2)shall be provided with not less than two independent exits.

Exception: A single exit is acceptable under any one of the following conditions:

1. Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.

2. Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.

3. Where an existing fire escape conforming to the building code is provided in addition to the single exit.

4. Where permitted by the building code.

702.4 Arrangement. Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

702.5 Exit signs. All means of egress shall be indicated with approved "Exit" signs where required by the building code. Al l "Exit" signs shall be maintained visible and all

illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

702.6 Corridor enclosure. All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing.

Exceptions:

1. Corridors in occupancies, other than high-hazard occupancies, which are equipped throughout with an automatic sprinkler system.

2. Patient room doors in corridors in health care occupancies where smoke barriers are provided in accordance with the fire prevention code, are not required to be self-closing.

3. Corridors in educational occupancies where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.

4. Corridors that are in compliance with *the building* code.

702.7 Dead-end travel distance. All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 35 feet (10668 min) where the building is not equipped throughout with an automatic sprinkler system. The dead-end travel distance limitation shall be increased to 70 feet (21336 mm) where the building is equipped throughout with an automatic sprinkler system.

Exception: Dead ends that are in compliance with the building code.

702.8 Aisles. Arrangements of chairs or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in assembly, educational and health care occupancies shall be maintained in accordance with the requirements of the building code. In all other occupancies. aisles shall have a minimum required clear width of 44 inches (1118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables or other objects.

702.9 Stairways, handrails and guards. Every exterior and interior flight of means of egress stairs serving any building or portion thereof and having more than four risers shall have a handrail on at least one side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) nor more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surface. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

Exception: Guards are not required at any location where guards are exempted by the building code.

702.10 Stairway identification. A sign shall be provided at each floor landing in all interior stairways more than three stories above

grade, designating the floor level above the floor of exit discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code.

Exception: The emergency sign shall not be required for elevators that are part of an accessible means of egress complying with the building code.

702.11 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except as provided for in Section 702.11.1

702.11.1 Locks permitted. Locks or fasteners shall not be installed on egress doors except in accordance with the following conditions:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions are made to remove occupants safely in case of fire or other emergency.

2. In problem security areas, special-purpose door alarms or locking devices shall be approved prior to installation. Manually operated edge or surfacemolded flush bolts are prohibited.

3. Where the door hardware conforms to that permitted by the building code.

702.12 Emergency escape. Every sleeping room located below the third story in residential and group home occupancies shall have at least one openable window or exterior door approved for *emergency* egress or rescue; or shall have access to not less than two approved independent exits.

Exception: Buildings equipped throughout with an automatic fire suppression system.

702.12.1 Security. Bars, grilles or screens placed over emergency escape windows shall be releasable or removable from the inside without tile use of a key, tool or force greater than that which is required for normal operation of the window.

SECTION 703
ACCUMULATIONS AND STORAGE

703.1 Accumulations. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

703.2 Hazardous material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper. boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

SECTION 704
FIRERESISTANCE RATINGS

704.1 General. The fireresistance rating of floors, walls, ceilings, and other elements and components required by the building code shall be maintained.

704.2 Maintenance. All required fire doors and smoke barriers shall be maintained in

good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by door stops, wedges and other unapproved hold-open devices.

SECTION 705
FIRE PROTECTION SYSTEMS

705.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the fire prevention code.

705.2 Fire suppression system. Fire suppression systems shall be maintained in proper operating condition at all times.

705.3 Standpipe systems. Standpipe systems shall be maintained in proper operating condition at all times. Hose connections shall he unobstructed.

705.4 Fire extinguishers. All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

705.5 Smoke detectors. A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in residential and group home occupancies, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in one- and two-family dwellings and multifamily dwellings. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less thin one full story below the upper level.

705.5.1 Installation. All detectors shall be installed in accordance with the building code and the manufacturer's instructions. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

705.5.2 Power source. The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

705.5.3 Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

705.6 Fire alarm systems. Fire alarm systems shall be in proper operating condition at all times.

CHAPTER 8
REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document that reference the standard. The application of the referenced standards shall he as specified in Section 102.8.

ASME American Society of Mechanical Engineers
345 East 47th Street
New York, NY 10017-2392

Standard reference number	Title	Referenced in code section number
A17.1-93	Safety Code for Elevators and Escalators -- with A17.1a-94 Addendum	

CODES This model property maintenance code is intended to be utilized in conjunction with the other model codes that are adopted by the code. See Footnote a.

Standard reference number	Title	Referenced in code section number
BuildingCode[a]		102.3,201.3,302.7.1,401.3,702.2,702.3,702.5,702.6,702.7,702.8,702.9,702.10,702.11.1,703.2,704.1,705.5.1
Fire Prevention Code[a]		201.3,702.6,703.2,705.1
IMC-98	ICC International Mechanical Code	102.3,201.3
IPC-97	ICC International Plumbing Code - with 1998 Supplement	102.3,201.3,505.1,602.2,602.3
IZC-98	ICC International Zoning Code	102.3,201.3

[a] One of the following should be incorporated upon adoption of this code.

1. BNBC-96 BOCA National Building Code
   BNFPC-96 BOCA National Fire Prevention Code
2. ICBO-97 Uniform Building Code
   ICBO-97 Uniform Fire Code
3. SBCCI-97 Standard Building Code
   SBCCI-97 Standard Fire Prevention Code

The 1999 BOCA National Building Code, Fourteenth Edition and, as applicable, I.C.C. International One and Two Family Dwelling Code, 1998 Edition are incorporated upon adoption of this Code.

NFPA National Fire Protection Association
Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
70-96	National Electrical Code	102.3,201.3,604.2

ORDINANCE NO. 929

AN ORDINANCE OF THE TOWNSHIP OF WILKINS CREATING THE OFFICE OF ASSISTANT TOWNSHIP MANAGER

Section 20-1. of the Wilkins Township Code is hereby amended to provide as follows:

20.1.1. The Office of Assistant Township Manager is hereby created by the Township of Wilkins.

20.1.2. The Board of Commissioners may appoint and remove an Assistant Manager in the manner provided for appointment and removal of the Township Manager.

20.1.3. The qualifications of the Assistant Manager shall be the same as those for the Township Manager.

20.1.4. The bond and compensation of the Assistant Manager shall be as provided for the Township Manager.

20.1.5. The powers and duties of the Assistant Manager shall be the same as those provided for the Township Manager.

20.1.6. The procedural limitations on the Board of Commissioners shall apply to the Office of Assistant Manager.

20.1.7. When there is a vacancy in the Office of Township Manager or during the absence of the Township Manager, the Assistant Manager shall act for the Township Manager.

20.1.8. Section 20.8 of Code Chapter 20 is repealed.

TOWNSHIP OF WILKINS

By _____
President of the Board of Commissioners

ATTEST:

_____
Secretary

ORDINANCE NO. 930

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING PARAGRAPH XV11 OF ORDINANCE NO 922

SECTION I: Paragraph XVII of Ordinance 922 (Regulating the Keeping and Possession of Animals Within the Township) is hereby amended by deleting Paragraph XVII in its entirety.

VIOLATIONS AND PENALTIES

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall pay a fine or penalty of Six Hundred ($600 .00) Dollars which fine or penalty shall be collected by suit brought in the name of the township before any district magistrate, in like manner as debts of like amount may be sued for by existing laws and to remit such fines or penalties. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The fine or penalty may be reduced by official action of the Township Board of Commissioners, upon written recommendation of the code official who investigated the violation.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 30th day of May, 2000.

TOWNSHIP OF WILKINS

By _____
John J. Hanlon
President,
Board of Commissioners

ATTEST:

_____
Paul A. Vargo
Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 931

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ARTICLE V SECTION 173-28 DEFINITIONS
OF THE CODE OF THE TOWNSHIP OF WILKINS

SECTION I: Code Chapter 173, Article V Section 173-28. Definitions, attention getting Device, is amended to read:

ATTENTION-GETTING DEVICE - A pennant, flag, valance, banner, except when a banner is used as a temporary sign, propeller, spinner, streamer, searchlight, balloon or similar device or ornamentation which is designed or used for the purpose of promoting, advertising or attracting attention.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 25th day of September, 2000.

TOWNSHIP OF WILKINS

By _____
John J. Hanlon
President, Board of Commissioners

ATTEST:

Paul A. Vargo

_____
Paul A. Vargo, Secretary

ORDINANCE NO. 932

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR THE FISCAL YEAR 2001 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2001

The Board of Commissioners of the Township of Wilkins ordain as follows:

SECTION I: The estimated total revenue to be received by the Township during the fiscal year 2001 is $3,183,180.00.

SECTION II: There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

General Government	482,650.00
Public Safety	1,312,309.00
Sanitation	209,639.00
Public Works	938,986.00
Recreation	55,258.00
Debt Service	95,538.00
Intergovernmental	3,500.00
Refunds	50,300.00
Interfund Transfers	35,500.00
TOTAL EXPENSES	$3,183,180.00

SECTION III. A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2001 as follows:

1. Tax rate for general revenue purposes, the sum of 3.513 mills on each dollar of assessed valuation, or the sum of 3.513 cents on each one hundred ($100) dollars of assessed valuation.

SECTION IV. Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

SECTION V. Penalties. A taxpayer subject to the payment of a tax levied by this ordinance, who shall fail to make payment of such tax for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) (which penalty shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

SECTION VI. Effective Date. This ordinance and the real estate tax shall take effect on February 1, 2001.

SECTION VII. Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 30th day of January, 2001.

TOWNSHIP OF WILKINS

By _____
President of the Board of Commissioners

ATTEST:

_____
Secretary

ORDINANCE NO. 933

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
AMENDING ORDINANCE 606 (WILKINS CODE SECTION 37.1)
BY CREATING THE POSITION OF A SECOND SERGEANT

The Board of Commissioners ordains as follows:

SECTION I: WILKINS CODE SECTION 37.1 IS AMENDED TO STATE:

The Police Department of the Township of Wilkins shall consist of a Chief of Police, one sergeant and at the option of the Board of Commissioners a second sergeant and such number of patrolmen as shall be determined by action of of the Board of Commissioners from time to time.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 12th day of February, 2001.

TOWNSHIP OF WILKINS

By _____
John J. Hanlon
President
Board of Commissioners

ATTEST:

_____
Paul A. Vargo
Secretary

ORDINANCE NO. 934

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF A WATER LINE AND APPURTENANT FACILITIES IN A PUBLIC STREET KNOWN AS LEAX LANE, DESIGNATING THE PROJECT AS THE LEAX LANE WATER DISTRICT, PROVIDING FOR THE WORK OF CONSTRUCTION TO BE DONE UNDER CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER AND PROVIDING FOR THE IMPOSITION OF A CONNECTION CHARGE, AND TAPPING FEE AS DETERMINED BY THE BOARD OF COMMISSIONERS UPON COMPLETION.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1.
The construction of a six and eight inch water line with appurtenant valves is hereby authorized and directed along Leax Lane, a distance of approximately One Thousand Five Hundred Feet (1,500) and a fire hydrant in the Township of Wilkins, as more particularly shown on the plans prepared by the Senate Engineering Company which are incorporated herein by reference thereto and which are on file in the Office of the Township Secretary, 110 Peffer Road, Wilkins Township, where the plans may be examined by any interested person.

SECTION 2.
The work of the construction of said water line and the purchase of material and labor necessary shall be done or furnished, or caused to be done or furnished, by contract to the lowest responsible bidder or bidders on specifications of the Township Engineer.

SECTION 3.
Upon the completion and construction of said water line, each property accommodated by the water line shall make connection to same under specifications required by the Wilkinsburg-Penn Joint Water Authority and pay a tap in fee of $750.00 to the Wilkinsburg-Penn Joint Water Authority.

SECTION 4.
Upon completion of the construction of the water line in this district, the Board of Commissioners hereby establishes a tapping fee, pursuant to Act 36 of 1997, for collection of costs and expenses of the project, excluding therefrom the value of any grants received by the Township.

SECTION 5.
The Township of Wilkins designates the Turtle Creek Valley Council of Governments as its agent responsible for the project detail, including contracting for and supervision of the installation of the water line.

SECTION 6.
The assessment and connection fees levied against properties situate on Leax Lane or served by the water line shall be subject to and comply with the low and moderate income regulations of the United States Department of Housing and Urban Development. The date for determining the eligibility of any property for assessment or fee exemption is household income reported to the Internal Revenue Service in the year immediately preceding the date of award of the construction contract.

SECTION 7.

(a) Properties which are subject to assessment under Act 36 of 1997 and under the regulation of the Department of Housing and Urban Development shall be assessed under this formula:

> Eighty percent of the assessment shall be the obligation of the Township of Wilkins; twenty percent of the assessment shall be paid by property owner.

(b) The Schedule of assessments as certified and determined by the Township Engineer against the properties identified in said schedule and in the amounts determined in said schedule be and the same hereby shall be levied against the properties subject to assessment under Act 36 of 1997.

(c) The Township Secretary shall cause thirty days' notice of the assessment to be given to each party assessed by service on the owner or his agent or left on the assessed premises.

SECTION 8.
The water line project herein authorized shall be known as and is hereby designated as the Leax Lane Water District.

SECTION 9.
The funds required by this project are hereby appropriated from funds now or hereafter in the Township Treasury.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 9th day of April 2001.

TOWNSHIP OF WILKINS

By _____
President of the Board of Commissioners

ATTEST:

_____
Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 935

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
TO ISSUE A GENERAL OBLIGATION NOTE
IN THE AMOUNT OF $190,000.00

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO. 935 in the following form:

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
(ALLEGHENY COUNTY, PENNSYLVANIA)
ENACTED JUNE 11, 2001 AND NUMBERED 935
$190,000 GENERAL OBLIGATION NOTE

WHEREAS, the Governing Body of the above-named Local Government Unit (the "Local Government Unit") deems it advisable to borrow the amount shown above, pursuant to the Local Government Unit Debt Act, as codified by the Act of December 19, 1996 (P.L. 1158, No. 177) (the "Debt Act"), in order to undertake the Project hereinafter described in Exhibit A; and

WHEREAS, the Local Government Unit has obtained estimates of the cost, and has determined the useful life of the Project by obtaining estimates from financial advisors, engineers, architects or other persons qualified by experience; and

WHEREAS, Penn Center Management Corporation (the "Purchaser") has presented a Note Purchase Proposal, attached hereto as Exhibit C, for the purchase of a note to be issued by the Local Government Unit in order to achieve the financing of the Project;

NOW, THEREFORE, IT IS HEREBY ENACTED by the affirmative vote of a majority of all members of the governing body of the Local Government Unit as follows:

Section 1 -- Authorization.

1.01. The Local Government Unit hereby authorizes the incurrence, and the increase of its nonelectoral indebtedness in the principal amount set forth above, to be evidenced by a General Obligation Note, Series of 2001 (the "Note"), in the form attached hereto as Exhibit B, in order to pay the costs of the Project. The Note will be dated the date of delivery, will bear no interest and will be payable (or will be subject to redemption or will mature) on the dates shown on the form of the Note attached hereto as Exhibit B and the Note Purchase Proposal attached hereto as Exhibit C.

Notwithstanding the foregoing, the Local Government Unit shall not be obligated to issue the Note unless it is in receipt of the real estate tax payments due for 2001 by Joseph and Violet Soffer in the amount of at least $300,000.

1.02. The Local Government Unit hereby authorizes and directs the President or Vice President and Secretary or Assistant Secretary of the Board of Township Commissioners, or their duly elected and acting successors (the "Designated Officers"), to execute and deliver such documents, and to do and perform all acts, necessary and proper for the issuance and further security of the Note, including execution and sealing and delivery to the Purchaser.

1.03. The Local Government Unit hereby authorizes and directs the Designated Officers to prepare and file all proceedings of the Local Government Unit relative to the incurrence of the debt with the Department of Community and Economic Development (the "Department") and to respond to all inquiries or requests and to perform all other actions necessary to enable the Department to certify its approval to issue, sell and deliver the Note.

Section 2 -- Preparation of Debt Statement

As required by §8110 of the Debt Act, the Designated Officers of the Local Government Unit shall prepare, execute and acknowledge the Debt Statement, and its accompanying Borrowing Base Certificate.

Section 3 -- Security and Payment of Note.

3.01. The Note shall be general, full faith and credit, unlimited tax obligations of the Local Government Unit. The Local Government Unit hereby covenants with the Purchaser and with any subsequent holder, from time to time, of the Note that it will (a) include the amount of the debt service for each fiscal year in which any installment of principal is payable in its budget for that year, (b) appropriate such amounts to the payment of such debt service and (c) duly and punctually pay or cause to be paid the principal of the Notes on the dates at the place and in the manner stated therein according to the true intent and meaning thereof; for such budgeting, appropriation and payment, the Local Government Unit hereby pledges its full faith, credit and taxing power.

3.02. The Local Government Unit does hereby create, and order to be established (in its name and identified by reference to the Note), a Sinking Fund for the payment of the Note with PNC Bank, 700 Beulah Road, Turtle Creek, Pennsylvania 15145 (the "Bank"), a bank and/or trust company lawfully conducting business in the Commonwealth of Pennsylvania, and does further covenant to maintain such Sinking Fund until the Note is paid in full. The Sinking Fund Depository shall maintain the Sinking Fund or a separate account and shall, without further authorization other than herein contained, pay, from monies therein, the principal of and the Note, as and when the same shall become due, to the holder(s) thereof. The Designated Officer is hereby authorized and directed to contract with the Bank or its assignee, for its services as sinking fund depository, paying agent and registrar for the Note. The Bank shall undertake the duties of sinking fund depository, paying agent and registrar according to the provisions of this Ordinance and the Debt Act and in compliance with current industry standards and practices.

3.03. The Note is subject to optional redemption at the option of the Local Government Unit, as provided for on the form of the Note attached hereto as Exhibit B. The Note may be issued in the form of one fully registered Note in the principal amount shown on the form of the Note attached hereto as Exhibit B.

The Local Government Unit will cause the Bank to keep, in its capacity as registrar, a register in which, subject to reasonable regulations, the Local Government Unit will provide for the registration of the Note and the registration of transfers and exchanges of the Notes. No transfer or exchange of any Note will be valid unless made at the offices of the Bank and registered in the register.

Upon surrender for registration of transfer of any Note, the Local Government Unit will execute, and the Bank will authenticate and deliver in the name of the transferee or transferees, a new Note or Notes of any authorized denomination, of the same yield and maturity, and in the same principal amount, as the Note so surrendered.

Any Note is exchangeable for other Notes of the same yield and maturity, in any authorized denomination, in the same principal amount as the Note or Notes presented for

exchange. Upon surrender for exchange of any Note, the Local Government Unit shall execute, and the Bank shall authenticate and deliver in exchange therefor, the new Note or Notes which the registered owner making the exchange shall be entitled to receive.

Every Note presented or surrendered for registration of transfer or exchange shall be duly endorsed, or be accompanied by a written instrument of transfer, in form and with guaranty of signature satisfactory to the Local Government Unit and the Bank, duly executed by the owner thereof or his duly authorized agent or legal representative.

No service charge shall be imposed on any Registered Owner for any transfer or exchange of any Note, but the Local Government Unit may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Notes.

Section 4 -- Tax Covenants.

4.01. The Local Government Unit hereby covenants that no part of the proceeds of the Note will be used, at any time, directly or indirectly, in a manner which, if such use had been reasonably expected on the date of issuance of the Note, would have caused of the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the Regulations thereunder (the "Regulations") applicable to the Note and that it will comply with the requirements of that Section 148 and the Regulations throughout the term of the Note.

4.02. If: (a) the principal amount of the Note plus the aggregate principal amount of all other tax-exempt obligations issued and to be issued by or on behalf of the Local Government Unit during the current calendar year exceeds $5,000,000; and if (b) the gross proceeds of the Note are invested at a yield greater than the yield on the Note; and if (c) the gross proceeds of the Note are not expended or deemed to have been expended either within six months from the date of issuance, or, if the Project is a construction project, within two years from the date of issuance (and according to certain periodic expenditure thresholds), all pursuant to §1.148.7 of the Regulations, the Local Government Unit covenants that it will rebate to the U.S. Treasury, at the times and in the manner required by the Code, the difference (if a positive number) between the investment income received on the Note proceeds and the investment income that would have been earned had the Note proceeds been invested at the yield of each respective Note.

4.03. The Local Government Unit hereby designates the Note as a Qualified Tax-Exempt Obligation pursuant to Section 265(b)(3) of the Code and represents that the total amount of obligations designated and to be designated by or on behalf of the Local Government Unit during the current calendar year does not and is not expected to exceed $10,000,000.

4.04. The Local Government Unit is authorized to file IRS Form 8038-G and any other forms or information required by the Code or the Regulations to be filed with the Internal Revenue Service in order to further ensure the exclusion of interest, if any, or imputed interest on the Notes from gross income tax for federal income tax purposes.

Section 5 -- Award.

Having determined that a private sale by negotiation of the Note is in the best financial interest of the Local Government Unit, the Governing Body hereby awards and sells the Note to the Purchaser in accordance with the Note Purchase Proposal which, as presented at this meeting, is hereby accepted and shall be executed by the Designated Officers.

Section 6 -- Note Ordinance a Contract.

This Ordinance shall be deemed to be a contract with the holder, from time to time, of the Note.

Section 7 -- Expeditious Settlement.

The Local Government Unit hereby authorizes and directs Thorp Reed & Armstrong, LLP ("Note Counsel") and John M. Means, Esq. (the "Solicitor") to undertake and perform all actions on behalf of the Local Government Unit necessary and proper to the expeditious settlement of the sale of the Note.

The Designated Officers are further authorized and directed to undertake and perform, or cause to be undertaken or performed, all such ordinary duties of the Local Government Unit (and the same are hereby specifically approved) which may be required under, or reasonably contemplated by, the Purchase Proposal, including, without limitation, establishment of bank accounts with authorized depositaries for the deposit and management of Note proceeds and other Project funds, purchase of necessary investments, retention of professionals, and execution and delivery of such certificates, orders and agreements as may be necessary, in the opinion of Bond Counsel or Solicitor, to settlement of the sale of the Notes.

Section 8 -- Stated Maturity Dates.

The Local Government Unit hereby finds and determines that: (1) the Notes are is to be issued with: (a) a final stated maturity date which does not exceed the sooner to occur of forty years or the useful life of the Project; and (b) an initial stated installment or maturity of principal which has not been deferred beyond one year from the date of expected completion of the Project; and (2) the stated maturities, or principal installments subject to mandatory redemption, of the Notes have been fixed either: (a) so as to amortize the Notes on at least an approximately level debt service plan during the period specified for the payment of principal under Section 8142(c) of the Debt Act; or (b) in the alternative, in the event that an Exhibit D has been properly completed and is attached to this Debt Ordinance and thereby incorporated by reference herein, so that the debt service on outstanding debt of the Local Government Unit (being the Bonds, together with such other debt as has been identified on Exhibit D) will be brought more nearly into an over-all level annual debt service plan.

DULY ENACTED on June 11, 2001

TOWNSHIP OF WILKINS

By_____
President

(SEAL)

Attest:

_____
Secretary

TOWNSHIP OF WILKINS
Allegheny County, Pennsylvania

DESCRIPTION OF PROJECT

The funds to be obtained from the borrowing will be used to pay the costs of the paving of Penn Center Boulevard.

The expected useful life of the Project is, on a weighted average, in excess of ten (10) years.

EXHIBIT A

FORM OF NOTE

TOWNSHIP OF WILKINS
Allegheny County, Pennsylvania
GENERAL OBLIGATION NOTE, SERIES OF 2001

Principal Amount	Interest Rate	Dated Date	Maturity Date
$190,000	0.00%	July 6, 2001	July 6, 2005*

The above named Local Government Unit, intending to be legally bound, promises to pay to the registered owner shown on the attached registration form in such coin or currency as at the time and place of payment is legal tender for the payment of public and private debts, without any right of set-off, ¼ of the principal on the Note to be paid within ten (10) days of the receipt of the full payment due to be paid to the Local Government Unit of the real estate taxes for parcels presently or formerly identified by the following Lot and Block Numbers, 542 F 100, 542 F 128 and 542 J 225 (the "Parcels") each year for four consecutive years beginning with 2002 in the maximum amounts indicated on the attached debt service schedule. Subject to the payment of real estate taxes to the Local Government Unit on the Parcels, any outstanding principal shall be due and payable in full on July 6, 2005.

The principal of this Note is payable in the coin and currency of the United States of America that is, at a time and place of payment, legal tender for payment of public and private debts at the designated office of PNC Bank, 700 Beulah Road, Turtle Creek, Pennsylvania 15145 or such other location as may be designated, in its capacity as Sinking Fund Depository, Paying Agent and Registrar (the "Bank").

The Local Government Unit has the right to prepay all or part of the outstanding principal upon five (5) business days written notice to the Bank and the registered owner(s) of the Note at any time. Prepayments shall be applied to the unpaid principal installments of this Note in the inverse order of its regular maturities, shall not affect the duty of the Local Government Unit to pay all installments when due or change the amount of such installments and shall not affect or impair the right of the noteholder to pursue all remedies available under the Note Purchase Proposal, the Pennsylvania Local Government Unit Debt Act or this Note.

The Local Government Unit hereby covenants with the registered owner hereof that it will include the amount of the debt service payable hereunder in its budget for the applicable fiscal year, will appropriate such amount to the payment of such debt service and will duly and punctually pay or cause to be paid the entire principal hereof at the place, on the dates and in the manner stated above, according to the true meaning and intent hereof, and for such budgeting, appropriation and payment, the Local Government Unit hereby pledges its full faith, credit and taxing power.

No recourse shall be had for the payment of the principal of this Note, or for any claim based hereon, against any officer, agent or employee, past, present or future, of the Local Government Unit, as such, either directly or through the Local Government Unit, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise; all such liability of such officers, agents or employees is hereby renounced, waived and released as a condition of and as consideration for the issuance, execution and acceptance of this Note.

In the event of a default hereunder, the Local Government Unit will pay the registered owner a late payment penalty in the daily amount calculated at 5.25% annually, based upon a 365 day year, on the principal amount due for each day in arrears, plus reasonable costs and expenses incurred in collection of the amounts due hereunder, including attorney's fees.

*Subject to the provisions of this Note.

EXHIBIT B

This Note evidences a borrowing for a Project under the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, as amended, pursuant to an Ordinance of the Local Government Unit duly and regularly enacted in accordance with the provisions of the Local Government Unit Debt Act.

It is hereby certified that all acts, conditions and things required to be done, to occur or be performed precedent to and in the issuance of this Note, or in the creation of the indebtedness of which this Note is evidence, have been done, have occurred and have been performed in regular and due form and manner as required by law, and that the debt evidenced by this Note is not in excess of any constitutional or statutory limitation.

This Note is a Qualified Tax-Exempt Obligation within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

WITNESS the due execution hereof as of the Dated Date set forth above.

ATTEST:

Paul Vaya
Secretary

TOWNSHIP OF WILKINS

By: _____
President

(SEAL)

EXHIBIT B-2

NOTE DEBT SERVICE SCHEDULE*

Year	Amount
2002	$47,500
2003	$47,500
2004	$47,500
2005	$47,500

*Conditional upon the payment of real estate taxes pursuant to the terms of this Note.

EXHIBIT B-3

REGISTRATION FORM

This Note can be validly negotiated only upon proper execution of the form set forth below, and upon notation of the same upon the books of the Local Government Unit maintained by the Sinking Fund Depository, as Registrar, for such purpose. The Local Government Unit shall treat the registered owner of this Note, as noted on this Note and on the books, as the absolute owner hereof, and shall not be affected by any changed circumstances, nor by any notice to the contrary.

Original Registered Owner

Penn Center Management Corporation

Date	Transferor	Subsequent Purchaser

For value received, the last-named Transferor, by its due execution above, hereby, on the above-stated date, sells, transfers and negotiates this Note to the last-named Subsequent Purchaser, warranting that this transfer is effective and rightful; that this Note is genuine and has not been materially altered; and that it has no knowledge of any fact which might impair the validity of this Note.

TOWNSHIP OF WILKINS
Allegheny County, Pennsylvania

NOTE PURCHASE PROPOSAL

EXHIBIT C

Township of Wilkins
110 Pheffer Road
Turtle Creek, PA 15145

June 11, 2001

RE: GENERAL OBLIGATION NOTE, SERIES OF 2001

Dear Sirs:

Penn Center Management Corporation is pleased to submit the following financing commitment to the Township of Wilkins subject to the following terms and conditions:

I. TERMS

1.	Borrower:	Township of Wilkins
2.	Lender:	Penn Center Management Corporation
3.	Estimated Note Proceeds:	Not to exceed $190,000
4.	Use of Proceeds:	Paving of Penn Center Boulevard
5.	Projected Closing:	July 6, 2001
6.	Payment Terms:	¼ of the principal on the Note to be paid within ten (10) days of the receipt of the full payment due to be paid to Wilkins Township of the real estate taxes for parcels identified by the following Lot and Block Numbers 542 F 100, 542 F 128 and 542 J 225 (the "Parcels") each year for four consecutive years beginning with 2002 Interest Rate: 0.0% In the event of a default under the Note, the Township will pay a late payment penalty in the daily amount calculated at 5.25% annually, based upon a 365 day year, on the principal amount due for each day in arrears, plus reasonable costs and expenses incurred in collection of the amounts due hereunder, including attorney's fees. Maturity: Subject to the payment of real estate taxes to the Local Government Unit on the Parcels, any outstanding principal shall be due and payable in full on July 6, 2005.
7.	Prepayment:	Wilkins Township has the right to prepay all or part of the outstanding principal upon five (5) business days written notice.

II. Security

1.	Security:	Borrower will provide the Lender a guarantee with its full faith, credit and taxing power, for the timely payment of principal and interest on the full amount of the Note proceeds. The Township must covenant to pay, as and when due, the principal of the note, to include in its annual budget

such amounts when due, and to appropriate such amounts for such payments, and for such budgeting, appropriation and payment the Township must pledge irrevocably its full faith, credit and taxing power, which taxing power presently includes the power to levy ad valorem taxes on all taxable properties within the Township presently unlimited as to rate or amount for such purpose.

III. Conditions Precedent

The following conditions must be fulfilled before a closing and advance of funds can occur:

- A certified board resolution from the Township approving this financing.
- Approval of application submitted to the Department of Community and Economic Development of the Commonwealth of Pennsylvania.
- Execution and compliance with all Terms and Conditions of the Note and related documentation.

Your execution letter of this letter will be taken as a direction by the lenders and their counsel to consummate this truncation in an expeditious manner.

If the above terms and conditions are acceptable, please execute this commitment letter and return it to the undersigned.

Sincerely,

_____

Penn Center Management Corporation

ACCEPTED with the intent to be legally bound hereby:

TOWNSHIP OF WILKINS

By:_____

Title: President

Date:_____

CERTIFICATE

I, the undersigned, a Designated Officer of the named Local Government Unit, hereby certify that the foregoing and attached is a true copy of an Ordinance which was duly adopted by the affirmative vote of a majority of all the members of the Governing Body thereof at a meeting held on the date of the execution thereof; that due notice of such meeting was given and the meeting was at all times open to the public; that such Ordinance was duly recorded; that this Ordinance is still in full force and effect as of the date hereof; that the vote upon said Ordinance was called and duly recorded upon the minutes of the Governing Body; and that the members of the Governing Body voted in the manner following:

	YES	NO	ABSTAIN	ABSENT
John J. Hanlon	✓			
Frank J. Greco	✓			
Melanie Brannigan	✓			
Paul G. Padula	✓			
Michael J. Madden	✓			

WITNESS my hand and seal of the Local Government Unit this 11TH day of June, 2001.

TOWNSHIP OF WILKINS

Paul Way
Secretary

[SEAL]

00306603

OFFICIAL

TOWNSHIP OF WILKINS
ORDINANCE NO. 936

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, PENNSYLVANIA, AMENDING CHAPTER 173 OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF WILKINS, ZONING, TO REGULATE THE PLACEMENT AND CONSTRUCTION OF COMMUNICATIONS TOWERS AND ANTENNA IN THE TOWNSHIP.

WHEREAS, technical developments in the telecommunications field have provided new options for the expansion and delivery of communications services to the Township of Wilkins and its residents; and

WHEREAS, the Board of Commissioners and the Township of Wilkins desires to encourage efficient and adequate wireless communication services within the Township, while at the same time protecting the public health, safety and welfare; and

WHEREAS, in an effort to facilitate efficient and adequate wireless communications services and protect the interest of its residents, the Board of Commissioners of the Township of Wilkins desires to regulate the construction and the placement of communications towers and antenna; and

WHEREAS, federal and state statutes and regulations impose certain limitations on the Township of Wilkins's ability to regulate the placement and construction of communications towers and antenna; and

WHEREAS, it is necessary to amend Chapter 173 of the Codified Ordinances of the Township of Wilkins, Zoning, to make it consistent with the interests of the Township of Wilkins and its residents and the limitations imposed by federal and state statutes and regulations.

NOW, THEREFORE, the Board of Commissioners of the Township of Wilkins hereby ordains that Chapter 173 of the Codified Ordinances of the Township of Wilkins Zoning, be amended as follows:

Section I. Section 173-7 is amended by adding the following new definitions in alphabetical order:

COMMUNICATIONS ANTENNA - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antenna and directional or panel antenna, owned or operated by any person or entity licensed by the Federal Communications Commission ("FCC") to operate such device. This definition includes free standing antenna, antenna mounted on Communication Towers ("Tower-mounted Communication Antenna") and antenna mounted on Buildings ("Building-mounted Communication Antenna"). This definition does not include private residence mounted satellite dishes or television antenna or amateur radio equipment, including without limitation ham or citizen band radio antenna.

COMMUNICATIONS EQUIPMENT BUILDING - any unmanned Building, Court or other enclosure containing equipment or control devices for the operation of a Communication Antenna.

COMMUNICATIONS TOWER - a Structure other than a Building, such as a monopole, self-supporting or guyed tower, designed and used to hold and facilitate the operation of a Communications Antenna.

COMMUNICATIONS TOWER HEIGHT - the vertical distance measured from the ground level to the highest point on a Communications Tower, including any Communications Antenna mounted on the tower.

PUBLIC UTILITY TRANSMISSION TOWER - a Structure, owned or operated by a public utility regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity, telephone or other transmission lines.

Section 2. Section 173-7 is further amended by adding the following language as the definition of "Structure."

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not it is affixed to the land. This includes, but is not limited to, Communications Equipment Buildings and Communications Towers.

Section 3. SECTION 173-22 SPECIAL EXCEPTION USES is amended by adding the following as a SPECIAL EXCEPTION USE: H. In the M Manufacturing District, Communications Tower, including tower mounted communications antenna and any related communications equipment building, subject to the provisions of Section 173-100 and Section 173-101.

Section 4. Section 173-22 Special Exception Uses is amended by inserting the following Section I as a special exception use in the C Commercial District and M Manufacturing District: I. Communications antenna mounted on an existing public utility transmission tower, building or other structure, subject to the provisions of Sections 173-100 and 173-101.

Section 5. Chapter 173 of the Codified Ordinances of the Township of Wilkins, Zoning, is hereby amended by adding a new Article X as follows:

Telecommunications Facilities

173-100 Regulations Governing Communications Antenna and Communications Equipment Buildings.

1. A Building-mounted Communications Antenna shall not be located on any single-family dwelling or two-family dwelling.

2. A Building-mounted Communications Antenna shall not be permitted to exceed the roof line of the building by more than ten (10) feet.

3. An omnidirectional or whip Communications Antenna shall not be permitted to exceed the roof line of the building by more than (10) feet.

4. A directional or panel Communications Antenna shall not exceed five (5) feet in height and three (3) feet in width.

5. Any applicant proposing a Communications Antenna to be mounted on a Building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.

6. Any applicant proposing a Communication Antenna to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antenna will be mounted on the Building or Structure for review by the Township Engineer for compliance with Chapter 72 of the Codified Ordinances of the Township of Wilkins, Building Construction, and other applicable ordinances.

7. Any applicant proposing a Communications Antenna to be mounted on a Building or other Structure shall submit evidence of agreements and/or easements necessary to provide access to the Building or Structure or which the antenna is to be mounted so that installation and maintenance of the antenna and any Communications Equipment Building can be accomplished.

8. A Communications Antenna shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

9. A Communications Antenna shall not cause radio frequency interference with other communications facilities located in the Township.

10. Any Communications Equipment Building where the Building footprint is equal to or less than 100 square feet shall be subject to the height and setback requirements of the applicable Zoning District for an accessory structure. Any Communications Equipment Building where the building footprint is greater than 100 square feet shall be subject to the height and setback requirements of the applicable Zoning District for a Principal Building or Structure.

11. The owner or operator of any Communications Antenna shall be licensed by the Federal Communications Commission to operate such antenna.

173-101 Standards of Approval for Communications Equipment Building and Communications Tower

1. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a Communications Tower and Communications Antenna, as applicable.

2. The applicant shall demonstrate that the proposed Communications Tower and Communications Antenna proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

3. A Communications Tower shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations.

4. Any applicant proposing construction of a new Communications Tower shall demonstrate that a good faith effort has been made to obtain permission to mount the Communications Antenna on an existing Building, Structure or Communications Tower. A good faith effort shall require that all owners or potentially suitable Building, Structure or Communications Tower within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such Building, Structure or Communication Tower apply:

   (a) The proposed antenna and related equipment would exceed the structural capacity of the existing Building, Structure or Communications Tower and its reinforcement cannot be accomplished at a reasonable cost.

   (b) The proposed antenna and related equipment would cause radio frequency interference with other existing equipment for that existing Building, Structure or Communications Tower and the interference cannot be prevented at a reasonable cost.

   (c) Such existing Building, Structure or Communication Tower do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intend function.

   (d) Addition of the proposed antenna and related equipment would result in electromagnetic radiation from such Building, Structure or Communication Tower exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

   (e) A commercially reasonable agreement could not be reached with the owners of such Building, Structure or Communication Tower.

5. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement to a public street. Any such easement shall be a minimum of twenty (20) feet in width and shall be paved to a width of at least ten (10) feet with concrete, bituminous asphalt or bituminous seal coat for its entire

length and in accordance with applicable Township ordinance governing the construction of public streets.

6. The applicant shall demonstrate that the proposed height of the Communications Tower is the minimum height necessary to perform its function. For any proposed Communications Tower with a height in excess of seventy-five (75) feet, the applicant shall deposit with the Township an engineering review deposit as may be deemed appropriate by the Township Engineer, which deposit shall be in addition to any other required application and/or engineering fees. This deposit shall be used by the Township to retain an independent, certified engineer knowledgeable in the field of Communications Towers to review the application and to express an opinion as to the minimum height necessary for the proposed Communications Tower to perform its function. In the event that the fees actually incurred for said engineering review exceed the amount of the deposit, the applicant shall tender payment of the balance owed. In the event that the fees actually incurred for said engineering review are less than the amount of the deposit, the balance shall be refunded and/or credited to the applicant.

7. The foundation and base of any Communications Tower shall be set back from the nearest adjoining property or lease lines, whichever is closer to the proposed Communications Tower, a distance equivalent to the height of the proposed Tower.

8. The maximum height of any Communications Tower shall be seventy-five (75) feet; provided, however, that such height may be increased by no more than an additional seventy-five (75) feet as long as an independent, certified engineer retained under Paragraph 6 above expresses an opinion that the additional height is necessary for the proposed Communications Tower to perform its function. Regardless of height, all Communications Towers shall remain subject to the setback requirements of Paragraph 7 above.

9. There shall be a maximum of one (1) Communications Tower per lot, regardless of lease lines.

10. The base of a Communications Tower shall be landscaped so as to screen the foundation and base and Communications Equipment Building from abutting properties.

11. The Communications Equipment Building shall comply with the required yard and height requirements of the applicable Zoning District for an Accessory Structure provided that the Building footprint of the Communication Equipment Building is equal to or less than 100 square feet. If the Building footprint of the Communication Equipment Building is greater than 100 square feet, the Building shall comply with the required yard and height regulations of the applicable Zoning District for a Principal Building or Structure.

12. The applicant shall submit certification from a Pennsylvania registered professional engineer that any proposed Communications Tower will be designed and constructed in accordance with the current Structural Standards of Steel Antenna Towers and Antenna Supporting Structures published by the Electrical Industrial Association/ Telecommunications Industry Association and applicable requirements of Chapter 72 of the Codified Ordinances of the Township of Wilkins, Building Construction.

13. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of $1,000,000 per occurrence and property damage coverage in the minimum amount of $1,000,000 per occurrence covering the Communications Tower and any Communications Antenna located thereon.

14. All guy wires associated with a guyed Communication Tower shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.

15. The site of a Communications Tower shall be secured by a fence with a minimum height of four (4) feet and a maximum height of eight (8) feet and containing only self-latching gates to limit accessibility by the general public.

16. No signs or lights shall be mounted on a Communications Tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency which has jurisdiction.

17. A Communications Tower shall be protected and maintained in accordance with the requirements of Codified Ordinances of the Township of Wilkins, International Property Maintenance Code and Chapter 72 Building Construction.

18. If a Communications Tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the Communications Tower within six (6) months of the expiration of such twelve (12) month period.

19. Two off street parking spaces shall be provided within the fenced area.

20. All tower structures shall be fitted with anti-climbing devices as recommended by the tower manufacturer for the type of installation proposed.

21. Inspection - Inspections of Communications Towers to ensure structural integrity shall be performed at least once every three (3) years. Inspections shall be conducted by an engineer licensed by the Commonwealth of Pennsylvania. The cost of such inspections shall be borne by the applicant.

The result of such inspection shall be timely provided to the Township. Based upon results of an inspection, the Township may require repair or removal of a Communications Tower.

Use Limitations - The facilities which are erected to maintain the Communications Tower may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios, except for emergency purposes, and other uses that are not necessary to send or receive wireless communications signals or transmissions.

22. The Communications Tower in its operation will remain compliant at all times with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

Section 6. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED AND ENACTED this 13th day of August, 2001.

ATTEST:

Paul Vargo
Secretary

TOWNSHIP OF WILKINS

By
President of the Board
of Commissioners

ORDINANCE NO. 937

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ARTICLE III DISTRICT REGULATIONS SECTION 173-13 OF THE CODE OF THE TOWNSHIP OF WILKINS.

WHEREAS volunteer fire companies, ambulance companies and emergency medical service companies are essential to the health, safety and welfare of the persons and properties in the Township of Wilkins and nearby municipalities; and

WHEREAS the Board of Commissioners is aware that there is need for the aforementioned entities to expand existing structures on existing lots to accommodate the demands arising for more and larger equipment to properly function to protect the health, safety and welfare of persons and properties requiring the service of volunteer fire companies and ambulance and emergency medical services companies.

NOW THEREFORE the Board of Commissioners ordains as follows:

SECTION I. The Code of the Township of Wilkins Chapter 173, ARTICLE III - SECTION 173-13-Lot and yard requirements, is amended by adding subsection H to provide as follows:

H. Anything in this Code to the Contrary notwithstanding, there shall be no minimum front, rear or side yard requirement applicable to additional structures erected on lots owned or leased by volunteer fire companies and ambulance or emergency medical services companies provided the lot is in use for fire or ambulance or emergency medical service at the time of adoption of this amendment.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 28TH day of JANUART, 2002.

TOWNSHIP OF WILKINS

By _____
President of the Board of Commissioners

ATTEST:

_____
Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 938

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR THE FISCAL YEAR 2002 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2002.

The Board of Commissioners of the Township of Wilkins ordain as follows:

Section I. The estimated total revenue to be received by the Township during the fiscal year 2002 is $3,239,059.

Section II. There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2002 BUDGET SUMMARY EXPENSES (GENERAL FUND)

General Government	$ 451,458.00
Public Safety	1,416,108.00
Sanitation	216,697.00
Public Works	916,808.00
Recreation	42,355.00
Debt Service	141,833.00
Intergovernmental	3,500.00
Refunds	50,300.00
Interfund Transfers	0.00
Total Expenses	$ 3,239,059.00

Section III. A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2002 as follows:

1. Tax rate for general revenue purposes, the sum of 3.513 mills on each dollar of assessed valuation, or the sum of 3.513 cents on each one hundred ($100) dollars of assessed valuation.

Section IV. Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

Section V. Penalties. A taxpayer subject to the payment of a tax levied by this ordinance, who shall fail to make payments of such tax for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) (which penalty shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

Section IV. Effective date. This ordinance and the real estate tax shall take effect on February 1, 2002.

Section VII. Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 28th day of January, 2002.

ATTEST:

Carolyne J. Ford

TOWNSHIP OF WILKINS

President, Board of Commissioners

TOWNSHIP OF WILKINS
POLICE PENSION PLAN

Amended and Restated
Effective as of: November 1, 2001

11/07/01

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PREAMBLE

WHEREAS, the Township of Wilkins, Allegheny County, Pennsylvania, established a retirement program under the provisions of Ordinance No. 269 dated December 18, 1959 under the provisions of Pub. Law 1804, 53 Pa. Con. Stat. Ann. 767, et seq., (commonly referred to as Act 600) thereby establishing the Township of Wilkins Police Pension Plan (the "Plan") for the benefit of the Township's police officers and their beneficiaries; and

WHEREAS, the Plan has been amended thereafter from time to time pursuant to various Ordinances and Resolutions, including but not limited to:

Ordinance No. 395	February 6, 1967
Ordinance No. 791	December 26, 1989
Ordinance No. 902	May 27 1997

WHEREAS, the Board of Commissioners retained the right to amend the Plan; and

WHEREAS, the Board of Commissioners wants to facilitate the administration of the Plan by completely amending and restating the Plan to set forth the provisions thereof in a single document for purposes of incorporating certain changes as a result of collective bargaining negotiations and, ordinance consolidation and clarity; and

WHEREAS, the Board of Commissioners intends that the Plan shall meet the requirements for government plans pursuant to the Internal Revenue Code of 1986, as amended, and the applicable laws of the Commonwealth of Pennsylvania;

NOW, THEREFORE, the Plan now known as the "Township of Wilkins Police Pension Plan" is hereby amended and restated in its entirety, effective November 1, 2001, as follows:

ARTICLE I

DEFINITIONS

The following words and phrases as used in this Plan shall have the meaning set forth in this Article, unless a different meaning is otherwise clearly required by the context:

1.01 "Accrued Benefit" shall mean, as of any given date, the benefit determined under section 4.02, calculated on the basis of Final Monthly Average Salary as of the date of determination and multiplied by a fraction, the numerator of which shall be the Participant's Aggregate Service determined as of such date and the denominator of which shall be the projected Aggregate Service of the Participant as if the Participant continues

in Employment until attainment of Normal Retirement Age. Notwithstanding anything contained herein to the contrary, in no event shall the fraction exceed one (1.0).

The Accrued Benefit shall include any Service Increment Benefit determined pursuant to Section 4.04 attributable to the Participant's Aggregate Service as of the determination date. The Accrued Benefit shall not exceed the maximum limitation, determined as of the date of computation, provided under section 4.07. All Accrued Benefits are subject to all applicable limitations, reductions, offsets, and actuarial adjustments provided pursuant to the terms of the Plan prior to the actual payment thereof.

1.02 "Accumulated Contributions" shall mean the total amount contributed by any Participant to this Fund or its predecessor by way of payroll deduction or otherwise, plus interest credited at three percent (3%) per annum. Interest shall be credited in the form of a compound interest rate from the midpoint of the Plan Year during which the contributions were paid through the date that a distribution of Accumulated Contributions under sections 6.04 or 7.02 shall be paid or payment of benefits shall commence.

1.03 "Act" shall mean the Municipal Pension Plan Funding Standard and Recovery Act which was enacted as Act 205 of 1984, as amended, 53 P.S. Sec. 895.101 et seq.

1.04 "Actuarial Equivalent" shall mean two forms of payment of equal actuarial present value on a specified date. The actuarial present value shall be determined by use of the UP-1984 Mortality Table and seven percent (7%) interest unless otherwise specifically provided herein.

1.05 "Actuary" shall mean the person, partnership, association or corporation which at any given time is serving as Actuary; provided that such Actuary must be an "Approved Actuary" as defined in the Act.

1.06 "Aggregate Service" shall mean the total period or periods of the Participant's Employment with the Employer whether or not interrupted. Notwithstanding the preceding sentence, should any such Participant receive a distribution of Accumulated Contributions with respect to a period of Employment for which Employee Contributions are required, such period of Employment shall not be included in Aggregate Service thereafter unless, at the commencement of the next period of Employment, the Participant repays to the Fund the amount of such distribution with interest. For purposes of this section 1.06, interest shall accrue as of the date the Employee receives a distribution of Accumulated Contributions and shall be computed at the same rate and in the same manner as described in section 1.02. Aggregate Service shall be calculated in completed years, and shall not include any period of a voluntary leave of absence without pay.

1.07 "Beneficiary" shall mean the person or entity designated by the Participant to receive a distribution of the Participant's Accumulated Contributions should the Participant die prior to becoming entitled to a retirement benefit. In the event that a Participant does not designate a Beneficiary or the Beneficiary does not survive the Participant, the Beneficiary shall be the surviving spouse, or if there is no surviving spouse, the issue, per stirpes, or if there is no surviving issue, the estate; but if no personal representative has been appointed,

to those persons who would be entitled to the estate under the intestacy laws of the Commonwealth of Pennsylvania if the Participant had died intestate and a resident of Pennsylvania.

1.08 "Board" shall mean the Board of Commissioners of the Township of Wilkins.

1.09 "Chief Administrative Officer" shall mean the person designated by the Township who has the primary responsibility for the execution of the administrative affairs for the Plan.

1.10 "Code" shall mean the Internal Revenue Code of 1986, as amended.

1.11 "Committee" shall mean the Police Pension Committee as determined pursuant to section 8.02.

1.12 "Commonwealth" shall mean the Commonwealth of Pennsylvania.

1.13 "Compensation" shall mean the total remuneration of the Employee, whether salary or hourly wages including overtime pay, holiday pay, longevity pay and any other form of compensation paid by the Employer for police services rendered. Compensation shall be limited on an annual basis to the amount specified for government plans pursuant to Code section 401(a)(17), as adjusted under Code section 415(d).

1.14 "Disability Date" shall mean the date when a Participant is determined by the Plan Administrator to be incapacitated due to Total and Permanent Disability, or the date when the Participant's Employment terminates due to such Total and Permanent Disability, if later.

1.15 "Employee" shall mean any individual employed by the Employer on a regular, full-time basis as a police officer of the Employer's police force.

1.16 "Employer" shall mean Township of Wilkins, Allegheny County, Pennsylvania.

1.17 "Employment" shall mean for the purpose of determining Aggregate Service:

(a) The period of time for which an Employee is directly or indirectly compensated or entitled to compensation by the Employer for the performance of duties as a police officer;

(b) Any period of time for which an Employee is paid, either directly by the Employer or through a program to which the Employer has made contributions on behalf of the Employee, a fixed, periodic amount in the nature of salary continuation payments for reasons other than the performance of duties (such as vacation, holidays, sickness, entitlement to benefits under workers' compensation or similar laws);

(c) Any period during which an Employee is entitled to disability benefits under this Plan, provided that the Employee returns to Employment within three (3) months of the date on which it is determined that the Employee is no longer Totally and

Permanently Disabled if such determination occurs prior to the date a Participant attains Normal Retirement Age;

(d) Any period of voluntary or involuntary military service with the armed forces of the United States of America, provided that the Participant has been employed as a regular full-time member of the Employer's police force for a period of at least six (6) months immediately prior to the period of military service; and the Participant returns to Employment within six (6) months following discharge from military service or within such longer period during which employment rights are guaranteed by applicable law or under the terms of a collective bargaining agreement with the Employer;

(e) Any period of qualified military service as determined under the requirements of chapter 43 of title 38, United States Code, provided that the Participant returns to Employment following such period of qualified military service, and the Participant makes payment to the Plan in an amount equal to the Participant Contributions that would otherwise have been paid to the Plan during such period of qualified military service. The amount of Participant Contributions shall be based upon an estimate of the Compensation that would have been paid to the Participant during such period of qualified military service as determined by the average Compensation paid to the Participant during the twelve (12) months immediately preceding the period of qualified military service. The amount of Participant Contributions calculated must be paid into the Plan before the end of the period that begins on the date of reemployment and ends on the earlier of the date that ends the period that has a duration of three (3) times the period of qualified military service or the date that is five (5) years after the date of reemployment.

1.18 "Final Monthly Average Salary" shall mean the average monthly salary earned by the Participant and paid by the Employer during the final thirty-six (36) months immediately preceding termination of active Employment. Salary shall include the regular gross pay of the Employee, whether salary or hourly wages including, overtime pay, holiday pay, longevity pay and other types of additions to compensation by the Employer for police services rendered. Salary shall exclude for this purpose any single sum or extraordinary payments made which are not directly attributable to active Employment during the averaging period, including but not limited to payment for accumulated sick leave, payment of a longevity bonus, or payment of a back pay damage award.

Final Monthly Average Salary shall be calculated by taking into account only those periods during which an Employee receives salary, as that term is defined in this section 1.18. Therefore, for example, the Final Monthly Average Salary for a Participant who receives disability benefits from this Plan or who is voluntarily or involuntarily serving in the United States armed forces during the final thirty-six (36) months of Aggregate Service shall be based on the period during which the Employee last received salary (as defined in the preceding paragraph) from the Employer.

Salary used to determine Final Monthly Average Salary shall be limited on an annual basis to the amount specified for government plans in accordance with Code section 401(a)(17), as adjusted under Code section 415(d).

1.19 "Insurer" or "Insurance Company" shall mean a legal reserve life insurance company authorized to do business in the Commonwealth of Pennsylvania.

1.20 "Late Retirement Date" shall mean the first day of the month coincident with or next following the date on which the Participant retires from Employment on which the payment of retirement benefits pursuant to this Plan shall commence

1.21 "Minimum Municipal Obligation" shall mean the minimum obligation of the municipality as determined by the Actuary pursuant to the provisions of the Act.

1.22 "Normal Retirement Age" shall mean the date on which the Participant has completed twenty-five (25) years of Aggregate Service with the Employer and has attained age fifty-five (55).

1.23 "Normal Retirement Date" shall mean the first day of the month coincident with or next following the date on which the Participant attains Normal Retirement Age.

1.24 "Notice" or "Election" shall mean a written document prepared in the form specified by the Plan Administrator. If such notice or election is to be provided by the Employer or the Plan Administrator, it shall be mailed in a properly addressed envelope, postage prepaid, to the last known address of the person entitled thereto, on or before the last day of the specified notice or election period. If such notice or election is to be provided to the Employer or the Plan Administrator, it must be received by the intended recipient on or before the last day of the specified notice or election period.

1.25 "Participant" shall mean an Employee who has met the eligibility requirements to participate in the Plan as provided in section 2.01 and who has not for any reason ceased to be a Participant hereunder.

1.26 "Pension Fund" shall mean the police Pension Fund administered under the terms of this Plan and which shall include all money, property, investments, Policies and Contracts standing in the name of the Plan.

1.27 "Plan" shall mean the Plan set forth herein, as amended from time to time and designated as the Township of Wilkins Police Pension Plan.

1.28 "Plan Administrator" shall mean the committee or the individual appointed for the purpose of supervising and administering the provisions of the Plan. In the event that no such appointment is made, the Plan Administrator shall be the Board.

1.29 "Plan Year" shall mean the 12-month period beginning on January 1 and ending on December 31 of each year.

1.30 "Policy" or "Contract" shall mean a retirement annuity or retirement income endowment Policy (or a combination of both) or any other form of insurance Contract or Policy which shall be deemed appropriate in accordance with the provisions of applicable law.

1.31 "Restatement Date" shall mean November 1, 2001, the date upon which this amendment and restatement of the Plan becomes effective.

1.32 "Service Increment" shall mean the amount calculated pursuant to section 4.04 on behalf of a Participant for each completed year of service in excess of twenty-five (25) years, not to exceed one hundred dollars ($100).

1.33 "Total and Permanent Disability" shall mean a condition of physical or mental impairment due to which a Participant is unable to perform the usual and customary duties of Employment and which is reasonably expected to continue to be permanent for the remainder of the Participant's lifetime. For purposes of this section 1.33 and Article V, a condition shall not be treated as a Total and Permanent Disability unless such condition is a direct result of and occurs in the line of duty of Employment. Therefore, an Employee whose physical or mental impairment does not occur in the line of duty or which is the result of alcoholism, addiction to narcotics, perpetration of a felonious criminal activity or is willfully self-inflicted, is not entitled to receive disability benefits under the Plan.

ARTICLE II

PARTICIPATION IN THE PLAN

2.01 Eligibility Requirements - Each Employee who is employed as a regular, full-time permanent member of the police department of the Employer shall participate herein as of the date on which such Employee's Employment first commences or recommences provided all prerequisites to participation under this Plan shall have been fulfilled, including but not limited to, completion of all forms required by the Plan Administrator. Each Employee who was a Participant in the Plan on the day prior to the Restatement Date shall continue to be a Participant on and after the Restatement Date subject to the terms and conditions of the Plan as set forth herein.

2.02 Participation Requirements - The Board shall furnish the Plan Administrator with written notification of the appointment of any new full-time permanent Employee who is eligible for participation hereunder. Each Participant hereunder shall be required to make contributions to the Plan, as provided in section 3.01 hereof, and shall execute and complete any enrollment or application forms as required by the Plan Administrator.

2.03 Designation of Beneficiary - Any new, full-time Employee who becomes a Participant hereunder shall provide a written notice in the manner prescribed by the Plan Administrator which designates a Beneficiary at the time participation commences. The Participant's election of any such Beneficiary may be rescinded or changed, without the consent of the Beneficiary, at any time provided the Participant provides the written notice

of the changed designation to the Plan Administrator in the manner prescribed by the Plan Administrator. Any designation of a Beneficiary made in any manner other than one acceptable to the Plan Administrator shall be null and void and have no effect under the terms of this Plan.

2.04 Change in Status - A Participant who remains in the service of the Employer but ceases to be an Employee eligible for participation hereunder, or ceases or fails to make any contributions which are required as a condition of participation hereunder, shall have no further benefit accruals occur until the individual again qualifies as a Participant hereunder eligible to resume such accrual of benefits.

2.05 Recordkeeping - The Employer shall furnish the Plan Administrator with such information as will aid the Plan Administrator in the administration of the Plan. Such information shall include all pertinent data on Employees for purposes of determining their eligibility to participate in this Plan.

ARTICLE III

CONTRIBUTIONS

3.01 Participant Contributions - Each Participant shall as a requirement of participation pay regular contributions to the Pension Fund in an amount equal to five percent (5%) of the Participant's Compensation. Each Participant shall complete the necessary forms to authorize the payment of Participant contributions by way of payroll deduction, if necessary.

3.02 Reduction of Participant Contributions - Notwithstanding the preceding section 3.01, if an actuarial study performed by the Actuary shows that the condition of the Pension Fund is such that payments into the Pension Fund by Participants may be reduced below the minimum percentages prescribed in section 3.01, or may be eliminated, and that if such payments are reduced or eliminated, contributions by the Employer will not be required to keep the Pension Fund actuarially sound, the Employer may, by Ordinance or Resolution, reduce or eliminate payments into the Pension Fund by Participants.

3.03 Employer Contributions - The Actuary, in accordance with the Act, shall determine the Minimum Municipal Obligation of the Employer. The Employer shall pay into the Pension Fund, by annual appropriations or otherwise, the contributions necessary to satisfy the Minimum Municipal Obligation. Notwithstanding the foregoing, nothing contained herein shall preclude the Employer from contributing an amount in excess of the Minimum Municipal Obligation.

3.04 State Aid - General Municipal Pension System State Aid, or any other amount of State Aid received by the Employer in accordance with the Act from the Commonwealth may be deposited into the Pension Fund governed by this Plan in amounts determined by the

Board, and shall be used to reduce the amount of the Minimum Municipal Obligation of the Employer.

3.05 Gifts - The Board is authorized to take by gift, grant, devise or otherwise any money or property, real or personal, for the benefit of the Plan and cause the same to be held as a part of the Pension Fund. The care, management, investment and disposal of such amounts shall be vested in the Board or its delegate, the Plan Administrator, subject to the direction of the donor and not inconsistent with applicable laws and the terms of the Plan.

3.06 Employer Reversion - At no time shall it be possible for the Plan assets to be used for, or diverted to, any purpose other than for the exclusive benefit of the Participants and their Beneficiaries, including payment of any reasonable Plan expenses. Notwithstanding the foregoing, any contributions made by the Employer may be returned to the Employer if the contribution was made due to a mistake and the contribution is returned within one (1) year of the date on which the discovery of the mistaken payment of the contribution was made or reasonably should have been made or the Plan is terminated, as provided in Article X.

ARTICLE IV

RETIREMENT BENEFITS

4.01 Normal Retirement - Each Participant shall be entitled to a Normal Retirement Benefit after retirement on or after the Participant has attained Normal Retirement Age.

4.02 Normal Retirement Benefit - Each Participant who shall become entitled to a benefit pursuant to section 4.01 shall receive a benefit paid monthly in an amount equal to fifty percent (50%) of the Participant's Final Monthly Average Salary as determined herein.

4.03 Late Retirement - A Participant may continue in Employment beyond the attainment of Normal Retirement Age subject to the Employer's rules and regulations regarding retirement age. If a Participant who has met the requirements of section 4.01 continues in Employment beyond Normal Retirement Age, there shall be no retirement benefits paid until Employment ceases and the Participant's retirement actually begins. The retirement benefit of a Participant who continues Employment after attainment of Normal Retirement Age shall be calculated in accordance with section 4.02 on the basis of the Final Monthly Average Salary as of such Participant's actual retirement and shall commence on the Participant's Late Retirement Date.

4.04 Service Increment Benefit - Notwithstanding anything contained herein to the contrary, each Participant who shall retire upon completion of the twenty-sixth anniversary of Aggregate Service or thereafter, may be entitled to receive a monthly Service Increment Benefit. Such Service Increment Benefit shall only be available to a Participant who shall retire on a Retirement Date after attainment of Normal Retirement Age and whose Aggregate Service for purposes of this section 4.04 shall only include periods of time

when the Participant actively renders service in Employment and shall not include any period of time during which the Participant received a Disability Benefit under the terms of this Plan or was not otherwise in active Employment. Such Service Increment Benefit shall be an amount equal to one hundred dollars ($100.00), and shall be paid monthly in addition to the amount of Normal Retirement Benefit calculated pursuant to section 4.02.

4.05 Payment of Benefits - Retirement benefit payments shall be payable as of the first day of the month coincident with or next following the Participant's Retirement Date and the first day of each month thereafter during the Participant's lifetime. A Participant must complete an application for benefit in the manner prescribed by the Plan Administrator and deliver such application to the Plan Administrator at least thirty (30) days prior to the date on which benefit payments shall commence. Notwithstanding anything contained herein to the contrary, no retirement benefit payments nor any other payments shall be due or payable on or before the date that is thirty (30) days after the date the Plan Administrator receives the application for benefits. Payment of benefits hereunder shall cease as of the date of death of the Participant.

4.06 Cost-of-Living Adjustments - Each Participant who shall retire and receive a retirement benefit determined pursuant to section 4.02 hereunder shall be entitled to receive annual cost-of-living increases to the amount of benefit payable to such Participant under section 4.02. Such cost-of-living increases shall not exceed any of the following limits: (1) the percentage increase in the CPI-W for the year in which the Participant was last employed as an Employee of the Employer; (2) the total retirement benefits payable under this Plan shall not exceed seventy-five percent (75%) of the Participant's Final Monthly Average Salary; (3) the total cost-of-living increase shall not exceed thirty percent (30%) of the Participant's original retirement benefit under this Plan; and (4) the cost-of-living increases shall not impair the actuarial soundness of the Pension Fund.

4.07 Maximum Benefit Limitations - Notwithstanding any provision of this Plan to the contrary, no benefit provided under this Plan attributable to contributions of the Employer shall exceed, as an annual amount, the amount specified in Code section 415(b)(1)(A) as adjusted pursuant to Code section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this section 4.07 shall be governed by the following conditions and definitions:

(a) benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the Employee contributes to the Plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis to determine the limitation contained herein;

(b) in the case of a benefit which commences prior to the attainment of age sixty-two (62) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this section commencing at age sixty-two (62); however, the reduction shall not reduce the limitation below seventy-five thousand dollars ($75,000.00) for a benefit commencing at or after age fifty-five (55), or if the benefit commences prior to attainment of age fifty-five (55) the amount which is actuarially equivalent to a benefit of seventy-five thousand

dollars ($75,000.00) commencing at age fifty-five (55); however, in the case of a qualified Participant (a Participant with respect to whom a period of at least fifteen (15) years of service, including applicable military service, as a full-time employee of a police or fire department is taken into account in determining the amount of benefit), the limitation contained herein shall not reduce the limitation to an amount less than the amount specified pursuant to Code section 415(b)(2)(G) and such amount shall be adjusted pursuant to Code section 415(d);

(c) in the case of a benefit which commences after attainment of age sixty-five (65) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined herein commencing at age sixty-five (65);

(d) benefits paid to a Participant which total less than ten thousand dollars ($10,000.00) from all defined benefit plans maintained by the Employer expressed as an annual benefit shall be deemed not to exceed the limitation of this section provided that the Employer has not at any time maintained a defined contribution plan in which the Participant has participated; however, in the case of a Participant who is not receiving a Disability Retirement Benefit pursuant to section 5.02, with fewer than ten (10) years of participation, the limitation expressed in this subsection (d) shall be reduced by one-tenth (1/10) for each year of participation less than ten (10) but in no event shall this limitation be less than one thousand dollars ($1,000.00);

(e) the limitations expressed herein shall be based upon Plan Years for calculation purposes, shall be applied to all defined benefit plans maintained by the Employer as one (1) defined benefit plan and to all defined contribution plans maintained by the Employer as one (1) defined contribution plan, and shall be applied and interpreted consistent with Code section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular; and

(f) in the case of a Survivor Benefit under section 6.02 or a Disability Retirement Benefit under section 5.02, the adjustment under subsection (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient.

4.08 Required Distributions

(a) Notwithstanding any other provision of this Plan, the entire benefit of any Participant who becomes entitled to benefits prior to death shall be distributed either:

(1) not later than the Required Beginning Date, or

(2) over a period beginning not later than the Required Beginning Date and extending over the life of such Participant or over the lives of such Participant and a designated Beneficiary (or over a period not extending beyond the life expectancy of such Participant, or the joint life expectancies of such Participant and a designated Beneficiary).

If a Participant who is entitled to benefits under this Plan dies prior to the date when the entire interest has been distributed after distribution of the benefits has begun in accordance with paragraph (2) above, the remaining portion of such benefit shall be distributed at least as rapidly as under the method of distribution being used under paragraph (2) as of the date of the death.

(b) If a Participant who is entitled to benefits under this Plan dies before distribution of the benefit has begun, the entire interest of such Employee shall be distributed within five (5) years of the death of such Employee, unless the following sentence is applicable. If any portion of the Employee's interest is payable to (or for the benefit of) a designated Beneficiary, such portion shall be distributed over the life of such designated Beneficiary (or over a period not extending beyond the life expectancy of such Beneficiary), and such distributions begin not later than one (1) year after the date of the Employee's death or such later date as provided by regulations issued by the Secretary of the Treasury, then for purposes of the five-year rule set forth in the preceding sentence, the benefit payable to the Beneficiary shall be treated as distributed on the date on which such distributions begin. Provided, however, that notwithstanding the preceding sentence, if the designated Beneficiary is the surviving spouse of the Participant, then the date on which distributions are required to begin shall not be earlier than the date upon which the Employee would have attained age seventy and one-half (70½) and, further provided, if the surviving spouse dies before the distributions to such spouse begin, this subparagraph shall be applied as if the surviving spouse were the Employee.

(c) For purposes of this section, the following definitions and procedures shall apply:

(1) "Required Beginning Date" shall mean April 1 of the calendar year following the later of the calendar year in which the Employee attains age seventy and one-half (70½), or the calendar year in which the Employee retires.

(2) The phrase "designated Beneficiary" shall mean any individual designated by the Employee under this Plan according to its rules.

(3) Any amount paid to a child shall be treated as if it had been paid to the surviving spouse if such amount will become payable to the surviving spouse upon such child's reaching majority (or other designated event permitted under regulations issued by the Secretary of the Treasury).

(4) For purposes of this section, the life expectancy of an Employee and/or the Employee's spouse (other than in the case of a life annuity) may be redetermined but not more frequently than annually.

4.09 Assignment - The pension benefit payments prescribed herein shall not be subject to attachment, execution, levy, garnishment or other legal process and shall be payable only to the Participant or designated Beneficiary and shall not be subject to assignment or transfer.

4.10 Retired Participants - Any Participant who shall have retired prior to the Restatement Date shall not have the benefit altered in any way by the provisions of this amended and restated Plan, except where otherwise expressly provided herein. Such retired Participants shall continue to have their benefits governed by the terms of the Plan in effect on the day preceding the Restatement Date. Any Participant who shall have terminated Employment and elected to receive a deferred retirement benefit under section 7.03 shall have such benefit determined based upon the provisions of the Plan in effect as of the date of such termination of Employment and shall not have the benefit altered by the provisions of this amended and restated Plan.

4.11 Limitation of Liability - Nothing contained herein shall obligate the Employer, the Plan Administrator, any fiduciary or any agent or representative of any of the foregoing, to provide any retirement or other benefit to any Participant or Beneficiary which cannot be provided from the assets available in the Pension Fund, whether such benefits are in pay status or otherwise payable under the terms of the Plan. The Board retains the right to amend or terminate this Plan consistent with applicable law at any time, with or without cause and whether or not such action directly or indirectly results in the suspension, reduction or termination of any benefit payable under the Plan or in pay status, and without liability to any person for any such action.

4.12 Personal Right of Participant - The right to receive any benefits under this Plan is a personal right of the Participant and shall expire upon the death of the Participant. No heir, legatee, devisee, Beneficiary, assignee or other person claiming by or through a Participant shall have any interest in any benefits hereunder unless clearly and expressly so provided by the terms of this Plan or the provisions of applicable law. A Participant's Election, failure to make an Election or revocation of an Election hereunder shall be final and binding on all persons.

4.13 Nonduplication of Benefit - To avoid any duplication of benefits, a Participant who is receiving a retirement benefit under the Plan and who shall resume Employment shall have benefit payments suspended until the first day of the month coincident with or next following the date such Employment shall cease. Upon resumption of benefit payments, such Participant shall receive the greater of the amount of the suspended benefit or the amount of benefit based upon Final Monthly Average Salary and Aggregate Service as of the date that such period of resumed Employment shall cease.

ARTICLE V

DISABILITY RETIREMENT

5.01 Disability Retirement - A Participant who shall incur a Total and Permanent Disability before attaining Normal Retirement Age shall be entitled to a Disability Retirement Benefit as of the Disability Date.

5.02 Disability Retirement Benefit - A Participant who shall be entitled to a Disability Retirement Benefit under section 5.01 shall receive a monthly benefit in an amount equal to fifty percent (50%) of the Participant's Final Monthly Average Salary as of the Disability Date.

5.03 Payment of Disability Benefits - Disability payments shall commence as of the first day of the month following the Participant's Disability Date and continuing until the earliest of the death of the Participant, cessation of Total and Permanent Disability, or attainment of Normal Retirement Age (such a Participant who attains Normal Retirement Age shall thereafter receive a Normal Retirement Benefit pursuant to section 4.02).

A Participant who shall fail to return within three (3) months to Employment as an Employee of the Employer upon cessation of Total and Permanent Disability prior to attainment of Normal Retirement Age shall be deemed to have terminated Employment as of the Disability Date, shall not be entitled to any distribution of Accumulated Contributions pursuant to section 7.02 to the extent that the total amount of disability payments exceeds the value of the Participant's Accumulated Contributions as of the Disability Date, and shall not be entitled to any other benefits under the Plan on account of any Aggregate Service as of the Disabiiity Date.

5.04 Verification of Disability - The Plan Administrator shall in its sole discretion determine whether a Participant shall have incurred a Total and Permanent Disability. The Plan Administrator shall rely on the report of a physician acceptable to the Plan Administrator. If the Plan Administrator shall determine that a Participant who is Totally and Permanently Disabled has recovered sufficiently to resume active Employment as a police officer or if a Participant refuses to undergo a medical examination as directed by the Plan Administrator (such a medical examination may not be required more frequently than once in any given twelve (12) month period), the payment of Disability Retirement Benefits shall cease.

5.05 Cessation of Disability - A Participant who is receiving payment of Disability Retirement Benefits under this Plan must notify the Plan Administrator of any change which may cause a cessation of entitlement to receipt of such benefits hereunder. If a Participant fails to provide immediate notice to the Plan Administrator of any such change in status and continues to receive payment of benefits hereunder to which the Participant is not entitled, then the Plan may take whatever action is necessary to recover any amount of improperly paid amounts, including legal action or offsetting such amounts against any future payments of retirement or other benefits under the Plan, including the costs of such actions.

ARTICLE VI

DEATH BENEFITS

6.01 Death of Participant - Upon the occurrence of the death of a Participant, there shall be benefits payable in accord with the following sections of this Article VI.

6.02 Survivor Benefit - If a married Participant shall die after commencement of retirement benefit payments under Article IV hereunder or after the Participant is eligible to retire under section 4.01 and before retirement benefit payments commence, a Survivor Benefit shall be paid to the surviving spouse or children under the age of eighteen (18) pursuant to section 6.03 in an amount equal to fifty percent (50%) of the monthly Normal Retirement Benefit the Participant was actually receiving or entitled to receive as of the date of death.

6.03 Payment of Survivor Benefit - The Survivor Benefit commences as of the first day of the month coincident with or immediately following the date of death of the Participant. The Survivor Benefit shall be paid monthly to the surviving spouse of the Participant, if any, until the earlier of the date of death or remarriage of the surviving spouse. Upon the death or remarriage of the surviving spouse or if there is no surviving spouse, the Survivor Benefit shall be paid monthly in equal shares to the surviving dependent children of the deceased Participant who have not attained eighteen (18) years of age. The shares payable to the surviving dependent children shall be adjusted as each child ceases to be eligible to receive a share of the benefit hereunder.

6.04 Death of Participant Prior to Retirement - If a Participant shall die before payment of a benefit has commenced and without eligibility for payment of a Survivor Benefit under section 6.02, the Beneficiary shall be eligible to receive a distribution in an amount equal to the Accumulated Contributions of the Participant as of the date of death of the Participant. If the Participant has received Disability Retirement Benefits hereunder, the amount of distribution of Accumulated Contributions shall be reduced by the amount of Disability Retirement Benefits, which have been paid hereunder.

ARTICLE VII

TERMINATION OF EMPLOYMENT

7.01 Rights of Terminated Employees - A Participant who shall cease to be an Employee except as otherwise hereinbefore provided shall have all interest and rights under this Plan limited to those contained in the following sections of this Article.

7.02 Distribution of Accumulated Contributions - A Participant whose Employment with the Employer shall terminate for any reason other than death or Total and Permanent Disability prior to attainment of Normal Retirement Age shall be entitled to receive a distribution of Accumulated Contributions. Upon receipt of such Accumulated Contributions, said Participant and Beneficiary shall not be entitled to any further payments from the Plan.

7.03 Deferred Retirement Benefit - A Participant who shall have completed at least twelve (12) years of Aggregate Service and whose Employment shall terminate for any reason other than due to death or Total and Permanent Disability prior to attainment of Normal Retirement Age shall be entitled to elect by filing a written notice of the intention to vest

with the Plan Administrator within ninety (90) days of the date Employment ceases to receive a deferred retirement benefit in lieu of a distribution of Accumulated Contributions under Section 7.02. Such a deferred retirement benefit shall be equal to the Participant's Accrued Benefit as of the date Employment terminates and shall commence after application pursuant to section 4.05 and not earlier than the date which would be the Participant's Normal Retirement Date under the Plan if the Participant remained in Employment until such date.

ARTICLE VIII

ADMINISTRATION

8.01 Plan Administrator - The Plan Administrator shall be the Committee or the individual appointed by the Board who shall have the power and authority to do all acts and to execute, acknowledge and deliver all instruments necessary to implement and effectuate the purpose of this Plan. The Plan Administrator may delegate authority to act on its behalf to any persons it deems appropriate. If a Plan Administrator is not appointed, the Board shall be the Plan Administrator.

8.02 Police Pension Committee - The Board may appoint a Police Pension Committee to administer the affairs of the Plan. The Board shall delegate such authority as it shall deem appropriate to the Committee. The Committee, if one is appointed, shall consist of not more than five (5) members, one of which, shall be a representative of the Wilkins Police Association. Each member of the Committee shall serve in that capacity until death, resignation, removal or otherwise. Each member may resign by delivering written notice to the Board and other members of the Committee. Vacancies on the Committee shall be filled in the same manner as the position was originally filled by the Board; provided, however, that the remaining members of the Committee shall have full power to act pending the filling of such vacancies.

8.03 Authority and Duties of the Plan Administrator - The Plan Administrator shall have full power and authority to do whatever shall, in its judgment, be reasonably necessary for the proper administration and operation of the Plan. The interpretation or construction placed upon any term or provision of the Plan by the Plan Administrator or any action of the Plan Administrator taken in good faith shall, upon the Board's review and approval thereof, be final and conclusive upon all parties hereto, whether Employees, Participants or other persons concerned. By way of specification and not limitation and except as specifically limited hereafter, the Plan Administrator is authorized:

(a) to construe this Plan;

(b) to determine all questions affecting the eligibility of any Employee to participate herein;

(c) to compute the amount and source of any benefit payable hereunder to any Participant or Beneficiary;

(d) to authorize any and all disbursements;

(e) to prescribe any procedure to be followed by any Participant or other person in filing any application or Election;

(f) to prepare and distribute, in such manner as may be required by law or as the Plan Administrator deems appropriate, information explaining the Plan;

(g) to require from the Employer or any Participant such information as shall be necessary for the proper administration of the Plan; and

(h) to appoint and retain any individual to assist in the administration of the Plan, including such legal, clerical, accounting and actuarial services as may be required by any applicable law or laws.

The Plan Administrator shall have no power to add to, subtract from or modify the terms of the Plan or change or add to any benefits provided by the Plan, or to waive or fail to apply any requirements of eligibility for benefits under the Plan. Further, the Plan Administrator shall have no power to adopt, amend, or terminate the Plan, to select or appoint any Trustee or to determine or require any contributions to the Plan, said powers being exclusively reserved to the Board.

8.04 Police Pension Committee Organization - The Committee may organize itself in any manner deemed appropriate to effectuate its purposes hereunder provided that it shall operate and act by a majority of its members at the time in office either by vote at a meeting or in writing without a meeting. The Committee shall appoint a Chairman, a Secretary who may, but need not be a Committee member, and such other agents as it may deem advisable. The Committee may authorize any one or more of its members to execute any document or documents including any application, request, certificate, notice, consent, waiver or direction and shall notify the Board, in writing, of each such member so authorized; however, if no such member is so authorized, the Chairman shall be deemed to be so authorized. Any Trustee or other fiduciary appointed hereunder shall accept and be fully protected in relying upon any document executed by the designated members (or the Chairman in the absence of a designation) as representing a valid action by the Committee until the Committee shall file with such fiduciary a written revocation of such designation. The Committee shall meet at least one time in each Plan Year, and it shall maintain and keep such records as are necessary for the efficient operation of the Plan or as may be required by any applicable law, regulation or ruling, and shall provide for the preparation and filing of such forms, reports or documents as may be required to be filed with any governmental agency or department and with the Participants or other persons entitled to benefits under the Plan.

8.05 Plan Administrator Costs - The Plan Administrator shall serve without compensation for services unless otherwise agreed by the Board in writing. All reasonable expenses incident

to the functioning of the Plan Administrator, including, but not limited to, fees of accountants, counsel, actuaries and other specialists, and other costs of administering the Plan, may be paid from the Pension Fund upon approval by the Board to the extent permitted under applicable law and not otherwise paid by the Employer.

8.06 Hold Harmless - No member of the Board, the Plan Administrator, the Enrolled Actuary, nor any other person involved in the administration of the Plan shall be liable to any person on account of any act or failure to act which is taken or omitted to be taken in good faith in performing their respective duties under the terms of this Plan. To the extent permitted by law, the Employer shall, and hereby does agree to, indemnify and hold harmless the Plan Administrator and each successor and each of any such individual's heirs, executors and administrators, and the delegates and appointees (other than any person, bank, firm or corporation which is independent of the Employer and which renders services to the Plan for a fee) from any and all liability and expenses, including counsel fees, reasonably incurred in any action, suit or proceeding to which he is or may be made a party by reason of being or having been a member, delegate or appointee of the Plan Administrator, except in matters involving criminal liability, intentional or willful misconduct. If the Employer purchases insurance to cover claims of a nature described above, then there shall be no right of indemnification except to the extent of any deductible amount under the insurance coverage or to the extent of the amount the claims exceed the insured amount.

8.07 Approval of Benefits - The Plan Administrator shall review and approve or deny any application for retirement benefits within thirty (30) days following receipt thereof or within such longer time as may be necessary under the circumstances. Any denial of an application for retirement benefits shall be in writing and shall specify the reason for such denial.

8.08 Appeal Procedure - Any person whose application for retirement benefits is denied, who questions the amount of benefit paid, who believes a benefit should have commenced which did not so commence or who has some other claim arising under the Plan ("Claimant"), shall first seek a resolution of such claim under the procedure hereinafter set forth.

(a) Any Claimant shall file a Notice of the claim with the Plan Administrator which shall fully describe the nature of the claim. The Plan Administrator shall review the claim and make an initial determination approving or denying the claim.

(b) If the claim is denied in whole or in part, the Plan Administrator shall, within ninety (90) days (or such other period as may be established by applicable law) from the time the application is received, mail Notice of such denial to the Claimant. Such ninety (90) day period may be extended by the Plan Administrator if special circumstances so require for up to ninety (90) additional days by the Plan Administrator's delivering Notice of such extension to the Claimant within the first ninety (90) day period. Any Notice hereunder shall be written in a manner calculated to be understood by the Claimant and, if a Notice of denial, shall set forth (i) the specific Plan provisions on which the denial is based, (ii) an explanation of additional material or information, if any, necessary to perfect such claim and a

statement of why such material or information is necessary, and (iii) an explanation of the review procedure.

(c) Upon receipt of Notice denying the claim, the Claimant shall have the right to request a full and fair review by the Board of the initial determination. Such request for review must be made by Notice to the Board within sixty (60) days of receipt of such Notice of denial. During such review, the Claimant or a duly authorized representative shall have the right to review any pertinent documents and to submit any issues or comments in writing. The Board shall, within sixty (60) days after receipt of the Notice requesting such review, (or in special circumstances, such as where the Board in its sole discretion holds a hearing, within one hundred and twenty (120) days of receipt of such Notice), submit its decision in writing to the person or persons whose claim has been denied. The decision shall be final, conclusive and binding on all parties, shall be written in a manner calculated to be understood by the Claimant and shall contain specific references to the pertinent Plan provisions on which the decision is based.

(d) Any Notice of a claim questioning the amount of a benefit in pay status shall be filed within ninety (90) days following the date of the first payment which would be adjusted if the claim is granted unless the Plan Administrator allows a later filing for good cause shown.

(e) A Claimant who does not submit a Notice of a claim or a Notice requesting a review of a denial of a claim within the time limitations specified above shall be deemed to have waived such claim or right to review.

(f) Nothing contained herein is intended to abridge any right of a Claimant to appeal any final decision hereunder to a court of competent jurisdiction under 2 Pa. C.S.A. section 752. No decision hereunder is a final decision from which such an appeal may be taken until the entire appeal procedure of this section 8.08 of the Plan has been exhausted.

ARTICLE IX

THE PENSION FUND

9.01 Operation of the Pension Fund - The Board is hereby authorized to hold and supervise the investment of the assets of the Pension Fund, subject to the provisions of the laws of the Commonwealth and of this Plan and any amendment thereto.

The Pension Fund shall be used to pay benefits as provided in the Plan and, to the extent not paid directly by the Employer, to pay the expenses of administering the Plan pursuant to authorization by the Employer.

The Employer intends the Plan to be permanent and for the exclusive benefit of its Employees. It expects to make the contributions to the Pension Fund required under the Plan. The Employer shall not be liable in any manner for any insufficiency in the Pension Fund; benefits are payable only from the Pension Fund, and only to the extent that there are monies available therein. The Pension Fund will consist of all funds held by the Employer under the Plan, including contributions made pursuant to the provisions hereof and the investments, reinvestments and proceeds thereof. The Pension Fund shall be held, managed, and administered pursuant to the terms of the Plan. Except as otherwise expressly provided in the Plan, the Employer has exclusive authority and discretion to manage and control the Pension Fund assets. The Employer may, however, appoint a trustee, custodian or investment manager, at its sole discretion.

9.02 Powers and Duties of Employer - With respect to the Pension Fund, the Employer shall have the following powers, rights and duties, in addition to those vested in it elsewhere in the Plan or by law, unless such duties are delegated.

(a) To retain in cash so much of the Pension Fund as it deems advisable and to deposit any cash so retained in any bank or similar financial institution (including any such institution which may be appointed to serve as trustee hereunder), without liability for interest thereon.

(b) To invest and reinvest the principal and income of the fund and keep said fund invested, without distinction between principal and income, in securities which are at the time legal investments for fiduciaries under the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended.

(c) To sell property held in the fund at either public or private sale for cash or on credit at such times as it may deem appropriate; to exchange such property; to grant options for the purchase or exchange thereof.

(d) To consent to and participate in any plan of reorganization, consolidation, merger, extension or other similar plan affecting property held in the fund; to consent to any contract, lease, mortgage, purchase, sale or other action by any corporation pursuant to any such plan.

(e) To exercise all conversion and subscription rights pertaining to property held in the fund.

(f) To exercise all voting rights with respect to property held in the fund and in connection therewith to grant proxies, discretionary or otherwise.

(g) To place money at any time in a deposit bank deemed to be appropriate for the purposes of this Plan no matter where situated, including in those cases where a bank has been appointed to serve as trustee hereunder, the savings department of its own commercial bank.

(h) In addition to the foregoing powers, the Employer shall also have all of the powers, rights, and privileges conferred upon trustees by the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended, and the power to do all acts, take all proceedings and execute all rights and privileges, although not specifically mentioned herein, as the Employer may deem necessary to administer the Pension Fund.

(i) To maintain and invest the assets of this Plan on a collective and commingled basis with the assets of other pension plans maintained by the Employer, provided that the assets of each respective plan shall be accounted for and administered separately.

(j) To invest the assets of the Pension Fund in any collective commingled trust fund maintained by a bank or trust company, including any bank or trust company which may act as a trustee hereunder. In this connection, the commingling of the assets of this Plan with assets of other eligible, participating plans through such a medium is hereby specifically authorized. Any assets of the Plan which may be so added to such collective trusts shall be subject to all of the provisions of the applicable declaration of trust, as amended from time to time, which declaration, if required by its terms or by applicable law, is hereby adopted as part of the Plan, to the extent of the participation in such collective or commingled trust fund by the Plan.

(k) To make any payment or distribution required or advisable to carry out the provisions of the Plan, provided that if a trustee is appointed by the Employer, such trustee shall make such distribution only at the direction of the Employer.

(l) To compromise, contest, arbitrate, enforce or abandon claims and demands with respect to the Plan.

(m) To retain any funds or property subject to any dispute without liability for the payment of interest thereon, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.

(n) To pay, and to deduct from and charge against the Pension Fund, any taxes which may be imposed thereon, whether with respect to the income, property or transfer thereof, or upon or with respect to the interest of any person therein, which the Fund is required to pay; to contest, in its discretion, the validity or amount of any tax, assessment, claim or demand which may be levied or made against or in respect of the Pension Fund, the income, property or transfer thereof, or in any matter or thing connected therewith.

(o) To appoint any persons or firms (including but not limited to, accountants, investment advisors, counsel, actuaries, physicians, appraisers, consultants, professional plan administrators and other specialists), or otherwise act to secure specialized advice or assistance, as it deems necessary or desirable in connection with the management of the Fund; to the extent not prohibited by applicable law, the Employer shall be entitled to rely conclusively upon and shall be fully protected in any action or omission taken by it in good faith reliance upon, the advice or opinion

of such persons or firms, provided such persons or firms were prudently chosen by the Employer, taking into account the interests of the Participants and Beneficiaries and with due regard to the ability of the persons or firms to perform their assigned functions.

(p) To retain the services of one or more persons or firms for the management of (including the power to acquire and dispose of) all or any part of the Fund assets, provided that each of such persons or firms is registered as an investment advisor under the Investment Advisors Act of 1940, is a bank (as defined in that act), or is an insurance company qualified to manage, acquire or dispose of pension trust assets under the laws of more than one state; in such event, the Employer shall follow the directions of such Investment Manager or Managers with respect to the acquisition and disposition of fund assets, but shall not be liable for the acts or omissions of such Investment Manager or Managers, nor shall it be under any obligation to review or otherwise manage any Fund assets which are subject to the management of such Investment Manager or Managers. If the Employer appoints a trustee, the trustee shall not be permitted to retain such an Investment Manager except with the express written consent of the Employer.

9.03 Common Investments - The Employer shall not be required to make separate investments for individual Participants or to maintain separate investments for each Participant's account, but may invest contributions and any profits or gains therefrom in common investments.

9.04 Compensation and Expenses of Appointed Trustee - If a trustee is appointed, the trustee shall be entitled to such reasonable compensation as shall from time to time be agreed upon by the Employer and the trustee, unless such compensation is prohibited by law. Such compensation, and all expenses reasonably incurred by the trustee in carrying out its functions, shall constitute a charge upon the Employer or the Pension Fund, which may be executed at any time after thirty (30) days written notice to the Employer. The Employer shall be under no obligation to pay such costs and expenses, and, in the event of its failure to do so, the trustee shall be entitled to pay the same, or to be reimbursed for the payment thereof, from the Pension Fund.

9.05 Periodic Accounting - If a trustee is appointed, the Pension Fund shall be evaluated annually, or at more frequent intervals, by the trustee and a written accounting rendered as of each fiscal year end of the Fund, and as of the effective date of any removal or resignation of the trustee, and such additional dates as requested by the Employer, showing the condition of the Fund and all receipts, disbursements and other transactions effected by the trustee during the period covered by the accounting, based on fair market values prevailing as of such date.

9.06 Value of the Pension Fund - All determinations as to the value of the assets of the Pension Fund, and as to the amount of the liabilities thereof, shall be made by the Employer or its appointed trustee, whose decisions shall be final and conclusive and binding on all parties hereto, the Participants and Beneficiaries and their estates. In making any such determination, the Employer or trustee shall be entitled to seek and rely upon the opinion

of or any information furnished by brokers, appraisers and other experts, and shall also be entitled to rely upon reports as to sales and quotations, both on security exchanges and otherwise as contained in newspapers and in financial publications.

ARTICLE X

AMENDMENT AND TERMINATION

10.01 Amendment of the Plan - The Employer may amend this Plan at any time or from time to time by an instrument in writing executed in the name of the Employer under its municipal seal by officers duly authorized to execute such instrument and delivered to the Board provided, however:

(a) that no amendment shall deprive any Participant or any Beneficiary of a deceased Participant of any of the benefits to which each is entitled under this Plan with respect to contributions previously made;

(b) that no amendment shall provide for the use of funds or assets held under this Plan other than for the benefit of Employees and no funds contributed to this Plan or assets of this Plan shall, except as provided in section 10.05, ever revert to or be used or enjoyed by the Employer; and

(c) that no amendment to the Plan which provides for a benefit modification shall be made unless the cost estimate described in section 11.03 has been prepared and presented to the Board in accordance with the Act.

10.02 Termination of the Plan - The Employer shall have the power to terminate this Plan in its entirety at any time by an instrument in writing executed in the name of the Employer.

10.03 Automatic Termination of Contributions - Subject to the provisions of the Act governing financially distressed municipalities, the liability of the Employer to make contributions to the Pension Fund shall automatically terminate upon liquidation or dissolution of the Employer, upon its adjudication as a bankrupt or upon the making of a general assignment for the benefit of its creditors.

10.04 Distribution Upon Termination - In the event of the termination of the Plan, all amounts of vested benefits accrued by the affected Participants as of the date of such termination, to the extent funded on such date, shall be nonforfeitable hereunder. In the event of termination of the Plan, the Employer shall direct either (a) that the Plan Administrator continue to hold the vested Accrued Benefits of Participants in the Pension Fund in accordance with the provisions of the Plan (other than those provisions related to forfeitures) without regard to such termination until all funds have been distributed in accordance with the provisions; or (b) that the Plan Administrator immediately distribute to each Participant an amount equal to the vested Accrued Benefit to the date.

If there are insufficient assets in the Pension Fund to provide for all vested Accrued Benefits as of the date of Plan termination, priority shall first be given to the distribution of any amounts attributable to mandatory or voluntary Employee contributions before assets are applied to the distribution of any vested benefits attributable to other sources hereunder.

All other assets attributable to the terminated Plan shall be distributed and disposed of in accordance with the provisions of applicable law and the terms of any instrument adopted by the Employer which effects such termination.

10.05 Residual Assets - If all liabilities to vested Participants and any others entitled to receive a benefit under the terms of the Plan have been satisfied and there remain any residual assets in the Pension Fund, such residual assets remaining shall be returned to the Employer insofar as such return does not contravene any provision of law, and any remaining balance, in excess of Employer contributions, shall be returned to the Commonwealth.

10.06 Exclusive Benefit Rule - In the event of the discontinuance and termination of the Plan as provided herein, the Employer shall dispose of the Pension Fund in accordance with the terms of the Plan and applicable law; at no time prior to the satisfaction of all liabilities under the Plan shall any part of the corpus or income of the Pension Fund, after deducting any administrative or other expenses properly chargeable to the Pension Fund, be used for or diverted to purposes other than for the exclusive benefit of the Participants in the Plan, their Beneficiaries or their estates.

ARTICLE XI

FUNDING STANDARD REQUIREMENTS

11.01 Actuarial Valuations - The Plan's Actuary shall perform an actuarial valuation at least biennially unless the Employer is applying or has applied for supplemental state assistance pursuant to section 603 of the Act, whereupon actuarial valuation reports shall be made annually.

Such biennial actuarial valuation report shall be made as of the beginning of each Plan Year occurring in an odd-numbered calendar year, beginning with the year 1985.

Such actuarial valuation shall be prepared and certified by an approved Actuary, as such term is defined in the Act.

The expenses attributable to the preparation of any actuarial valuation report or investigation required by the Act or any other expense which is permissible under the terms of the Act and which are directly associated with administering the Plan shall be an allowable administrative expense payable from the assets of the Pension Fund. Such allowable expenses shall include but not be limited to the following:

(a) investment costs associated with obtaining authorized investments and investment management fees;

(b) accounting expenses;

(c) premiums for insurance coverage on Fund assets;

(d) reasonable and necessary counsel fees incurred for advice or to defend the Fund; and

(e) legitimate travel and education expenses for Plan officials; provided, however, that the municipal officials of the Employer, in their fiduciary role, shall monitor the services provided to the Plan to ensure that the expenses are necessary, reasonable and benefit the Plan; and further provided, that the Plan Administrator shall document all such expenses item by item, and where necessary, hour by hour.

11.02 Duties of Chief Administrative Officer - Such actuarial reports shall be prepared and filed under the supervision of the Chief Administrative Officer.

The Chief Administrative Officer of the Plan shall determine the financial requirements of the Plan on the basis of the most recent actuarial report and shall determine the Minimum Municipal Obligation of the Employer with respect to funding the Plan for any given Plan Year. The Chief Administrative Officer shall submit the financial requirements of the Plan and the Minimum Municipal Obligation of the Employer to the Board annually and shall certify the accuracy of such calculations and their conformance with the Act.

11.03 Benefit Plan Modifications - Prior to the adoption of any benefit plan modification by the Employer, the Chief Administrative Officer of the Plan shall provide to the Board a cost estimate of the proposed benefit plan modification. Such estimate shall be prepared by an approved Actuary, which estimate shall disclose to the Board the impact of the proposed benefit plan modification on the future financial requirements of the Plan and the future Minimum Municipal Obligation of the Employer with respect to the Plan.

ARTICLE XII

MISCELLANEOUS PROVISIONS

12.01 Employment Rights - No Employee of the Employer nor anyone else shall have any rights whatsoever against the Employer or the Plan Administrator as a result of this Plan except those expressly granted hereunder. Participation in this Plan shall not give any right to any Employee to be retained in the employ of the Employer, nor shall interfere with the right of the Employer to discharge any Employee and to deal with such Employee without regard to the effect such treatment might have upon participation in this Plan.

12.02 Meaning of Certain Words - For purposes of this Plan, the masculine gender shall include the feminine gender and the singular shall include the plural, and vice versa, in all cases wherever the person or context shall plainly so require. Headings of Articles and Sections are inserted only for convenience of reference and are not to be considered in the construction of the Plan.

12.03 Information to Be Furnished By the Employer - The Employer shall furnish to the Plan Administrator (and where applicable, the trustee) information in the Employer's possession as the Plan Administrator and the trustee shall require from time to time to perform their duties under the Plan.

12.04 Severability of Provisions - Should any provisions of this Plan be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of this Plan, and the Plan shall be construed and enforced as if said illegal and invalid provisions had never been inserted herein.

12.05 Incapacity of Participant - If any Participant shall be physically or mentally incapable of receiving or acknowledging receipt of any payment of pension benefits hereunder, the Plan Administrator, upon the receipt of satisfactory evidence that such Participant is so incapacitated and that another person or institution is maintaining the Participant and that no guardian or committee has been appointed for the Participant, may provide for such payment of pension benefits hereunder to such person or institution so maintaining the Participant, and any such payments so made shall be deemed for every purpose to have been made to such Participant.

12.06 Pension Fund for Sole Benefit of Participants - The income and principal of the Pension Fund are for the sole use and benefit of the Participants covered hereunder, and to the extent permitted by law, shall be free, clear and discharged from and are not to be in any way liable for debts, contracts or agreements, now contracted or which may hereafter be contracted, and from all claims and liabilities now or hereafter incurred by any Participant or Beneficiary.

12.07 Benefits for a Deceased Participant - If any benefit shall be payable under the Plan to or on behalf of a Participant who has died, if the Plan provides that the payment of such benefits shall be made to the Participant's estate, and if no administration of such Participant's estate is pending in the court of proper jurisdiction, then the Plan Administrator, at its sole option, may pay such benefits to the surviving spouse of such deceased Participant, or, if there is no surviving spouse, to such Participant's then living issue, per stirpes; provided, however, that nothing contained herein shall prevent the Plan Administrator from insisting upon the commencement of estate administration proceedings and the delivery of any such benefits to a duly appointed executor or administrator.

12.08 Assets of the Fund - Nothing contained herein shall be deemed to give any Participant or Beneficiary any interest in any specific property of the Pension Fund or any right except to receive such distributions as are expressly provided for under the Plan.

12.09 Personal Liability - Subject to the provisions of the Act and unless otherwise specifically required by other applicable laws, no past, present or future officer or agent of the Employer or Plan Administrator shall be personally liable to any Participant, Beneficiary or other person under any provision of the Plan.

12.10 Construction of Document - This Plan may be executed and/or conformed in any number of counterparts, each of which shall be deemed an original and shall be construed and enforced according to the laws of the Commonwealth, excepting such Commonwealth's choice of law rules.

ORDAINED AND ENACTED this 28th day of JANUARY, A.D., 2002

ATTEST:

Carolyne F. Ford

TOWNSHIP OF WILKINS

President, Board of Commissioners

TOWNSHIP OF WILKINS
ORDINANCE NO. 939

AN ORDINANCE OF THE TOWNSHIP OF WILKINS RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF TOWNSHIP EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE OF SAID TOWNSHIP AND TO RESTATE IN ITS ENTIRETY SUCH PENSION PLAN OR PROGRAM.

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins ("Township") and it is HEREBY ORDAINED AND ENACTED by authority of the same:

The Township of Wilkins Police Pension Plan ("Plan"), which was established under the provisions of Pub. Law 1804, 53 Pa. Con. Stat. Ann. 767, et seq., (sometimes referred to as Act 600) for the benefit of the Township's police employees, and which has been amended and restated by ordinances and resolutions of the Township Board of Commissioners thereafter, shall be, and hereby is, amended and supplemented in the following respects.

Any Ordinances or Resolutions or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance shall be, and hereby are repealed so far as the same affect this Ordinance; however, such repeal shall not affect any act done or any right or liability accrued under such Ordinance or Resolution herein repealed or superseded and all such rights or liabilities shall continue and may be enforced in the same manner as if such repeal or supersession had not been made but only to the extent otherwise permitted under the laws of the Commonwealth of Pennsylvania.

Effective November 1, 2001, the Plan shall be amended by entirely deleting the provisions of said Plan and substituting the following in its place:

ORDINANCE NO. 940

TOWNSHIP OF WILKINS

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 938 AND APPROPRIATING OUT OF REVENUES AVAILABLE FOR THE FISCAL YEAR 2002 SPECIFIC SUMS (as amended) REQUIRED AS SHOWN BY THE BUDGET.

The Board of Commissioners of the Township of Wilkins ordains as follows:

Section I. The estimated total revenue to be received by the Township during the fiscal year 2002 is $3,498,059.00.

Section II. There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2002 Budget Summary Expenses (General Fund)

General Government	451,458.00
Public Safety	1,416,108.00
Sanitation	216,697.00
Public Works	1,097,808.00
Recreation	42,355.00
Debt Service	141,833.00
Intergovernmental	3,500.00
Refunds	75,300.00
Interfund Transfers	53,000.00
TOTAL EXPENSES	**3,498,059.00**

The remainder of the previous document remains as is and was adopted on January 28, 2002.

Section III. Section II of Ordinance No. 938 is repealed.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 11th day of February, 2002.

ATTEST:

Carolyne F. Ford

TOWNSHIP OF WILKINS

President, Board of Commissioners

ORDINANCE NO. 941

TOWNSHIP OF WILKINS

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 124 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE OF THE TOWNSHIP OF WILKINS BY ADDING SUBSECTION Q REGULATING NON-USEABLE AND USEABLE WELLS, SEPTIC TANKS, CISTERNS AND SIMILAR STRUCTURES; ADDING SUBSECTION R REGULATING THE CONDITION OF USED AND UNUSED SWIMMING POOLS; AND AMENDING CODE SECTION 124-2 L TO DELETE SECTION 302.8 MOTOR VEHICLES AND RESTATE THIS SECTION.

The Board of Commissioners of the Township of Wilkins ordains:

Section I. Chapter 124 of the Code of the Township of Wilkins - Property Maintenance, Section 124-2 - Modification of Standards is amended as follow:

Section 302 - Exterior Property Areas is amended to add thereto subsection Q as follows:

Q. 302.10 - Section 302.10 Dangerous Exterior Structures

302.10.1 - The continued existence of all unused wells, septic tanks, cisterns or similar structures located on exterior property, and which constitute an imminent hazard, are a violation of this code and shall be eliminated by the owner pursuant to plans and specifications supplied by the owner and approved by the Township engineer.

302.10.2 - If wells, septic tanks, cisterns or similar structures are in use and constitute an imminent hazard, those structures shall be rendered non-hazardous by the owner.

Section II. Section 302 - Exterior Property Areas is amended to add thereto Subsection R as follows:

R.302.11 - Swimming Pools.

302.11.1 - Swimming pools shall be maintained in a clean and sanitary condition.

302.11.2 - Below grade swimming pools, the use of which is temporarily discontinued, shall be covered with material which will prevent access to the pool basin and be of sufficient strength to sustain the weight of one hundred (100) pounds.

302.11.3 - Below grade swimming pools, the use of which is permanently discontinued, shall be filled to ground level with earth and/or other material in accordance with plans and specifications supplied by the property owner and approved by the township engineer.

"Permanently discontinued" is defined as not in use for more than eighteen (18) months, beginning on June 1 of any year.

302.11.4 - Above grade swimming pools, the use of which is permanently discontinued, shall be dismantled and removed from the property.

Section III. Subjection L 302.8 Motor Vehicles is deleted and is restated to read:

L. 302.8 Motor vehicles. Except as provided for in other regulations, no currently inoperable, unregistered or uninspected motor vehicle shall be parked, kept or stored on any exterior property and no vehicle shall at any time be on exterior property in a state of major disassembly, disrepair or in the process of being stripped or dismantled. No vehicle shall be parked, kept or stored in any residential yard area not part of a garage driveway.

Section IV. All ordinances or parts of ordinances in conflict with or inconsistent with the ordinance are repealed to the extent of conflict or inconsistency.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 25th day of February, 2002.

ATTEST:

Carolyne T. Ford
Secretary

TOWNSHIP OF WILKINS

Joel B. Fanch
President, Board of Commissioners

ORDINANCE NO. 942

AN ORDINANCE OF THE TOWNSHIP OF WILKINS FIXING THE COMPENSATION OF THE TOWNSHIP MANAGER FOR THE YEAR 2002 AND THEREAFTER.

SECTION I. Pursuant to Article I Section 20-1, et. seq. of the Code of the Township of Wilkins, the Office of Township Manager has been established and the powers and duties of the office set forth therein.

SECTION II. Pursuant to Code Section 20-5, the compensation of the manager for the year 2002 has been fixed by written agreement at Fifty-three Thousand Six Hundred ($53,600) Dollars per annum paid in twenty-six bi-weekly installments.

SECTION III. Other benefits established for the manager have been set forth in the said written agreement, dated as of October 30, 2001.

SECTION IV. The compensation and benefits of the manager shall be adjusted in future years as set forth in written agreements between the manager and the Township of Wilkins and adopted by resolution of the Board of Township Commissioners from time to time.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 10th day of June 2002.

TOWNSHIP OF WILKINS

By _____
President of the Board of Commissioners

ATTEST:

_____
Secretary

ORDINANCE NO. 943

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING CODE CHAPTER 173-35 TABLE I.

SECTION I. Code Chapter 173-35, Table I is amended by adding to the end of Table I:

BANNER SIGN.

When a banner sign is approved for use in the C Commercial District or in the M Manufacturing District, the maximum allowable sign surface area shall be thirty-two (32) square feet.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 10th day of June, 2002.

TOWNSHIP OF WILKINS

By_____
President of the Board of Commissioners

ATTEST:

Carolyne F. Ford
Secretary

WILKINS TOWNSHIP MUNICIPAL EMPLOYEE
PENSION PLAN AGREEMENT

AN AGREEMENT, dated this 29th day of JULY, 2002, by and between Wilkins Township (the Township) and the Pennsylvania Municipal Retirement Board (the Board);

WHEREAS, Article IV, Section 401 of the Act of February 1, 1974, No. 15, states:

> "401. This article shall provide for the enrollment of those municipalities in the Pennsylvania Municipal Retirement System which want to offer retirement benefits to their employees . . .";
> and,

WHEREAS, Article IV, Section 413 of the Act also provides:

> "413. Procedures for Amending Contracts. Any municipality which has joined the System under this Article IV may, with the approval of the Board, amend the contract to increase any of the benefits enumerated in Article IV to its members. . ."; and,

WHEREAS, Wilkins Township has enrolled its municipal employees in the Pennsylvania Municipal Retirement System and desires to amend its pension plan for the municipal employees:

NOW THEREFORE, the Pennsylvania Municipal Retirement Board and Wilkins Township hereby agree to the following retirement pension plan for the municipal employees:

1. Coverage: This plan shall cover all permanent municipal employees, hereinafter referred to as member, of the Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited as is membership for individuals paid only on a fee basis. Individual membership shall be effective as of the date the Township entered into the Pennsylvania Municipal Retirement System or upon the expiration of the individual's probationary status, whichever is more recent.

Credited service shall accrue from the original member's date of hire or the expiration of the member's probationary period if one so existed. Credited service time earned prior to the enrollment of the Township into the System shall be known as prior service.

No credited service time shall be granted for time employed in a status other than active employee of the municipality excluding credit for purchased military service, reinstatement of previous service or service earned and credited under Section 11, the portability section of this agreement.

2. Superannuation Retirement: Eligibility for a superannuation retirement shall occur upon the member's attainment of sixty-five (65) years of age or older.

3. Basic Benefit: The basic annual benefit shall be equal to one and five tenths percent (1.50%) of the member's final salary multiplied by all years of credited service.

4. Final Salary: The final salary shall be the average annual compensation earned and paid during the member's final five (5) consecutive years of employment, or if not so long employed, then the average annual compensation earned and paid during the whole period of such employment.

5. Early Retirement: A member who has been involuntarily terminated after eight (8) years of credited service or who has separated voluntarily after twenty-four (24) years of credited service or who has attained the age of sixty-two (62) may retire early. Benefits will be actuarially reduced for each year or partial year thereof that early retirement takes place prior to age sixty-five (65).

6. Permanent Disability Benefits: A member who has ten (10) or more years of credited service may, upon application or on application of one acting in the member's behalf, or upon application of a responsible official of the municipality, be retired by the Pennsylvania Municipal Retirement Board on a disability allowance if the physician designated by the Board, after medical examination of the member shall certify to the Board that the individual is unable to engage in any gainful employment and that said member ought to be retired. When the disability of a member is determined to be service-connected, as defined in Act 15 of 1974, no minimum period of service shall be required for eligibility.

A disability annuity shall be payable from the total disability reserve account which, together with the municipal annuity and the member's annuity, if any, shall be sufficient to produce a retirement allowance of fifty percent (50%) of the member's final salary. Where the disability of the member is determined to be service-connected, the disability allowance shall equal fifty percent (50%) of the member's final salary. The disability annuity shall be reduced by the amount of any payments for which the member shall be eligible under the Act of June 2, 1915 (P.L. 736, No. 338), known as "The Pennsylvania Workmen's Compensation Act" or the Act of June 21, 1939 (P.L. 566, No. 284), known as "The Pennsylvania Occupational Disease Act."

Any member with eight (8) or more years of credited service entitled to retire for disability may, in lieu of such retirement, elect to retire not voluntarily under the provisions of Section 5.

Should a disability annuitant die before the total disability retirement allowance received equals the amount of the member's accumulated deductions at the time of disability retirement, the Board shall pay to the named beneficiary (if living, or if the named beneficiary predeceased the annuitant, or no beneficiary was named, then the annuitant's estate) an amount equal to the difference between such total retirement allowance received and the annuitant's accumulated deductions. If such difference is less than one hundred dollars ($100) and no letters have been taken out on the estate within six (6) months after the disability annuitant's death, such difference may be paid to the undertaker or to any person or municipality who or which shall have paid the claim of the undertaker.

7. Death Benefit: A member who is entitled to a superannuation retirement allowance because of meeting the superannuation retirement requirements found in Section 2 of this agreement or a member who is entitled to a voluntary early retirement allowance because of completing twenty-four (24) years of credited service may file a written application for retirement requesting that such retirement become effective at the time of death. The application must be filed with the Pennsylvania Municipal Retirement Board on PMRB-8 form.

When applying for retirement, the member may elect one of the options provided in Section 12 and nominate a beneficiary. The application shall be held by the Board until (1) the member files a later application (PMRB-8) for a retirement allowance or (2) the death of the member while in municipal service.

If a member entitled to a retirement allowance dies while in municipal service, benefits become effective as if the member had retired on the day immediately preceding death. The beneficiary receives the annuity option elected before the member's death. If an option was not filed with the Board, it shall be considered that the member elected Option 1 as provided in Section 12 of this agreement. In such event, payment under Option 1 shall be made to the beneficiary designated in the nomination of beneficiary form (PMRB-2) on file with the Board.

8. Military Service: Any member employed by the Township who enters the uniformed services as defined by the 1994 Uniformed Services Employment and Re-Employment Rights Act (P.L. 103-353) and returns to the Township to again be a member of the plan within the authorized time period of the law, shall have the authorized time spent in such service credited to the member's employment record for pension or retirement benefits if the individual makes the required employee contributions.

An active member may also purchase credit for other than intervening military service performed for the United States in times of war, armed conflict or national emergency, so proclaimed by the President of the United States, for a period not to exceed five (5) years, provided the member has completed five (5) years of service to the municipality subsequent to such military service. An active member may file an application with the Board for permission to purchase credit for nonintervening military service upon completion of five (5) years of subsequent service to the municipality.

The amount due from the member shall be certified by the Board in accordance with methods approved by the actuary. It may be paid in a lump sum within thirty (30) days or it may be amortized with additional interest through salary deductions in amounts agreed upon by the member and the Board.

The rate of interest to be charged to a member on purchase of credit for nonintervening military service shall be the rate being credited by the System to members' accounts in effect on the date of the member's application, compounded annually.

A member may purchase credit for intervening or nonintervening military service only if discharge or separation from the service was granted under other than dishonorable conditions. A member may not purchase military credit for any service that is covered by another retirement system administered and wholly or partially paid for by any other government agency or private employer.

9. Contributions by Members: Members shall contribute four and five tenths percent (4.5%) of their total compensation. Payment shall be made by payroll deductions and transmitted to the System in accordance with established System procedures. Member contributions will be treated as taxed at the time they are made to the System, will be tracked separately, and will not be treated as taxable when paid out to the member.

If a member terminates prior to becoming eligible for any benefit or the member elects not to receive a benefit, that individual shall be entitled to all accumulated contributions, interest and any excess investment monies allocated to the member's account.

10. Vesting: After twelve (12) years of credited service, a member may vest by filing an application with the Board within ninety (90) days of separation from employment. Upon attainment of the superannuation age requirement found in Section 2 of this agreement, a basic benefit will be calculated in accordance with Section 3 of this agreement.

11. Portability: When a member leaves the employ of the Township and enters within one year of separation into the employ of another municipality that has joined the System, the member's service credits shall remain unimpaired. Should a member from the employ of another municipality that has joined the System separate from service and within one year of separation join the pension plan, the member's service credits will remain unimpaired. In such cases, the municipal liability for past service shall be prorated by the System between the municipalities on an equitable basis.

12. Options on Superannuation, Early Retirement or Vesting: At the time a member elects to receive a retirement benefit allowance, the benefit may be payable throughout the member's life, in which case, the benefit is known as a Single Life Annuity. The member may alternatively elect at the time of retirement to receive the equivalent actuarial value in a lesser allowance, payable throughout life with provisions that:

(a) Option 1. If the member dies before receiving in payments the present value of the retirement allowance as it was at the time of retirement, the balance, if less than five thousand dollars ($5,000), shall be paid in a lump sum to the designated beneficiary if living, or if the named beneficiary predeceased the member of if no beneficiary was named, then to the member's estate. If the balance is five thousand dollars ($5,000) or more, the beneficiary may elect, by application duly acknowledged and filed with the Board, to receive payment of such balance according to any one of the following provisions in:

(i) a lump-sum payment, or

(ii) an annuity having a present value equal to the balance payable, or

(iii) a lump-sum payment and an annuity. Such annuity shall be of equivalent actuarial value to the balance payable less the amount of the lump-sum payment specified by the beneficiary.

(b) Option 2. Upon the annuitant's death, the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.

(c) Option 3. Upon the annuitant's death, one-half of the retirement allowance shall be continued throughout the life of and paid to the survivor annuitant, if then living.

(d) Option 4. A member may elect to receive, in one payment at the time of retirement, the full amount of the member's accumulated deductions (not to include excess investment monies) standing to his credit in the member's account. In so electing this option, the member forfeits the portion of the annuity paid for from the accumulated contributions, but shall continue to be entitled to an annuity comprised of the municipal contribution and any excess investment monies so credited to the account. Any member electing this option shall be entitled to receive his remaining annuity calculated in accordance with any of the other options provided for in this section.

Should a member who has elected a Single Life Annuity die before receiving in annuity payments the full amount of the total accumulated deductions standing to their credit in the member account on the effective date of retirement, the balance shall be paid to the designated beneficiary.

13. Social Security Offset: There shall be no offset for Social Security retirement benefits received by a member.

14. Determination of Municipal Liability: The Board will actuarially determine the normal cost of the plan and any liability associated with the plan's actuarial experience which shall be contributed annually by the municipality for the service credits of the members. If applicable, any additional amount which shall be contributed annually toward a reserve account for the disability allowances which may be payable in accordance with this agreement shall also be determined and charged the municipality.

The amounts so determined shall be computed in accordance with the requirements of Act 205 of 1984, the Municipal Pension Plan Fund Standard and Recovery Act, and Act 15 of 1974, the Pennsylvania Municipal Retirement Law, and subsequent amendments to either Act.

15. Procedure: Matters or procedure not covered in this agreement shall be as set forth in Act 15 of 1974 and as found in Act 205 of 1984, as they shall, from time to time, be amended.

Should any change or mistake in records result in any member, beneficiary or survivor annuitant receiving from the System more or less than the individual would have been entitled to receive had the records been correct, then regardless of the intentional or unintentional nature of the error and upon the discovery of such error, the Board will correct the error and so far as practicable adjust the payments which may be made for and to such person in such a manner that the actuarial equivalent of the benefit to which the individual was correctly entitled shall be paid.

16. Unfunded Liability: Any unfunded liability incurred by the creation of benefits under this agreement shall be borne by Wilkins Township.

17. Effective Date: This agreement shall be effective the first day of May, 2002, with the acceptance of the same by Wilkins Township and the Pennsylvania Municipal Retirement Board. Termination of this agreement shall be in accordance with Section 412 of Act 15 of 1974.

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IN WITNESS WHEREOF, we have hereunto set our hands and seal the day, month and year above written.

ATTEST:

WILKINS TOWNSHIP
ALLEGHENY COUNTY

BY: Caroline T. Ford
Secretary

BY: _____
Chairman

ATTEST:

PENNSYLVANIA MUNICIPAL
RETIREMENT BOARD

BY: _____
Secretary

BY: _____
Chairman

Approved as to form and legality:

BY: _____
Office of Attorney General

BY: _____
Office of General Counsel

BY: _____
Chief Counsel

TMP:BFM:rr
6/20/2002

ORDINANCE NO. 944

AN ORDINANCE OF WILKINS TOWNSHIP, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, REPEALING CHAPTER 45-18 THROUGH 25 OF THE CODE OF THE TOWNSHIP OF WILKINS (ADOPTED AS ORDINANCE 808) AND ELECTING TO CHANGE THE BENEFITS IT HAS IN THE PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM UNDER ARTICLE IV OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW: AGREEING TO BE BOUND BY ALL PROVISIONS OF THE PENNSYLVANIA MUNICIPAL RETIREMENT LAW AS AMENDED AND AS APPLICABLE TO MEMBER MUNICIPALITIES CHANGING BENEFITS UNDER THE PROVISIONS OF THIS ARTICLE: STATING WHICH OF CERTAIN OPTIONS PERMITTED UNDER THE SAID LAW ARE ACCEPTED BY THE TOWNSHIP. IT IS HEREBY ORDAINED BY WILKINS TOWNSHIP, ALLEGHENY COUNTY, AS FOLLOWS:

SECTION I. Wilkins Township, being a member municipality of the Pennsylvania Municipal Retirement System, hereby elects to change its member benefits in that System as authorized by the Pennsylvania Municipal Retirement Law, Act 15 of 1974, as amended, and does hereby agree to be bound by all the requirements and provisions of said Law, and to assume all obligations, financial and otherwise, placed upon member municipalities. All references hereafter shall be based on benefits negotiated between the Board and the municipality under the provisions of Article IV of the Pennsylvania Municipal Retirement Law.

SECTION II. Membership in the Pennsylvania Municipal Retirement System shall be mandatory for all permanent, municipal employees of the Township. Membership for elected officials and employees hired on a temporary or seasonal basis is prohibited, as is membership for individuals paid only on a fee basis.

SECTION III. Credit for prior service for original members is granted for each year or partial year thereof that the member was employed by the Township from original date of hire or the expiration of the member's probationary period if one so existed. Benefits provided to members in the agreement dated July 29, 2002, shall accrue based on all credited services granted and earned in accordance with this section.

SECTION IV. Payment for any obligation established by the adoption of this ordinance and the agreement between the System and Wilkins Township shall be made by the Township in accordance with the Pennsylvania Municipal Retirement Law and Act 205 of 1984, the Municipal Pension Plan Funding Standard and Recovery Act.

SECTION V. As part of this ordinance, the Township agrees that the System shall provide the benefits set forth in the agreement between the Board and Wilkins Township, dated July 29, 2002. The passage and adoption of this ordinance by Wilkins Township is an official acceptance of said agreement and the financial obligations resulting from the administration of said benefit package. Wilkins Township hereby assumes all liability for any unfundedness created or which may be created due to the acceptance of the benefit structure outlined in the above-referenced agreement.

SECTION VI. Wilkins Township intends this ordinance to be the complete authorization of the Township plan and it shall become effective and specifically repeals Ordinance Number 808 either immediately or on May 1, 2002, which is the effective date of the amended Agreement dated July 29, 2002, between the Pennsylvania Municipal Retirement System and Wilkins Township, whichever is later.

SECTION VII. A duly certified copy of this ordinance and the referenced agreement shall be filed with the Pennsylvania Municipal Retirement System of the Commonwealth of Pennsylvania. Membership for the municipal employees of Wilkins Township in the Pennsylvania Municipal Retirement System shall be effective the first day of January, 1962, with the revised plan structure reflected in the agreement dated July 29, 2002, effective the first day of May, 2002.

ORDAINED this 29th day of July, 2002.

ATTEST:

Carolyne F. Ford
Secretary

TOWNSHIP OF WILKINS

By: _____
President of the Board of Commissioners

ORDINANCE NO. 945

AN ORDINANCE OF THE TOWNSHIP OF WILKINS CREATING A BOARD TO HEAR APPEALS FROM DECISIONS OF CODE ENFORCEMENT OFFICIAL ENFORCING THE BUILDING CONSTRUCTION CODE, THE FIRE PREVENTION CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ALL OTHER CODE ENFORCEMENT ACTIONS WHERE THE CODE OF THE TOWNSHIP OF WILKINS PROVIDES FOR APPEALS, SPECIFICALLY EXCEPTING THE ZONING HEARING BOARD AND APPEALS TO THE BOARD OF COMMISSIONERS.

SECTION I. There is hereby created the Wilkins Township Board of Code Enforcement Appeals.

SECTION II. The Board shall hear appeals from any person aggrieved by any action or decision of the Code Enforcement Officer concerning the administration of the provisions of the Building Construction (BOCA) Code, the Fire Prevention Code, the International Property Maintenance Code or any other enforcement actions when the code of the Township of Wilkins provides for an appeal to a Board, excepting the Zoning Hearing Board and the Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Code Enforcement Officer. The appeal shall be on a form obtained from the Township Manager.

SECTION III. The board of appeals shall consist of three members appointed by the Board of Commissioners as follows: one for five years, one for four years, one for three years. Thereafter, each new member shall serve for five years or until a successor has been appointed.

SECTION IV.

(1) The board shall annually select one of its members to serve as chairman and vice-chairman.

(2) A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(3) The Township Manager or his or her designee shall serve as secretary to the board. The secretary shall file a detailed record of all proceedings with the Board of Commissioners, and maintain a file of appeals.

(4) The board shall meet upon a notice from the chairman, within thirty days of the filing of an appeal, or at stated periodic meetings.

(5) All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

SECTION V.

(1) Board procedures, meetings and appeals from its decision shall be governed by the Local Agency Law.

(2) The board shall uphold, modify or reverse the decision of the code official by a concurring vote of two members.

(3) The decision of the board shall be in writing and shall be issued within thirty days of the final hearing. Certified copies shall be furnished to the appellant and to the code official, and any aggrieved person, who appeared at the hearing.

SECTION VI. The following sections of the Code of the Township of Wilkins are repealed:

72-2. H.
88-6; 88-7.
124-2, G., H., I. and J.

SECTION VII. All Code sections in conflict with or inconsistent with this ordinance are repealed to the extent of such conflict or inconsistency.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 29th day of July 2002.

ATTEST:

Caroline T. Ford
Secretary

TOWNSHIP OF WILKINS

By: Joel Stark
President of the Board of Commissioners

ORDINANCE NO. 946

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE CONSTRUCTION OF A WATER LINE AND APPURTENANT FACILITIES IN A PUBLIC STREET KNOWN AS MEADOW STREET, DESIGNATING THE PROJECT AS THE MEADOW STREET WATER DISTRICT, PROVIDING FOR THE WORK OF CONSTRUCTION TO BE DONE UNDER CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER AND PROVIDING FOR THE IMPOSITION OF A CONNECTION CHARGE, AND TAPPING FEE AS DETERMINED BY THE BOARD OF COMMISSIONERS UPON COMPLETION.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1.
The construction of a six and eight inch water line with appurtenant valves is hereby authorized and directed along Meadow Street, a distance of approximately Nine Hundred Feet (900) and a fire hydrant in the Township of Wilkins, as more particularly shown on the plans prepared by the Senate Engineering Company which are incorporated herein by reference thereto and which are on file in the Office of the Township Secretary, 110 Peffer Road, Wilkins Township, where the plans may be examined by any interested person.

SECTION 2.
The work of the construction of said water line and the purchase of material and labor necessary shall be done or furnished, or caused to be done or furnished, by contract to the lowest responsible bidder or bidders on specifications of the Township Engineer.

SECTION 3.
Upon the completion and construction of said water line, each property accommodated by the water line shall make connection to same under specifications required by the Wilkinsburg-Penn Joint Water Authority and pay the Township and the Wilkinsburg-Penn Joint Water Authority a connection fee as authorized by each entity, except any property which is not benefitted by connection to the subject water line.

SECTION 4.
Upon completion of the construction of the water line in this district, the Board of Commissioners hereby establishes a tapping fee, pursuant to Act 36 of 1997, for collection of costs and expenses of the project, excluding therefrom the value of any grants received by the Township.

SECTION 5.
(a) The Schedule of assessments as certified and determined by the Township Engineer against the properties benefitted and in the amounts determined be and the same hereby shall be levied against the properties subject to assessment under Act 36 of 1997.

(b) The Township Secretary shall cause thirty days' notice of the assessment to be given to each party assessed by service on the owner or his agent or left on the assessed premises.

SECTION 6.
The water line project herein authorized shall be known as and is hereby designated as the Meadow Street Water District.

SECTION 7.
The funds required by this project are hereby appropriated from funds now or hereafter in the Township Treasury.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 14th day of October 2002.

TOWNSHIP OF WILKINS

By _____
President of the Board of Commissioners

ATTEST:

Carolyne F. Ford
Secretary

TOWNSHIP OF WILKINS
ORDINANCE # 947

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR THE FISCAL YEAR 2003 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2003.

The Board of Commissioners of the Township of Wilkins ordain as follows:

Section I The estimated total revenue to be received by the Township during the fiscal year 2003 is **$3,807,868.**

Section II There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2003 BUDGET SUMMARY EXPENSES (GENERAL FUND)

General Government	508,822.58
Public Safety	1,508,135.81
Sanitation	230,537.40
Public Works	1,097,429.38
Recreation	56,767.83
Debt Service	67,644.00
Intergovernmental	5,500.00
Refunds	98,200.00
Interfund Transfers	234,831.00
Total Expenses	3,807,868.00

Section III A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2003 as follows:

1. Tax rate for general revenue purposes, the sum of 3.513 mils on each dollar of assessed valuation, or the sum of 3.513 cents on each one hundred ($100) dollars of assessed valuation.

Section IV Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

Section V Penalties. A taxpayer subject to the payment of tax levied by this ordinance, who shall fail to make payments of such tax for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) (which penalty shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

Section VI Effective Date. This ordinance and the real estate tax shall take effect on January 1, 2003.

Section VII Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held the 30th day of December, 2002.

ATTEST:

TOWNSHIP OF WILKINS

Carolyne F. Ford, Secretary

President, Board of Commissioners

TOWNSHIP OF WILKINS

ORDINANCE NO. 948

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, REGULATING ALARM SYSTEMS IN THE TOWNSHIP; REQUIRING AUDIBLE ALARMS TO DISENGAGE AFTER THIRTY MINUTES AND INSTALLATIONS TO BE REGISTERED; ESTABLISHING USERS' PERMITS AND FEES; PROHIBITING FALSE ALARMS AND ESTABLISHING FINES THEREFORE; REQUIRING OWNERS OR USERS TO DESIGNATE AND REGISTER PERSONS AUTHORIZED TO DISENGAGE FAULTY ALARM SYSTEMS AND UPON FAILURE TO DO SO, REQUIRING THE TOWNSHIP TO DISENGAGE FAULTY ALARMS AND TO COLLECT THE COST THEREOF; PROVIDING FOR PENALTIES FOR VIOLATIONS AND REPEALING ALL INCONSISTENT ORDINANCES.

SECTION 1: ENACTING CLAUSE

Be it ordained and enacted by the Board of Commissioners of the Township of Wilkins, and it is hereby ordained and enacted by the authority of the same, that from and after the effective date of this Ordinance, the following Ordinance shall be in full force and effect in the Township of Wilkins.

SECTION 2: SHORT TITLE

This Ordinance shall be known as the Township of Wilkins Alarm System Ordinance.

SECTION 3: CONFLICT WITH OTHER ORDINANCES OR REGULATIONS

All Ordinances or parts of Ordinances conflicting herewith are hereby repealed.

SECTION 4: PURPOSE AND INTENTION OF ORDINANCE

This Ordinance is adopted to promote and protect the public health, safety and general welfare of the community, to deter alarms requiring police, fire and emergency medical personnel to respond in the absence of an emergency thereby limiting the availability of emergency personnel and severely affecting the public safety, to prevent public nuisances and unreasonable noise which cause substantial public inconvenience, annoyance or alarm and to prohibit and require the removal of such nuisances prejudicial to the public health or safety.

SECTION 5: RULES OF CONSTRUCTION

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

A. Words used in the singular shall include the plural, and the plural the singular.

B. Words used in the present tense shall include the future tense.

C. The word "shall" is always mandatory and not discretionary.

D. The word "may" is permissive.

SECTION 6: DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this chapter:

ALARM SYSTEM - Any assembly of equipment, mechanical, electrical, electronic, or battery operated, arranged to signal by trunk line the occurrence of a police, fire, hazard or medical emergency requiring urgent attention and to which police, fire or emergency medical units are expected to respond.

ANSWERING SERVICE - A service whereby trained employees, in attendance at all times, receive prerecorded voice messages from automatic dialing devices reporting an emergency at a stated location, where such employees have the duty to relay immediately by live voice any such emergency message over a trunk line to the communications center of the police, fire or emergency medical service department.

AUDIBLE ALARM - Any device, bell, horn or siren which is attached to the interior or exterior of a building, structure or facility and emits a warning signal audible outside the building, structure or facility and is designed to attract attention when activated by a criminal act or other emergency requiring police or fire department response.

AUTOMATIC DIALING DEVICE - A device which is interconnected to a telephone line and is programmed to transmit a signal by a voice or coded message that indicates that an emergency condition exists and the need for an emergency response is required.

CENTRAL STATION - A protective system or group of such systems operated privately for customers by a person, firm or corporation which accepts recorded messages from automatic dialing devices at a central station having operators and guards in attendance at all times who have the duty to take appropriate action upon receipt of a signal or message, including the relaying of messages to the communications center of the police or fire Department.

CHIEF OF POLICE - The Police Chief of the Wilkins Township Police Department.

EMERGENCY - A police, fire, hazard or medical crisis, exigency or emergency.

FALSE ALARM:

A. An alarm activated in the absence of an emergency, whether willfully or by inadvertence, negligence or unintentional act, to which the police department, a fire department or the Wilkins-Churchill Rescue One (or its affiliate or successor) responds. The definition excludes alarms caused by malfunctions of the Wilkins Communication Center receiving equipment; alarms for which the user has attempted to cancel a response; testing or repairing of telephone or electrical lines or equipment outside the premises; acts of God, such as earthquake or flood; an attempted illegal entry; a crime in progress; or, in the case of emergency medical alarm, an actual medical emergency requiring police, fire and/or medical personnel. If doubt exists as to the cause of the "false alarm," the Chief of Police or his designee shall make a decision regarding the circumstances of the activation. If a call is cancelled with the police communication center before police, fire, or emergency medical service personnel are dispatched from their respective base, the alarm will not be counted as a "false alarm".

B. Multiple alarms received by the Police Department before the system can be deactivated or repaired within a seventy-two (72) hour of awareness of the alarm malfunction shall be considered a single alarm.

C. The definition of a "false alarm" also includes the intentional activation of a holdup alarm for other than a holdup in progress, the intentional activation of a burglary alarm for other than a burglary, the intentional activation of a medical alarm for other than a medical emergency or the intentional activation of a fire alarm for other than fire or hazard.

FIRE DEPARTMENT - Any Wilkins Township Volunteer Fire Company.

FIRE EMERGENCY - A fire.

HAZARD EMERGENCY - An explosion, leak of toxic gas, liquid or solid or a potential explosion or leak.

INTERMEDIARY - A central station protective system or an answering service as herein defined.

KEY - To use a telephone line and equipment for transmitting a message either directly or indirectly by an automatic dialing device.

MEDICAL EMERGENCY - An emergency involving the health of a person.

PERMIT - Written permission duly granted to an applicant by the Township upon payment of the required fee.

POLICE COMMUNICATION CENTER - The police, fire emergency medical service communication center through which calls are dispatched.

POLICE DEPARTMENT - The Wilkins Police Department.

POLICE EMERGENCY - An incident requiring prompt response by the Police Department.

TOWNSHIP - The Township of Wilkins, County of Allegheny.

TRUNK LINE - A telephone line leading into the communication center of the Police Department or answering service that is for the purpose of handling calls on a person-to-person basis and which is identified by and issued by the telephone company.

SECTION 7: PROHIBITED ALARMS

On and after the effective date of this Ordinance, owners or users of audible alarms shall equip such audible alarms with a timing mechanism that shall disengage the audible alarm after a maximum of thirty (30) minutes. Audible alarms without such a timing mechanism shall be unlawful in the Township and shall be disconnected by the owner or user within sixty (60) days from the effective date of this Ordinance.

This section shall not apply to single family residences.

SECTION 8: INSTALLATIONS TO BE REGISTERED

A. Within sixty (60) days from the effective date of this Ordinance, every user who has installed an alarm system or has caused an alarm to be installed on their premises in the Township shall furnish to the Chief of Police the following information:

(1) The name, residence and telephone number of the owner or user.

(2) The address where the device is installed and the telephone number at that address.

(3) The name, address and telephone number of any other person or firm who is authorized to respond to an emergency and gain access to the address where the device is installed, including the names and phone numbers of a minimum of three (3) individuals who are authorized to respond to an emergency alarm, twenty-four hours a day, three hundred and sixty-five days a year, and gain access to the address where the device is installed, and to disengage and reactivate the alarm system.

(4) The name and telephone number of any person, firm or corporation, if any, other than the alarm supplier, who is responsible for maintenance and repair of the system.

(5) The type of system, i.e., holdup, burglary, fire or medical emergency.

B. Users of alarm system devices whose devices were installed prior to the effective date of this Ordinance shall, within sixty (60) days after such

enactment, supply the Chief of Police with the information specified in Subsection A of this Section.

C. Upon approval of the registration, a permit shall be issued pursuant to Section 9A hereof.

D. All information furnished pursuant to this Section shall be kept confidential and shall be for the authorized use of the Police Department only.

SECTION 9: USER'S APPLICATION AND PERMIT; FEES

A. The user's fee for an alarm system permit shall be paid annually as set by resolution of the Board of Commissioners. Said permit shall be obtained by or on behalf of the owner of the premises upon which the alarm system is installed from the Police Department prior to the installation of the alarm system.

Alarm systems installed prior to the effective date of this ordinance shall receive a permit upon approval of registration.

B. The application shall contain the address of the property, the name of the business, if applicable, the name of the owner, tenant or agent responsible for the property, the alarm supplier or other entity responsible for maintaining the system, the type of alarm (burglary, fire, holdup or medical), how the alarm signal will be received by the communications center (tape, central station, etc.), at least three (3) alternate emergency numbers of persons to be contacted disengage / reset the alarm and to secure the property and any additional information as may be determined to be necessary. It shall be the owner's responsibility to notify the Police Department and answering service in writing whenever the foregoing information changes.

C. The permit shall bear the signature of the Chief of Police and shall be valid for one (1) calendar year after it is issued or until revoked by the Chief of Police. The permit shall be displayed in a conspicuous location upon the premises using the alarm system and shall be available for inspection outside the premises by the police.

D. Users who fail to obtain a permit within sixty (60) days after the alarm system is activated or within sixty (60) days after the effective date of this Ordinance, if later, shall be liable to pay a late charge penalty as set by Resolution of the Board of Commissioners for each calendar year, or part thereof, that the permit is not obtained.

E. All locations in the Township equipped with alarm systems, except as stated in this Ordinance, shall secure and possess a valid permit for the same.

SECTION 10: FALSE ALARMS

A. By submitting an application for permit for the installation of an alarm system and the subsequent installation of such a system or by the continuation of the use of an alarm system already installed at the effective date of this Ordinance, the owner, lessee or user thereof shall agree that such permit application constitutes a waiver by such person of the right to bring or file any action, claim or complaint whatsoever against any police officer, fireman or emergency medical service person who makes a forced entry in response to such an alarm into the premises on which such an alarm is installed as a result of entry into the subject premises. In the event that the owner of such premises is a person other than the permit applicant, as in the instance of a lessee or other user not the owner of the premises on which the alarm is installed, such permit application shall constitute an indemnification agreement by the applicant to hold harmless any such police officer or fireman, the township, the Police Department, the Fire Department and emergency medical personnel, as appropriate, from any and all damages whatsoever claimed by the lessor or owner of the premises on which the alarm is installed.

SECTION 11: FALSE ALARM FINES

A. Consent to pay cost; schedule of costs. For the purposes of defraying the costs to the Police and Fire Departments of responding to false alarms, the

owner, lessee or user of any alarm system, persons using the services of an intermediary, users of audible alarms and any other kind of alarm systems or any other kind of direct or indirect connection with the police or fire communications center, except persons using the two-way live voice communication by telephone shall, as a condition to installation and continued operation of such equipment or service, execute a consent in such form as may be prescribed by the Township that such owner, lessee or user shall pay the Township for all false alarms upon the following schedule for each false alarm originating from the owner's, lessee's or user's premises.

Three (3) false alarm calls per year: No Charge

Fourth (4th) false alarm call - $50.00

Sixth (6th) - $60.00

Fifth (5th) - $70.00

Seventh (7th) - $80.00

Eighth (8th) - $90.00

Nine - Fifteen - $100.00

Over Fifteen - $200.00

B. Failure to comply. Any such owner, lessee or user who fails to comply with the consent to the waiver and indemnification described in Subsection 10A of this Ordinance shall, within sixty (60) days disconnect the alarm system.

C. Any owner, lessee or user of an alarm system may revoke or refuse to consent to the waiver and indemnification as set forth in Subsection 10.A above only by disconnecting the alarm system. With respect to such systems installed at the effective date of this Ordinance, the owner, lessee or user can refuse or revoke the aforesaid consent by disconnecting such alarm system within sixty (60) days from the effective date of this Ordinance.

D. Penalties provided for false alarms that are relayed or transmitted by an intermediary shall be the responsibility of the owner or user of the alarm system.

SECTION 12: VIOLATIONS AND PENALTIES

A. Penalty. Any person who shall violate a provision of this ordinance or fail to comply therewith, or with any of the requirements thereof shall pay a fine or penalty of not more than Six Hundred ($600.00) Dollars, or less than fifty ($50.00) dollars which fine or penalty shall be collected by suit brought in the name of the township before any district magistrate, in like manner as debts of like amount may be sued for by existing laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 13: VALIDITY

A. The provisions of this Ordinance are severable and if any of its provisions or any part of any provisions shall be held unconstitutional or otherwise held to be invalid, the decision of the Court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

SECTION 14: EFFECTIVE DATE

This Ordinance shall become effective upon the date of adoption.

ORDAINED AND ENACTED into law this 9 day of DEC, 2002.

ATTEST:
Carolyne F. Ford
Secretary

TOWNSHIP OF WILKINS
John J. Hanlon
President
Board of Commissioners

ORDINANCE NO. 949

AN ORDINANCE OF THE TOWNSHIP OF WILKINS DELETING SECTION 65-8 AND AMENDING 65-25 OF CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF WILKINS TO PROVIDE FOR A PENALTY FOR VIOLATION OF NOT MORE THAN $600.00 AND NOT LESS THAN $50.00.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION I.
Section 65-25 of Chapter 65 of the Code of the Township of Wilkins is amended to provide as follows:

65-25 Violations and Penalties.

Any person who shall violate a provision of Code Chapter 65, or fail to comply therewith, or with any of the requirements thereof shall pay a fine or penalty of not more than $600.00 or less than $50.00, which fine or penalty shall be collected by suit brought in the name of the township before any District Magistrate, in like manner as debts of like amount may be sued for by existing laws and to remit such fines or penalties. Each day that a violation continues after due notice has been served shall constitute a separate offense.

SECTION II.
Section 65-8 of Chapter 65 is deleted.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 9 day of DEC 2002.

TOWNSHIP OF WILKINS

By_____
President of the Board of Commissioners

ATTEST:

Carolyne T. Ford
Secretary

P0640422.1

ORDINANCE NO. 950

FIRST AMENDMENT TO THE

TOWNSHIP OF WILKINS POLICE PENSION PLAN
(as amended and restated, effective February 1, 2002)

AN ORDINANCE OF THE TOWNSHIP OF WILKINS RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE EMPLOYEES OF SAID TOWNSHIP:

WHEREAS, the Township of Wilkins (the "Township") has previously enacted an Ordinance establishing the Wilkins Township Police Pension Plan (the "Plan"); and

WHEREAS, the Plan was totally amended and restated, effective February 1, 2002; and

WHEREAS, the Township reserved the right to amend the Plan pursuant to section 10.01; and

WHEREAS, the Township now desires the Plan to be further amended;

BE IT ORDAINED AND ENACTED by the Township Board of Commissioners and it is HEREBY ORDAINED AND ENACTED by authority of the same:

Effective February 1, 2002, sections 4.14 and 4.15 shall be added to the Plan as follows:

4.14 Incorporation of Code section 415 by Reference - Notwithstanding anything contained in section 4.07 to the contrary, the limitations, adjustments, and other requirements prescribed in section 4.07 shall at all times comply with the provisions of Code section 415 and the Regulations thereunder (as such apply to governmental plans), the terms of which are specifically incorporated herein by reference.

4.15 Direct Rollovers

This section applies to distributions on or after December 31, 2001. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution that is equal to at least $500 paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

For purposes of this section, the following definitions shall apply:

(1) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code section 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

For purposes of the direct rollover provisions in this section of the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and portion of such distribution which is not so includible.

(2) "Eligible Retirement Plan" is a qualified trust described in Code section 401(a), an individual retirement account described in Code section 408(a), an individual retirement annuity described in Code section 408(b), an annuity plan described in Code section 403(a), an annuity contract described in Code section 403(b), an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan.

(3) "Distributee" includes an Employee or former Employee. In addition, the Employee's or former Employee's surviving spouse and the Employee's or former Employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code section 414(p), are distributees with regard to the interest of the spouse or former spouse.

(4) "Direct Rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee.

ORDAINED AND ENACTED this 9 day of DEC, A.D., 200_.

ATTEST:

Carolyne F. Ford

TOWNSHIP OF WILKINS

President, Board of Commissioners

ORDINANCE NO. 951

AN ORDINANCE OF THE TOWNSHIP OF AMENDING ORDINANCE 801

THE TOWNSHIP OF WILKINS ordains as follows:

SECTION I. Section XI of Ordinance 801 is hereby amended to provide:

The picnic facilities in the various park pavilions are provided for use by families, local businesses, and organizations. Picnic facilities are not to be provided to groups, unless the group has made previous reservation for the site, including the time of arrival and departure. The individual or group must have a permit in its possession signed by a Department Official.

A. The possession and consumption of alcoholic beverages will be permitted inside the pavilion and picnic shelter in the parks.

1. Prior to transporting alcoholic beverages into a park pavilion or shelter, a permit identifying the group reserving the shelter must be obtained and be in the permittees possession at the time of consumption.

All ordinances inconsistent herewith and Ordinance 811 are repealed.

ORDAINED AND ADOPTED at a duly assembled meeting of the Board of Commissioners of the Township of Wilkins held this 9 day of DEC, 2002.

TOWNSHIP OF WILKINS

Attest: Caroline F. Ford
Secretary

By
President, Board of Commissioners

TOWNSHIP OF WILKINS

ORDINANCE NO. 952

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE 947 BY RESTATING THE 2003 BUDGET SUMMARY EXPENSES (GENERAL FUND) AND RESTATING THE ESTIMATED TOTAL REVENUE TO BE RECEIVED DURING THE FISCAL YEAR 2003.

The Board of Commissiomners of the Township of Wilkins ordain as follows:

Section I: Section I of Ordinance 947 is amended to state:

The estimated total revenue to be received by the Township during the fiscal year 2003 is $3,818,193.00

Section II: Section II of Ordinance 947 is amended to state:

There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2003 Budget Summary Expenses (General Fund)

General Government	$508,897.58
Public Safety	$1,510,663.81
Sanitation	$230,537.40
Public Works	$1,072,429.38
Recreation	$88,767.83
Debt Service	$75,366.00
Intergovernmental	$5,500.00
Refunds	$98,200.00
Interfund Transfers	$227,831.00
TOTAL EXPENSES	$3,818,193.00

Section III: Effective date. This ordinance shall take effect upon adoption.

Section IV: Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and the same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 27th day of January, 2003.

TOWNSHIP OF WILKINS

John J. Hanlon, President
Board of Commissioners

ATTEST:

Paul A. Vargo, Secretary

ORDINANCE NO. 953

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING THE CODE OF THE TOWNSHIP OF WILKINS CHAPTER 173-22, TO PROVIDE FOR A NO-IMPACT HOME-BASED BUSINESS.

SECTION I. The Code of the Township of Wilkins, Chapter 173-22 is amended by adding thereto subparagraph J to provide as follows:

J. (1) Definition.

"No-impact home-based business," a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

(2) The business or commercial activity must satisfy the following requirements:

(a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.

(b) The business shall employ no employees other than family members residing in the dwelling.

(c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

(d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.

(e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.

(f) The business activity may not generate any solid waste or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.

(g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.

(h) The business may not involve any illegal activity.

(3) A no-impact home-based business which complies with the terms and conditions set forth in Subsection (1) - Definition - and in Subsection (2) shall be a permitted use in all residential zones and the Zoning Hearing Board shall approve same as a special exception, provided that such permission shall not supercede deed restriction, covenant or agreement restricting the use of land nor any master deed, bylaw or other document applicable to a common interest ownership community.

(4) (a) All applicants for a no-impact home-based business special exception shall complete an application in the form approved by the Township Board of Commissioners, by resolution and pay the application fee established by the Board adopted from time to time.

(b) All persons having a legal interest in the residential property to be used for a no-impact home-based business shall execute the application for a special exception.

SECTION II. Any violation of a no-impact home-based business use approved by the Zoning Hearing Board shall be remedied as provided by Section 617-617.1 and 617.2 of the Municipalities Planning Code, as now or hereafter amended or re-enacted.

SECTION III. When the Zoning Hearing Board grants a special exception as provided herein, the zoning officer shall issue a use permit which shall be kept on the residential premises, not visible as a sign, and produced upon the request of a code enforcement officer.

SECTION IV. The Code Of The Township of Wilkins, Chapter 173-7 is amended by adding thereto under Definitions, the following:

"No-impact home-based business," a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 10th day of February, 2003.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

President, Board of Commissioners

ORDINANCE NO. 954

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AUTHORIZING THE RE-CONSTRUCTION AND PAVING OF CERTAIN TOWNSHIP ROADS DESIGNATING THE PROJECT AS YEAR 2003 ROAD PAVING PROGRAM, PROVIDING FOR THE WORK OF THE PROJECT TO BE DONE UNDER CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER AND PROVIDING PAYMENT WITH FUNDS APPROPRIATED FROM THE TOWNSHIP TREASURY.

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION 1.
The re-construction and paving of Ayers Avenue, Clugston Avenue, Curry Avenue, Ellwood Drive, Gardenia Drive, Peffer Road and Saw Mill Run are authorized and directed as shown on the plans prepared by the Senate Engineering Company which are incorporated herein by reference thereto and which are on file in the Office of the Township Secretary, 110 Peffer Road, Wilkins Township, where the plans may be examined by any interested person.

SECTION 2.
The work of the re-construction and paving of said roads and the purchase of material and labor necessary shall be done or furnished, or caused to be done or furnished, by contract to the lowest responsible bidder or bidders on specifications of the Township Engineer.

SECTION 3.
The specifications shall be designed to require unit prices so as to permit inclusion of additional road footage if project funds become available.

SECTION 4.
The project herein authorized shall be known as and is hereby designated as the 2003 Road Paving Project.

SECTION 5.
The funds required by this project are hereby appropriated from funds now or hereafter in the Township Treasury.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 31st day of March 2003.

TOWNSHIP OF WILKINS

By_____
President of the Board of Commissioners

ATTEST:

_____
Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 955

AN ORDINANCE OF THE TOWNSHIP OF WILKINS ESTABLISHING THE COMPENSATION FOR TOWNSHIP COMMISSIONERS TAKING OFFICE IN JANUARY 2006 AND THEREAFTER

THE TOWNSHIP OF WILKINS HEREBY ORDAINS AS FOLLOWS:

SECTION I:

Any Township Commissioner whose term begins in January 2006 or thereafter shall be compensated at the rate of Two Thousand Five Hundred Dollars ($2,500.00) per annum, payable in twelve equal monthly installments and shall be entitled to receive any other benefit or emolument of the office as provided by act of the General Assembly, subject the provisions of the First Class Township Code as now or hereinafter amended reenacted or supplied.

SECTION II:

Wilkins Code Section 50-1 Ordinance No. 833 is hereby repealed.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 14th day of July, 2003.

TOWNSHIP OF WILKINS

By _____
John J. Hanlon
President,
Board of Commissioners

ATTEST:

_____
Paul A. Vargo, Secretary

ORDINANCE NO 956

AN ORDINANCE OF THE TOWNSHIP OF WILKINS
FOR FORMAL ACTION CONSTITUTING A DEBT ORDINANCE
UNDER THE LOCAL GOVERNMENT UNIT DEBT ACT

THE TOWNSHIP OF WILKINS ordains as follows:

That the proper officers of the Township of Wilkins are authorized to execute ORDINANCE NO 956 IN THE FOL LOWING FORM:

ORDINANCE NO. 956

AN ORDINANCE OF THE TOWNSHIP COMMISSIONERS
OF THE TOWNSHIP OF WILKINS
(ALLEGHENY COUNTY, PENNSYLVANIA)
ENACTED SEPTEMBER 8, 2003

FORMAL ACTION CONSTITUTING A DEBT ORDINANCE UNDER THE LOCAL GOVERNMENT UNIT DEBT ACT

AUTHORIZING THE INCURRING OF NONELECTORAL DEBT BY THE ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF ONE MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS ($1,270,000), OF GENERAL OBLIGATION BONDS, SERIES OF 2003; COVENANTING TO PAY, AND PLEDGING UNLIMITED TAXING POWER FOR THE PAYMENT OF, THE BONDS; ESTABLISHING A SINKING FUND AND APPOINTING A SINKING FUND DEPOSITORY; FIXING THE FORM, INTEREST RATE, MATURITY, REDEMPTION AND OTHER PROVISIONS FOR THE PAYMENT THEREOF; ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; AUTHORIZING A FILING OF REQUIRED DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT; RATIFYING AND DIRECTING CERTAIN ACTIONS OF OFFICERS; AND MAKING CERTAIN OTHER COVENANTS AND PROVISIONS IN RESPECT OF THE BONDS.

Bond Counsel:

Wayne D. Gerhold, Esquire
U.S. Steel Tower, Suite 4680
600 Grant Street
Pittsburgh, Pennsylvania 15219

Solicitor:

John M. Means, Esquire
Meyer, Darragh, Buckler, Bebnek & Eck, PLLC
2000 Frick Building
437 Grant Street
Pittsburgh, PA 15219

WHEREAS, the Governing Body of the Local Government Unit, after due consideration of the public welfare and with full legal competence pursuant to its enabling legislation, has determined to undertake the Project hereinafter described; and

WHEREAS, the Governing Body of the Local Government Unit desires to incur indebtedness, within constitutional and statutory limitations, in order to undertake the Project; and

WHEREAS, the incurrence of such indebtedness is governed by the provisions of the Local Government Unit Debt Act, as codified by Act of December 19, 1996 (P.L. 1158, No. 177), as amended (the "Debt Act"), with which this Debt Ordinance and all related proceedings of the Local Government Unit and all duly authorized actions of its officers are intended to comply;

NOW, THEREFORE, BE IT, AND IT HEREBY IS, ENACTED by the affirmative vote of a majority of all members of the Governing Body of the Local Government Unit as follows:

ARTICLE 1--DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall, for all purposes of this Debt Ordinance, have the meanings hereby ascribed to them. Moreover, such terms, together with all other provisions of this Debt Ordinance, shall be read and understood in a manner consistent with the provisions of the Debt Act, as generally interpreted by the Department of Community and Economic Development or by courts maintaining competent jurisdiction.

Words or phrases importing the masculine gender shall be read and understood to include the feminine and neuter genders and those importing number shall include singular or plural, both as appropriate to the context. The word "person," in addition to natural persons, shall mean and include corporations, associations and public bodies and their successors unless the context shall indicate otherwise.

"Authentication Date" means that date or those dates, individual to respective Bonds, upon which the Sinking Fund Depository shall have executed and delivered a new and original instrument upon the transfer, exchange or other processing for registration of a Bond, thereby authenticating the same as, and to be, a valid and outstanding obligation of the Local Government Unit.

"Authorized Investments" means: (1) **as to the proceeds of the Bonds and upon application of the "prudent-man" rule:** (a) United States Treasury bills; (b) short-term obligations of the United States Government or its agencies or instrumentalities; (c) deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation to the extent that such accounts are so insured, and, for any amounts above the insured maximum, provided that approved collateral as provided by law therefore shall be pledged by the depository; (d) obligations of the United States of America or any of its agencies or instrumentalities backed by the full faith and credit of the United States of America, the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the Commonwealth, or of any political subdivision of the Commonwealth of Pennsylvania or any of its agencies or instrumentalities backed by the full faith and credit of the political subdivision; (e) shares of an investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933, provided that the only investments of the company are in the authorized investments for county funds listed in clauses (a) through (d); and (f) certificates of deposit purchased from institutions insured by the Federal Deposit Insurance Corporation, or the Pennsylvania Deposit Insurance Corporation or the National Credit Union Share Insurance Fund or the Pennsylvania Deposit Insurance Corporation or the Pennsylvania Savings Association Insurance Corporation to the extent that such accounts are so insured. However, for any amounts above the insured maximum, such certificates of deposit shall be collateralized by a pledge or assignment of assets of the institution, and such collateral may include loans (including interests in

pools of loans) secured by first mortgage liens on real property. Certificates of deposit purchased from commercial banks shall be limited to an amount equal to twenty percent of a bank's total capital and surplus. Certificates of deposit purchased from savings and loan associations or savings banks shall be limited to an amount equal to twenty percent of an institution's assets minus liabilities; and (2) **as to moneys at any time on deposit in the Sinking Fund:** (a) obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States of America; (b) direct general obligations of the Commonwealth of Pennsylvania, or in any securities in which the Commonwealth may, at such time, invest its moneys; or (c) deposits at interest in time accounts, certificates of deposit or other interest bearing accounts of any bank, bank and trust company (including the Sinking Fund Depository), savings bank, savings and loan association or building and loan association. The authorization set forth above for investment in obligations of the United States of America includes money market funds invested solely in such obligations, including any such funds maintained by the Sinking Fund Depository. To the extent that any such deposits described in (2)(c) above are insured by the Federal Deposit Insurance Corporation or similar Federal agency, they need not be secured. Otherwise, such deposits must be secured as public deposits or as trust funds; provided in all events that such investments must be made in a manner consistent with sound business practice and, if required for prompt expenditure, shall be held in demand deposits. In the event, from time to time, and to the extent such investments may periodically require valuation, their value shall be determined on the following bases (and if more than one basis applies, according to the lowest of them): (1) as to investments the bid and asked prices of which are published on a regular basis in *The Wall Street Journal*--the arithmetic mean of the bid and asked prices for such investments so published on or immediately prior to such time of determination; (2) as to investments the bid and asked prices of which are not published on a regular basis in *The Wall Street Journal*--the average bid price established for such investments by any three nationally recognized government securities dealers at the time making a market in such investments or the average bid price published by a nationally recognized pricing service; and (3) as to time deposits, certificates of deposit and bankers' acceptances--the face amount thereof, plus accrued interest.

"Bond Counsel" means Wayne D. Gerhold, Esquire, Pittsburgh, Pennsylvania.

"Bond Insurance Policy" means the standard policy of the Insurer, to be issued under and according to all the terms and conditions of its Commitment, insuring timely payment of the principal of and interest on, the Bonds to the owners thereof, upon satisfaction of all preconditions set forth in said Policy, as specifically noted by a legend or other appropriate text hereby authorized to be printed on the Bonds themselves.

"Bonds" means the $1,270,000, aggregate principal amount, General Obligation Bonds, Series of 2003, which are hereinafter authorized to be issued, sold and delivered for purposes of the Project, and which constitute instruments imposing an obligation upon the Local Government Unit for the repayment of money borrowed. The Bonds will be printed substantially in the form provided in Section 4.13 and shall fall within the definition of "Security" set forth in, and otherwise will be governed by, Article 8 of the

Uniform Commercial Code, to the extent permitted by, and consistent with, the Debt Act. Such term may include a single Bond or several Bonds, representing, in each case, a portion of such Series.

"Dated Date" means October 1, 2003.

"Debt Ordinance" means this document, being the formal action taken by the Local Government Unit according to the requirements of Section 8003 of the Debt Act in order to authorize and incur the debt represented by the Bonds. The term shall apply whether, under the law and current practices of the Local Government Unit, it would normally take formal action by enactment of an ordinance, adoption of a resolution or some other similar means.

"Designated Officer(s)" means and includes, individually or jointly, the President of the Board of Township Commissioners, the Vice President or any of the other Commissioners or the Secretary (and their appropriate successors acting by reason of absence or other incapacity), being those duly elected or appointed and acting officials of the Local Government Unit hereby authorized to undertake and perform the actions herein specified, which are necessary and proper to the issuance of the Bonds and compliance with the Debt Act. The signature of any Designated Officer may be attested to by the Secretary or the Solicitor.

"First Interest Payment Date" means March 1, 2004

"Governing Body" means the Board of Township Commissioners of the Local Government Unit, being that entity authorized by law to fix the rate of, and to levy, taxes within the Local Government Unit.

"Insurer" means Financial Security Assurance, 350 Park Avenue, New York, NY 10022.

"Interest Payment Date(s)" means, singularly or jointly, March 1 and September 1 of each year during the term of the Bonds, commencing with the First Interest Payment Date.

"Local Government Unit" means Township of Wilkins, a township of the first class, of the Commonwealth of Pennsylvania, duly organized and validly existing under the Constitution and the laws of the Commonwealth, particularly the First Class Township Code, Act of June 24, 1931, P.L. 1206, Article I §101, as reenacted May 27, 1949, P.L. 1955, §1 et seq., (53 P.S. §55101, et seq.) as amended (the "Township Code").

"Mandatory Redemption Date(s)" is a term not relevant to this transaction.

"Maturity Date(s)" means, singularly or jointly, September 1, 2004 through 2011, inclusive.

"Optional Redemption Date" is a term not relevant to this transaction. The Bonds are not subject to optional redemption.

"Project" means the payment of the costs associated with: (1) the advance refunding, in order to achieve debt service savings over the life of the series, of the outstanding principal amount of the Local Government Unit's General Obligation Bonds, Series A of 1994 (the "Prior Bonds"); (2) various capital improvements to the facilities of the Local Government Unit; and (3) payment of all costs and expenses incurred by the Local government Unit in connection with the issuance and sale of the Bonds.

Reasonable estimates of the cost of the indebtedness authorized hereby, which is not less than the principal amount of the indebtedness authorized hereby, together with the exact useful life of the capital assets financed and refinanced from the proceeds of the Bonds (being, on a weighted average, in excess of fifteen (15) years), have been obtained with the assistance of engineers, architects, financial advisors and other persons qualified by experience. Nothing contained herein shall prohibit the Governing Body, under proper enactment of an ordinance and compliance with all provisions of law, from amending, adding to, subtracting from, substituting for or otherwise altering the Project.

"Purchase Price" means $1,249,762.35, representing 99.00% of the par amount of the Bonds, (less original issue discount in the amount of $7,537.65), plus interest accrued to the date of delivery.

"Purchase Proposal" means the written agreement of even date for the purchase and sale of the Bonds, as executed and presented by the Purchaser, and accepted by the Local Government Unit by the enactment of this Debt Ordinance.

"Purchaser" means Commonwealth Securities and Investments, Inc., 1317 Investment Building, Pittsburgh, Pennsylvania.

"Rating Agency" means Standard & Poor's Rating Service, 25 Broadway, New York, NY 10004.

"Record Date(s)" means, singularly or jointly, February 15 and August 15 of each year during the term of the Bonds, as each such date precedes a respective Interest Payment Date.

"Redemption Price" if applicable, means 100% of the principal amount, together with accrued interest to the date fixed for redemption.

"Sinking Fund Depository" means J.P. Morgan Trust Company, National Association, a bank or bank and trust company (or wholly owned subsidiary of the same) located and lawfully conducting a banking or trust business in the Commonwealth of Pennsylvania, having its designated corporate trust office in Pittsburgh, Pennsylvania. Said bank shall assume, undertake and perform the duties of the Sinking Fund Depository specified by this Debt Ordinance or contained in the Debt Act, and shall further act as

Paying Agent and Registrar in respect of the Bonds, according to the provisions of this Debt Ordinance and the Debt Act and in compliance at all times with then-current industry standards and practices.

Notwithstanding the foregoing, if and only in the event, the payment of the Bonds has been insured to the owners thereof by a duly issued and outstanding Bond Insurance Policy, such Sinking Fund Depository must be, and remain at all times, acceptable to the Insurer, who is empowered to request that the Local Government Unit appoint a successor for cause shown.

"Solicitor" means John M. Means, Esq. Meyer, Darragh, Buckler, Bebnek & Eck, PLLC, 2000 Frick Building, 437 Grant Street, Pittsburgh, PA 15219.

"Term Bonds" is a term not relevant to this transaction.

--END OF ARTICLE 1--

ARTICLE 2--AUTHORIZATION OF DEBT

Section 2.01. Incurrence. The Local Government Unit hereby authorizes and directs the incurrence of nonelectoral debt in an amount equal to the aggregate principal amount of the Bonds for the purposes of the Project; such debt shall be evidenced by the Bonds, to be issued, sold and delivered according to the provisions of this Debt Ordinance and the Debt Act, as general obligations of the Local Government Unit.

Section 2.02. Preparation of Debt Statement; Exclusion of Indebtedness. The Designated Officers are hereby authorized and directed to prepare and verify under oath or affirmation, according to the requirements of Sections 8002 and 8110 of the Debt Act, the Debt Statement of the Local Government Unit, including therewith a certification of the Borrowing Base, and, if desired, any statements required by Chapter 81, Subchapter B of the Debt Act necessary to qualify all or any portion of this, or any prior outstanding, debt for exclusion from the appropriate debt limit as self-liquidating or subsidized debt; all previous actions of Designated Officers in this regard are hereby ratified and confirmed.

Section 2.03. Proceedings Before the Department. The Designated Officers are hereby further authorized and directed to prepare and file all proceedings of the Local Government Unit relative to this incurrence of debt with the Department of Community and Economic Development and to respond to all inquiries or requests and to perform all other actions necessary to enable the Department to certify its approval to issue, sell and deliver the Bonds.

Section 2.04. Stated Maturity Dates. The Local Government Unit hereby finds and determines that: (1) the Bonds are to be issued with: (a) a final stated maturity date which does not exceed the sooner to occur of forty years or the useful life of the Project; and (b) an initial stated installment or maturity of principal which has not been deferred beyond one year from the date of expected completion of the Project; and (2) the stated maturities, or principal installments subject to mandatory redemption, of the Bonds have been fixed either: (a) so as to amortize the Bonds on at least an approximately level debt service plan during the period specified for the payment of principal under Section 8142(c) of the Debt Act; or (b) in the alternative, in the event that an Exhibit B has been properly completed and is attached to this Debt Ordinance and thereby incorporated by reference herein, so that the debt service on outstanding debt of the Local Government Unit (being the Bonds, together with such other debt as has been identified on Exhibit B) will be brought more nearly into an over-all level annual debt service plan.

--END OF ARTICLE 2--

ARTICLE 3--SECURITY FOR DEBT; SINKING FUND

Section 3.01. General Obligation Covenant. The Bonds shall be general obligations of the Local Government Unit. The Local Government Unit hereby covenants with the owners from time to time of the Bonds to: (1) include the amount necessary to service the debt on the Bonds, for each fiscal year in which such sums are payable, in its budget for that year; (2) appropriate such amounts from its general revenues to the payment of the debt service; and (3) duly and punctually pay, or cause to be paid, from its Sinking Fund or from any other of its revenues or funds, the principal of and the interest on the Bonds at the dates and place and in the manner stated in the Bonds, according to the true intent and meaning thereof.

For such budgeting, appropriation and payment of the Bonds, the Local Government Unit hereby irrevocably pledges its full faith, credit and taxing power. The exact amounts of debt service hereby covenanted to be paid are set forth in Exhibit A, attached to this Debt Ordinance and incorporated by reference herein.

As provided in the Debt Act, the foregoing covenants are specifically enforceable. Notwithstanding the foregoing, nothing contained herein shall prohibit or restrain the authorization, issuance, sale or delivery of additional general obligation bonds or notes of the Local Government Unit on a parity with this Series of Bonds, upon adoption of an appropriate covenant to budget, appropriate and pay additional taxes and other revenues and funds for the payment and security of such additional obligations.

Section 3.02. Creation of Sinking Fund. The Local Government Unit hereby creates, and orders to be established (in its name and identified by reference to the Bonds), a Sinking Fund for the payment of the Bonds with the Sinking Fund Depository, and further covenants to maintain such Sinking Fund until the Bonds are paid in full. The Designated Officer is hereby authorized and directed to contract with the Sinking Fund Depository for its services in such capacity, together with its services as Paying Agent and Registrar for the Bonds.

Section 3.03. Deposits into Sinking Fund. The Local Government Unit covenants with the owners of the Bonds, and a Designated Officer (according to the duties specified in Section 8223 of the Debt Act) is hereby authorized and directed, to withdraw from the General Fund (or in the event debt service charges have been capitalized, from any Project fund hereafter established with the proceeds of the Bonds, as authorized in Section 11.04) and to deposit into the Sinking Fund on or before the appropriate Interest Payment Dates (or as and when otherwise due by their terms and in order to provide same-day, available funds for timely payment), amounts sufficient to pay: (1) the interest on the Bonds then outstanding; and (2) the principal of the Bonds then maturing or subject to redemption on each such Interest Payment Date as set forth in Section 3.01.

Section 3.04. Investment of Sinking Fund. All moneys in the Sinking Fund not required for prompt expenditure may, in accordance with written or telephonic (if

subsequently confirmed in writing according to the reasonable practices and requests of the Sinking Fund Depository) instructions of a Designated Officer, be invested in Authorized Investments.

Authorized Investments must mature or must be subject to redemption, withdrawal or collection in their full amount at the option of the Sinking Fund Depository not later than the date upon which moneys are required to be paid to owners of the Bonds. All moneys in the Sinking Fund must be applied exclusively to the payment of the Bonds as the same from time to time becomes due and payable. All moneys deposited into the Sinking Fund and all investments and proceeds thereof shall be subject to a perfected security interest for the benefit of the owners of the Bonds. Income received from any deposit or investment within the Sinking Fund shall remain within and be a part of the Sinking Fund and all such amounts may be applied in reduction or completion of any amount covenanted under Section 3.01 hereof to be deposited therein; provided, however, that the obligation of the Local Government Unit to pay the Bonds is, and shall remain, absolute, and may not be satisfied or reduced merely by the deposit of moneys into the Sinking Fund or from the expectation of earnings thereon.

--END OF ARTICLE 3--

ARTICLE 4--TERMS AND PROVISIONS OF THE BONDS

Section 4.01. Dates, Maturity Amounts and Interest Rates. The Bonds will be identified by the Dated Date, will be dated as of the Authentication Dates, will bear (or accrue) interest at the rate(s)(or yield(s)), payable (or compounded) on the appropriate Interest Payment Dates, and will mature on the Maturity Dates and in the principal amounts (or maturity amounts) set forth in Section 3.01.

Section 4.02. Optional Redemption. The Bonds are not subject to optional redemption prior to maturity. [Not Applicable]-The Bonds scheduled to mature on a date after the Optional Redemption Date may be redeemed prior to maturity at the option of the Local Government Unit (1) in whole, on the Optional Redemption Date or on any date thereafter, or (2) in part, from time to time, on the Optional Redemption Date or on any date thereafter, by lot within a maturity, upon payment of the applicable Redemption Price.

Section 4.03. Mandatory Redemption. Term Bonds (if any) shall be redeemed prior to maturity by the Sinking Fund Depository without further authorization on the appropriate Mandatory Redemption Dates and in the appropriate principal amounts set forth in Article 1 and Section 3.01 hereof upon payment of the applicable Redemption Price.

Section 4.04. Form, Numbers. The Bonds will be issued in denominations of $5,000 or any integral multiple thereof, in fully registered form, without coupons and numbered according to the practice and discretion of the Sinking Fund Depository; provided, however, the Bonds will also carry CUSIP numbers as a convenience to owners.

Section 4.05. Interest Payments: Accrual. The Bonds will bear interest, payable in arrears, initially on the First Interest Payment Date and then on each Interest Payment Date subsequent for the respective preceding period; provided, that interest may be paid from an Interest Payment Date next preceding the date of a Bond except when the date of such Bond is a date to which interest has been so paid, then from the date of such Bond, or when either (1) the date of such Bond is prior to the First Interest Payment Date, or (2) no interest has been paid, then from the Dated Date.

Section 4.06. Record Date; Payments on Default. The person in whose name any Bond is registered at the close of business on any Record Date with respect to any Interest Payment Date shall be entitled to receive the amounts payable on such payment date notwithstanding the cancellation of such Bond upon any transfer or exchange thereof subsequent to such Record Date and prior to such payment date.

When, if, and to the extent, the Local Government Unit defaults in the payment of any interest due on such dates, any moneys collected for such payment, as and when collected from time to time, may be paid to the persons in whose names Bonds are registered at the close of business on a Special Record Date established by the Sinking

Fund Depository, notice of which has been mailed to all Registered Owners of Bonds not less than ten days prior to such date.

Section 4.07. Funds for Payment. The Bonds are payable at the offices of the Sinking Fund Depository in the coin or currency of the United States of America that is legal tender for the payment of public and private debts at the time and place of payment; provided, however, in the absence of written demand for such payment by the Registered Owner, received by the Sinking Fund Depository not later than the Record Date, all payments of the Bonds will be made by check or draft drawn on the Sinking Fund Depository and mailed, first class, postage prepaid, to the owner at the address that appears in the Register, following presentation at the offices of the Sinking Fund Depository.

Section 4.08. Registration and Transfer. The Local Government Unit will cause the Sinking Fund Depository to keep, in its capacity as Registrar, a Register in which, subject to reasonable regulations, the Local Government Unit will provide for the registration of Bonds and the registration of transfers and exchanges of Bonds. No transfer or exchange of any Bond will be valid unless made at the offices of the Sinking Fund Depository and registered in the Register.

Upon surrender for registration of transfer of any Bond, the Local Government Unit will execute, and the Sinking Fund Depository will authenticate and deliver in the name of the transferee or transferees, a new Bond or Bonds of any authorized denomination, of the same yield and maturity, and in the same principal amount, as the Bond so surrendered.

Any Bond is exchangeable for other Bonds of the same yield and maturity, in any authorized denomination, in the same principal amount as the Bond or Bonds presented for exchange. Upon surrender for exchange of any Bond, the Local Government Unit shall execute, and the Sinking Fund Depository shall authenticate and deliver in exchange therefor, the new Bond or Bonds which the Registered Owner making the exchange shall be entitled to receive.

All Bonds issued upon any registration of transfer or exchange shall be valid obligations of the Local Government Unit, evidencing the same indebtedness and entitled to the same benefits under this Debt Ordinance as the Bonds surrendered for such registration of transfer or exchange. All Bonds so surrendered shall be cancelled and may be destroyed by the Sinking Fund Depository.

Every Bond presented or surrendered for registration of transfer or exchange shall be duly endorsed, or be accompanied by a written instrument of transfer, in form and with guaranty of signature satisfactory to the Local Government Unit and the Sinking Fund Depository, duly executed by the owner thereof or the duly authorized agent or legal representative of the owner.

No service charge shall be imposed on any Registered Owner for any transfer or exchange of any Bond, but the Local Government Unit may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

Neither the Local Government Unit, nor the Sinking Fund Depository, shall be required to: (1) issue, or register the transfer or exchange of, any Bond during a period of fifteen (15) business days before any date of selection of Bonds to be redeemed; or (2) register the transfer or exchange of any Bond after it has been selected for redemption.

The Bonds shall be initially registered in accordance with instructions submitted to the Sinking Fund Depository by the Purchaser.

Section 4.09. Execution and Authentication. The Bonds shall be executed on behalf of the Local Government Unit by the Designated Officers, and shall have a facsimile of the corporate seal of the Local Government Unit affixed thereto, duly attested. The Bonds shall be authenticated by the manual execution of the Certificate of Authentication by a duly authorized officer of the Sinking Fund Depository. No Bond shall be valid until the Certificate of Authentication shall have been duly executed and such authentication shall be the conclusive and only proof that any Bond has been issued pursuant to, and is entitled to any benefits conferred under, the provisions of this Debt Ordinance. To the extent that any one signature on a Bond (including the signature of the officer of the Sinking Fund Depository) is manual, all other signatures may be by facsimile.

Section 4.10. Notices. Selection of Bonds for Redemption. If applicable, notice of any redemption shall be given by first class mail, postage prepaid, not less than 30 nor more than 60 days prior to the applicable redemption date, to the Registered Owners of Bonds to be redeemed at the addresses which appear in the Bond Register on the fifth business day preceding the date selected for the mailing of such notice and to the Insurer, if any, and the Rating Agency. Neither failure to mail such notice nor any defect in the notice so mailed or in the mailing thereof with respect to any one Bond will affect the validity of the proceedings for the redemption of any other Bond. If the Local Government Unit shall have duly given notice of redemption and shall have deposited funds for the payment of the Redemption Price of the Bonds with the Sinking Fund Depository, interest on such Bonds shall cease to accrue after such redemption date.

Notices of redemption shall be dated and must state: (1) the redemption date; (2) the Redemption Price; (3) if less than all outstanding Bonds are to be redeemed, the identification numbers and the respective principal amounts of the Bonds to be redeemed; (4) the applicable CUSIP numbers of the Bonds called for redemption (if then generally in use, but shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in the notice and that reliance may be placed only on the identification numbers printed on the Bonds); (5) that on the redemption date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to

accrue from and after said date; and (6) that such Bonds are to be surrendered for payment at the designated corporate trust office of the Sinking Fund Depository.

If less than all Bonds maturing on any one date are to be redeemed at any time, the Sinking Fund Depository shall select by lot the Bonds to be redeemed at such time.

Any portion of any Bond of a denomination larger than $5,000 may be redeemed, but only in the principal amount of $5,000 or any integral multiple thereof. Prior to selecting Bonds for redemption, the Sinking Fund Depository shall assign numbers to each $5,000 portion of any Bond of a denomination larger than $5,000 and shall treat each portion as a separate Bond in the denomination of $5,000 for purposes of selection for redemption. Upon surrender of any Bond for redemption of a portion thereof, the Sinking Fund Depository shall authenticate and deliver to the owner thereof a new Bond or Bonds of the same maturity and in any authorized denominations requested by the owner in a principal amount equal to the unredeemed portion of the Bond surrendered.

Section 4.11. Temporary Bonds. Bonds in definitive form shall be fully engraved or printed or lithographed on steel-engraved borders. Until bonds in definitive form are ready for delivery, the Local Government Unit may execute, and upon request the Sinking Fund Depository shall authenticate and deliver, in lieu thereof and subject to the same provisions, limitations and conditions, one or more printed, lithographed, or typewritten bonds in temporary form, substantially in the form described in Section 4.13, hereinafter described, and with appropriate omissions, variations and insertions. Until exchanged for bonds in definitive form, such bonds in temporary form shall be valid obligations entitled to the benefit of this Debt Ordinance. The Local Government Unit shall, without unreasonable delay, prepare, execute and deliver to the Sinking Fund Depository, and thereupon, upon the presentation and surrender of any bond or bonds in temporary form, the Sinking Fund Depository shall authenticate and deliver, in exchange therefor, a bond or bonds in definitive form of the same principal (or maturity) for the same aggregate maturity amount as the bond or bonds in temporary form surrendered. Such exchange shall be made by the Local Government Unit at its own expense and without making any charge therefor.

Section 4.12. Bonds Lost or Destroyed. Upon receipt by the Local Government Unit and the Sinking Fund Depository of evidence satisfactory to both of them that any outstanding Bond has been mutilated, destroyed, lost or stolen, and of indemnity satisfactory to both of them, the Local Government Unit may, in its discretion, execute and thereupon the Sinking Fund Depository shall authenticate and deliver a new Bond of the same maturity and of like tenor in exchange and substitution for, and upon surrender and cancellation of, the mutilated Bond, or in lieu of and in substitution for the Bond so destroyed, lost or stolen. The Local Government Unit may, for each new Bond authenticated and delivered under the provisions of this Section, require the payment of expenses, including counsel fees. Any Bond issued under the provisions of this Section in lieu of any Bond alleged to be destroyed, lost or stolen, shall constitute an original additional and independent contractual obligation on the part of the Local Government Unit whether or not the Bond so alleged to be destroyed, lost or stolen be at any time

enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Debt Ordinance with all other Bonds issued hereunder, and all limitations and debt limits imposed by the Debt Act shall be increased to the extent necessary to validate such new Bonds.

Section 4.13. Form of the Bonds. The Bonds will be substantially in the following form(s):

FORM OF SERIES A BOND

[FRONT OF BOND]
TOWNSHIP OF WILKINS
(ALLEGHENY COUNTY, PENNSYLVANIA)
GENERAL OBLIGATION BOND, SERIES OF 2003

DATED DATE	INTEREST RATE	MATURITY DATE	CUSIP
October 1, 2003			

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

The Township of Wilkins (Allegheny County, Pennsylvania) (the "Local Government Unit"), a township of the first class of the Commonwealth of Pennsylvania, duly organized and validly existing under the Constitution and laws of the Commonwealth, for value received and intending to be legally bound, hereby acknowledges itself indebted and promises to pay, as a General Obligation of the Local Government Unit, to the Registered Owner hereof, on the Maturity Date stated above, upon presentation and surrender hereof (unless this Bond, if redeemable, has been duly called for previous redemption and payment of the Redemption Price made or provided for) the Principal Amount stated above and to pay interest thereon at the Interest Rate per annum stated above, semiannually on March 1 and September 1 in each year during the term of this Bond from the most recent September 1 and March 1, respectively, to which interest has been paid or provided for (or from the Dated Date if the Authentication Date of this Bond precedes October 1, 2003, which is the first date for payment of interest) until full payment of the Principal Amount to the Registered Owner has been made or provided for.

The principal of, interest on, and premium, if any, on this Bond are payable in the coin or currency of the United States of America that, at the time and place of payment, is legal tender for payment of public and private debts, at the designated corporate trust office of J.P. Morgan Trust Company, National Association, Pittsburgh, Pennsylvania, in its capacity as Sinking Fund Depository, Paying Agent and Registrar (the "Sinking Fund Depository"); provided that, absent written demand by the Registered Owner, received by the Sinking Fund Depository not later than the Record Date, periodic payments of current interest will be made by check or draft drawn on the Sinking Fund Depository and mailed, first class, postage prepaid, to the person who shall have been the Registered Owner on the appropriate Record Date at the address that appears on the Register described below, and that payment of principal will be made to the Registered Owner following presentation at the offices of the Sinking Fund Depository.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE SIDE AND SUCH TERMS AND PROVISIONS HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HERE.

This Bond will not be valid or become obligatory for any purpose unless the Certificate of Authentication is signed by the manual signature of an authorized officer of the Sinking Fund Depository.

IN WITNESS WHEREOF, the Local Government Unit has caused this Bond to be duly executed in its name by the facsimile signature of its Chairman of the Board of County Commissioners, together with a facsimile of its corporate seal affixed hereto duly attested by the facsimile signature of its Chief Clerk, and dated as of the Date of its Authentication.

ATTEST: TOWNSHIP OF WILKINS

_____ By: _____

Secretary President, Board of Township Commissioners

[SEAL]

CERTIFICATE OF AUTHENTICATION

This Bond is one of the issue of $1,270,000 Township of Wilkins (Allegheny County, Pennsylvania), General Obligation Bonds, Series of 2003 authorized by the within-mentioned Debt Ordinance.

The Opinion attached hereto is the opinion of Wayne D. Gerhold, Esq., Bond Counsel, of Pittsburgh, Pennsylvania, an executed counterpart of which, dated the date of delivery of and payment for the Series of Bonds of which this Bond is one, is on file at the offices of the Sinking Fund Depository.

J.P. MORGAN TRUST COMPANY, NATIONAL ASSOCIATION,
as Sinking Fund Depository and Paying Agent

_____,
Authorized Signatory

AUTHENTICATION DATE:
_____, 2003

[REVERSE OF BOND]

This Bond is one of a duly authorized series of bonds, designated "General Obligation Bonds, Series of 2003" of the Local Government Unit (the "Bonds"), issued in accordance with the Local Government Unit Debt Act of the General Assembly of the Commonwealth of Pennsylvania, as codified by the Act of December 19, 1996 (P.L. 1158, No.177), as amended (the "Debt Act"), pursuant to all the terms and provisions of the formal action of the Local Government Unit (the "Debt Ordinance"), and with the approval of the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

Interest payable on any Interest Payment Date will be paid to the person in whose name this Bond is registered at the close of business on the February15 and August 15 (the "Record Date") immediately preceding the applicable Interest Payment Date. Any interest which is not deposited with the Sinking Fund Depository on or before any Interest Payment Date for payment to the Registered Owner of record on the Record Date will forthwith cease to be payable to such Registered Owner on the Record Date, and will be paid to the person in whose name this Bond is registered on a Special Record Date for the payment of such defaulted interest to be fixed by the Sinking Fund Depository, notice of which shall be given to all Registered Owners not less than 10 days prior to the Special Record Date.

The Bonds are not subject to optional or mandatory redemption.

The Local Government Unit, pursuant to recommendations made by the Committee on Uniform Security Identification Procedures, has caused CUSIP numbers to be printed on the Bonds, and has directed the Sinking Fund Depository to use such numbers in notices of redemption and other notices, if any, as a convenience to the Registered Owners of the Bonds. No representation is made as to the accuracy of such numbers either as printed on the Bonds or as contained in any notice and reliance may be placed only on the identification number printed hereon.

This Bond may be transferred or exchanged only on the Register maintained by the Local Government Unit at the offices of the Sinking Fund Depository upon surrender hereof by the Registered Owner at such office duly endorsed by, or accompanied by a written instrument of transfer duly executed by, the Registered Owner or the duly authorized agent or legal representative of the Registered Owner, in each case, in form and with a guaranty of signature satisfactory to the Local Government Unit and the Sinking Fund Depository. No service charge will be imposed on any Registered Owner of any Bond for any transfer or exchange of any Bond, but the Local Government Unit may require payment of any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

The Local Government Unit is not required to register the transfer or exchange of any Bond: (1) during the period of fifteen (15) business days before any date of selection of Bonds to be redeemed or (2) after such Bond has been selected for redemption.

Subject to the provisions of this Bond and of the Debt Ordinance, the Sinking Fund Depository may treat the Registered Owner of this Bond as the absolute owner hereof, for all purposes, whether or not this Bond is overdue, and neither the Local Government Unit nor the Sinking Fund Depository will be affected by any notice to the contrary.

This Bond is hereby declared to be a general obligation of the Local Government Unit. The Local Government Unit hereby covenants with the Registered Owner of this Bond to include the amount necessary to pay the debt service hereon, in each fiscal year for which such sums are due, in its budget for that year, to appropriate such amounts from its general revenues to the payment of the debt service and to duly and punctually pay or cause to be paid from its Sinking Fund or any other of its revenues or funds the principal of this Bond and the interest hereon on the dates, at the place and in the manner stated herein, according to the true intent and meaning hereof.

It is hereby certified that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Local Government Unit, is within every debt and other limit applicable to the Local Government Unit prescribed by the Constitution and the laws of the Commonwealth of Pennsylvania; that the Local Government Unit has established with the Sinking Fund Depository a Sinking Fund for this Bond and will deposit therein amounts sufficient to pay the principal of and interest on this Bond when due and payable; and that for the prompt and full payment of all obligations under this Bond, the full faith, credit and taxing power of the Local Government Unit are hereby irrevocably pledged.

No recourse shall be had for the payment of the principal of or the interest on this Bond, or for any claim based hereon, against any officer, agent, attorney or employee, past, present or future, of the Local Government Unit, as such, either directly or through the Local Government Unit, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise; all such liability of such officers, agents or employees is hereby renounced, waived and released as a condition of and as consideration for the issuance and acceptance of this Bond.

TEXT OF OPINION OF WAYNE D. GERHOLD, ESQ., DELIVERED IN RESPECT OF $1,270,000, TOWNSHIP OF WILKINS (ALLEGHENY COUNTY, PENNSYLVANIA) GENERAL OBLIGATION BONDS, SERIES OF 2003.

[OPINION OF BOND COUNSEL]

[TEXT OF BOND INSURANCE LEDGEND]

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

Please insert Social Security
or other identifying number
of assignee

_____

Please print or typewrite name and address
including postal zip code of transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ Agent to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated

Signature(s) Guaranteed:

_____ _____

_____ _____

-NOTICE: Signature(s) must be guaranteed by a guaranteed by a member firm of an approved Signature Guarantee Medallion Program.

NOTICE: The signature(s) to this assignment must correspond with the name(s) as written upon the face of the Bond, in every particular, without alternation or enlargement, or any change whatever.

_____ _____

--END OF ARTICLE 4—

ARTICLE 5--CONCERNING THE SINKING FUND DEPOSITORY

Section 5.01. Maintenance of Sinking Fund. The Sinking Fund Depository will maintain the Sinking Fund as a separate account and will, without further authorization other than as herein contained, pay, from moneys therein, the principal of, interest on and premium, if any, on the Bonds, as and when due, to the Registered Owners thereof.

Section 5.02. Unclaimed Funds. The Sinking Fund Depository will return to the Local Government Unit all moneys deposited and held in a Sinking Fund for the payment of Bonds which have not been claimed by the Registered Owners after two years from the date when payment is due, except where such funds are held for the payment of outstanding checks, drafts or other instruments of the Sinking Fund Depository. Nothing in this Section or by reason of any action taken hereunder will relieve the Local Government Unit of its liability for payment to the Registered Owners of unpresented Bonds.

Section 5.03. Registration Agents. In the event the Bonds are qualified by the Purchaser, or are otherwise determined to be eligible, for the deposit, book-entry, withdrawal and other related services of The Depository Trust Company (or another or additional recognized bond registration agent performing similar services), the Sinking Fund Depository must undertake and perform those additional duties which may be required of it in order to enable The Depository Trust Company (or other similar agent) to perform such services for its Participants, including the processing of transfers of registration within necessary time periods, the payment of Bonds by acceptable fund transfers and the delivery of adequate redemption and other payment notices.

Section 5.04. Liability of Sinking Fund Depository. The Sinking Fund Depository may exercise any of the powers or perform any duty hereunder by or through attorneys, agents, receivers or employees, and it will not be answerable or accountable for any act, default, neglect or misconduct of any such attorney, agent, receiver or employee, if reasonable care has been exercised in the appointment and retention of such person, nor shall the Sinking Fund Depository be otherwise answerable or accountable under any circumstances whatever in connection with such powers or duties, except for its own negligence or willful misconduct. The Sinking Fund Depository will be protected and will incur no liability in relying, acting or proceeding in good faith upon any notice, request, order, certificate, report, opinion, statement, affidavit, voucher, or other paper or document believed by it to be genuine and to have been signed, passed or presented by the proper person, nor be bound to make any investigation into the matters stated therein. However, the Sinking Fund Depository may, at any time in its discretion, require of the Local Government Unit full information and advice as to the above as well as to the performance of any of the covenants, conditions and agreements in this Debt Ordinance and may further make or cause to be made independent investigations, at the expense of the Local Government Unit, concerning its affairs. The Sinking Fund Depository may consult with legal counsel to be selected and employed by it and the opinion of such counsel will be full and complete authorization and protection in respect of any action

taken or suffered by it hereunder in good faith and in accordance with the opinion of such counsel.

Section 5.05. Ownership of Bonds. The Sinking Fund Depository, in its individual capacity or as a fiduciary, may become the owner of Bonds, with the same rights it would have if it were not the Sinking Fund Depository. The Sinking Fund Depository may also engage in, or be interested in, any financial or other transaction with the Local Government Unit not in derogation of the rights of the Registered Owners of the Bonds.

Section 5.06. Interpretation. The Sinking Fund Depository may construe any of the provisions of this Debt Ordinance insofar as it may appear to be ambiguous or inconsistent with any other provision hereof, and any construction of any such provisions hereof by the Sinking Fund Depository in good faith will be binding upon the Registered Owners of the Bonds.

Section 5.07. Fees and Expenses. The Sinking Fund Depository will be paid such initial and periodic fees for its services and reimbursed for such expenses, as are specified in those proposals and other communications made to and received by the Local Government Unit in connection with the Bonds, if any, or, in all events, according to its usual, customary and reasonable schedule of fees and other charges.

Section 5.08. Removal; Resignation. The Sinking Fund Depository will serve in such capacity at the will of the Local Government Unit and may be removed, at any time, with or without cause, by the appointment of a qualified successor and upon sixty (60) days written notice to the Registered Owners of the Bonds and to the Sinking Fund Depository. Moreover, but if, and only in the event that, the payment of the Bonds has been insured to the Registered Owners thereof by a duly issued and outstanding Bond Insurance Policy, then the Sinking Fund Depository and any successor must be, and remain at all times, acceptable to the Insurer, who will be empowered to request the appointment of a successor for cause shown. The Sinking Fund Depository may at any time resign and be discharged of the trust hereby created by giving not less than sixty (60) days written notice to the Local Government Unit and the Registered Owners, specifying the date when the resignation will take effect, in the manner required for bond redemption notices in Section 4.10 hereof, and such resignation shall take effect upon the day specified in such notice, unless previously a successor sinking fund Depository has been appointed by the Local Government Unit as hereinbefore provided, in which event the resignation will take effect immediately on the appointment of the successor.

Section 5.09. Duties upon Default. If the Local Government Unit fails or refuses to make any required deposit in the Sinking Fund, the Sinking Fund Depository shall (1) independent of events and actions of Registered Owners, any trustee or any court or administrative or judicial officer undertaken or occurring pursuant to the provisions of Article 6 hereof: (a) notify the Department of Community and Economic Development of the failure or refusal, in order to facilitate an inspection of the Sinking Fund by the Department pursuant to Section 8226 of the Debt Act; and (b) notify the Insurer; and (2)

in conjunction with such events and actions under Article 6 hereof, may, and upon request of the Registered Owners of twenty-five percent (25%) in principal amount of outstanding Bonds and upon being indemnified against cost and expense must, exercise any remedy, provided in Article 6 of this Debt Ordinance, in the Debt Act or at law or in equity, for the equal and ratable benefit of the Registered Owners of the outstanding Bonds, and must disburse all funds so collected equally and ratably to the Registered Owners thereof, pursuant to the requirements of Subchapter D of Chapter 82 of the Debt Act.

Notwithstanding the foregoing, however, if, and only in the event, the payment of the Bonds has been insured to the Registered Owners by a duly issued and outstanding Bond Insurance Policy, then the Sinking Fund Depository will diligently seek recovery of funds for the payment of the Bonds from the Insurer according to the terms of the Bond Insurance Policy and, in the event the terms of the Bond Insurance Policy are being fully met and satisfied by the Insurer, then the Sinking Fund Depository may undertake the remedies provided in subparagraph (2) of this Section 5.09 only after notice to, and with the consent of, the Insurer.

--END OF ARTICLE 5--

ARTICLE 6--DEFAULTS AND REMEDIES

Section 6.01. Failure to Budget Debt Service. Subject to the provisions of Section 6.06 hereof, if applicable, if the Local Government Unit fails or refuses to make adequate provision in its budget for any fiscal year for the sums payable in respect of the Bonds, then at the suit of the Registered Owner of any Bond, the Court of Common Pleas of the county in which the Local Government Unit is located, (or, if located in more than one county, then of either) shall after a hearing held upon such notice to the Local Government Unit as the Court may direct, and upon a finding of such failure or neglect, by writ of mandamus, require the Designated Officer to pay into the Sinking Fund the first tax moneys or other available revenues or moneys thereafter received in such fiscal year by the Designated Officer until the sum on deposit in the Sinking Fund is equal to the moneys that should have been budgeted or appropriated for the Bonds.

Section 6.02. Failure to Pay Principal or Interest. Subject to the provisions of Section 6.06 hereof, if applicable, if the Local Government Unit fails or neglects to pay or cause to be paid the interest or principal on any of the Bonds, when due and payable, and the failure continues for thirty (30) days, the Registered Owner thereof shall, subject to any appropriate priorities created under the Debt Act, have the right to recover the amount due in an action in assumpsit in the Court of Common Pleas of the county in which the Local Government Unit is located (or, if located in more than one county, then of either). The judgment recovered will have an appropriate priority upon the moneys next coming into the treasury of the Local Government Unit.

Section 6.03. Trustee for Registered Owners.

(1) Subject to the provisions of Section 6.06 hereof, if applicable, but notwithstanding any other provision in this Debt Ordinance, if the Local Government Unit defaults in the payment of the principal of or the interest on the Bonds after the same shall become due, and such default shall continue for thirty (30) days, or if the Local Government Unit fails to comply with any provision of the Bonds or this Debt Ordinance, the Registered Owners of twenty-five percent (25%) in aggregate principal amount of the Bonds then outstanding, by an instrument or instruments filed in the office for the recorder of deeds in the county in which the Local Government Unit is located, signed and acknowledged in the same manner as a deed to be recorded, may appoint a trustee, who may be the Sinking Fund Depository, to represent the Registered Owners of all such bonds or notes, and such representation shall be exclusive for the purposes herein provided.

(2) Such trustee, may, and upon written request of the Registered Owners of twenty-five percent (25%) in principal amount of the Bonds then outstanding and upon being furnished with indemnity satisfactory to it must, in his, her or its own name take one or more of the actions set forth below and the taking of such actions will preclude similar action whether previously or subsequently initiated by individual Registered Owners of the Bonds:

(a) By mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the Registered Owners of the Bonds or require the Local Government Unit to carry out any other agreement with the Registered Owners of the Bonds;

(b) Bring suit on the Bonds without the necessity for producing them;

(c) Petition the Court to levy, and the Court is hereby empowered to levy, after a hearing upon such notice to the owners of assessable real estate as the Court may prescribe, the amount due before or after the exercise of any right of acceleration on the Bonds plus estimated costs of collection upon all taxable real estate and other property subject to ad valorem taxation within the Local Government Unit, in proportion to the value thereof as assessed for tax purposes, and the trustee may collect, or cause the Local Government Unit to collect, such amounts as by foreclosure of a mortgage or security interest on the realty or other property if not paid on demand. Any assessment levied pursuant hereto will have the same priority and preference, as against other liens or mortgages on the real estate or security interests in fixtures thereon or other property, as a lien for unpaid taxes;

(d) By suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owners of the Bonds;

(e) After thirty (30) days prior written notice to the Local Government Unit, declare the unpaid principal of all the Bonds to be, and it will thereby become, forthwith due and payable with interest at the rates stated in the Bonds until final payment (and, if all defaults are made good, then to annul such declaration and its consequences).

(3) If the Sinking Fund Depository is willing to serve and exercise the powers conferred upon a trustee appointed by this Section 6.03, no trustee appointed in the manner provided in this Section will have the powers herein set forth unless the appointment under this Section was executed by or pursuant to the authority of the Registered Owners of a principal amount of such Bonds sufficient to remove the originally appointed trustee.

(4) Proof of ownership of Bonds and of execution of instruments relative thereto must be made according to the provisions of Section 8114 of the Debt Act.

Section 6.04. Costs of Suits or Proceedings. In any suit, action or proceeding by or on behalf of the Registered Owners of defaulted Bonds, the fees and expenses of a trustee or receiver, including operating costs of a project and reasonable counsel fees, will constitute taxable costs, and all such costs and disbursements allowed by the court will be deemed additional principal due on the Bonds, and will be paid in full from any recovery prior to any distribution to the Registered Owners of the Bonds.

Section 6.05. Distribution of Moneys Realized for Registered Owners. Moneys or funds collected for the Registered Owners of defaulted Bonds will, after the payment

of costs and fees as provided in Section 6.04, be applied by the trustee or receiver as follows:

(1) Unless the principal of all the Bonds has become or has been declared due and payable, (a) to the payment to the Registered Owners entitled thereto of all installments of interest then due in the order of their respective due dates and, if the amount available is not sufficient to pay any installment in full, then to the payment ratably, according to the amounts due on such installment, to the Registered Owners entitled thereto, without any discrimination or preference; and (b) to the payment to the Registered Owners entitled thereto of the unpaid principal of any Bonds which has become due, whether at stated Maturity Dates or by call for redemption, in the order of their respective due dates, and if the amount available is not sufficient to pay in full all the Bonds due on any date, then to the payment ratably, according to the amounts of principal due on such dates, to the Registered Owners entitled thereto without any discrimination or preference;

(2) If the principal of all the Bonds has become or has been declared due and payable, to the payment of the principal and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or interest over principal, or of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably according to the amounts due respectively for principal and interest, to the Registered Owners entitled thereto without any discrimination or preference.

Section 6.06. Bond Insurance Policy; Procedure for Payment Thereunder. Payment of the Bonds will be insured to the Registered Owners by the Bond Insurance Policy hereby authorized to be purchased upon the issuance and delivery of the Bonds.

No provisions of this Debt Ordinance, the Debt Act or otherwise arising at law or in equity for the enforcement of claims by Registered Owners for the payment of either principal or interest in respect of the Bonds will be effectuated without the consent of the Insurer, so long as the terms of the Bond Insurance Policy are being fully met and satisfied.

In the event that the principal and/or interest due on the Bonds is paid by the Insurer pursuant to the Bond Insurance Policy, all covenants, agreements and other obligations of the Local Government Unit to the Registered Owners of the Bonds, under this Debt Ordinance and under the Debt Act, shall continue to exist and will run to the benefit of the Insurer, who will be subrogated to the rights of such Registered Owners. Accordingly, the Sinking Fund Depository must abide and follow all instructions of the Insurer for the prompt payment of the principal of and/or interest due on the Bonds to the Registered Owners, including provision of the Register to the Insurer, processing of checks or other remittances on behalf of the Insurer, collection of Bonds and notation of the Insurer's interest as subrogee within its records and on its books.

--END OF ARTICLE 6--

ARTICLE 7--AMENDMENTS AND MODIFICATIONS

Section 7.01. Amendments Without Consent. The Local Government Unit may, from time to time and at any time, enact, execute, file with the Department and deliver to the Sinking Fund Depository, who must accept the same, debt ordinances amending, modifying or supplemental hereto that are not inconsistent with the terms and provisions hereof and which do not adversely affect the rights of the Registered Owners of the Bonds (which modifying or supplemental debt ordinances will thereafter form a part hereof) for the following purposes:

(1) to cure any ambiguity, formal defect or omission in this Debt Ordinance;

(2) to grant or confer upon the Sinking Fund Depository for the benefit of the Registered Owners of the Bonds any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred thereupon;

(3) to add to this Debt Ordinance additional covenants and agreements thereafter to be observed by, or to surrender any right or power herein reserved to or conferred upon, the Local Government Unit; or

(4) to amend the definition of the Project and change the purposes of the Bonds, in compliance with all provisions of the Debt Act.

Section 7.02. Amendments With Consent. With the consent of the Registered Owners of not less than sixty-six and two-thirds percent (66⅔%) in outstanding principal amount of the Bonds, (and with the consent of the Insurer, if any) the Local Government Unit may, from time to time and at any time, enact, execute, file with the Department and deliver to the Sinking Fund Depository, who shall accept the same, debt ordinances amending, modifying or supplemental hereto for the purpose of adding any provision to or changing in any manner or eliminating any of the provisions of this Debt Ordinance or of modifying in any manner the rights of the Registered Owners of the Bonds; provided, however, that no such modifying or supplemental debt ordinance shall: (1) extend the fixed maturity date of any Bond, or reduce the principal amount thereof, or reduce the rate or extend the time of payment of interest thereon, or reduce any premium payable upon the redemption thereof, without the consent of the Registered Owner of each Bond so affected; or (2) reduce the aforesaid percentage of Bonds, the Registered Owners of which are required to consent to any such modification or supplement, without the consent of the Registered Owners of all Bonds then outstanding. The consent of the Registered Owners for the particular form of any proposed modification or supplement is not necessary, if the consent approves the substance thereof.

Section 7.03. Acceptance of Amendment. The Sinking Fund Depository shall accept any amending, modifying or supplemental debt ordinance which the Local Government Unit is authorized to execute hereunder upon delivery of the following:

(1) The amending, modifying or supplemental debt ordinance, duly executed with proof of filing with the Department; and

(2) An opinion of Bond Counsel to the effect that such amending, modifying supplemental debt ordinance was properly enacted, executed and delivered pursuant to: (a) the provisions of Section 7.01 hereof; or (b) the provisions of Section 7.02 hereof and that the consent of the Registered Owners of the Bonds required hereunder has been secured, and that, in all events, the enactment, execution and delivery of such debt ordinance complies with all applicable requirements of law, including the Debt Act.

Section 7.04. Effect of Amendment. Upon the execution of any amending, modifying or supplemental debt ordinance pursuant to the provisions of this Article, this Debt Ordinance will be and be deemed to be amended, modified and supplemented in accordance therewith, and the respective rights, limitation of rights, obligations, duties and immunities of parties hereunder will thereafter be determined, exercised and enforced hereunder subject in all respects to the amendments, modifications and supplements, and all the terms and conditions of any such debt ordinance will be and be deemed to be part of the terms and conditions of this Debt Ordinance for any and all purposes.

Section 7.05. Notice of Amendment. Notice, including a summary description, of any amending, modifying or supplemental debt ordinance once effectuated will be confirmed promptly to all Registered Owners, and will be given to the Rating Agencies and the Insurer in the same manner provided for notices of redemption in Section 4.10.

--END OF ARTICLE 7--

ARTICLE 8--DISCHARGE OF DEBT ORDINANCE

Section 8.01. If the Local Government Unit pays or causes to be paid unto the Registered Owners the principal of, the interest on and the premium, if any, on the Bonds, at the times and in the manner stipulated therein, then this Debt Ordinance and the estate and rights hereby granted will cease, terminate and be void, and thereupon the Sinking Fund Depository will release, cancel and discharge the lien and obligations of this Debt Ordinance and deliver to the Local Government Unit any funds or documents at the time subject to the lien of this Debt Ordinance which may then be in its possession; provided, however, that until such time as full and complete payment is so made, this Debt Ordinance will be and remain in full force and effect.

Bonds, for the payment or redemption of which cash and/or securities which upon maturity will yield funds in the full amount required therefor shall have been deposited with the Sinking Fund Depository, whether upon or prior to the Maturity Date or the Redemption Date of such Bonds, will be deemed to be paid within the meaning of this Article, provided, however, that if such bonds are to be redeemed prior to the Maturity Date(s) thereof, notice of the redemption must have been duly given or adequate provision made therefor.

In the event that the principal and/or interest due on the Bonds is paid by the Insurer if any, pursuant to the Bond Insurance Policy if any, the Bonds will remain outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Local Government Unit, until full, proper and complete payment and reimbursement is made to the Insurer if any, by the Local Government Unit pursuant to the Bond Insurance Policy, if any.

--END OF ARTICLE 8--

ARTICLE 9--FEDERAL INCOME TAX COVENANTS

Section 9.01. Compliance in General. The Local Government Unit hereby states its intention to comply with all the provisions of Sections 103 and 141 through 150, inclusive, of the Internal Revenue Code of 1986, as amended (the "Tax Code"); the Local Government Unit represents and covenants that it has undertaken and performed, and will undertake and perform, or, as appropriate, discontinue, upon the instruction of Bond Counsel, all those acts necessary and proper to the maintenance of the exclusion from gross income of the interest on the Bonds to the Registered Owners thereof conferred by those Sections, as interpreted by applicable regulations, rulings or other pronouncements of the Secretary of the United States Department of the Treasury.

Section 9.02. Not a Private Activity Bond; Taxing Powers. The Local Government Unit covenants that the Bonds are not an issue: (1)(a) more than 10 percent of the proceeds of which are to be used for any private business use, and (b) the payment of the principal of, or the interest on, more than 10 percent of the proceeds, directly or indirectly, is (x) secured by any interest in property used or to be used for a private business use, or payments in respect of such property, or (y) to be derived from payments in respect of property, or borrowed money, used or to be used for a private business use; nor (2) the proceeds of which, in an amount exceeding the lesser of five percent of such proceeds, or $5,000,000, are to be used to make or finance loans to persons other than governmental units.

The Local Government Unit certifies that it is a political subdivision and governmental unit with general taxing powers.

Section 9.03. Non-Arbitrage. The Local Government Unit covenants that no portion of the proceeds of the Bonds is reasonably expected (at the time of issuance of the Bonds) to be used, nor will intentionally be so used, directly or indirectly, (1) to acquire higher yielding investments, or (2) to replace funds which were used directly or indirectly to acquire higher yielding investments. This prohibition does not apply to proceeds invested in higher yielding investments (a) for a reasonable temporary period until such proceeds are needed for the purpose of the Bonds, or (b) as a part of a reasonably required reserve or replacement fund. For these purposes, "higher yielding investment" means any investment property (generally, a security or debt obligation) that produces a yield over the term of the Bonds which is materially higher than the yield on the Bonds, but does not include any tax-exempt bond.

Section 9.04. Required Rebate. The Local Government Unit covenants to pay and rebate its arbitrage profits (being an amount equal to the sum of: (1) the excess of (a) the amount earned on all nonpurpose investments over (b) the amount which would have been earned if the nonpurpose investments were invested at a rate equal to the yield on the Bonds; plus (2) any income attributable to said excess (provided, further, that any gain or loss on the disposition of a nonpurpose investment will be taken into account) to the United States in accordance with the provisions of Section 148(f) of the Tax Code

and regulations thereunder, but only as and to the extent that none of the following exceptions apply to the Local Government Unit.

Exceptions. Rebate to the United States as described above shall not be required of the Local Government Unit if, and in the event that any one of the following exceptions applies: (1) **SIX MONTH SAFE HARBOR**--the gross proceeds of the Bonds are expended for the Project by no later than the day which is six months after the date of issuance of the Bonds, or, the gross proceeds, except the lesser of five percent of the gross proceeds of the Bonds, or $100,000, are so expended by said date and such remaining portion is expended by no later than the day which is one year after the date of issuance of the Bonds; (2) **18-MONTH SPEND-DOWN**--the following cumulative percentages of the gross and investment proceeds of the Bonds are expended for the Project by no later than the day which is the indicated period of time following the date of issuance of the Bonds; 15%-- six months; 60%-- one year; 100%-- eighteen months (except that not more than 5%, representing only reasonable retainage on the costs of the Project, may remain unexpended after eighteen months, but not in excess of thirty months); (3) **TWO YEAR SPEND-DOWN (CONSTRUCTION ISSUES ONLY)**--the following cumulative percentages of available construction proceeds of the Bonds are expended for the Project by no later than the day which is the indicated respective period of time following the date of issuance of the Bonds: 10%-- six months; 45%-- one year; 75%-- eighteen months; 100%-- two years (except that not more than 5%, representing only reasonable retainage on the costs of the Project, may remain unexpended after two years, but not in excess of three years); or (4) **SMALL ISSUER--**(a) 95 percent or more of the net sale proceeds (being gross proceeds minus amounts deposited into a reasonably required reserve fund) of the Bonds is to be used for local governmental activities of the Local Government Unit (or a subordinate entity), and (b) the aggregate face amount of all tax-exempt bonds, other than private activity bonds, issued by the Local Government Unit, and all subordinate entities thereof (but not including any bond not outstanding or to be redeemed, as may be excluded under prevailing interpretations of the Tax Code and regulations thereunder), during the calendar year in which the Bonds are issued, is not reasonably expected to exceed $5,000,000.

For these purposes, "gross proceeds" means any proceeds and replacement proceeds of the Bonds, "available construction proceeds" has the meaning used in §148(f)(4)(C)(vi) of the Tax Code, "sale proceeds" means all amounts actually or constructively received from the sale of the Bonds, except accrued interest on the Bonds deposited to the Sinking Fund, and "nonpurpose investment" means any investment property acquired with the gross proceeds of the Bonds and not required to carry out the governmental purpose of the Bonds.

A Designated Officer is hereby authorized and directed to contract with Bond Counsel, at his customary, usual and reasonable schedule of fees, for his services in calculating required rebate payments and making necessary reports to and filings with the United States on a periodic basis as required by the Tax Code and the rulings and regulations thereunder.

Section 9.05. Information Reporting. The Local Government Unit must prepare, or cause to be prepared, execute and submit to the Secretary IRS Form 8038-G (or 8038-GC, as applicable) according to all the requirements for information reporting contained in Section 149(e) of the Tax Code.

Section 9.06. Qualified Tax Exempt Obligations. The Local Government Unit hereby designates the Bonds to be "qualified tax-exempt obligations for the purposes of, and according to all the terms and conditions of, Section 265(b)(3) of the Tax Code. Having considered tax-exempt obligations previously issued, together with the Bonds, during the calendar year in which the bonds are issued, the Local Government Unit represents and covenants that the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Local Government Unit (together with all subordinate entities) during said calendar year will not exceed $10,000,000.

For these purposes, "tax exempt obligations" means any obligation, the interest on which is wholly exempt from taxes under the Tax Code.

--END OF ARTICLE 9--

ARTICLE 10--FEDERAL SECURITIES LAW COVENANTS

Section 10.01. Compliance in General. The Local Government Unit hereby states its intention to comply, and to facilitate compliance by the Purchaser and other related parties, with all the provisions of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), including for this purpose the related body of securities disclosure and anti-fraud laws; the Local Government Unit represents and covenants that it has undertaken and performed, and will undertake and perform, or, as appropriate, discontinue, upon appropriate instructions of Bond Counselor or otherwise, all those acts necessary and proper to achieve compliance with the Rule, as interpreted by applicable regulations, rulings or other pronouncements of the Securities and Exchange Commission, or other appropriate regulatory body.

Section 10.02. Official Statement. The Local Government Unit acknowledges preparation of the Official Statement with the assistance of the Purchaser, and that, in particular, while matters of style and format may have originated with the Purchaser, all substantive data and information was provided by the Local Government Unit. The Local Government Unit, upon review as to completeness and accuracy, hereby deems the Preliminary Official Statement final as of its date, and certifies the Preliminary Official Statement did not and does not, as of its date and as of this date, contain any untrue statements of a material fact or omit to state any material fact which should be included therein in order to make the statements contained therein, in the light of the circumstances under which they were made, not misleading, as required by statute, regulation or substantive law. The distribution of the Preliminary Official Statement by the Financial Advisor is hereby ratified and approved.

The Local Government Unit hereby covenants to provide a final Official Statement to the Purchaser within seven business days of this date. The Designated Officer is hereby authorized and directed to execute the same with such completions therein from the preliminary document as may be necessary and, provided further, that execution of a certificate concurrently upon, or subsequent to, preparation of the formal Official Statement, including any settlement certificate, by a Designated Officer, regarding the truth and accuracy of the final Official Statement is tantamount to execution of the original document and full and sufficient authority for the printing of one or more conformed signatures therein. The Local Government Unit hereby covenants that the same representations regarding finality and completeness made regarding the Preliminary Official Statement will be true of the final Official Statement as of its date and as of Settlement. The Purchaser is authorized to use the final Official Statement in connection with the sale of the Bonds.

Section 10.03. Continuing Disclosure. In accordance with Rule 15c2-12 (the "Rule") promulgated under the Securities Exchange Act of 1934, as amended, and in order to provide that paragraph (b)(5) thereof should not apply to the primary offering of the Bonds, pursuant to paragraph (d)(2) thereof, the Local Government Unit hereby covenants, with and for the benefit of the holders and beneficial owners (within the meaning of the Rule) and the beneficial owners from time to time of the Bonds (which

includes any person or entity that has a pecuniary interest in any of the Bonds), to provide upon request to any person or at least annually to the appropriate state information depository in the Commonwealth Pennsylvania, if any ("SID"), financial information or operating data regarding the Local Government Unit, which financial information and operating data shall include, at a minimum that financial information and operating data which is customarily prepared by the Local Government Unit and is currently available. The Local Government Unit hereby also covenants, with and for the benefit of the holders and beneficial owners from time to time of the Bonds, to provide in a timely manner to each nationally recognized municipal securities information repository ("NRMSIR"), or to the Municipal Securities Rulemaking Board ("MSRB"), and to the SID notice of each occurrence of any of the following events with respect to the Bonds, if such event is material under applicable federal securities laws: (i) principal and interest payment delinquencies, (ii) non-payment related defaults, (iii) unscheduled draws on debt service reserves reflecting financial difficulties, (iv) unscheduled draws on credit enhancements reflecting financial difficulties, (v) substitution of credit or liquidity providers, or their failure to perform, (vi) adverse tax opinions or events affecting the tax-exempt status of the Bonds, (vii) modifications to rights of the holders of the Bonds, (viii) bond calls, (ix) defeasances, (x) release, substitution or sale of property securing payment of the Bonds and (xi) rating changes. (There are currently four NRMSIRs and no Pennsylvania SID. See www.sec.gov/info/municipal/nrmsir.) The sole remedy for a breach by the Local Government Unit of any of the covenants in this paragraph shall be an action to compel performance of such covenant. Under no circumstances may monetary damages be assessed or recovered or payment of the Bonds be accelerated on basis of such a breach, nor shall any such breach constitute a default under the Bonds or a "failure to comply with any provision" of the Bonds or in this Debt Ordinance for purposes of §8263 of the Act.

The Local Government Unit's covenants in the preceding paragraph shall terminate upon the legal, defeasance or other arrangement whereby the Local Government Unit is released from any further obligations with respect to the Bonds, prior redemption or payment in full of all of the Bonds.

Any Designated Officer of the Local Government Unit is hereby authorized in the name and on behalf of the Local Government Unit to amend or terminate, in whole or in part, any of the foregoing covenants in this Section 10.03, without the consent of the holders or beneficial owners of the Bonds, provided that (1) the action is an amendment which requires the Local Government Unit to provide more information, or to disseminate information earlier, more widely or more often, than was required by this Section 10.03 immediately prior to the amendment without diminishing in any way its obligations hereunder as required by this Section 10.03 immediately prior to the amendment or (2) the following conditions are satisfied: (a) the amendment or termination is in connection with a change in circumstances that arises from a change in or clarification of legal requirements, change of law or change in the identity, nature or status of an obligated person (within the meaning of the Rule) with respect to the Bonds; (b) such covenants, as amended, would, in the opinion of independent nationally recognized bond counsel, have complied with the requirements of the Rule (by providing

an exemption from the requirements of paragraph (b)(5) thereof) or otherwise at the time of the original issuance of the Bonds, after taking into account any amendments or interpretation of the Rule, as well as any change in circumstances; and (c) the amendment or termination either (i) is approved by the holders of the Bonds in the same manner as provided in the Act for modifications of this Debt Ordinance with the consent of the greatest proportion of the holders thereof that is less than 100% or (ii) does not, in the opinion of independent nationally recognized bond counsel, materially impair the interests of the holders or beneficial owners of the Bonds.

--END OF ARTICLE 10—

ARTICLE 11—SALE OF BONDS; SETTLEMENT

Section 11.01. Award to Purchaser. After due consideration of sundry factors and current market conditions, the Governing Body hereby determines that a private sale, upon invitation, of the Bonds at private sale upon invitation is in the best financial interest of the Local Government Unit.

The Bonds are hereby awarded and sold at private sale upon invitation to the Purchasers at the Purchase Price, in accordance with all the terms of the Purchase Proposal which is hereby accepted, and incorporated by reference into this Debt Ordinance. The Designated Officers are authorized and directed to sign such Purchase Proposal, return it to the Purchaser and file a copy of the same with the records of the Local Government Unit.

Section 11.02. Delivery of Bonds. The Designated Officers are hereby authorized and directed to deliver the Bonds to the Sinking Fund Depository for authentication and thereafter to the Purchaser against confirmed receipt of the Purchase Price thereof.

Section 11.03. Clearing Fund. The Designated Officers are hereby authorized and direct to establish with the Sinking Fund Depository, in the name of the Local Government Unit, a one-day demand deposit account to facilitate the settlement of the Bonds, designated the "Clearing Fund". The Purchase Price shall be deposited into the Clearing Fund immediately upon receipt and the Designated Officers are hereby authorized and directed to transfer and invest funds, to pay all necessary, usual and proper costs of issuance of the Bonds, to execute and deliver documents and to do all other acts, upon advice of Bond Counsel or Solicitor, that are reasonable and necessary to ensure a satisfactory settlement of the sale of the Bonds and a proper application of the proceeds of the Bonds to the Project.

Section 11.04. Expeditious Settlement. The Local Government Unit hereby authorizes and directs the Bond Counsel or Solicitor to undertake and perform all actions on behalf of the Local Government Unit necessary and proper to the expeditious settlement of the sale of the Bonds.

The Designated Officers are further authorized and directed to undertake and perform, or cause to be undertaken or performed, all the ordinary duties of the Local Government Unit (and the same are hereby specifically approved) which may be required under, or reasonably contemplated by, the Purchase Proposal, including, without limitation, application and qualification for certain bond ratings and/or policy(ies) of bond insurance, establishment of bank accounts with authorized depositories for the deposit and management of Bond proceeds and other Project funds, purchase of necessary investments, retention of professionals, bond printing, and execution and delivery of any certificates, orders and agreements that may be necessary, in the opinion of the Bond Counsel or Solicitor, for settlement of the sale of the Bonds.

The Designated Officers are also authorized and directed to establish with J.P. Morgan Trust Company, National Association, in trust for the owners of the Prior Bonds, escrow funds, pursuant to the terms of an escrow agreement, or deposit into the sinking fund for the Prior Bonds for the deposit and maintenance of securities pledged, if any, to the payment of the Prior Bonds after proper notice of redemption has been given. The Designated Officers are hereby authorized and directed to request that the notice of redemption be given and to contract with J.P. Morgan Trust Company, National Asociation for its services in this capacity.

--END OF ARTICLE 11—

ARTICLE 12—MISCELLANEOUS

Section 12.01. Ratification. The action of the proper officers or agents in advertising a Summary Notice of this Debt Ordinance, as required by law, is ratified and confirmed. The advertisement of the Enactment Notice of this Debt Ordinance is hereby directed.

Section 12.02. Debt Ordinance A Contract. This Debt Ordinance shall be a contract with the Registered Owners, from time to time, of the Bonds.

Section 12.03. Inconsistencies. All prior ordinances, resolutions, or other official acts or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 12.04 Statutory References. All references to specific provisions of statutory law herein contained may be read and interpreted by reference to amended, successor or replacement laws, but only to the extent consistent with the intent and clear meaning of this Debt Ordinance. All inconsistencies shall be resolved with recognition of, and in favor of, the rights of the owners of the Bonds, whose rights shall not be impaired.

Section 12.05. Benefited Parties. Nothing in this Debt Ordinance, expressed or implied, is intended or shall be construed to confer upon, or to give to, any person or corporation, other than the Local Government Unit, the Sinking Fund Depository, the Registered Owners of the Bonds (and the Insurer, if any), any right, remedy or claim under or by reason of this Debt Ordinance or any covenant, condition or stipulation hereof; and all of the covenants, stipulations, promises and agreements in this Debt Ordinance contained by and on behalf of the Local Government Unit shall be for the sole and exclusive benefit of such persons.

Section 12.06. Severability. If any one or more of the covenants or agreements provided in this Debt Ordinance on the part of the Local Government Unit or the Sinking Fund Depository to be performed shall for any reason to be held to be illegal or invalid or otherwise contrary to law, then such covenant or covenants or agreement or agreements shall be null and void and shall be deemed separable from the remaining covenants and agreements, but shall in no way otherwise affect the validity of this Debt Ordinance.

Section 12.07 No Personal Liability. No covenant or agreement contained in the Bonds or in this Debt Ordinance shall be deemed to be the covenant or agreement of any member, officer, agent, attorney or employee of the Local Government Unit in his individual capacity, and neither the members of the Governing Body nor any Designated Officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

Section 12.08. Counterparts. This Debt Ordinance may be executed in multiple counterparts, each of which shall be regarded for all purposes as an original; but such counterparts shall constitute but one and the same instrument.

--END OF ARTICLE 12—

DULY ADOPTED by the Governing Body of the Local Government Unit, in lawful session assembled, on September 8, 2003.

[SEAL] TOWNSHIP OF WILKINS

_____

President, Board of Township Commissioners

Attest:

_____

Secretary

EXHIBIT A
DEBT SERVICE
AND PRINCIPAL AMORTIZATION SCHEDULE

TOWNSHIP OF WILKINS
Allegheny County, Pennsylvania

General Obligation Bonds, Series of 2003
Proposed Debt Service

Date	Principal	Coupon	Interest	Total Debt Service	Annual Debt Service
3/1/2004			12,585.74 *	12,585.74	
9/1/2004	75,000.00	1.100%	15,953.75	90,953.75	103,539.49
3/1/2005			15,541.25	15,541.25	
9/1/2005	160,000.00	1.400%	15,541.25	175,541.25	191,082.50
3/1/2006			14,421.25	14,421.25	
9/1/2006	160,000.00	1.800%	14,421.25	174,421.25	188,842.50
3/1/2007			12,981.25	12,981.25	
9/1/2007	165,000.00	2.250%	12,981.25	177,981.25	190,962.50
3/1/2008			11,125.00	11,125.00	
9/1/2008	175,000.00	2.600%	11,125.00	186,125.00	197,250.00
3/1/2009			8,850.00	8,850.00	
9/1/2009	170,000.00	3.000%	8,850.00	178,850.00	187,700.00
3/1/2010			6,300.00	6,300.00	
9/1/2010	180,000.00	3.300%	6,300.00	186,300.00	192,600.00
3/1/2011			3,330.00	3,330.00	
9/1/2011	185,000.00	3.600%	3,330.00	188,330.00	191,660.00
	1,270,000.00		173,636.99	1,443,636.99	1,443,636.99

* Net of $690.72 Accrued Interest.

EXHIBIT B
PROOF OF COMPLIANCE
WITH LOCAL GOVERNMENT UNIT DEBT ACT SECTION 8142(b)

N/A

CERTIFICATE

I, the undersigned, a Designated Officer of the named Local Government Unit, hereby certify that the attached is a true copy of an Ordinance which was duly adopted by the affirmative vote of a majority of all the members of the Governing Body of the Local Government Unit at a meeting held on the date of execution thereof, that due notice was given and the meeting (relevant to the adoption of this Ordinance) was at all times open to the public; that the vote upon the Ordinance is still in full force and effect as of this date; and that the members of the Governing Body voted in the following manner:

	Yes	No	Abstain	Absent
John J. Hanlon	X			
Frank Greco		X		
Melanie M. Brannigan	X			
Paula Padula	X			
William G. Wilson		X		

WITNESS my hand and seal of the Local Government Unit this 8th day of September, 2003.

TOWNSHIP OF WILKINS

Paul Vay

Township Secretary

[SEAL]

TOWNSHIP OF WILKINS

ORDINANCE NO. 957

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING CHAPTER 173-ARTICLE IV DISTRICT REGULATIONS SECTION 173-19 OF THE CODE OF THE TOWNSHIP OF WILKINS

SECTION I: The Code of the Township of Wilkins Chapter 173, Article IV - Section 173-19 wall and fence requirements, is amended to provide as follows: The word "walls" is deleted from the caption.

A.(1) A vegetation hedge or fence no more than forty eight inches in height may be erected in the front and side yard of any structure, except on corner lots.

(2) A vegetation hedge or fence no more than seventy-two (72) inches in height may be erected in the rear yard of any structure.

For purposes of this subsection, the line of demarcation between rear and side yards shall be the rear wall of the structure.

(3) A vegetation hedge or fence not more than one hundred twenty (120) inches in height may be erected in any yard used for public schools, public parks, public recreation or public institution areas.

(4) On corner lots, no vegetation hedge or fence exceeding thirty six (36) inches in height shall be erected within fifty (50) feet of the intersecting street lines, except split rail and chain link fences not more than forty-eight (48) inches in height may be erected.

ORDAINED AND ADOPTED by the Board of Commissioners at a duly assembled public meeting held this 13th day of October, 2003.

TOWNSHIP OF WILKINS

By _____
John J. Hanlon
President,
Board of Commissioners

ATTEST:

_____
Rebecca Bradley
Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 958

AN ORDINANCE OF THE OWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR FISCAL YEAR 2004 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2004.

The Board of Commissioners of the Township of Wilkins ordain as follows:

Section I. The estimated total revenue to be received by the Township during the fiscal year 2004 is $3,979,300.

Section II. There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2004 Budget Summary Expenses (General Fund)

General Government	$622,819.00
Public Safety	$1,532,732.00
Sanitation	$447,817.00
Public Works	$1,084,242.00
Recreation	$56,333.00
Debt Service	$67,582.00
Intergovernmental	$5,500.00
Refunds	$60,275.00
Interfund Transfers	$102,000.00
Total Expenses	**3,979,300.00**

Section III. A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2004 as follows:

1. Tax rate for general revenue purposes, the sum of 3.513 mills on each dollar of assessed valuation, or the sum of .3513 cents on each one hundred ($100) dollars of assessed valuation.

Section IV. Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

Section V. Penalties. A taxpayer subject to the payment of a tax levied by this ordinance, who shall fail to make payments of such tax for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) (which penalty shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

Section VI. Effective date. This ordinance and the real estate tax shall take effect on January 1, 2004.

Section VII. Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 8th day of December, 2003.

ATTEST:

Rebecca Bradley

TOWNSHIP OF WILKINS

_____

President, Board of Commissioners

TOWNSHIP OF WILKINS

ORDINANCE NO. 959

AN ORDINANCE OF THE TOWNSHIP OF WILKINS FIXING THE COMPENSATION OF THE TOWNSHIP MANAGER FOR THE YEAR 2004 AND THEREAFTER.

SECTION I: Pursuant to Article I Section 20-1, et seq. of the Code of the Township of Wilkins, the Office of Township Manager has been established and the powers and duties of the office set forth therein.

SECTION II: Pursuant to Code Section 20-5, the compensation of the Manager for the year 2004 has been fixed by written agreement at Sixty Thousand Four Hundred Fifty ($60,450.00) Dollars per annum paid in twenty-six bi-weekly installments.

SECTION III: Other benefits established for the manager have been set forth in the said written agreement, dated as of September 8, 2003.

SECTION IV: The compensation and benefits of the manager shall be adjusted in future years as set forth in written agreements between the manager and the Township of Wilkins and adopted by resolution of the Board of Township Commissioners from time to time.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held this 9th day of February, 2004.

TOWNSHIP OF WILKINS

By William G. Wilson
William G. Wilson
President, Board of Commissioners

ATTEST:

Rebecca Bradley
Rebecca Bradley, Secretary

TOWNSHIP OF WILKINS

ORDINANCE NO. 960

AN ORDINANCE OF THE TOWNSHIP OF WILKINS AMENDING ORDINANCE NO. 822, INCREASING THE RATES OR CHARGES FOR THE USE OF THE MUNICIPALITY'S SANITARY SEWER SYSTEM; AND ESTABLISHING AN EFFECTIVE DATE FOR SAID RATES OR CHARGES.

WHEREAS, the Township of Wilkins has been ordered by the Commonwealth of Pennsylvania, Department of Environmental Protection, to enter into an Agreement with the Department to perform various protocols over the next eight (8) years to insure that the sanitary sewer system of the Township of Wilkins is in a safe and efficient condition; and

WHEREAS, in order to comply with the protocols required by the Agreement with the Department of Environmental Protection, the Township will incur various costs which will necessitate an increase in the rates or charges for the use of the Municipality's sanitary sewer system.

NOW, THEREFORE, it is hereby ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

SECTION I. Section I of Ordinance No. 822 is hereby amended to read as follows:

SECTION I.

There is hereby imposed and established rates or charges for the use of, and services provided by, the various Sanitary Sewer Systems in the Township of Wilkins, said rates or charges being based upon the quantity of water used. The following rates or charges shall be assessed to each user of the Sanitary Sewer System on a quarterly basis:

a. Basic Service: Two and 50/100 Dollars ($2.50) per one thousand gallons of water used with a minimum quarterly fee of Five Dollars ($5.00) for up to 2,000 gallons of water used per quarter.

SECTION II. All other provisions of Ordinance No. 822 shall remain in effect and are incorporated herein and made a part hereof.

SECTION III. Any Ordinance or part of an Ordinance in conflict herewith is hereby repealed.

This Ordinance shall be effective the 1st day of January, 2004.

ORDAINED AND ADOPTED into law by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on this 23rd day of February, 2004.

ATTEST:

Rebecca Bradley
Rebecca Bradley
Secretary

TOWNSHIP OF WILKINS

By William G. Wilson
William G. Wilson
President,
Board of Commissioners

TOWNSHIP OF WILKINS

ORDINANCE NO. 961

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 945 TO PROVIDE FOR A FILING FEE FOR APPEALS FROM THE CODE ENFORCEMENT OFFICIAL ENFORCING THE BUILDING CONSTRUCTION CODE, THE FIRE PREVENTION CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ALL OTHER CODE ENFORCEMENT ACTIONS WHERE THE CODE OF THE TOWNSHIP OF WILKINS PROVIDES FOR APPEALS.

WHEREAS, on July 29, 2002, the Township of Wilkins created a Board of Appeals to hear decisions of the Code Enforcement Officials; and

WHEREAS, a number of appeals have been taken pursuant to Ordinance No. 945; and

WHEREAS, the Board of Commissioners of the Township of Wilkins have determined that the cost and expenses for such appeals should be borne by the entity taking such an appeal rather than the taxpayers of the Township of Wilkins; and

WHEREAS, the Board of Commissioners of the Township of Wilkins is desirous of establishing a filing fee for the filing of an appeal pursuant to Ordinance No. 945.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. Ordinance No. 945 is hereby amended to read as follows:

SECTION II. The Board shall hear appeals from any person aggrieved by any action or decision of the Code Enforcement Officer concerning the administration of the provisions of the Building Construction (BOCA) Code, the Fire Prevention Code, the International Property Maintenance Code or any other enforcement actions when the code of the Township of Wilkins provides for an appeal to a Board, excepting the Zoning Hearing Board and the Board of Commissioners. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of the Code Enforcement Officer. The appeal shall be on a form obtained from the Township Manager. They established a filing fee of Twenty-Five Dollars ($25.00) which shall be filed with the Township Manager at the same time as the filing of the appeal form.

Section 2. This Ordinance shall allow for the establishment of any future increase in the filing fee pursuant to Section 1 of this Ordinance to be adopted by Resolution approved and adopted by the Board of Commissioners of Wilkins Township.

Section 3. Any Ordinance or part of an Ordinance in conflict herewith is hereby repealed.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins on this 29th day of March, 2004.

TOWNSHIP OF WILKINS

By William G. Wilson
William G. Wilson, President
Board of Commissioners

ATTEST:

Rebecca Bradley

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 962

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH FOREST HILLS BOROUGH TO JOINTLY PURCHASE, OWN AND MAINTAIN A SEWER VACTOR TRUCK, ROBOTIC CRAWLER CAMERA AND RELATED EQUIPMENT AND APPURTENANCES.

WHEREAS, pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. §2301 et. Seq., and Section 1502(liii) of the First Class Township Code, 53 P.S. Section 56501, Wilkins Township is authorized to enter into joint cooperation agreements with other local governments for the performance or exercise of governmental functions, powers and responsibilities; and

WHEREAS, the Board of Commissioners of Wilkins Township desires to enter into an Intergovernmental Cooperation Agreement with Forest Hills Borough to jointly purchase, own and maintain a sewer vactor truck, robotic crawler camera and related equipment and appurtenances.

NOW, THEREFORE, the Board of Commissioners of Wilkins Township hereby ordains and enacts as follows:

Section 1. The proper officials of the Township of Wilkins are hereby authorized to enter into an Intergovernmental Cooperation Agreement with Forest Hills Borough to jointly purchase, own and maintain a sewer vactor truck, robotic crawler camera and related equipment and appurtenances, in a form acceptable to the Township Solicitor.

Section 2. The appropriate Wilkins Township officials are hereby authorized to execute said Intergovernmental Cooperation Agreement with Forest Hills Borough to jointly purchase, own and maintain a sewer vactor truck, robotic crawler camera and related equipment and appurtenances, and to take any and all actions necessary to effectuate the same.

Section 3. Any Ordinance or part of an Ordinance in conflict herewith is hereby repealed.

ORDAINED AND ENACTED this 6th day of June, 2004.

ATTEST: **TOWNSHIP OF WILKINS**

Rebecca Bradley
Rebecca Bradley
Township Manager

William G. Wilson
William G. Wilson, President

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 963

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WILKINS, PART II, CHAPTER 72, ARTICLES I AND II, BUILDING CONSTRUCTION CODE, BY ADOPTION OF THE UNIFORM CONSTRUCITON CODE AND ELECTING TO ADMINISTER AND ENFORCE THE BUILDING CODE PROVISIONS OF THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999 AS AMENDED.

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code; and

WHEREAS, the Board of Commissioners of the Township of Wilkins are desirous of promoting the general health, safety and welfare of the citizens of this Township of Wilkins and to conform to the requirements of the Pennsylvania Construction Code Act and regulations of the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code").

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. This Township of Wilkins hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.103, as amended from time to time and its regulations.

Section 2. The Uniform Construction Code, contained in 34 Pa. Code, chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the Municipal Building Code of this Township.

Section 3. Administration and enforcement of the Code within this Township shall be undertaken in the following way as determined by the governing body of this Township from time to time by resolution:

a. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Township.

Section 4. A Board of Appeals has been established by Ordinance of the governing body of this Township in the Code of the Township of Wilkins, Part 1, Chapter 8, in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

Section 5.

a. All building code ordinances or portions of Ordinances which were adopted by the Township of Wilkins on or before the date of the enactment of this Ordinance, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the code, as amended from time to time;

b. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code; and

c. All relevant Ordinances, regulations and policies of the Township of Wilkins not governed by the Code shall remain in full force and effect.

Section 6. Fees assessable by the Township of Wilkins for the administration and enforcement undertaken pursuant to this Ordinance and the Code shall be established by the Board of Township Commissioners by Resolution from time to time.

Section 7. This Ordinance shall be effective five (5) days after the passage of this Ordinance.

Section 8. **Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this Ordinance. It is hereby declares as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 9. **Repealer.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins this 28th day of June, 2004.

ATTEST **TOWNSHIP OF WILKINS**

Rebecca Bradley
Rebecca Bradley
Township Secretary

William G. Wilson
William G. Wilson
President

ORDINANCE NO. 964

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PA, AMENDING ORDINANCE NO. 800, AS AMENDED BY ORDINANCE NO. 869, PROVIDING FOR THE ADOPTION OF REGULATIONS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4.)

ORDINANCE NO. 964 may be found on the following insert.

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 964

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NUMBER 802, AS AMENDED BY ORDINANCE NUMBER 869, PROVIDING FOR THE ADOPTION OF REGULATIONS UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM, STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4).

WHEREAS, under new Federal regulations enacted in December of 1999, the Township of Wilkins is required to implement a stormwater management program dealing with municipal separate storm sewer systems; and

WHEREAS, the regulations require MS4 to have the following legal provisions:

A. Prohibition of non-stormwater discharge (with certain exceptions);

B. Requirement for erosion and sediment controls;

C. Requirement to address post-construction runoff from new development and redevelopment, including operations and maintenance of stormwater Best Management Practices (BMP's);

D. Sanctions to insure compliance with the above provisions; and

WHEREAS, the Township of Wilkins must implement the new regulations over the next five (5) years beginning in March, 2003; and

WHEREAS, the Wilkins Township Board of Commissioners is desirous of amending the Code of the Township of Wilkins, Article II, Chapters 148 and

149, to comply with the adoption of regulations under the National Pollutant Discharge Elimination System, Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4's).

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. The Code of the Township of Wilkins, Part II, Chapters 148 and 149 shall be amended to read as follows:

Chapter 148, §148-24. Stormwater Management

C. Stormwater Management Performance Standards

(2) General Requirements

(d) No person in the Township shall allow, or cause to allow, stormwater discharges into the Township's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection (e) below, and (2) discharges allowed under a state or federal permit.

(e) Discharges which may be allowed, based on a finding by the Township that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth are:

- Discharges from fire fighting activities;
- Potable water sources including dechlorinated water line and fire hydrant flushings.
- Irrigation drainage
- Routine external building washdown (which does not use detergents or other compounds)

- Air conditioning condensate
- Water from individual residential car washing
- Uncontaminated water from foundation or from footing drains
- Flows from riparian habitats and wetlands
- Lawn watering
- Pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
- Dechlorinated swimming pool discharges
- Springs
- Uncontaminated groundwater

(f) In the event that the Township determines that any of the discharges identified in subsection (e) significantly contribute to pollution of waters of the Commonwealth, or is so notified by the Pennsylvania Department of Environmental Protection, the Township will notify the responsible person to cease the discharge.

(g) Upon notice provided by the Township under subsection (f), the discharger will have a reasonable time, as determined by the Township, to cease the discharge consistent with the degree of pollution caused by the discharge.

(h) Nothing in this Section shall affect a discharger's responsibilities under state law.

(i) <u>Prohibited Connections</u>

The following connections are prohibited, except as provided in Section (e) above:

(1) Any drain or conveyance, whether on the surface of subsurface, which allows any non-storm water discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system and any connections to the storm drain system from indoor drains and sinks; and

(2) Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Township.

Section 2. The Code of the Township of Wilkins, Chapters 148 and 149 is hereby amended to read as follows:

Chapter 148, §148-24 (E) – Erosion and Sedimentation Controls

(3) No Regulated Earth Disturbance activities within the Township shall commence until approval by the Township of an Erosion and Sediment Control Plan for construction activities.

(4) The Pennsylvania Department of Environmental Protection (DEP) has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).

(5) In addition, under 25 Pa. Code Chapter 92, a DEP "NPDES Construction Activities" permit is required for any earth

disturbance one acre or more with a point source discharge to surface waters or the Township's storm sewer system, or five acres or more regardless of the planned runoff (hereinafter collectively referred to as "Regulated Earth Disturbance Activities.") This includes earth disturbance on any portion of, part of, or during any stage of, a larger common plan of development.

(6) Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Township. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirement of subsection (3).

(7) A copy of the Erosion and Sediment Control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

Section 3. The Code of the Township of Wilkins, Chapters 148 and 149 shall be amended to read as follows:

Chapter 148, §148.24

K. Inspections of Stormwater Management Controls

(5) No Regulated Earth Disturbance activities within the Township shall commence until approval by the Township of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.

(6) The Best Management Practices (BMP's) must be designed to protect and maintain existing uses (e.g., drinking water use; cold water fishery use) and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in "Special Protection" streams, as required by statewide regulations at 25 Pa. Code Chapter 93 (collectively referred to herein as "State Water Quality Requirements").

(7) To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by BMP's, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP comprehensive Stormwater Management Policy (#392-0300-00, September 28, 2002), this may be achieved by the following:

a. Infiltration: replication of pre-construction stormwater infiltration conditions.

b. Treatment: use of water quality treatment BMP's to ensure filtering out of chemical and physical pollutants from the stormwater runoff, and

c. Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges

to prevent physical degradation of receiving waters (e.g., from scouring and erosion).

(8) DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices ("BMP's") that control runoff from new development and redevelopment (hereinafter "development") after Regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMP's with assurance of long-term operations and maintenance of those BMP's.

(9) Evidence of any necessary permit(s) for Regulated Earth Disturbance Activities from the appropriate DEP regional office or County Conservation District must be provided to the Township. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of subsection (5).

Section 4. The Code of the Township of Wilkins, Chapters 148 and 149 is hereby amended to read as follows:

Chapter 148, §148.24

M. Additional Enforcement Remedies.

(1) In addition to the remedies provided by this chapter, the municipality may also seek remedies and penalties under applicable Pennsylvania statutes or regulations adopted pursuant

thereto, including but not limited to the Storm Water Management Act (32 P.S. §§693.1 through 693.27) and the Erosion and Sedimentation Regulations (25 Pa. Code, Chapter 102). Any activity conducted in violation of this section or any Pennsylvania-approved watershed stormwater management plan may be declared a public nuisance by the municipality and abatable as such.

(2) Public Nuisance: The violation of any provision of this ordinance is hereby deemed a Public Nuisance. Each day that a violation continues shall constitute a separate violation.

(3) Enforcement: Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Township may order compliance by written notice to the responsible person. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of prohibited discharges;

(c) Cessation of any violating discharges, practices, or operations;

(d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(e) Payment of a fine to cover administrative and remediation costs;

(f) The implementation of stormwater BMP's; and

(g) Operation and maintenance of stormwater BMP's.

(4) Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

(5) Suspension and Revocation of Permits and Approvals. Any building, land development or other permit or approval for Regulated Earth Disturbance Activities issued by the Township may be suspended or revoked by the governing body for:

(a) Noncompliance with or failure to implement any provision of the permit;

(b) A violation of any provision of this Ordinance, or

(c) The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.

(6) Penalties:

(a) Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than $1,000 for each violation, recoverable with costs, or imprisonment of not more than

30 days, or both. Each day that the violation continues shall be a separate offense.

(b) In addition, the Township through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Section 5. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of said conflict.

ORDAINED AND ENACTED this 28th day of June, 2004.

ATTEST:

Rebecca Bradley
Township Secretary

TOWNSHIP OF WILKINS

William G. Wilson
President

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 965

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WILKINS, CHAPTER 173, ARTICLE IV – GENERAL REGULATIONS, SECTION 173-20, INCREASING THE HEIGHT OF AN ACCESSORY USE BUILDING FROM EIGHT (8) FEET TO TEN (10) FEET.

WHEREAS, the Code of the Township of Wilkins, Chapter 173, Section 173-71, Subparagraph B, permits the Amendment of the Zoning Provisions of the Township Code by a member of the governing body without written findings and recommendations from the Township Planning Commission; and

WHEREAS, the Board of Commissioners of the Township of Wilkins is desirous of amending Chapter 173, Section 173-20 to increase the height of Accessory Buildings in residential areas from eight (8) feet to ten (10) feet.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. The Code of the Township of Wilkins, Chapter 173, Article IV, Section 173-20

A. Be installed only in side yards or rear yards as defined in Article II and shall not exceed a height of ten (10) feet when the use is a building, except garages for motor vehicles, which shall not exceed a height of twelve (12) feet.

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

Section 3. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this 13th day of September, 2004.

ATTEST: TOWNSHIP OF WILKINS

Rebecca Bradley
Rebecca Bradley
Township Secretary

William G. Wilson
William G. Wilson
President

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 965

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WILKINS, CHAPTER 173, ARTICLE IV – GENERAL REGULATIONS, SECTION 173-20, INCREASING THE HEIGHT OF AN ACCESSORY USE BUILDING FROM EIGHT (8) FEET TO TEN (10) FEET.

WHEREAS, the Code of the Township of Wilkins, Chapter 173, Section 173-71, Subparagraph B, permits the Amendment of the Zoning Provisions of the Township Code by a member of the governing body without written findings and recommendations from the Township Planning Commission; and

WHEREAS, the Board of Commissioners of the Township of Wilkins is desirous of amending Chapter 173, Section 173-20 to increase the height of Accessory Buildings in residential areas from eight (8) feet to ten (10) feet.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. The Code of the Township of Wilkins, Chapter 173, Article IV, Section 173-20

A. Be installed only in side yards or rear yards as defined in Article II and shall not exceed a height of ten (10) feet when the use is a building, except garages for motor vehicles, which shall not exceed a height of twelve (12) feet.

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

Section 3. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this 13th day of September, 2004.

ATTEST:

Rebecca Bradley
Township Secretary

TOWNSHIP OF WILKINS

William G. Wilson
President

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 966

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WILKINS TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE CODIFIED BOOK OF ORDINANCES OF THE TOWNSHIP OF WILKINS, PART II, GENERAL LEGISLATION, CHAPTER 168, VEHICLES AND TRAFFIC, SECTION 168-18, PROVIDING FOR THE PROHIBITION OF PARKING ON GREENSBURG PIKE FROM POWELL STREET TO THE CHURHILL LINE FROM 7:00 A.M. UNTIL 9:00 A.M. AND 3:00 P.M. UNTIL 6:00 P.M., MONDAY THROUGH FRIDAY, EXLCUDING HOLIDAYS; LIMITING PARKING AT ALL TIMES ON GREENSBURG PIKE FROM CLINE STREET TO POWELL STREET EXCEPT FOR A POINT 100 FEET NORTH AND 100 FEET SOUTH OF RIDGE STREET.

WHEREAS, the Code of the Township of Wilkins, Chapter 168, Section 168-18, provides for the prohibition of parking at certain times and at certain locations on a study to be conducted by the Police Department of the Township of Wilkins; and

WHEREAS, the Board of Commissioners of the Township of Wilkins is desirous of amending Chapter 168, Section 168-18 to restrict parking on Greensburg Pike from Powell Street to the boundary with Churchill Borough from 7:00 a.m. until 9:00 a.m. and from 3:00 p.m. until 6:00 p.m., Monday through Friday, excluding holidays; and to prohibit parking at all times, except for a point 100 feet north and 100 feet south of Ridge Street.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby Ordained and Enacted as follows:

Section 1. The Code of the Township of Wilkins, Chapter 168, Section 168-18 is hereby amended to read as follows:

Name of Street	Side	Location
Greensburg Pike	Both	Powell Street to Churchill Line – 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday through Friday, excluding holidays

Section 2. The Code of the Township of Wilkins, Chapter 168, Section 168-18, is hereby amended to read as follows:

Name of Street	Side	Location
Greensburg Pike	Both	Cline Street to Powell Street, except for a point 100 feet north and 100 feet south of Ridge Street

Section 3. Repealer. All Ordinances or parts of Ordinance which are inconsistent herewith are hereby repealed.

Section 4. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED this 13th day of September, 2004

ATTEST:

Rebecca Bradley, Manager

TOWNSHIP OF WILKINS

William G. Wilson, President

TOWNSHIP OF WILKINS

ORDINANCE NO. 967

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR FISCAL YEAR 2005 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2005.

The Board of Commissioners of the Township of Wilkins ordain as follows:

Section I. The estimated total revenue to be received by the Township during the fiscal year 2005 is $4,121,300.

Section II. There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2005 Budget Summary Expenses (General Fund)

General Government	$663,101.00
Public Safety	$1,649,210.00
Sanitation	$304,700.00
Public Works	$1,225,739.00
Recreation	$63,250.00
Debt Service	$47,500.00
Intergovernmental	$5,500.00
Refunds	$20,300.00
Interfund Transfers	$142,000.00
Total Expenses	**4,121,300.00**

Section III. A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2005 as follows:

1. Tax rate for general revenue purposes, the sum of 3.513 mills on each dollar of assessed valuation, or the sum of .3513 cents on each one hundred ($100) dollars of assessed valuation.

Section IV. Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

Section V. Penalties. A taxpayer subject to the payment of a tax levied by this ordinance, who shall fail to make payments of such tax for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) (which penalty

shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

Section VI. Effective date. This ordinance and the real estate tax shall take effect on January 1, 2005.

Section VII. Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 13th day of December, 2004.

ATTEST:

Rebecca Bradley
Manager

TOWNSHIP OF WILKINS

William G. Wilson
President, Board of Commissioners

TOWNSHIP OF WILKINS

Commonwealth of Pennsylvania

Ordinance No. 968

AN ORDINANCE OF TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING A SCHEDULE OF ATTORNEY FEES IN CONNECTION WITH THE COLLECTION OF TAXES, TAX CLAIMS, TAX LIENS, MUNICIPAL CLAIMS, AND MUNICIPAL LIENS PURSUANT TO ACT 1 OF 1996 AND ACT 20 OF 2003 AND ADOPTING A SCHEDULE OF CHARGES, EXPENSES AND FEES PURSUANT TO THE ACT OF MAY 16, 1923, AS AMENDED, 53 P.S. §7101, §7103, AND §7106, WHICH ORDINANCE REPEALS ANY OTHER ORDINANCES INCONSISTENT HEREWITH RELATING TO A SCHEDULE OF ATTORNEY FEES PURSUANT TO ACT 1 OF 1996

WHEREAS, Township of Wilkins (hereinafter "Municipality") is required from time-to-time to enforce by various means the collection of unpaid taxes, tax claims, tax liens, municipal claims, and municipal liens (hereinafter referred to as "Claim" or "Claims"); and

WHEREAS, the expense of such enforced collection, and of the recordkeeping and other services related to the collection, filing, satisfaction, assignment and revival of Claims (hereinafter referred to as "Servicing"), when absorbed by the Municipality constitutes a further demand on the Municipality's resources; and

WHEREAS, Act 1 of 1996 (hereinafter "Act 1") and Act 20 of 2003 (hereinafter "Act 20") amend, inter alia, §3 of the Pennsylvania Municipal Claim and Tax Lien Law (hereinafter the "Act"), Act of May 16, 1923, PL 207, §3, as amended, 53 P.S. §7106 to permit a municipality as that term is defined in the Act, to recover reasonable Attorney fees in connection with the collection of Claims from the persons and property owing such Claims; and

WHEREAS, §1, §2, and §3 of the Act, as amended, 53 P.S. §§7101, 7103, and 7106, respectively, permit the Municipality to recover as part of each unpaid Claim, among other things, various charges, expenses and fees, and Attorney fees relating to the failure to pay the Claims promptly and subsequent enforced collection of same; and

WHEREAS, the Municipality desires to exercise all such legal authority in order to encourage timely payment and collection of Claims, and to reduce, if not eliminate, the expense associated with Servicing of its Claims and enforced collection of same; and

WHEREAS, the Municipality desires to repeal any prior ordinances which are inconsistent herewith.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by Township of Wilkins, County of Allegheny, Commonwealth of Pennsylvania, as follows:

Article I. Short Title: This Ordinance shall be known as the Tax, Tax Claim, Tax Lien, Municipal Claim and Municipal Lien Attorney Fees and Servicing Charges, Expenses and Fees Ordinance.

Article II. Expenses Approved:

Section 1. TITLE SEARCH.

In any enforcement proceeding, the actual cost of a title search in an amount not to exceed $250.00 shall constitute a reasonable expense for each title search necessary for the initiation of each proceeding and compliance with Pa. R.C.P. 3129. The sum not to exceed $50.00 shall constitute a reasonable expense for each bringdown or update of the title search in connection with entry of judgment, issuance of execution, listing for sale, or other action.

Section 2.

Actual out-of-pocket expenses in connection with any enforcement action, such as for postage, non-Sheriff's service of process, investigation of the whereabouts of interested parties and other necessary expenses shall constitute reimbursable expenses as part of each Claim recovered.

Article III. Attorney Fees Approved:

Section 1. FLAT FEE MATTERS

The following schedule of Attorney fees is hereby adopted and approved as reasonable Attorney fees pursuant to Act 1 and Act 20 for all matters described, which fees shall be awarded to the Municipality, its agents, counsel or assigns in each action initiated pursuant to the Act for the collection of unpaid Claims. The property owner's obligation to pay the full amount of the flat fee for each phase of each action shall accrue upon the initiation of any aspect of each phase. The full amount of each flat fee for each prior phase of the proceeding shall carry over and be due on a cumulative basis together with the flat fee for each subsequent phase.

A. FILING OR MUNICIPAL CLAIM. The sum of $150.00 shall constitute reasonable Attorney fees for the preparation and filing of a Municipal Claims as defined under the Act.

B. PREPARATION AND SERVICE OF WRIT OF SCIRE FACIAS OR COMPLAINT IN ASSUMPSIT AS PROVIDED IN THE ACT. The sum of $450.00 shall constitute reasonable Attorney fees for the initiation of each proceeding and shall include preparation and filing of the Praecipe for Writ of Scire Facias or Complaint in Civil Action, Sheriff's direction for service, Notice pursuant to Pa. R.C.P. §237.1 and the preparation and filing of the Praecipe to Settle and Discontinue the proceeding. The above does not include:

1. Federal Tax Liens, Judgments and Mortgages. Where there are federal tax liens, federal judgments, federal mortgages or other record federal interests,

the sum of $200.00 shall constitute reasonable Attorney fees for all matters necessary to properly notify and serve the United States with all required additional Notice and the presentation of related motions to Court.

2. Alternative Service of Legal Pleadings. In the event that a Special Order of Court is necessary to serve original process or any other pleading, notice, court order or other document, the following amounts shall constitute reasonable attorney fees as follows:

a. Investigation of Defendant(s) whereabouts and preparation of Affidavit of Diligent Search - $100.00

b. Preparation and Presentation of Motion for Alternative Service, and delivery of the Order of Court, along with appropriate directions to the Sheriff for service - $200.00

C. ENTRY OF JUDGMENT. The sum of $225.00 shall constitute reasonable Attorney fees in connection with entry of judgment which shall include preparation and filing of the Praecipe to Enter Judgment, Notices of Judgment, Affidavit of Non-Military Status, and the Praecipe to Satisfy Judgment.

D. WRIT OF EXECUTION - SHERIFF'S SALE OF PROPERTY OR EXECUTION UPON ASSUMPSIT JUDGMENT. The sum of $ 700.00 shall constitute reasonable Attorney fees for preparation of all documents necessary for each execution upon any judgment pursuant to the Act. This sum shall include the preparation and filing of the Praecipe for Writ of Execution, all Sheriff's documents, preparation and service of Notices of Sheriff's Sale, staying the writ of execution, and attendance at one (1) Sheriff's Sale.

1. Postponements. The sum of $100.00 shall constitute reasonable attorney fees for each continuance of Sheriff's Sale at the request of the defendant.

E. SALE PURSUANT TO §31 OF THE ACT, 53 P.S. §7281. The sum of $700.00 shall constitute reasonable Attorney fees for the sale of property pursuant to §31 of the Act, 53 P.S. §7281 including preparation and service of necessary documents, court appearances, attendance at Sale and preparation of proposed schedule of distribution of the proceeds realized from such Sale.

F. SALE PURSUANT TO §31.1 OF THE ACT, 53 P.S. §7282. The sum of $500.00 shall constitute reasonable Attorney fees for a sale of property pursuant to §31.1 of the Act, 53 P.S. §7282, including the preparation of necessary documents, service, court appearances, and the preparation of proposed Sheriff's Schedule of Distribution.

G.. INSTALLMENT PAYMENT AGREEMENT. The sum of $150.00 shall constitute reasonable Attorney fees for the preparation of each written installment payment agreement.

H. MOTIONS. The sum of $200.00 shall constitute reasonable Attorney fees for the preparation, filing, and presentation of motions, other than for alternative service, which shall include, but are not limited to, motions to reassess damages, motions to amend caption, motions to continue the Sheriff's Sale.

Section 2. HOURLY RATE MATTERS

The following schedule of Attorney fees is hereby adopted and approved as reasonable Attorney fees pursuant to Act 1 and Act 20, which fees shall be awarded to the Municipality, its agents, counsel or assigns as compensation in all contested matters, and in all other matters not specifically referenced in Article III, Section 1, above, undertaken in connection with the collection of Claims:

A. Senior Attorneys
(practicing law for 10 years or more) $185.00 per hour
B. Junior Attorneys
(practicing law for less than 10 years) $160.00 per hour
C. Paralegals $ 100.00 per hour
D. Law Clerks $ 65.00 per hour

each as recorded and charged in units of 1/10th of an hour for all time devoted to enforcement and collection of the Municipality's Claims. Counsel, whether duly employed or duly appointed by the Municipality, its agents or assigns, shall not deviate from this fee schedule absent a subsequent ordinance amending the same. Hourly rate matters include, but are not limited to, any matters where any defense, objection, motion, petition or appearance is entered in any phase of any proceeding by or on behalf of any Defendant or other interested party.

Article IV. PROCEDURE

A. **Required Notice**: The Notice required by the Act, as amended, 53 P.S. §7106, shall be provided in accordance therewith and shall be incorporated into an appropriate delinquency notice or notices sent by the Municipality, its agent, counsel or assigns.

B. **Fees to be Accrued and Claims to be Filed**: Fees shall accrue for all efforts in collection after the 30th day after the Notice, or after the 10th day of any required Second Notice under the Act, as amended, 53 P.S. §7106, on all accounts referred to counsel for enforcement. Fees accumulated as a result of enforced collection shall be certified by duly appointed counsel for the Municipality authorized to pursue collection of Claims pursuant to the Act, or by counsel for the Municipality's agents or assigns and, if not collected in due course with the debt as by voluntary payment, shall be included in any Claims filed on behalf of the Municipality or by its agents or assigns in the course of enforcement including any Claims originally filed with the Prothonotary, any Claims filed with the Sheriff or in any other Claims filed or statements provided where attorney fees are due.

C. The amount of fees determined as set forth above shall be added to and become part of the Claim or Claims in each proceeding as provided by the Act and as provided herein.

Article V. Servicing Charges, Expenses and Fees Approved:

A. The following schedule of charges, expenses and fees (hereinafter collectively referred to as "Servicing Fees") is hereby approved and adopted by the Municipality pursuant to §1, §2, and §3 of the Act of May 16, 1923, as amended, 53 P.S. §§7101, 7103 and 7106, which amounts are the direct result of each person's or property's failure to pay Claims promptly. The Servicing Fees established, assessed, and collected hereunder shall be in addition to the record costs, Article III Attorney fees and Article II. Expenses associated with legal proceedings initiated by or on behalf of the Municipality to collect its Claims.

B. Servicing of a Claim or Claims may result in voluntary payment without the initiation of enforcement proceedings. It is the intent of this Article V to pass the cost of servicing on to the delinquent person or property as part of each Claim. The recovery of Servicing Fees established herein shall not be contingent upon the initiation of enforcement proceedings. However, such Servicing Fees are due even where enforcement proceedings are initiated. The purpose of this section is to pass the cost and expense associated with delinquent collection on to the delinquent person or property and to make the Municipality whole on all Claims collected.

C. **Schedule:** The following schedule of Fees shall constitute reasonable and appropriate Servicing Fees for each indicated service. The Servicing Fees shall be added to and become part of the Municipality's Claims, together with the face, penalties, interest, costs and Attorney fees and shall be payable in full before the discharge or satisfaction of any Claim. The schedule of Fees is separate and distinct from any amounts imposed by the Sheriff, Prothonotary, Court or any other public office in connection with the collection of the Municipality's Claims.

A.	Assignments	$ 5.00 per Claim;
B.	Filing Tax Liens	$ 5.00 per item;
C.	Satisfactions	$ 5.00 per Claim;
D.	Tax Claim Revivals (i.e. S&A)	$10.00 per Claim;
E.	Act 1/Act 20 Compliance	$35.00 per Case;
F.	Filing Municipal Claim and Filing Municipal Claim Revivals	$15.00 per Claim;
G.	Municipal Claim/ Short Title Examination	$35.00 per Claim;
H.	Sheriff Sale Claim Certificates	$50.00 per case;
I.	Claim Certifications	$10.00 per year;
J.	Servicing including staffing, computers, office space, telephones, equipment, and materials: For **all** delinquent and liened taxes, tax liens, municipal claims (filed or unfiled) and municipal liens	10% of gross collections
K.	Postage and Court costs	Actual Cost

Article VI. Effective Date and Retroactivity:

A. This Ordinance shall take effect on the date of enactment set forth below and with respect to Attorney fees pursuant to Articles III and IV shall apply to all taxes, tax claims, tax liens, municipal claims, municipal liens, Writs of Scire Facias, Judgments, or Executions filed on or after December 19, 1990, or as otherwise provided by law.

B. In no event shall the Municipality's right to charge and collect reasonable Attorney fees pursuant to Article III of this Ordinance be impaired by the fact that any Claim may also include an attorney commission of five percent (5%) for Claims filed prior to December 19, 1990. Any attorney fees assessed and collected under this or any prior ordinances pursuant to Act 1 shall be in addition to any five percent (5%) commission previously included in any Claim or judgment thereon.

C. Attorney fees and expenses incurred in pending enforcement proceedings prior to the effective date of this Ordinance, pursuant to a prior ordinances adopted under Act 1, but not collected, shall remain due and owing in accordance therewith, and shall be incorporated in any future statement, Claim, pleading, judgment, or execution. Attorney fees and expenses in any pending or new action incurred after the effective date of this Ordinance shall be incurred, charged, and collected in accordance with the schedules and procedures set forth in this Ordinance.

D. The charges, expenses and fees set forth in Article V of this Ordinance relate to all unpaid Claims in favor of the Municipality, its agents and assigns, and shall be retroactive to the date of each Claim.

Article VII. Assignment: The Municipality assigns the provisions of this Ordinance to any assignee of its Claims unless the assignment limits the assignee's ability to collect such amounts. The Municipality and its duly authorized agents and their counsel shall retain all rights to charge reasonable Attorney fees, charges, expenses, and fees in accordance with the provisions of this Ordinance in actions commenced under the Act and for Servicing any Claims retained by the Municipality.

Article VIII. Severability. If any one or more of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, such provision or terms shall be deemed severable from the remaining provisions or terms of this Ordinance to the maximum extent possible and shall in no way affect the validity or enforceability of any other provisions hereof.

Article IX. Repealer: All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

ORDAINED AND ENACTED THIS 10th day of January, 2005.

ATTEST:

Secretary

TOWNSHIP OF WILKINS

By:

APPROVED AS TO FORM:

Solicitor

TOWNSHIP OF WILKINS

Commonwealth of Pennsylvania

Ordinance No. 969

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING THE COMPENSATION FOR TOWNSHIP TAX COLLECTOR PURSUANT TO SECTION 5511.34 AND SECTION 5511.36 (a) OF THE LOCAL TAX COLLECTION LAW, 72 P.S. §5511 ET SEQ.

WHEREAS, the Local Tax Collection Law, Section 5511.34, has established the maximum compensation rate for a Tax Collector in a First Class Township at a sum equal to Five (5%) Percent of all Township taxes received and in addition, a sum equal to One (1%) Percent on all other monies received or collected, provided, that in no case shall the total compensation of the Treasurer, as Treasurer and Tax Collector for the Township, exceed the sum of Ten Thousand ($10,000.00) Dollars; and

WHEREAS, Section 5511.36(a) of the Local Tax Collection Law requires that a Municipality that desires to increase or reduce the compensation rate of an elected tax collector shall do so by Ordinance or Resolution finally passed or adopted prior to the 15th day of February of the year of the Municipal Election; and

WHEREAS, the Board of Commissioners of the Township of Wilkins are desirous of establishing the compensation for the Treasurer/Tax Collector at Ten Thousand ($10,000.00) Dollars per annum for the Township Tax Collector taking office in January of 2006 and each year thereafter.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. The elected Township Collector for the Township of Wilkins, whose term will begin in January of 2006 and thereafter, shall be compensated at the rate of Ten Thousand ($10,000.00) Dollars per annum, payable in twelve (12) equal monthly installments and shall be entitled to receive any other benefit or emolument of the office, as provided by the Act of the General Assembly, subject

to the provisions of the First Class Township Code and the Local Collection Law, as now or herein after amended, reenacted or supplied.

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

Section 3. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed insofar as said inconsistency.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 31st day of January, 2005.

ATTEST:

Rebecca Bradley

Rebecca Bradley, Manager

TOWNSHIP OF WILKINS

William G. Wilson

William G. Wilson, Chairman

TOWNSHIP OF WILKINS

Commonwealth of Pennsylvania

Ordinance No. 970

SECOND AMENDMENT TO THE TOWNSHIP OF WILKINS POLICE PENSION PLAN (as amended and restated, effective November 1, 2001)

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE EMPLOYEES OF SAID TOWNSHIP.

WHEREAS, the Township of Wilkins (the "Township") has previously enacted an Ordinance establishing the Wilkins Township Police Pension Plan (the "Plan"); and

WHEREAS, the Plan was totally amended and restated, effective February 1, 2002; and

WHEREAS, the Township reserved the right to amend the Plan pursuant to section 10.01; and

WHEREAS, the Township now desires the Plan to be further amended;

Effective January 1, 2005, sections 1.34, 1.35, 1.36 and 6.05 shall be added to the plan as follows:

1.34 "Attending College" shall mean that the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven (7) credit hours per semester.

1.35 "Member's Salary at the Time of Death" shall mean the last month of basic salary before the date of death.

1.36 "Member's Salary at the Time the Disability was Incurred" shall mean the last month of basic salary or basic rate of pay as applicable under any then current collective bargaining agreement before the Disability Date.

6.05 Killed in Service Death Benefit – A Survivor Benefit shall be payable in the event of the death of a Participant who is killed in service. In the event such a benefit becomes payable, the surviving spouse or dependent child(ren), if any, of the Participant shall receive a benefit pursuant to section 6.03 in an amount equal to one-hundred percent (100%) of the Member's Salary at the Time of Death defined pursuant to section 1.35.

Effective January 1, 2005, sections 4.07, 5.02, 6.02, 6.03 and 6.04 shall be amended in their entirety by deleting said sections and substituting new sections 4.07, 5.02, 6.02, 6.03 and 6.04 in their place. Section 1.17 is amended by adding subsection (f) to the end of the section as follows:

1.17 Employment shall not mean for purposes of determining Aggregate Service:

(f) Any period of disability for a Participant who was disabled as a result of a non-service related disability.

4.07 Maximum Benefit Limitations – Notwithstanding any provision of this Plan to the contrary, no benefit provided under this Plan attributable to contributions of the Employer shall exceed, as an annual amount, the amount specified in Code section 415(b)(1)(A) as adjusted pursuant to Code section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this section 4.07 shall be governed by the following conditions and definitions:

(a) benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the Employee contributes to the Plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis in accordance with applicable regulations to determine the limitation contained herein;

(b) in the case of a benefit which commences prior to the attainment of age sixty-two (62) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis to the amount determined pursuant to this section commencing at age sixty-two (62); however, in the case of a qualified Participant (a Participant with respect to whom a period of at least fifteen (15) years of service, including applicable military service, as a full-time employee of a police or fire department is taken into account in determining the amount of benefit), the limitation contained herein shall not apply;

(c) in the case of a benefit which commences after attainment of age sixty-five (65) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis in accordance with applicable regulations to the amount determined commencing at age sixty-five (65);

(d) benefits paid to a Participant which total less than ten thousand dollars ($10,000.00) from all defined benefit plans maintained by the Employer expressed as an annual benefit shall be deemed not to exceed the limitation of this section provided that the Employer has not at any time maintained a defined contribution plan in which the Participant has participated; however, in the case of a Participant who is not receiving a Disability Retirement Benefit pursuant to section 5.02 or a Survivor Benefit pursuant to section 6.02 or 6.05, with fewer than ten (10) years of participation the limitation expressed in this subsection (d) shall be reduced by one-tenth (1/10) for each year of participation less than ten (10) but in no event shall this limitation be less than one thousand dollars ($1,000.00);

(e) the limitations expressed herein shall be based upon Plan Years for calculation purposes, shall be applied to all defined benefit plans maintained by the Employer as one (1) defined benefit plan and to all defined contribution plans maintained by the Employer as one (1) defined contribution plan, and shall be applied and interpreted consistent with Code section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular; and

(f) in the case of a Survivor Benefit under section 6.02 or 6.05 or a Disability Retirement Benefit under section 5.02, the adjustment under subsection (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient.

5.02 Disability Retirement Benefit – A Participant who retires due to a Total and Permanent Disability, pursuant to section 5.01 shall be eligible for a disability retirement benefit in an amount equal to fifty percent (50%) of the Participant's Final Monthly Average Salary determined as of the Disability Date, however, the disability benefit shall be no less than fifty percent (50%) of the Member's Salary at the Time the Disability was Incurred as defined pursuant to section 1.36 determined as of the Disability Date. Any member who received benefits for the same injuries under social security disability shall have the Participant's disability benefits offset or reduced by the amount of such benefits.

6.02 Survivor Benefit – If a Participant shall die after commencement of retirement or disability benefit payments or after becoming eligible to receive retirement benefit payments under section 4.01 and before retirement benefit payments commence, a Survivor Benefit shall be paid to the surviving spouse or dependent child(ren), if any, of the Participant pursuant to section 6.03 in an amount equal to fifty percent (50%) of the benefit the Participant was receiving or was eligible to receive as of the date of death.

6.03 Payment of Survivor Benefit – The Survivor Benefit commences as of the first day of the month coincident with or immediately following the date of death of the Participant. The Survivor Benefit shall be paid monthly to the surviving spouse of the Participant, if any, until the date of death of the surviving spouse. Upon the death of the surviving spouse, or if there is no surviving spouse, the Survivor Benefit shall be paid monthly in equal shares to the surviving dependent child(ren) of the deceased Participant until attainment of age eighteen (18) or if Attending College, under or attaining the age of twenty-three (23). The shares payable to the surviving dependent child(ren) shall be adjusted as each child ceases to be eligible to receive a share of the benefit hereunder.

6.04 Death of Participant Prior to Retirement – If a Participant shall die before payment of a benefit has commenced and without eligibility for payment of a Survivor Benefit under section 6.02 or 6.05, the Beneficiary shall be eligible to receive a distribution in an amount equal to the Accumulated Contributions of the Participant as of the date of death hereunder, the amount of distribution of Accumulated Contributions shall be reduced by the amount of Disability Retirement Benefits hereunder.

Effective January 1, 2006, section 4.15 shall be amended in its entirety by deleting said section and substituting new section 4.15 in its place. Section 8.03 shall be amended by adding subsection (i) as follows:

4.15 Direct Rollovers

(a) This section 4.15(a) applies to distributions made on or after December 31, 2001. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution that is equal to at least five-hundred dollars ($500.00) paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) This section 4.15(b) shall apply to distributions made on or after January 1, 2006. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this section, if a distributee does not make an election under section 4.15(a) and does not elect to receive the distribution directly, the Plan Administrator shall make such transfer to an individual retirement plan of a designated trustee or issuer pursuant to section 8.03(i). The Plan Administrator shall notify the distributee in writing, within a reasonable period of time and as otherwise

prescribed by law, that the distribution may be transferred to another individual retirement plan.

(c) For purposes of this section, the following definitions shall apply:

(1) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life or (life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code section 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

For purposes of the direct rollover provisions in this section of the Plan, a portion of the distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may only be paid to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion which is not includible.

(2) "Eligible Retirement Plan" is a qualified trust described in Code section 401(a), an individual retirement account described in Code section 408(a), an individual retirement annuity described in Code section 408(b), an annuity plan described in Code section 403 (a), an annuity contract described in Code section 403(b), an eligible deferred compensation plan described in Code Section 457(b), which is maintained by a state, political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan.

(3) "Distributee" includes an Employee or former Employee. In addition, the Employee's or former Employee's surviving spouse and the Employee's or former Employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code section 414(p), are distributees with regard to the interest of the spouse or former spouse.

(4) "Direct Rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee or the Plan Administrator, if the distributee does not make an election.

8.03 <u>Authority and Duties of the Plan Administrator</u>

(i) to select an individual retirement plan provider (either the state or a federally regulated financial institution) and invest funds in connection with the rollover of mandatory distributions as described in section 4.15(b).

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted by authority of the same:

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 11th day of April, 2005.

ATTEST:

Rebecca Bradley, Manager

TOWNSHIP OF WILKINS

William G. Wilson, Chairman

TOWNSHIP OF WILKINS

Ordinance Number 971

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA AMENDING THE CODIFIED BOOK OF ORDINANCES, PART II, CHAPTER 173, ZONING, ARTICLE V, SIGNS, TO PROVIDE FOR DEFINITIONS AND REGULATIONS GOVERNING THE USE OF ELECTRONIC SIGNS AND TO PROVIDE DEFINITIONS AND REGULATIONS GOVERNING ABANDONED SIGNS.

WHEREAS, increasing technological advancements in the area of light emitting diodes and video streaming provide many new alternatives to traditional commercial and industrial advertising; and

WHEREAS, the Board recognizes the necessity of competitive advantage to be obtained through innovative advertising techniques; and

WHEREAS, the Board also recognizes the necessity of regulating the size, type, number and location of signs to preserve and protect the public safety through the avoidance of distractions to motorists and pedestrians upon the roadways of the Township; and

WHEREAS, the Board also recognizes the necessity of regulating the size, type, number and location of signs to enhance community appearance through the avoidance of visual clutter and blight.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby Ordained and Enacted as follows:

Section 1. The Code of the Township of Wilkins, Chapter 173, Article V, Signs, Section 173.28, Definitions, is hereby amended to read as follows:

> Changeable Copy Sign – A sign, or portion of a sign, wherein provision is made for the manual change of letters or characters in or upon the surface area of the sign. Electronic moving message board signs are not changeable copy signs.

Section 2. The Code of the Township of Wilkins, Chapter 173, Article V, Signs, Section 173.28, Definitions, is hereby amended to add the following definitions, appearing in alphabetical order:

> Abandoned or Obsolete Signs – A sign which identifies, describes, directs attention to, or gives directions for locating any business or establishment

no longer in operation, or advertises any product or service no longer being marketed or any sign structure lacking sign face or sign copy.

Animated Signs – Any sign that uses movement or change of lighting either natural or artificial to depict action or create a special effect or scene.

Electronic Display Screen – A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.

Electronic Message Center – Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. These signs do not incorporate any mechanical movement of the sign itself or any use of pulsating or undulating copy message.

Flashing Sign – A sign, the illumination of which is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash or blink.

Multi-Prism Sign –A sign made with a series of triangular sections that rotate and stop, or index, to show three (3) images or messages in the same area at different times.

Section 3. The Code of the Township of Wilkins, Chapter 173, Article V, Signs, Section 173.34, Prohibited Signs, Paragraph C, is hereby amended as follows:

C. Blinking, flashing, animated, and electronic display screen signs, except for time, date and temperature signs.

Section 4. The Code of the Township of Wilkins, Chapter 173, Article V, Signs, Section 173.34, Prohibited Signs, Paragraph H, is hereby amended as follows:

H. Signs that move, rotate, change position, have moving parts or create the illusion of movement, whether the movement is created by the wind or mechanically, including multi-prism signs.

Section 5. The Code of the Township of Wilkins, Chapter 173, Article V, Signs, Section 173.34, Prohibited signs, Paragraph J is hereby amended as follows:

1. Abandoned or obsolete signs or sign structures, including any nonconforming signs or sign structures, shall be removed within ninety (90) days. The non-use of a sign for a period of six (6) months shall create a presumption of abandonment.

2. Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product or service no longer being marketed shall be removed within ninety (90) days after becoming obsolete. Covering obsolete sign panels or sign copy with any material is specifically prohibited.

3. The owner or lessee of the property upon which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this Zoning Code for failure to comply with the provisions stated herein.

Section 6. The Code of the Township of Wilkins, Chapter 173, Article V, Signs, Section 173.35, Signs permitted in individual zoning districts, is hereby amended to add the following text immediately below the text "Changeable Copy Sign"

		Type of Zoning District	
Type of Sign	Residential	Commercial	Manufacturing
Electronic Message Center sign Permitted	No	Yes	Gas Stations Only

Section 7. The Code of the Township of Wilkins, Chapter 173, Article V, Signs, Section 173.39, is hereby amended to add the following text:

173.39. Illuminated and Electronic Message Center Signs.

In addition to the regulations in Table 1, all internally or externally illuminated signs and Electronic Message Center Signs shall comply with the following limitations and requirements:

E. An electronic message center shall have a black background/face with amber tone changeable copy.

F. Character height shall not exceed eight inches (8") in height, with no more than three (3) lines of copy per electronic message center sign.

G. Each message displayed on an electronic message center must be static or depicted for a minimum of twenty-four (24) hours. Scrolling, flashing, fading, dissolving or fluttering of messages or images is strictly prohibited.

H. Time, date and temperature signs are exempt from this requirement.

Section 8. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 9. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED this 13 day of June, 2005

ATTEST:

Rebecca Bradley

Rebecca Bradley, Manager

TOWNSHIP OF WILKINS

William G. Wilson

William G. Wilson, President

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 972

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA ACCEPTING THE STREETS THAT THE TOWNSHIP OF WILKINS ACQUIRED THROUGH THE SETTLEMENT OF THE BOUNDARY DISPUTE WITH THE MUNICIPALITY OF PENN HILLS.

WHEREAS, the disputed boundary between the Township of Wilkins and the Municipality of Penn Hills has been established by the Final Report of the Boundary Dispute Commission; and

WHEREAS, as a result of such settlement the Township of Wilkins has acquired certain roadways and streets formally designated as roadways and streets situated within the Municipality of Penn Hills; and

WHEREAS, the Township of Wilkins wishes to accept the designated roadways and streets as a part of the roadway and street system of the Township and to accept the storm and sanitary sewers located within the rights of way of such designated roadways and streets as public facilities.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. The following portions of streets and roadways now in Wilkins Township, formerly in the Municipality of Penn Hills as established by the Final Report of the Boundary Dispute Commission charged with determining the Municipality boundary line between the Municipality of Penn Hills and the Township of Wilkins in Allegheny County, Pennsylvania dated April 30, 1998, are hereby approved and accepted for maintenance by the Township of Wilkins and said portions of said roadways and streets shall be placed upon the official Street Map and other records of the Township as public streets of the Township of Wilkins:

1. Princeton Drive as the centerline of which is described in Exhibit "1" attached hereto and made a part hereof;

2. Northern Pike as the centerline of which is described in Exhibit "2" attached hereto and made a part hereof;

3. Elwood Drive as the centerline of which is described in Exhibit "3" attached hereto and made a part hereof;

4. Dunbar Drive as the centerline of which is described in Exhibit "4" attached hereto and made a part hereof;

5. Jefferson Heights Road as the centerline of which is described in Exhibit "5" attached hereto and made a part hereof;

6. Sunset Drive as the centerline of which is described in Exhibit "6" attached hereto and made a part hereof;

7. Lougeay Road as the centerline of which is described in Exhibit "7" attached hereto and made a part hereof;

8. Newton & Rodi Road as the centerline of which is described in Exhibit "8" attached hereto and made a part hereof;

9. Old William Penn Highway as the centerline of which is described in Exhibit "9" attached hereto and made a part hereof;

10. Ridgecrest Drive as the centerline of which is described in Exhibit "10" attached hereto and made a part hereof;

11. Ridgecrest Drive #2 as the centerline of which is described in Exhibit "11" attached hereto and made a part hereof.

Section 2. That the storm and sanitary sewers located within the rights of way of the portions of the streets and roadways as designated in Section 1 of this Ordinance are hereby approved for maintenance by the Township as municipal sewers.

Section 3. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality; illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed insofar as said inconsistency, is in conflict with the provisions of this Ordinance.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 11th day of July, 2005.

ATTEST:

Rebecca Bradley, Manager

WILKINS TOWNSHIP

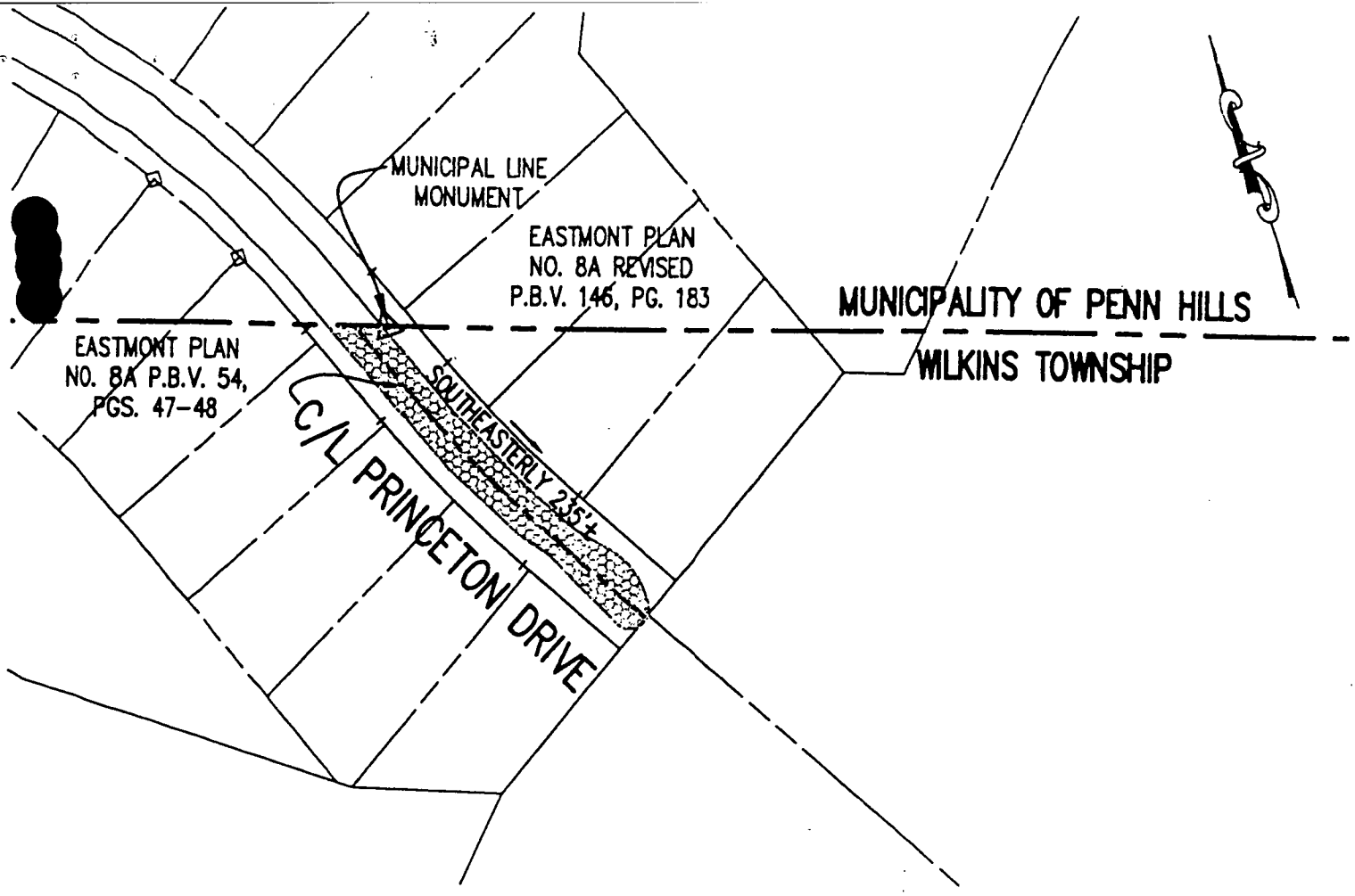
William G. Wilson, President

DESCRIPTION OF THE PORTION OF PRINCETON DRIVE ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Princeton Drive in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point in the center of the pavement of Princeton Drive at the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins in Allegheny County, Pennsylvania dated April 30, 1998; thence along the center of said roadway in a southeasterly direction a distance of 235 feet more or less or 0.0445 miles more or less to the terminus of the pavement of Princeton Drive.

EXHIBIT "1"



NOTES:

- ROADWAY SHOWN PER ALLEGHENY COUNTY GIS INFORMATION.
- MUNICIPAL BOUNDARY SHOWN AS ESTABLISHED BY THE FINAL REPORT OF THE BOUNDARY DISPUTE COMMISSION CHARGED WITH DETERMINING THE MUNICIPAL BOUNDARY LINE BETWEEN THE MUNICIPALITY OF PENN HILLS AND THE TOWNSHIP OF WILKINS IN ALLEGHENY COUNTY, PENNSYLVANIA DATED APRIL 30, 1998.

DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

EXHIBIT OF ROADWAY NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.

PRINCETON DRIVE 235'± or 0.0445 mi.±

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PREPARED FOR:

THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
ENGINEERS – PLANNERS – SURVEYORS
UNIVERSITY OF PITTSBURGH
APPLIED RESEARCH CENTER
420 WILLIAM PITT WAY, PITTSBURGH, PA. 15238
PHONE (412) 826-5454
FAX (412) 826-5458

DRAWN BY:	CHECKED BY:	DATE:	SCALE:
S.J.M.	W.S.M.	5/11/05	1" = 100'
JOB NUMBER 7200	DRAWING NUMBER A 4686		1 OF 6

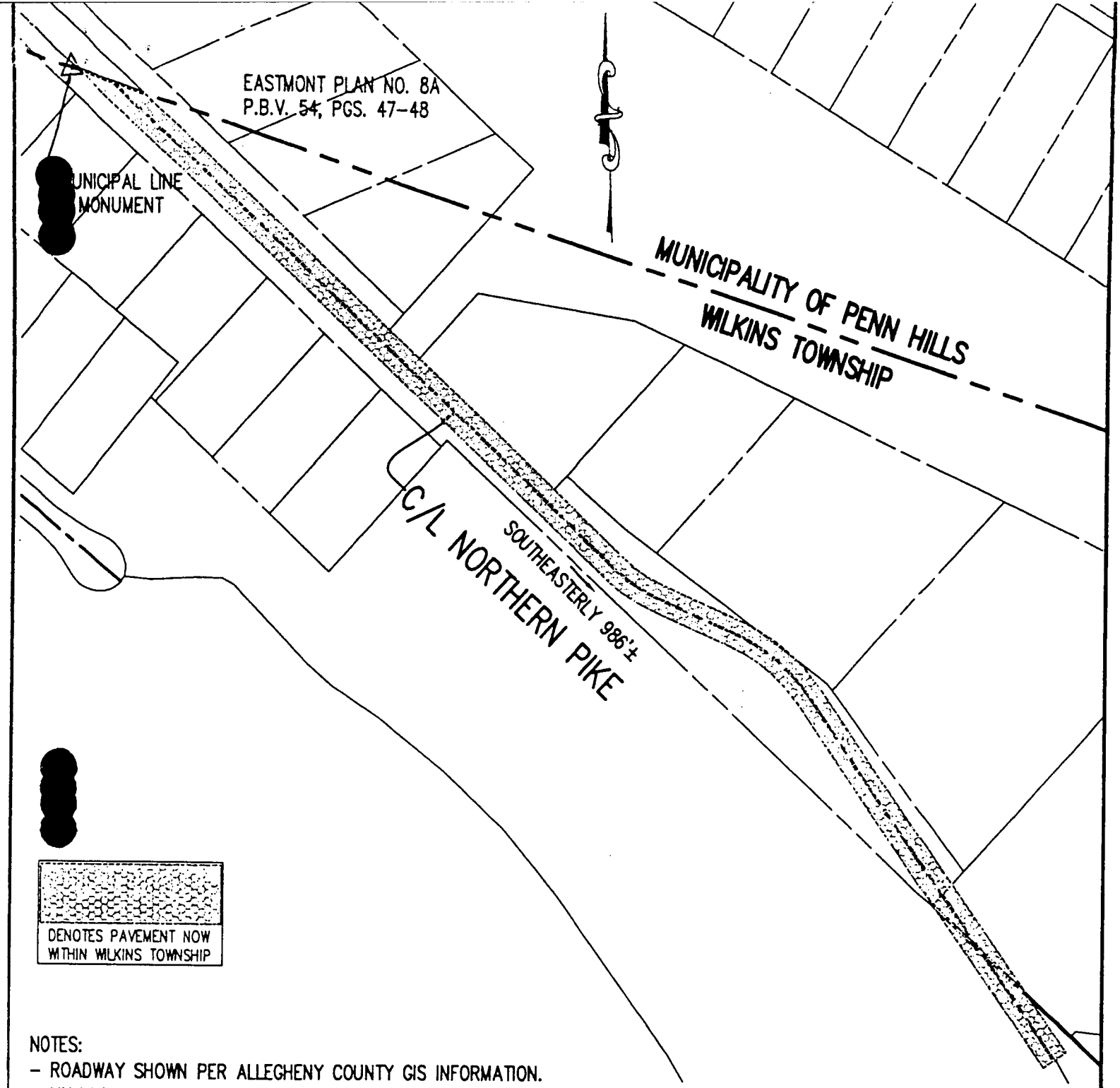
EXHIBIT "1"

DESCRIPTION OF THE PORTION OF NORTHERN PIKE ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Northern Pike in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point in the center of the pavement of Northern Pike at the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins in Allegheny County, Pennsylvania dated April 30, 1998; thence along the center of said roadway in a southeasterly direction a distance of 986 feet more or less or 0.1867 miles more or less to the terminus of the pavement of Northern Pike.

EXHIBIT "2"



NOTES:
- ROADWAY SHOWN PER ALLEGHENY COUNTY GIS INFORMATION.
- MUNICIPAL BOUNDARY SHOWN AS ESTABLISHED BY THE FINAL REPORT OF THE BOUNDARY DISPUTE COMMISSION CHARGED WITH DETERMINING THE MUNICIPAL BOUNDARY LINE BETWEEN THE MUNICIPALITY OF PENN HILLS AND THE TOWNSHIP OF WILKINS IN ALLEGHENY COUNTY, PENNSYLVANIA DATED APRIL 30, 1998.

EXHIBIT OF ROADWAY NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.

NORTHERN PIKE 986'± or 0.1867 mi.±

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PR RED FOR:

THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
ENGINEERS – PLANNERS – SURVEYORS
UNIVERSITY OF PITTSBURGH
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420 WILLIAM PITT WAY, PITTSBURGH, PA. 15238
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DRAWN BY:	CHECKED BY:	DATE:	SCALE:
S.J.M.	W.S.M.	5/11/05	1" = 100'
JOB NUMBER	DRAWING NUMBER		
7200	A 4686		2 OF 6

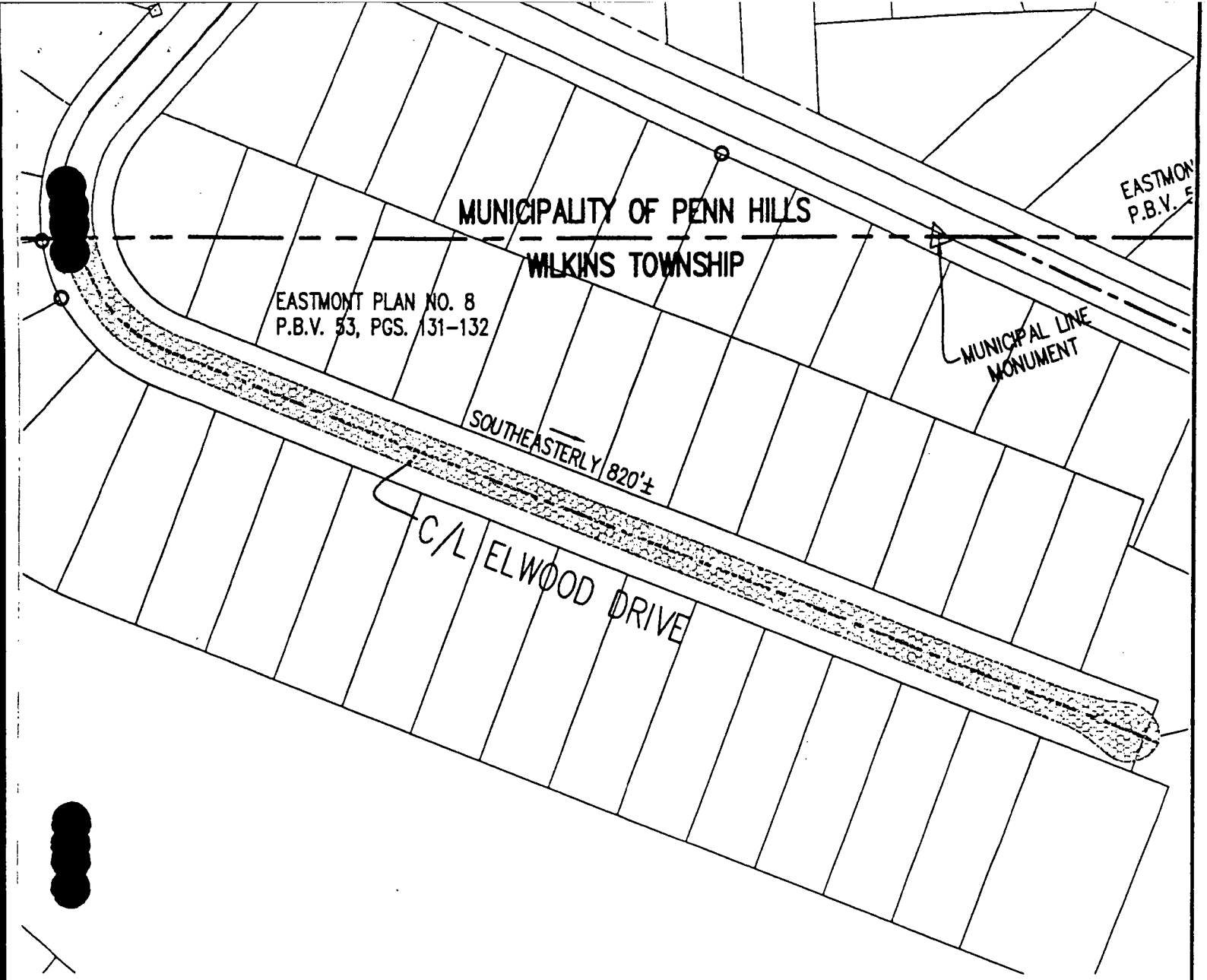
EXHIBIT "2"

DESCRIPTION OF THE PROTION OF ELWOOD DRIVE ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Elwood Drive in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point in the center of the pavement of Elwood Drive at the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins in Allegheny County, Pennsylvania dated April 30, 1998; thence along the centerline of the roadway in a southeasterly direction a distance of 820 feet more or less or 0.1553 miles more or less to the terminus of the pavement of Elwood Drive.

EXHIBIT "3"



NOTES:
- ROADWAY SHOWN PER ALLEGHENY COUNTY GIS INFORMATION.
- MUNICIPAL BOUNDARY SHOWN AS ESTABLISHED BY THE FINAL REPORT OF THE BOUNDARY DISPUTE COMMISSION CHARGED WITH DETERMINING THE MUNICIPAL BOUNDARY LINE BETWEEN THE MUNICIPALITY OF PENN HILLS AND THE TOWNSHIP OF WILKINS IN ALLEGHENY COUNTY, PENNSYLVANIA DATED APRIL 30, 1998.

DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

EXHIBIT OF ROADWAY NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.

ELWOOD DRIVE 820'± or 0.1553 mi.±

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PREPARED FOR:

THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
ENGINEERS – PLANNERS – SURVEYORS
UNIVERSITY OF PITTSBURGH
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420 WILLIAM PITT WAY, PITTSBURGH, PA. 15238
PHONE (412) 826-5454
FAX (412) 826-5458

DRAWN BY:	CHECKED BY:	DATE:	SCALE:
S.J.M.	W.S.M.	5/11/05	1" = 100'
JOB NUMBER	DRAWING NUMBER		
7200	A 4686		3 OF 6

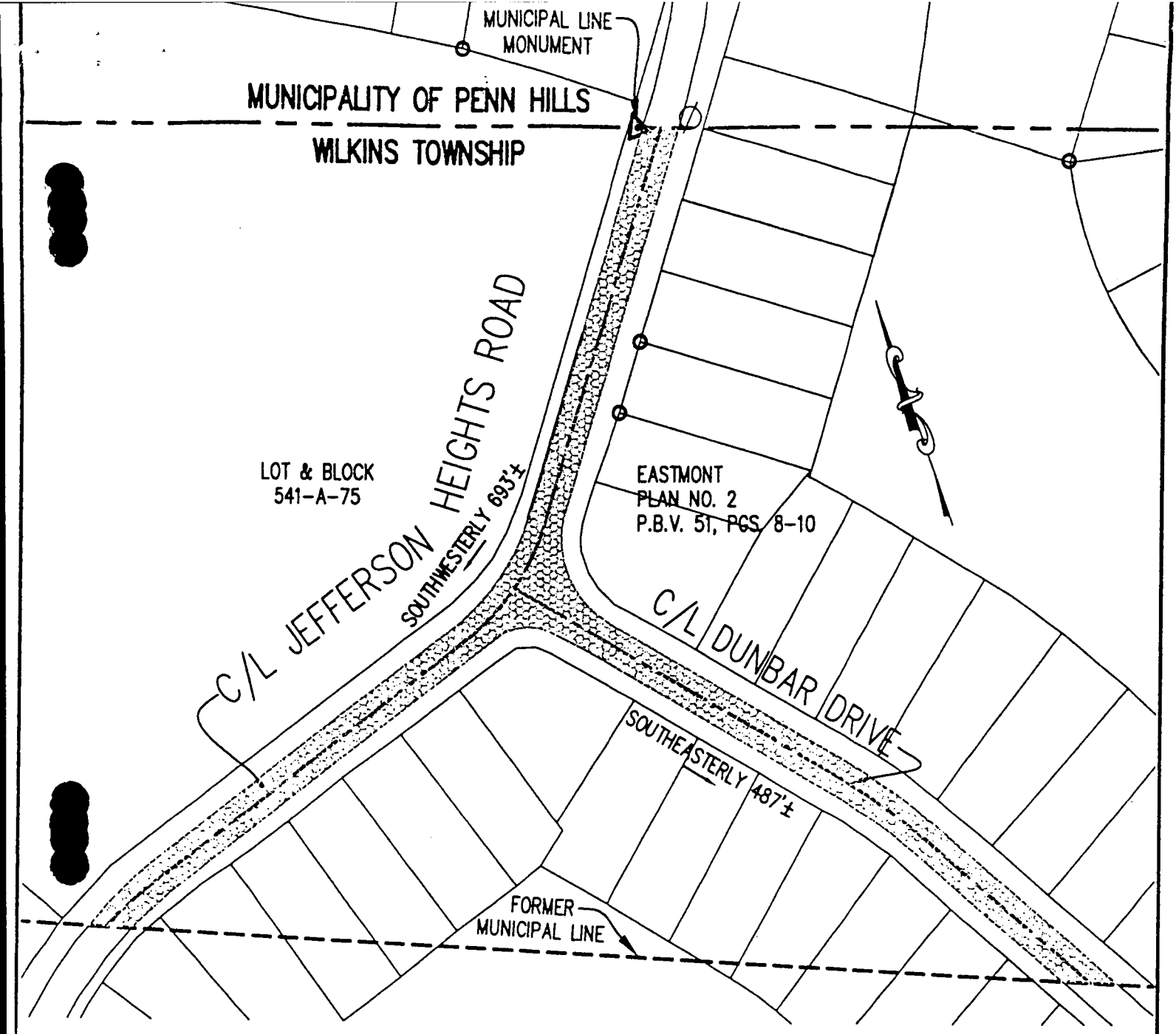
EXHIBIT "3"

DESCRIPTION OF THE PORTION OF DUNBAR DRIVE ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Dunbar Drive in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point in the center of the pavement of Jefferson Heights Road and the centerline of the pavement of Dunbar Drive; thence along the center of said Dunbar Drive roadway in a southeasterly direction a distance of 487 feet more or less or 0.0922 miles more or less to the former municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills.

EXHIBIT "4"



NOTES:

- ROADWAY SHOWN PER ALLEGHENY COUNTY GIS INFORMATION.
- MUNICIPAL BOUNDARY SHOWN AS ESTABLISHED BY THE FINAL REPORT OF THE BOUNDARY DISPUTE COMMISSION CHARGED WITH DETERMINING THE MUNICIPAL BOUNDARY LINE BETWEEN THE MUNICIPALITY OF PENN HILLS AND THE TOWNSHIP OF WILKINS IN ALLEGHENY COUNTY, PENNSYLVANIA DATED APRIL 30, 1998.

DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

EXHIBIT OF ROADWAY NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.

JEFFERSON HEIGHTS RD. 693'± or 0.1313 mi.±
& DUNBAR DR. 487'± or 0.0922 mi.±

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PREPARED FOR:

THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
ENGINEERS – PLANNERS – SURVEYORS
UNIVERSITY OF PITTSBURGH
APPLIED RESEARCH CENTER
420 WILLIAM PITT WAY, PITTSBURGH, PA. 15238
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FAX (412) 826-5458

DRAWN BY:	CHECKED BY:	DATE:	SCALE:
S.J.M.	W.S.M.	5/11/05	1" = 100'
JOB NUMBER	DRAWING NUMBER		
7200	A 4686		4 OF 6

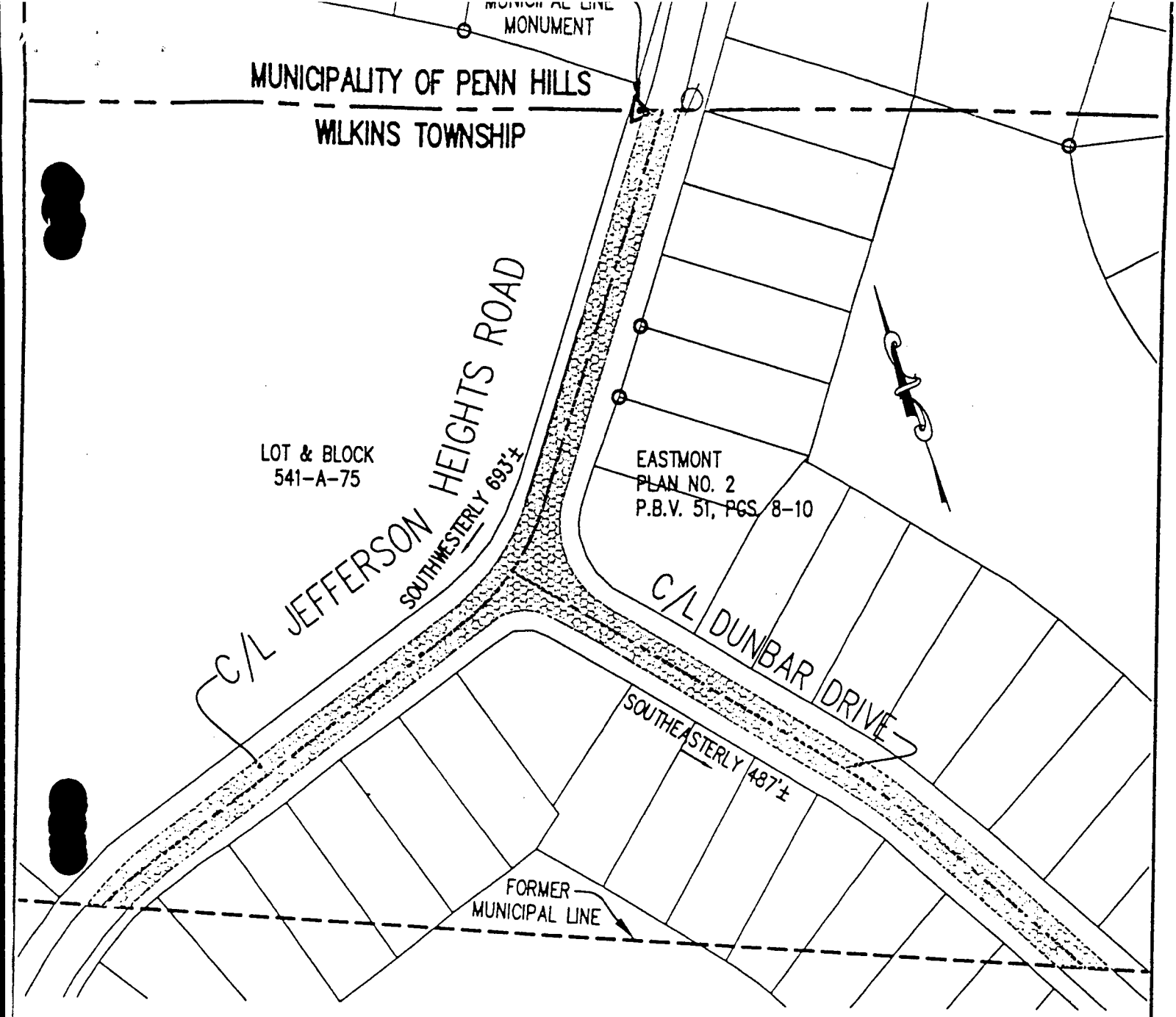
EXHIBIT "4"

DESCRIPTION OF THE PORTION OF JEFFERSON HEIGHTS ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Jefferson Heights in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point in the center of the pavement of Jefferson Heights Road at the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins in Allegheny County, Pennsylvania dated April 30, 1998; thence along the center of said roadway in a southwesterly direction a distance of 693 feet more or less or 0.1313 miles more or less to the former municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills.

EXHIBIT "5"



NOTES:

- ROADWAY SHOWN PER ALLEGHENY COUNTY GIS INFORMATION.
- MUNICIPAL BOUNDARY SHOWN AS ESTABLISHED BY THE FINAL REPORT OF THE BOUNDARY DISPUTE COMMISSION CHARGED WITH DETERMINING THE MUNICIPAL BOUNDARY LINE BETWEEN THE MUNICIPALITY OF PENN HILLS AND THE TOWNSHIP OF WILKINS IN ALLEGHENY COUNTY, PENNSYLVANIA DATED APRIL 30, 1998.

DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

EXHIBIT OF ROADWAY NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.

JEFFERSON HEIGHTS RD. 693'± or 0.1313 mi.±
& DUNBAR DR. 487'± or 0.0922 mi.±

SITUATE IN:
THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PREPARED FOR:
THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
ENGINEERS – PLANNERS – SURVEYORS
UNIVERSITY OF PITTSBURGH
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JOB NUMBER	DRAWING NUMBER		
7200	A 4686		4 OF 6

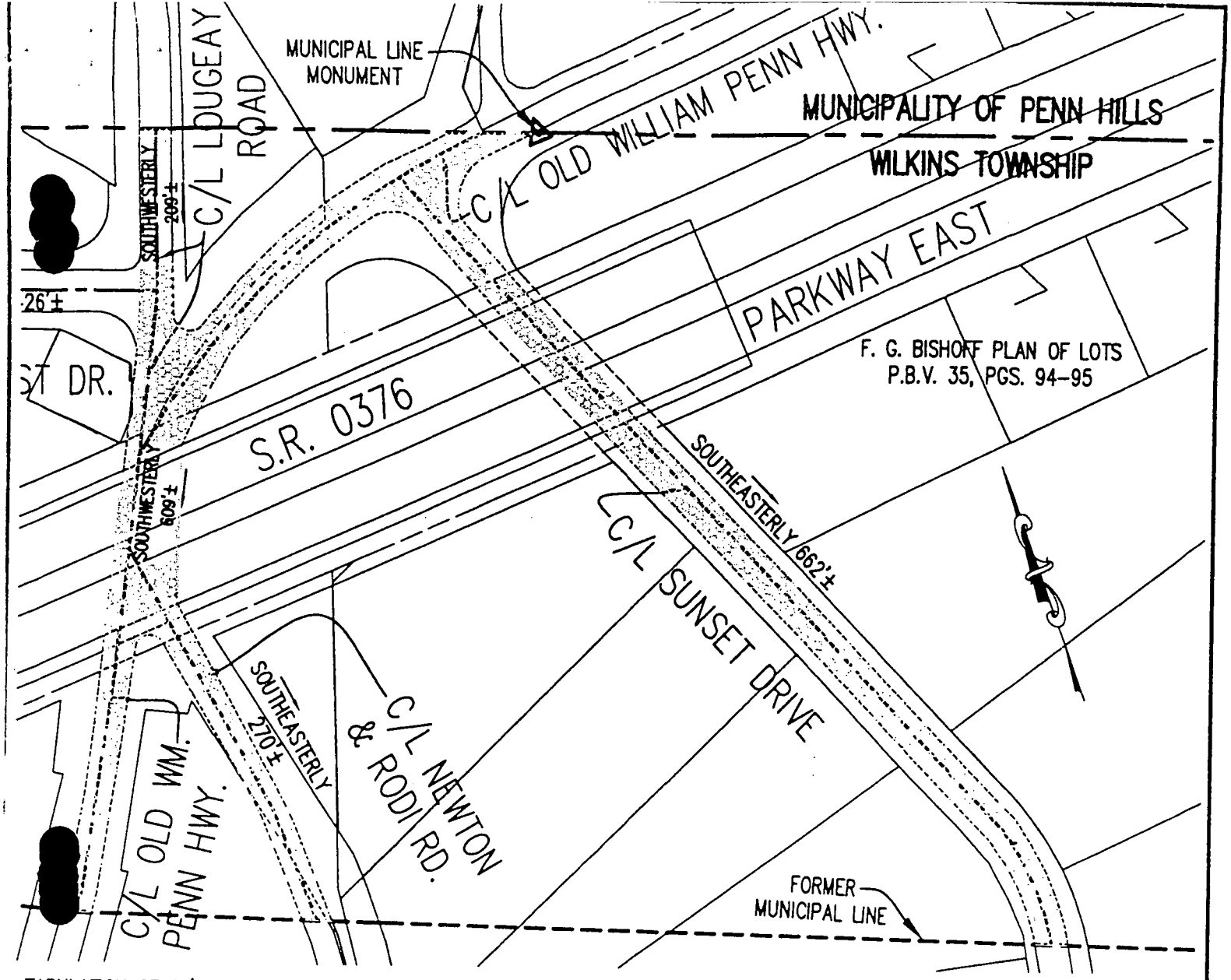
EXHIBIT "5"

DESCRIPTION OF THE PORTION OF SUNSET DRIVE ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Sunset Drive in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a the intersection of the centerline of the pavement of Old William Penn Highway and the centerline of the pavement of Sunset Drive; thence along the center of said Dunbar Drive roadway in a southeasterly direction a distance of 662 feet more or less or 0.1254 miles more or less to the former municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills.

EXHIBIT "6"



TABULATION OF C/L LENGTHS ON THIS SHEET:

C/L LOUGEAY ROAD 209'± or 0.0396 mi.±
C/L SUNSET DRIVE 662'± or 0.1254 mi.±
C/L NEWTON & RODI RD. 270'± or 0.0511 mi.±
C/L OLD WM. PENN HWY. 609'± or 0.1153 mi.±

DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

NOTES:
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EXHIBIT OF ROADWAYS NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.
LOUGEAY RD., SUNSET DR., NEWTON & RODI RD., OLD WILLIAM PENN HWY

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PR[redacted]ED FOR:
THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
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JOB NUMBER	DRAWING NUMBER		
7200	A 4686		5 of 6

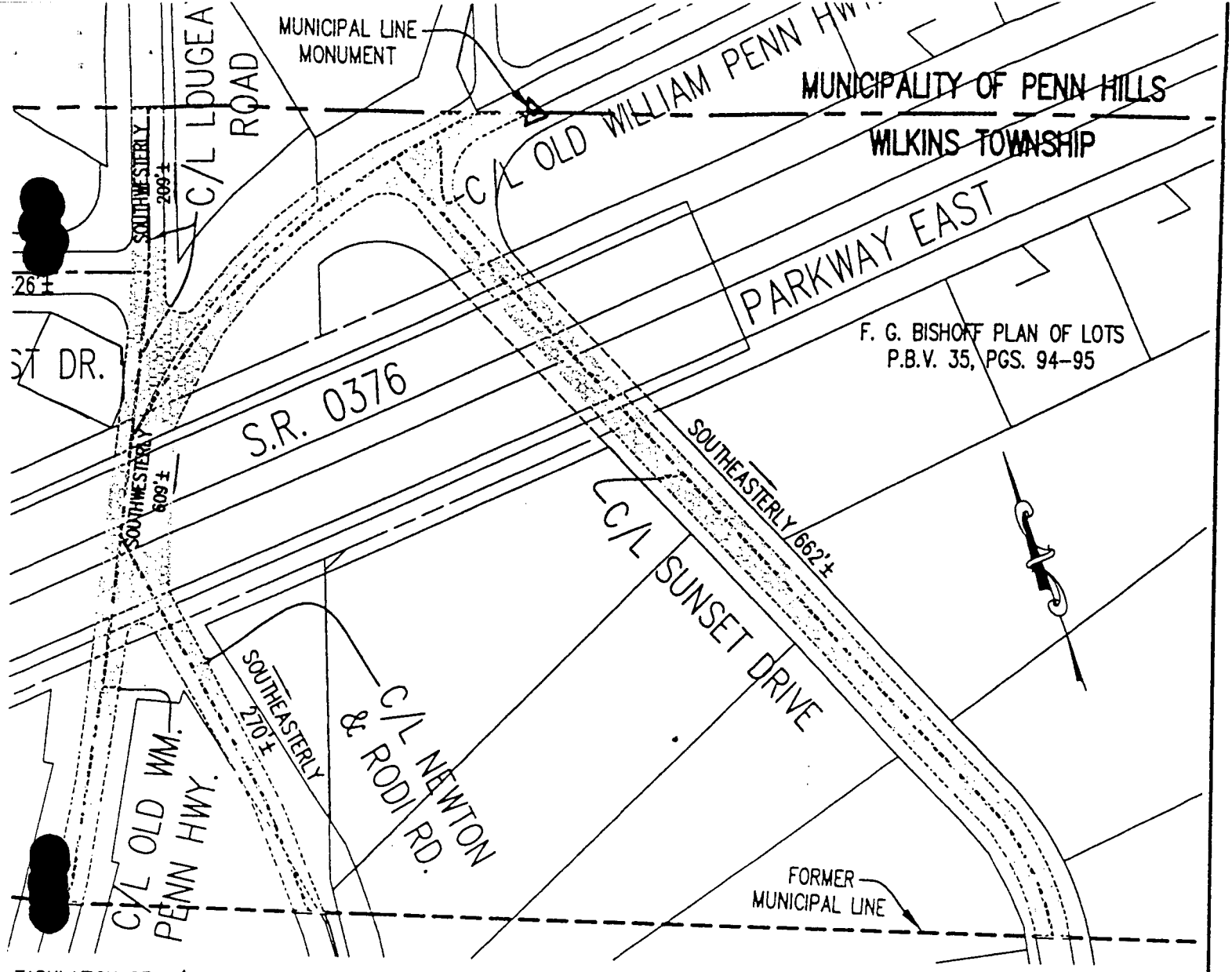
EXHIBIT "6"

DESCRIPTION OF THE PORTION OF LOUGEAY ROAD ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Lougeay Road in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point in the center of the pavement of Lougeay Road at the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins in Allegheny County, Pennsylvania, dated April 30, 1998; thence along the center of said roadway in a southwesterly direction a distance of 209 feet more or less or 0.0396 miles more or less to the intersection of the centerline of the pavement of said Lougeay Road and the centerline of the pavement of Old William Penn Highway.

EXHIBIT "7"



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C/L SUNSET DRIVE 662'± or 0.1254 mi.±
C/L NEWTON & RODI RD. 270'± or 0.0511 mi.±
C/L OLD WM. PENN HWY. 609'± or 0.1153 mi.±

DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

NOTES:
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EXHIBIT OF ROADWAYS NOW IN THE TOWNSHIP OF ILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.
LOUGEAY RD., SUNSET DR., NEWTON & RODI RD., OLD WILLIAM PENN HWY

SITUATE IN:
THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PRE[redacted]ED FOR:
THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
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JOB NUMBER 7200	DRAWING NUMBER A 4686		5 OF 6

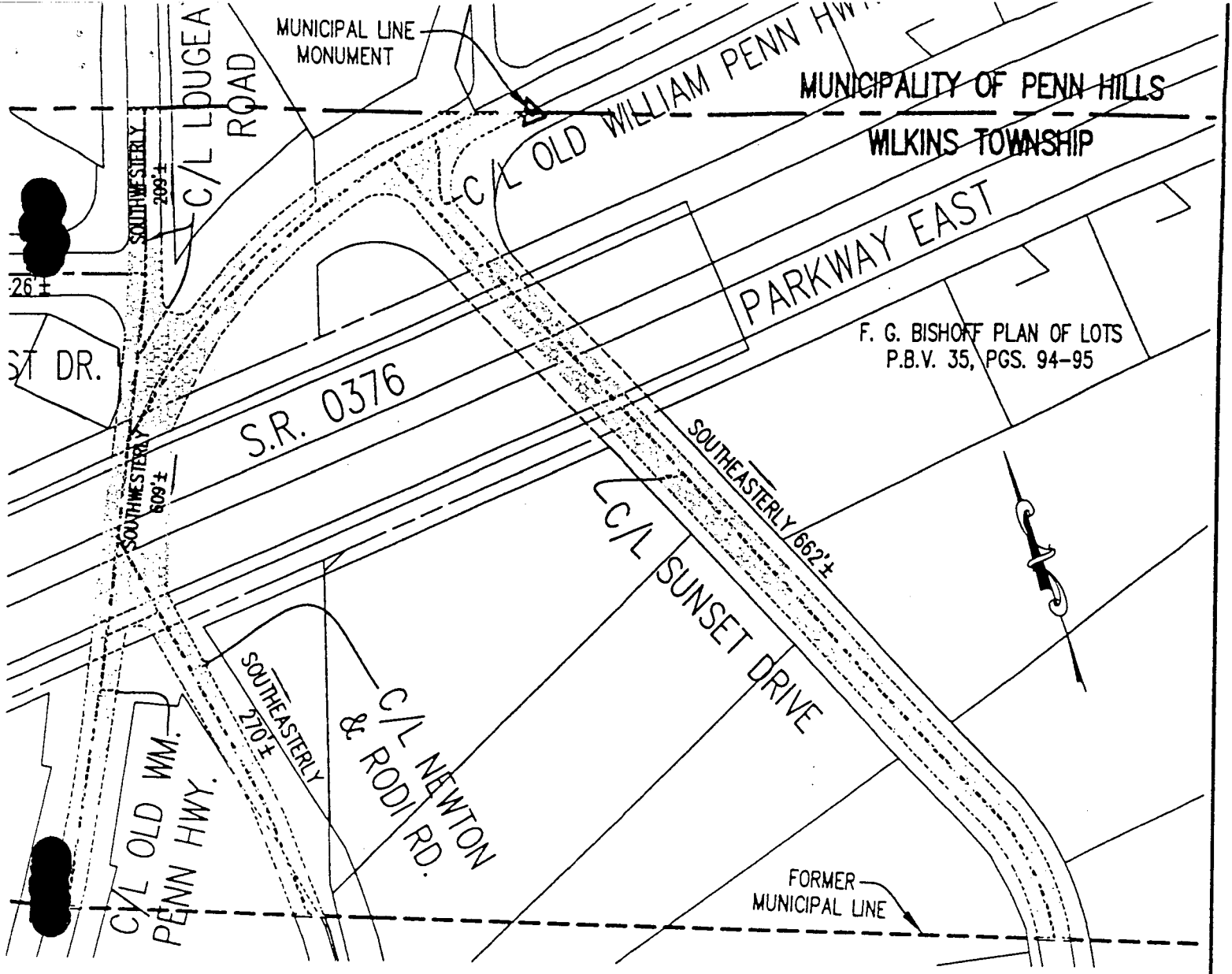
EXHIBIT "7"

DESCRIPTION OF THE PORTION OF NEWTON AND RODI ROAD NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Newton and Rodi Road in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a the intersection of the centerline of the pavement of Old William Penn Highway and the centerline of the pavement of Newton and Rodi Road; thence along the center of said Newton and Rodi Road roadway in a southeasterly direction a distance of 270 feet more or less or 0.0511 miles more or less to the former municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills.

EXHIBIT "8"



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C/L SUNSET DRIVE 662'± or 0.1254 mi.±
C/L NEWTON & RODI RD. 270'± or 0.0511 mi.±
C/L OLD WM. PENN HWY. 609'± or 0.1153 mi.±

DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

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EXHIBIT OF ROADWAYS NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.
LOUGEAY RD., SUNSET DR., NEWTON & RODI RD., OLD WILLIAM PENN HWY

SITUATE IN:
THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PREPARED FOR:
THE TOWNSHIP OF WILKINS

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S.J.M.	W.S.M.	5/11/05	1" = 100'
JOB NUMBER	DRAWING NUMBER		
7200	A 4686		5 of 6

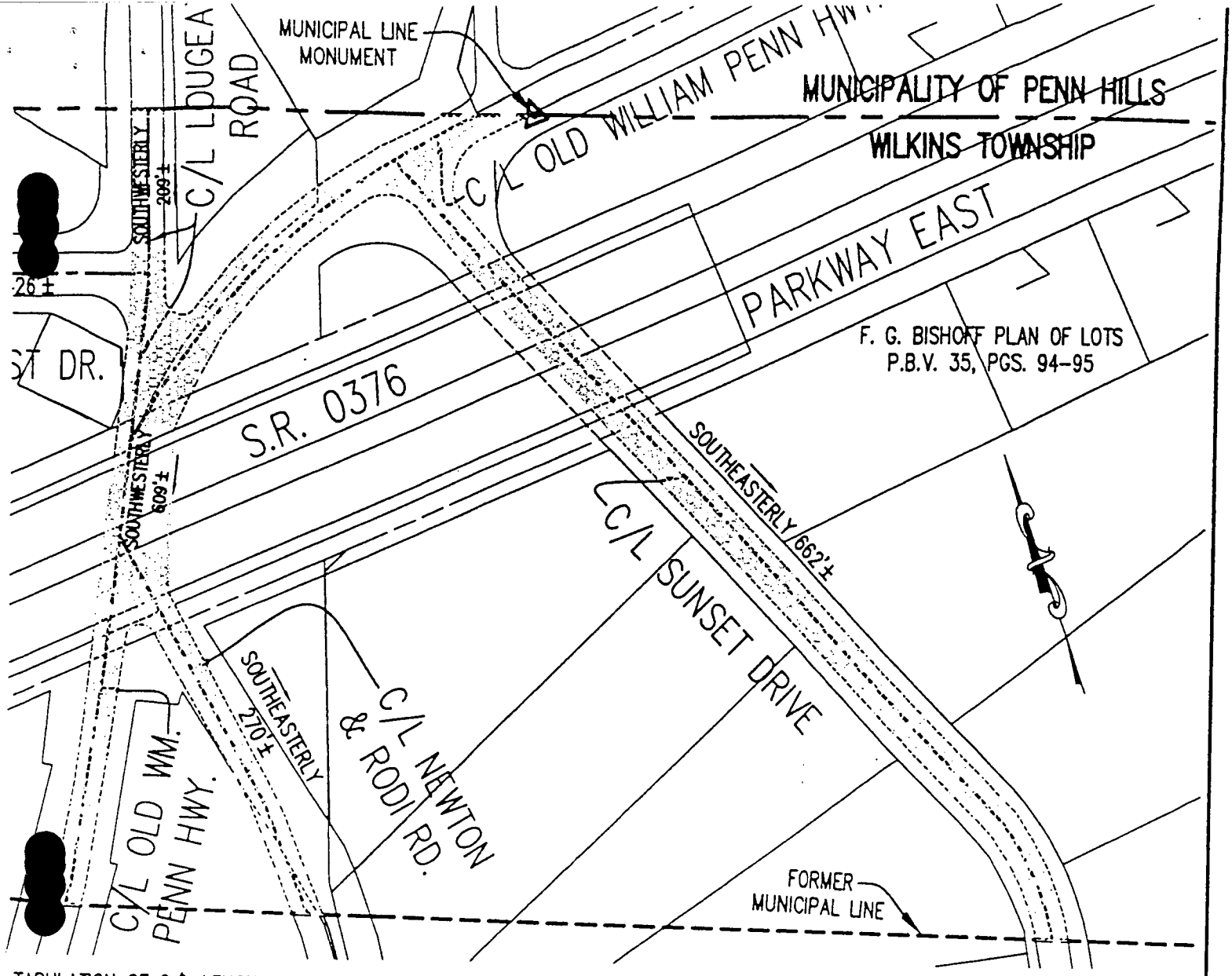
EXHIBIT "8"

DESCRIPTION OF THE PORTION OF OLD WILLIAM PENN HIGHWAY ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

All that certain roadway being known as Old William Penn Highway in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point in the center of the pavement of Old William Penn Highway at the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins in Allegheny County, Pennsylvania, dated April 30, 1998; thence along the center of said roadway in a southwesterly direction a distance of 609 feet more or less or 0.1153 miles more or less to the former municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills.

EXHIBIT "9"



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DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

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EXHIBIT OF ROADWAYS NOW IN THE TOWNSHIP OF ILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.
LOUGEAY RD., SUNSET DR., NEWTON & RODI RD., OLD WILLIAM PENN HWY

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PRE[redacted]ED FOR:
THE TOWNSHIP OF WILKINS

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S.J.M.	W.S.M.	5/11/05	1" = 100'
JOB NUMBER 7200	DRAWING NUMBER A 4686		5 OF 6

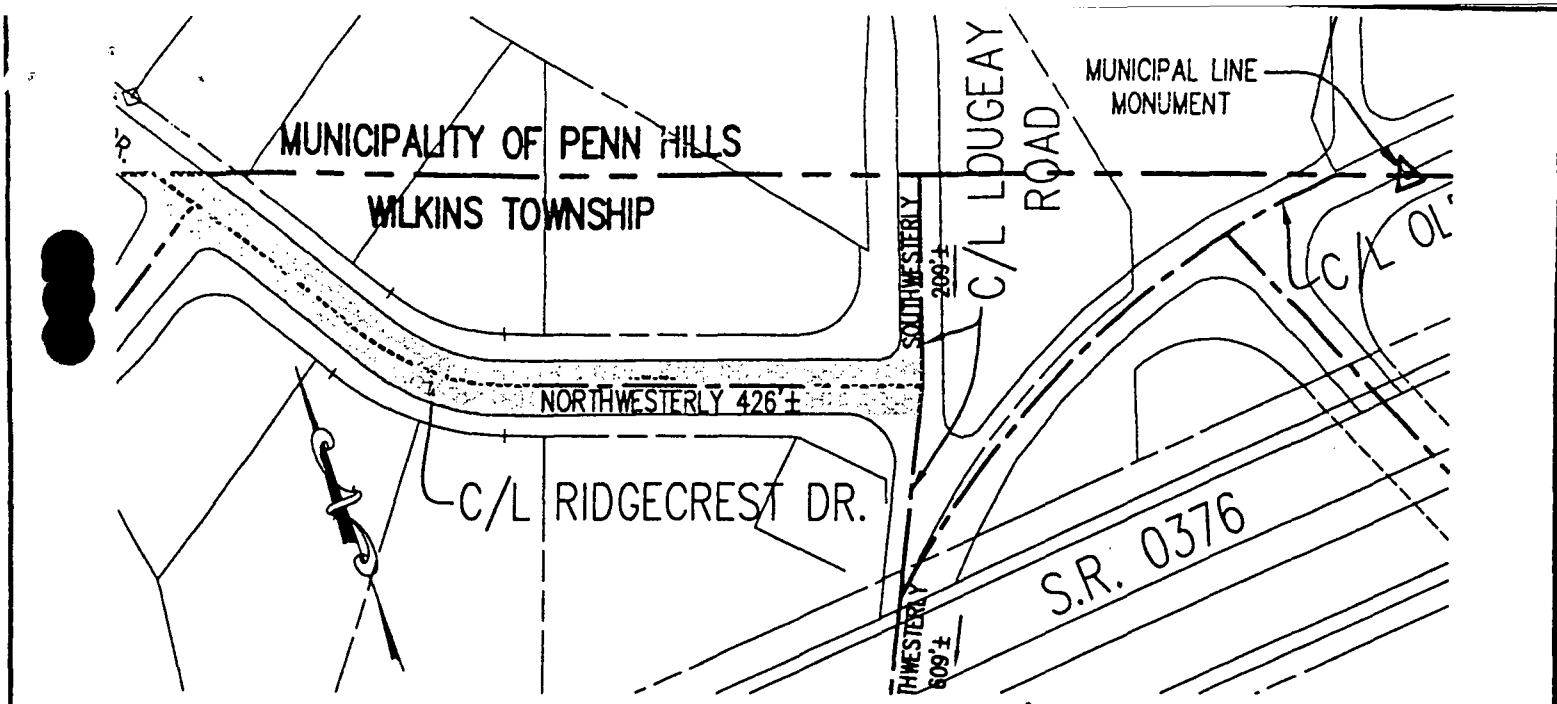
EXHIBIT "9"

DESCRIPTION OF THE EASTERLY PORTION OF RIDGECREST DRIVE ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

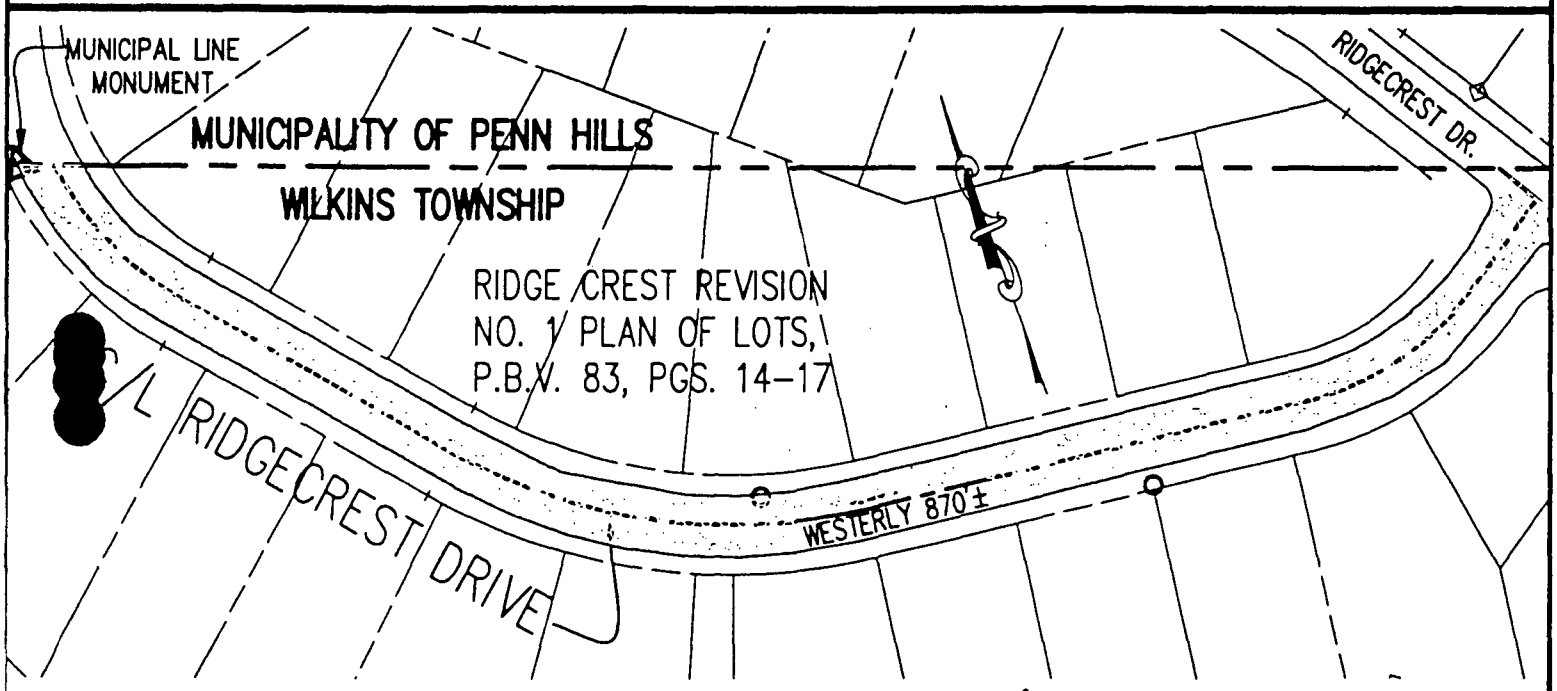
All that certain roadway being known as Ridgecrest Drive in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point at the intersection of the centerline of the pavement of said Ridgecrest Drive and the centerline of the pavement of Lougeay Road; thence along the center of said Ridgecrest Drive roadway in a northwesterly direction a distance of 426 feet more or less or 0.0807 miles more or less to the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins, Allegheny County, Pennsylvania, dated April 30, 1998.

EXHIBIT "10"



RIDGECREST DRIVE EASTERLY SECTION 426'± or 0.0807 mi.±



RIDGECREST DRIVE WESTERLY SECTION 870'± or 0.1648 mi.±

NOTES:
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DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

EXHIBIT OF ROADWAY NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.

RIDGECREST DRIVE

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PREPARED FOR:

THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
ENGINEERS – PLANNERS – SURVEYORS
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JOB NUMBER	DRAWING NUMBER		
7200	A 4686		6 OF 6

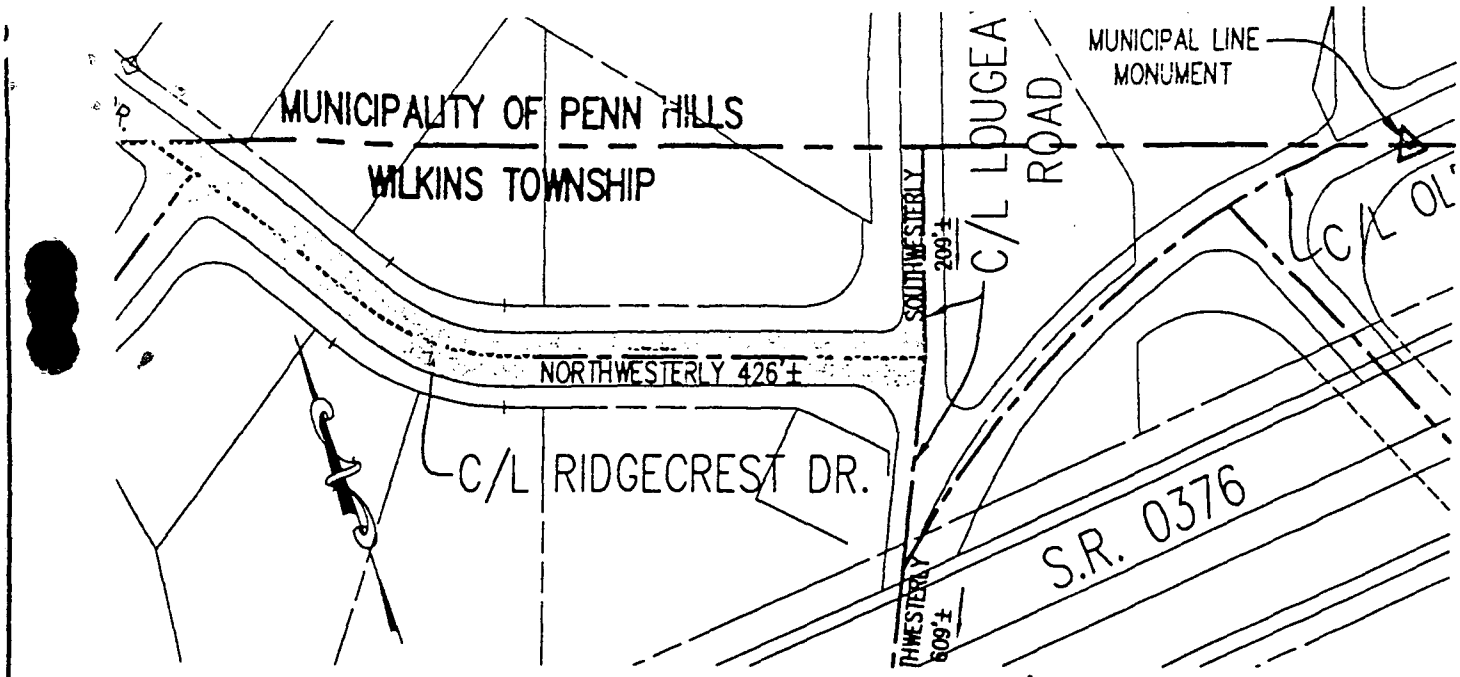
EXHIBIT "10"

DESCRIPTION OF THE WESTERLY PORTION OF RIDGECREST DRIVE ROADWAY NOW IN WILKINS TOWNSHIP FORMERLY IN THE MUNICIPALITY OF PENN HILLS

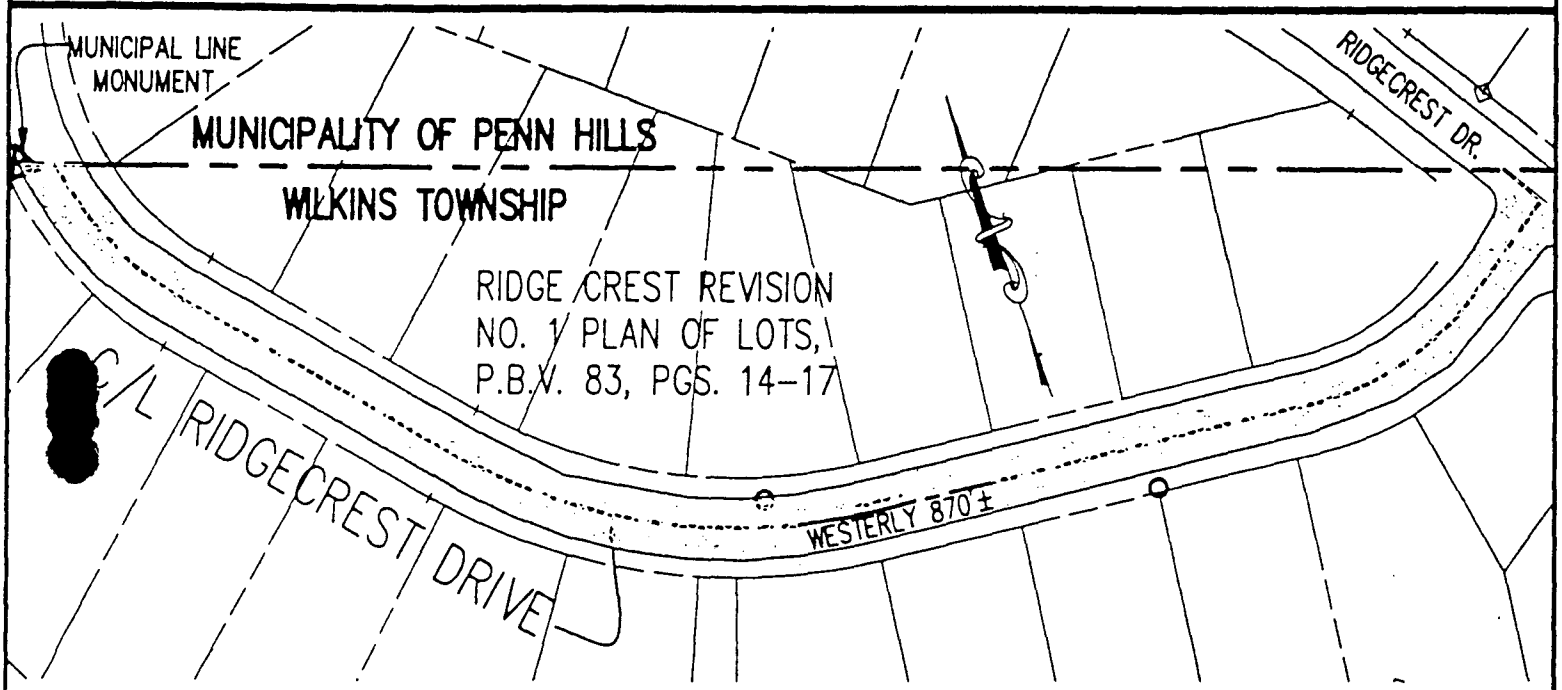
All that certain roadway being known as Ridgecrest Drive in the area formerly within the Municipality of Penn Hills now in Wilkins Township. The centerline being more particularly described as follows:

Beginning at a point at the intersection of the centerline of the pavement of the easterly portion of Ridgecrest Drive and the centerline of the pavement of the westerly portion of a continuance of Ridgecrest Drive; thence along the center of said westerly portion of Ridgecrest Drive roadway in a westerly direction a distance of 870 feet more or less or 0.1648 miles more or less to the municipal boundary dividing the Township of Wilkins from the Municipality of Penn Hills as established by the final report of the boundary dispute commission charged with determining the municipal boundary line between the Municipality of Penn Hills and the Township of Wilkins, Allegheny County, Pennsylvania, dated April 30, 1998.

EXHIBIT "11"



RIDGECREST DRIVE EASTERLY SECTION 426'± or 0.0807 mi.±



RIDGECREST DRIVE WESTERLY SECTION 870'± or 0.1648 mi.±

NOTES:
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DENOTES PAVEMENT NOW WITHIN WILKINS TOWNSHIP

EXHIBIT OF ROADWAY NOW IN THE TOWNSHIP OF WILKINS, FORMERLY IN THE MUNICIPALITY OF PENN HILLS.

RIDGECREST DRIVE

SITUATE IN: THE TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PA

PREPARED FOR:

THE TOWNSHIP OF WILKINS

SENATE ENGINEERING COMPANY
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JOB NUMBER	DRAWING NUMBER		
7200	A 4686		6 of 6

EXHIBIT "11"

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 973

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA ESTABLISHING PURSUANT TO ARTICLE VIII, SECTION 2, SUBSECTION (B) (IV) OF THE PENNSYLVANIA CONSTITUTION AND THE NEW HOME CONSTRUCTION LOCAL TAX ABATEMENT ACT, ACT 202 OF 1986, 72 P.S. SECTION 4754-1, ET SEQ., A REAL ESTATE TAX ABATEMENT SCHEDULE FOR NEW HOME CONSTRUCTION UPON UNIMPROVED REAL ESTATE.

WHEREAS, Article VIII, Section 2, subsection (b) (iv) of the Pennsylvania Constitution and the New Home Construction Local Tax Abatement Act, Act 202 of 1986, 72 P.S. §§ 4754-1, et seq. (hereinafter, the "Act"), authorize local taxing authorities to exempt from taxation new home construction upon unimproved residential property; and

WHEREAS, pursuant to such authority, the Township of Wilkins desires to provide for the temporary exemption from real estate taxation of such new home construction upon unimproved property located within its geographical boundaries; and

WHEREAS, in conformity with the Act, the Board of Commissioners held a public hearing on October 10, 2005, for the purpose of discussion of the provisions of this Ordinance, including the abatement period and the exemption schedule, pursuant to Section 4 of the Act, 72, P.S. § 4754-4.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. **Definitions.** For the purposes of the interpretation and administration of this Ordinance, the following definitions shall apply to terms used in this Ordinance:

(A). "Improvement" means the erection or construction of one or more residential buildings in compliance with laws, ordinances or regulations governing such actions.

(B). "Unimproved Residential Property" means any unimproved real estate owned by an individual, association, corporation or governmental entity located in the geographical boundaries of the Local Taxing Authority, which is or may be zoned, in accordance with the Pennsylvania Municipal Planning Code, for residential use.

(C). "Swiss Farm Dairy" means property located on Churchill Road, tax parcel numbers 453-P-85 and 454-B-210 comprising 8.80 acres of land within the R-2 residential zoning classification. Said property bounded to the north and west by the Borough of Churchill

(Edgewood Country Club), to the south by Gardenia Drive and to the east by Churchill Road. This property was formerly used as a dairy farm.

(C). "Township" means the Township of Wilkins, a political subdivision of the Commonwealth of Pennsylvania, with principal offices at 110 Peffer Road, Turtle Creek, Pennsylvania, 15145.

Section 2. **Purpose.** In consideration of the limited amount of unimproved residential property located within its boundaries and its desire to rejuvenate and enhance economic growth in the Township; its desire to eliminate slum and blight within this neighborhood and its desire to eliminate storm water flooding during peak rain events; The Township has determined that it is in the best interests of the community that the boundaries within which tax exemption herein provided shall be available should be coterminous with the geographical boundaries of the former "Swiss Farm Dairy Property as hereinbefore identified.

Section 3. **Schedule of Temporary Exemption.** The Township hereby temporarily exempts from real property taxation the assessment attributable to improvements to unimproved residential property located within the geographical boundaries of the Swiss Farm Dairy property in accordance with the provisions set forth hereinafter. There shall be no abatement of tax on the assessed valuation attributable to land. Temporary tax exemption for such improvements to unimproved residential properties will be provided in accordance with the following schedule:

Year One: 100% of the assessed value of the improvements.
Year Two: 100% of the assessed value of the improvements.

After the second year immediately following the year upon which the improvement becomes assessable, the exemption shall terminate. To be eligible for temporary tax exemption under this Ordinance, construction of the improvement must commence no later than September 1, 2006.

Section 4. **Application for Temporary Tax Exemption.** Any person desiring tax exemption pursuant to this Ordinance shall notify the Manager of the Township in writing on a form prescribed by the Township submitted at the time such person secures a building permit for the construction of the improvement. Applications for temporary tax exemption not submitted to the Township within thirty (30) days after the issuance of the building permit will not be eligible for tax exemption hereunder. The application for exemption must set forth the following information:

(A) The identity of the unimproved residential property that is to be improved by reference to the adjoining street, road or highway and the block and lot or tax parcel number of the property as designated by the Board of Property Assessment of the County of Allegheny.

(B) The identity of the current owner of record, or person or entity having an equitable interest in the unimproved residential property, and any person or entity having a financial interest in either the unimproved residential property or the planned improvement.

(C) The date the building permit was issued for the planned improvement.

(D) A summary of the plan of improvement of the unimproved residential property.

(E) An estimate of the cost of the planned improvements; and

(F) Such other and additional information as the Township may require to determine eligibility for exemption.

Section 5. **Processing of Application for Temporary Tax Exemption.** If the application meets the requirements of this Ordinance and upon approval of the application by the Board of Commissioners of the Township, a copy of the application shall be forwarded to the Board of Property Assessment of Allegheny County and the applicant shall be notified of such action. Upon completion of the construction of the improvement, the applicant must promptly notify the Board of Property Assessment of Allegheny County so that an inspection of the improvement may be made. When the Board of Property Assessments has completed its inspection, such agency shall assess separately the improvement and the land, shall calculate the amounts of the assessment eligible for tax exemption in accordance with the limits of this Ordinance and shall notify the applicant and the Township of the same.

Section 6. **Exemption Upon Property**. The exemption from taxes authorized by this Ordinance shall be upon the property exempted and shall not be terminated upon the sale, conveyance, bequest or other alienation of such property.

Section 7. **Expiration and Repeal.** Except as otherwise provided herein, the provisions of this Ordnance shall continue in full force and effect through and including December 31, 2007. Prior to such date, this Ordinance may be repealed by Resolution of the Board of Commissioners. Unless earlier terminated, by the Township, the terms of this Ordinance shall automatically expire and be deemed repealed effective January 1, 2008. The expiration or earlier repeal of this Ordinance shall not affect any completed application for exemption received by the Township before the effective date of expiration or repeal, as to which the terms of this Ordinance shall continue to apply.

Section 8. **Severability**. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality; illegality or

invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein

Section 9. **Repeal of Inconsistent Ordinances.** Any Ordinance or part of an Ordinance in conflict is hereby repealed insofar as it is in conflict herewith.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 10th day of October, 2005.

ATTEST:

Rebecca Bradley, Manager

WILKINS TOWNSHIP

William G. Wilson, President

TOWNSHIP OF WILKINS

Request for Real Estate Tax Abatement for New Home Construction

Owner's Name:_____ **Phone:**_____

Mailing Address:_____
Number Street City State Zip Code

Property Location:_____

Block and Lot #:_____

Building Permit #:_____

CONSTRUCTION START DATE	ESTIMATED COST OF CONSTRUCTION	NUMBER OF UNITS CONSTRUCTED

I hereby certify that the statements made in this application are true and correct to the best of my knowledge, information and belief.

_____ _____
Date Signature of Property Owner

Return Copies to:

Wilkins Township
Attention: Township Manager
110 Peffer Road
Turtle Creek, PA 15145

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 974

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA AMENDING AND RESTATING ARTICLE III OF CHAPTER 156 OF THE WILKINS TOWNSHIP CODE OF ORDINANCES, OCCUPATIONAL PRIVILEGE TAX, TO LEVY ASSESS AND COLLECT AN EMERGENCY AND MUNICIPAL SERVICES TAX ON INDIVIDUALS FOR THE PRIVILEGE OF ENGAGING IN AN OCCUPATION WITHIN THE TOWNSHIP AND TO ESTABLISH REGULATIONS RELATED THERETO.

WHEREAS, the Local Tax Enabling Act, 53 P.S. §6901 *et. seq.*, authorizes the Board of Commissioners of the Township of Wilkins (the "Township") to levy, assess and collect a tax on individuals for the privilege of engaging in an occupation within the Township, formerly known as an occupational privilege tax; and

WHEREAS, the Commonwealth of Pennsylvania recently enacted Act 222 of 2004, which amended the Local Tax Enabling Act to replace the occupational privilege tax with an emergency and municipal services tax and to establish regulations related to the same; and

WHEREAS, Article III, Chapter 156 of the Wilkins Township Code of Ordinances, Occupational Privilege Tax, established the regulations for the Township's occupational privilege tax; and

WHEREAS, the Board of Commissioners of the Township desire to amend and restate Article III of Chapter 156 of the Wilkins Township Code of Ordinances, Occupational Privilege Tax, in order to levy, assess and collect an emergency and municipal services tax on individuals for the privilege of engaging in an occupation within the township and to establish regulations related to the same.

NOW, THEREFORE, the Board of Commissioners of the Township of Wilkins hereby ordains and enacts as follows:

Section 1. Article III of Chapter 156 of the Wilkins Township Code of Ordinances, Occupational Privilege Tax, is amended and restated as follows:

ARTICLE III

EMERGENCY AND MUNICIPAL SERVICES TAX

§ 156.28. Title.

This Article shall be known and may be cited as the "Emergency and Municipal Services Tax Ordinance."

§ 156.29. Definitions.

As used in this Article, unless the context indicates clearly a different meaning, the following words shall have the meanings set forth below:

BOARD OF COMMISSIONERS – the Commissioners of the Township of Wilkins.

COMPENSATION – salaries, wages, commissions, tips, bonuses, fees, gross receipts or any other income.

EMPLOYER – any person, partnership, limited partnership, unincorporated association, institution, trust, corporation, governmental agency, or any other body engaged in business or situated in the Township employing one or more persons for a salary, wage, commission or other compensation. The term shall not include those who hire domestic servants.

OCCUPATION – any livelihood, job, trade, profession, business or enterprise of any kind, including services, domestic or other, for which monetary compensation is received or charged.

TAX – the tax imposed by this Article.

TAX COLLECTOR – the person, persons, public or private agency, association and/or corporate entity designated by the Board of Commissioners to collect the tax and to carry out and administer the provisions of this Article

TAX PAYER – any natural person liable for the tax levied by this Article.

TOWNSHIP – the Township of Wilkins.

§ 156.30. Tax levy; Exception.

For those purposes referenced in §22.2 of the Local Tax Enabling Act, 53 P.S. §6922.2, as amended, a tax in the amount of $52.00 is hereby levied upon the privilege of engaging in an occupation within the Township in the calendar year 2006 and in each succeeding calendar year. Each natural person who exercises such privilege for any length of time shall pay the tax in accordance with the provisions of this Article; provided, the tax hereby levied shall not be levied upon any natural person whose total income during the subject calendar year is less than four thousand dollars ($4,000.00).

§ 156.31. Collection through Employers.

A. Every employer shall, within 15 days after the effective date of this Article or within 15 days after first becoming an employer, register with the Tax Collector the employer's name and address, the employee's name and address and such other information deemed necessary or required by the Tax Collector.

B. For each taxpayer employed for any length of time on or before March 31st of a calendar year, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the Tax Collector and pay the Tax Collector the full amount of taxes deducted on or before April 30th of the calendar year. Thereafter, as to each taxpayer for whom no prior deduction has been made and who is employed for any length of time in any of the three-month periods ending June 30th, September 30th, and December 31st of the calendar year, each employer shall deduct the tax from compensation payable to the taxpayer, file a return on a form prescribed by the Tax Collector and pay to the Tax Collector the full amount of all taxes deducted for each such three-month period on or before July 31st and October 31st of the calendar year, of January 31st of the following calendar year, respectively.

C. Any employer who discontinues business or ceases operation before December 31st of the calendar year shall, within 15 days after discontinuing business or ceasing operation, file the return hereinabove required and pay the tax to the Tax Collector.

D. The failure of any employer to deduct the tax shall not relieve the employee from the duty to file a return and pay the tax. Any employer who fails to deduct the tax as required by this Article, or who fails to pay such tax to the Tax Collector, shall be liable for such tax in full, without deduction of any fees provided for in this Article, as though the tax had originally been levied against the employer.

E. As to employees who present official receipts evidencing prior payment of the tax either directly or by collection through other employers, the employer shall not deduct the tax but shall maintain adequate records concerning such employees.

§ 156.32. Direct payment by Taxpayers.

Every taxpayer who is self-employed or whose tax for any other reason is not collected under §156.31 of this Article shall file a return on a form prescribed by the Tax Collector and shall pay the tax directly to the Tax Collector. Each such taxpayer who first becomes subject to the tax on or before March 31st of any calendar year shall file the return and pay the tax on or before April 30th of that calendar year, and each such taxpayer who first becomes subject to the tax after March 31st shall file the return and pay the tax on or before July 31st or October 31st of the calendar year, or January 31st of the following calendar year, which ever of such payment dates first occurs, at least 30 days after the taxpayer becomes subject to the tax.

§ 156.33. Nonresident Taxpayers. Both resident and nonresident taxpayers shall, by virtue of engaging in an occupation within the Township, be subject to the tax and the provisions of this Article.

§ 156.34. Administration and Enforcement.

The Tax Collector, on behalf of the Township, shall collect and receive the taxes, interests, fines and penalties imposed by this Article and shall maintain records showing the amount received and the dates such amounts were received. The Tax Collector shall prescribe and issue all forms necessary for the administration of the tax and may adopt and enforce regulations relating to any matter pertaining to the administration of this Article, including but not limited to requirements for collection through employers, requirements for deductions, requirements for evidence and records and provisions for the examination and correction of returns. The Tax Collector and agents designated by the Tax Collector may examine the records of any employer or supposed employer or of any taxpayer or supposed taxpayer in order to ascertain the tax due and verify the accuracy of any return. Every employer or supposed employer and every taxpayer or supposed taxpayer shall give the Tax Collector and any agent designated by the Tax Collector all means, facilities and opportunity for the examinations hereby authorized.

§ 156.35. Collection.

The Tax Collector shall collect, by suit or otherwise, all taxes, interest, costs, fines and penalties due under this Article and unpaid. If for any reason any tax is not paid when due, interest at the rate of 6% per year on the amount of unpaid tax and an additional penalty of one-half of one percent (1/2 of 1%) of the amount of unpaid tax, for each month or fraction of month during which the tax remains unpaid, shall be added and collected. Whenever suit is brought for the recovery of unpaid tax, the taxpayer shall, in addition, be liable for the costs of collection as well as for interest and penalties. The Collector may accept payment under protest of the tax claimed by the Township in any case where any person disputes the Township's claim for the tax. If a court of competent jurisdiction thereafter decides that there has been overpayment to the Tax Collector, then the Tax Collector shall refund the amount of the overpayment to the person who paid under protest. Refunds shall be made only pursuant to approval of the Board of Commissioners of the Township of Wilkins.

§ 156.36. Violations and penalties.

A. Any person, employer, firm, corporation or entity who violates a provision of this Article, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not more than one thousand dollars ($1,000.00) plus costs of prosecution or, in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. In the case of partnerships or associations, the fine and penalty may be imposed upon any of the partners or members thereof, and in the case of corporations, upon any of the officers thereof in lieu of the corporation itself.

B. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Article found to have been violated. All fines and penalties collected for violation of this Article shall be paid to the Township.

C. The Township may also commence appropriate actions in equity, at law or other to prevent, restrain, correct, enjoin or abate violations of this Article.

D. The initial determination of a violation of this Article and the service of notice of violation are hereby delegated to the Tax Collector and their designees.

§ 156.37. Exemption.

The tax hereby levied shall not be imposed upon any taxpayer whose total compensation during the taxable year is less than one thousand dollars ($1,000.00). This provision shall not be construed to relieve an employer from the duty to collect a tax imposed under this Article because of a representation by an employee that his earnings in any year would be less than four thousand dollars ($4,000.00). In the event of overpayment, an employee shall be obliged to make a claim for refund with the Tax Collector and furnish such proof of annual earnings as the Tax Collector shall demand.

§ 156.38. Applicability; severability.

The tax shall not apply to any subject of tax or person not within the taxing power of the Township under the Constitution of the United States and the laws and Constitution of the Commonwealth of Pennsylvania. If a final decision of a court of competent jurisdiction holds any provisions of this Article or the application of any provision of any circumstances, to be illegal or unconstitutional, the other provisions of this Article or the application of such provisions to other circumstances shall remain in full force and effect. It is hereby declared as the legislative intent that the provisions of this Article shall be severable and that this Article would have been adopted if any such illegal or unconstitutional provisions had not been included.

§ 156.39. Authority for tax imposition. Effective date; continuation without reenactment.

This Article and the tax hereby imposed are adopted and levied pursuant to the authority conferred by the Local Tax Enabling Act, 53 P.S. §6901 *et. seq.*, as amended. This Article shall become effective January 1, 2006 and shall remain in effect thereafter from year to year on a calendar-year basis.

SECTION 2. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

ORDAINED AND ENACTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 12th day of December, 2005.

ATTEST:

Rebecca Bradley, Manager

WILKINS TOWNSHIP

William G. Wilson, President

TOWNSHIP OF WILKINS

ORDINANCE NO. 975

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR FISCAL YEAR 2006 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2006.

The Board of Commissioners of the Township of Wilkins ordain as follows:

Section I. The estimated total revenue to be received by the Township during the fiscal year 2006 is $4,251,930.

Section II. There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2006 Budget Summary Expenses (General Fund)

General Government	$656,580.00
Public Safety	$1,770,350.00
Sanitation	$326,200.00
Public Works	$1,280,180.00
Recreation	$69,720.00
Debt Service	$ 0.00
Intergovernmental	$5,000.00
Refunds	$15,300.00
Interfund Transfers	$128,600.00
Total Expenses	**4,251,930.00**

Section III. A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2006 as follows:

1. Tax rate for general revenue purposes, the sum of 3.513 mills on each dollar of assessed valuation, or the sum of .3513 cents on each one hundred ($100) dollars of assessed valuation.

Section IV. Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

Section V. Penalties. A taxpayer subject to the payment of a tax levied by this ordinance, who shall fail to make payments of such tax for four (4) months after the date of the tax notice, shall be charged a penalty of ten percent (10%) (which penalty

shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

Section VI. Effective date. This ordinance and the real estate tax shall take effect on January 1, 2006.

Section VII. Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 12th day of December, 2005.

ATTEST:

Rebecca Bradley
Manager

TOWNSHIP OF WILKINS

William G. Wilson
President, Board of Commissioners

TOWNSHIP OF WILKINS

Ordinance Number 976

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA AMENDING THE CODIFIED BOOK OF ORDINANCES, PART II, CHAPTER 124, PROPERTY MAINTENANCE, TO PROVIDE FOR THE ADOPTION OF THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADDING REGULATIONS GOVERNING REQUIREMENTS FOR THE PROCUREMENT OF OCCUPANCY PERMITS PRIOR TO THE TRANSFER OR RE-OCCUPANCY OF ONE AND TWO FAMILY DWELLING UNITS, MULTI-FAMILY DWELLINGS AND COMMERCIAL ESTABLISHMENTS, CREATING INSPECTION REQUIREMENTS FOR THESE ESTABLISHMENTS, AND SETTING FEES FOR OCCUPANCY PERMITS.

WHEREAS, the Township of Wilkins wishes to promote and preserve the health, welfare and general safety of individuals residing in and doing business in Wilkins Township by requiring upkeep of all residential and commercial units and strictly enforcing penalties for non-compliance; and

WHEREAS, the Township of Wilkins adopted the 1998 Edition of the International Property Maintenance Code on January 26, 2000, by Ordinance Number 928; and

WHEREAS, it is the desire of the Township to adopt the more current 2003 Edition of the International Property Maintenance Code as well as adopt procedures and regulations governing the necessity and procurement of Occupancy Permits prior to the transfer of properties; and

WHEREAS, the Property Maintenance Code requires adherence to minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; and the occupancy of existing structures and premises; and

WHEREAS, the Township hereby designates that the time for a determination of compliance with these requirements in one and two family dwelling units shall be when a residential dwelling unit changes occupants; and

WHEREAS, no occupancy of a one or two family residential dwelling unit may occur until an occupancy permit is issued by the Township of Wilkins, with the exception of those units which are currently occupied; and

WHEREAS, the Township hereby designates that multi-family dwellings, defined for the purposes of this ordinance as those structures with three (3) or more dwelling units in one structure, shall be inspected on a cyclical basis not determined by a change in occupancy; and

WHEREAS, the occupancy permit requirement shall apply equally to both owner occupied and rental units, as well as single-family, two-family, multi-family and commercial structures, however, differing requirements shall be attached to the different types of structures

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby Ordained and Enacted as follows:

Section 1. The Code of the Township of Wilkins, Chapter 124, Sections 124-1, through Section 124-4 is hereby classified as Article I, Property Maintenance Code Provisions.

Section 2. The Code of the Township of Wilkins, Chapter 124, Section 124-5 through 124-14 is hereby classified as Article II.

Section 3. The Code of the Township of Wilkins, Chapter 124, Section 124-1, Adoption of Standards is hereby amended as follows:

> **124-1.** Adoption of standards. The Township of Wilkins hereby adopts, for the purpose of establishing rules and regulations for the maintenance of all structures, including administration enforcement and penalties, the Property Maintenance Code known as the "International Property Maintenance Code, 2003," as published by the International Code Council, Inc., save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and are now filed in the office of the Township Secretary, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this chapter shall take effect, the provisions thereof shall be controlling in the maintenance of all structures, and in all other subjects therein contained, within the corporate limits of the Township of Wilkins.

Section 4. The Code of the Township of Wilkins, Chapter 124, Section 124-2, Modifications to standards, is hereby amended as follows:

1. Paragraph B, the text "Section 103.5" is hereby deleted and replaced with the text "Section 103.4." All other parts of Paragraph B remain the same.

2. Paragraph C, the text "Section 103.6" is hereby deleted and replaced with the text "Section 103.5." All other parts of Paragraph C remain the same.

3. Paragraph M, the text "Section 303.15" is hereby deleted and replaced with the text "Section 304.14." All other parts of Paragraph M remain the same.

4. Paragraph R, is deleted and replaced as follows:

R. 303 Swimming Pools, Spas and Hot Tubs [Added 2-25-2002 by Ord. No. 941]

303.1 **Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition and in good repair.

303.3 Below grade swimming pools, the use of which is temporarily discontinued, shall be covered with material which will prevent access to

the pool basin and be of sufficient strength to sustain the weight of 100 pounds.

303.4 Below grade swimming pools, the use of which is permanently discontinued, shall be filled to ground level with earth and/or other material in accordance with plans and specification supplied by the property owner and approved by the Township Engineer.

"Permanently discontinued" is defined as not in use for more than 18 months, beginning on June 1 of any year.

303.5 Above grade swimming pools, the use of which is permanently discontinued, shall be dismantled and removed from the property.

Section 5. The Code of the Township of Wilkins, Chapter 124, Article II is hereby added and shall read as follows:

PROPERTY MAINTENANCE

ARTICLE II

OCCUPANCY PERMIT REQUIREMENTS

§124-5. Definitions.

For the purposes of this Article, the following terms shall have the meanings hereafter designated:

CODE – Any Code or ordinance adopted, enacted, and/or in effect in and for the Township of Wilkins concerning fitness for habitation or construction, maintenance, operation, occupancy, use or appearance of any structure. Included within, but not limited by, this definition are the following which are in effect as of the date of enactment of this Ordinance: 2003 International Property Maintenance Code, Uniform Construction Code and the Wilkins Township Zoning Ordinance.

CODE ENFORCEMENT OFFICER – The duly appointed CODE ENFORCEMENT OFFICER(S) having charge of the Office of Code Enforcement of the Township of Wilkins and any assistants or deputies thereof. In appropriate circumstances this is intended to include police.

COMMON AREA – In multiple-unit establishments (either residential or commercial), space which is not part of a single unit but is shared with other occupants of the unit whether they reside in the units or not. Common areas shall be considered as part of the structure for purposes of this Ordinance.

COMMERCIAL UNIT or COMMERCIAL ESTABLISHMENT or COMMERCIAL STRUCTURE – an establishment, structure or unit of an establishment or structure utilized for the engaging in a nonmanufacturing or a nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. These units or structures are predominantly located within the C-1 (Commercial) Zoning classification of the Township, or in other Zoning Districts as existing, non-conforming uses.

DWELLING – a building having one or more dwelling units.

DWELLING UNIT – A room or group of rooms within a dwelling and forming a single unit and used for living and sleeping purposes, having its own cooking facilities and a bathroom with a toilet, bathtub and shower.

LANDLORD – One or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a unit. (Same as owner).

LEASE – A contract granting use or occupation of property during a specified period in exchange for a specified rent.

MANAGER – An adult individual designated by the owner of a structure. The manager shall be the agent of the owner of service of process and receiving notices or demands and to perform the obligation of the owner under this ordinance and under rental agreements with occupants.

MULTIPLE-UNIT DWELLING or MULTI-FAMILY DWELLING - A building containing three or more independent dwelling units, including, but not limited to, row houses, townhouses, condominiums, apartment houses and conversion apartments.

OCCUPANCY PERMIT – The permit issued to the owner of a unit or structure under this ordinance which is required for the lawful rental and / or occupancy of a unit or structure.

OCCUPANT – an individual who resides in or is the owner of a business within a unit or structure whether or not the individual is the owner of the unit or structure thereof, with whom a legal relationship with the owner or landlord of the unit or structure is established by a written lease or by the laws of the Commonwealth of Pennsylvania.

OWNER – one or more persons, jointly or severally, in whom is vested all or part of the legal title to the premises, or all or part of the beneficial ownership and a right to present use and enjoyment of the premises, including a mortgage holder in possession of a unit or structure.

OWNER – OCCUPIED DWELLING UNIT – a dwelling unit in which the owner resides on a regular, permanent basis.

PERSON – a natural person, partnership, corporation, unincorporated association, limited partnership, trust or any other entity.

PREMISES – Any parcel of real property in the Township, including the land and all buildings and appurtenant structures or appurtenant elements, upon which one or more units or structures is located.

RENTAL UNIT – a residential or commercial unit or structure occupied by any person under a rental agreement.

RENTAL AGREEMENT – A written agreement between owner/landlord and occupant/tenant.

TENANT – An individual who resides in or is the owner of a business within a unit or structure, whether or not he or she is the owner thereof with whom a legal relationship with the owner/landlord is established by a written lease or by the laws of the Commonwealth of Pennsylvania (see Occupant).

TOWNSHIP – The Township of Wilkins, Allegheny County, Pennsylvania.

§124-6. Duties of Owner.

A. General.

1) It shall be the duty of every owner to keep and maintain all units and structures in compliance with all applicable Codes and provisions of all other applicable state

laws and regulations and local ordinances, and to keep such property in good and safe condition.

2) It shall be the duty of every owner to apply for an occupancy permit upon the construction, re-occupancy and change in occupancy of every one and two family dwelling, every multiple-family dwelling and every commercial unit and or establishment in the Township of Wilkins.

B. Designation of Manager.

1) Property owners are required to maintain properties in accordance with this and other established ordinances of the Township. In the event that a property owner must be notified in writing by the Township of ordinance violations three (3) times within a two (2) year period, then and in that event, the property owner will be required to appoint a manager, if the property owner is not a full time resident of Wilkins Township or a resident elsewhere within fifteen miles from Wilkins Township.

2) If the owner is a corporation, a manager shall be required if any officer of the corporation does not reside within the aforesaid distance. The officer shall perform the same function as a manager.

3) If the owner is a partnership, a manager shall be required if a partner does not reside in the aforesaid distance. Said partner shall perform the same function as a manager.

4) The manager shall be the agent of the owner for service of process and receiving notices and demands, as well as for performing the obligations of the owner under this Ordinance and under rental agreements with occupants.

5) The identity, address and telephone number(s) of a person who is designated as Manager hereunder shall be provided by Owner or Manager to the Township, and such information shall be kept current and updated as it changes.

C. Maintenance of Premises.

1) The Owner shall maintain the premises in compliance with the applicable codes of the Township and shall regularly perform all routine maintenance, including lawn mowing and ice and snow removal, and shall promptly make all repairs necessary to fulfill its obligation.

2) The owner and occupant may agree that the occupant is to perform specified repairs, maintenance tasks, alterations, or remodeling. In such case, however, such agreement between the Owner and Occupant must be in writing. Such agreement may be entered into between the Owner and Occupant only if:

   a) The agreement of the parties is entered into in good faith and not for the purpose of evading the obligations of the owner or occupant; and

   b) The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

3) In no case shall the existence of any agreement between Owner and Occupant relieve any Owner of any responsibility under this Ordinance or other ordinances or codes for maintenance of premises.

§124-7. One and Two-Family Residential Structures.

A. All residential structures, whether owner-occupied or rental units, single-family or two-family dwellings, shall be bound by these requirements. Each unit in a two-family dwelling shall be treated separately by this ordinance and each shall require its own occupancy permit.

B. All residential dwelling units must be inspected by the Township of Wilkins and brought up to current code standards prior to a change in the person or persons occupying the dwelling unit.

C. The property owner or agent for the property owner shall make application for an occupancy permit to the Township of Wilkins on a Township supplied form and return it to the Township along with the required application fee.

D. The Township shall conduct an inspection of the premises and shall make note of all deficiencies from the applicable codes including the Zoning Code and the International Property Maintenance Code 2003 in its entirety. If the dwelling unit is found to be in compliance with the aforementioned codes then the property owner or agent shall be issued an Occupancy Permit for the dwelling unit.

E. If deficiencies are found, the Township shall re-inspect the property after notification that all deficiencies are corrected by the owner or agent. If all deficiencies are found to be corrected, the owner or agent shall be issued an Occupancy Permit for the structure.

F. No dwelling unit may be sold, leased, rented or otherwise re-inhabited prior to the issuance of an occupancy permit after the tenants legally residing in the premises at the time of adoption of this ordinance vacate the premises.

G. No one or two family dwelling unit shall be required to be inspected more than once every two (2) years regardless of the number of changes in the persons occupying the unit.

§124-8. Multi-family Residential Structures.

A. All multi-family residential dwellings shall be bound by these requirements. Each unit in a multi-family dwelling shall be treated separately by this ordinance and each shall require its own occupancy permit.

B. All dwelling units in a multi-family dwelling must be inspected by the Township of Wilkins and brought up to current code standards on a cyclical basis.

C. The property owner or agent for the property owner shall make application for an occupancy permit to the Township of Wilkins on a Township supplied form and return it to the Township prior to the requested inspection.

D. The Township shall conduct an inspection of the premises and shall make note of all deficiencies from the applicable codes including the Zoning Code and the International Property Maintenance Code 2003 Edition. If the dwelling unit is found to be in compliance with the aforementioned codes, then the property owner or agent shall be issued an Occupancy Permit for the dwelling unit.

E. If deficiencies are found, the Township shall re-inspect the property after notification that all deficiencies are corrected by the owner or agent. If deficiencies are found to be corrected, the owner or agent shall be issued an Occupancy Permit for the structure.

F. Interior corridors of all multi-family dwellings whose units share common interior corridors are subject to inspection and code compliance at the same time as the inspection of the first unit in the structure requested for inspection.

G. All property owners or managers of multi-family dwellings shall be required to have a minimum of 20% of the units under their control inspected on an annual basis. The property owner or manager may designate which units are inspected annually providing that no unit which has previously been inspected may be counted toward the annual minimum number of units required for inspection until all units have been inspected.

H. All units under common ownership or management will be required to be re-inspected on a rotating basis after all units receive an initial inspection and occupancy permit.

I. Any multi-family structure with five (5) or less total units, which is under common ownership or management will be required to have one unit inspected annually, with the stipulation that no unit must be inspected more than once every five (5) years.

J. Any multi-family dwelling units, whether owner occupied or rented, which is located in a structure where all units in the structure are not under common ownership or management, shall be bound by the requirements for one and two family dwellings.

§124-9. Commercial units and structures.

A. No commercial structure or unit may be sold, leased, rented or otherwise re-inhabited prior to the issuance of an occupancy permit after the tenants legally occupying the premises at the time of adoption of this ordinance vacate the premises.

B. All commercial structures shall be bound by these requirements. Each unit in a commercial structure shall be treated separately by this ordinance and each shall require its own occupancy permit.

C. All units in a commercial establishment must be inspected by the Township of Wilkins and brought up to current code standards upon the sale of the commercial establishment.

D. Individual units in a commercial establishment must be inspected by the Township of Wilkins and brought up to current code standards upon the change of lease, transfer of ownership, or change of tenants or occupants of the individual unit of a commercial structure.

E. The property owner or agent for the property owner shall make application for an occupancy permit to the Township of Wilkins on a Township supplied form and return it to the Township prior to the requested inspection.

F. The Township shall conduct an inspection of the premises and shall make note of all deficiencies from the applicable codes including the Zoning Code and the International Property Maintenance Code 2003 Edition. If the unit or commercial establishment is found to be in compliance with the aforementioned codes, then the property owner or agent shall be issued an Occupancy Permit for the unit or commercial establishment.

G. If deficiencies are found, the Township shall re-inspect the property after notification that all deficiencies are corrected by the owner or agent. If deficiencies are found to be corrected, the owner or agent shall be issued an Occupancy Permit for the structure.

H. Interior corridors of all commercial establishments whose units share common interior corridors are subject to inspection and code compliance at the same time as the inspection of the first unit in the structure requested for inspection.

I. No commercial establishment or unit shall be required to be inspected more than once every two (2) years regardless of the number of changes in occupancy of the unit.

§124-10. Fees.

A. Fees for occupancy permits shall be set by the most recent fee schedule adopted by the Township of Wilkins. The fee listed in the fee schedule shall apply to one and two family dwellings only and one unit commercial establishments only.

B. The Township shall reserve the right to charge a re-inspection fee after two visits to the same units as set forth in the Township fee schedule.

C. Fees shall be due and payable at the time of application for all occupancy permits, or application for re-inspection as the case may be.

§124-11. Violations and penalties.

A. Basis for violation. It shall be unlawful for any person, as either owner or manager of a unit or structure for which a permit is required, to operate or occupy a structure or unit without a valid, current permit issued by the Township authorizing such operation or occupancy.

B. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof by a district justice, be sentenced to pay a fine of not more than six-hundred dollars ($600.) plus costs of prosecution, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day of violation shall constitute a separate and distinct offense.

C. Non-exclusive remedies. The penalty provisions of this Article and the permit non-renewal procedures provided in this Ordinance shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Township as may be deemed appropriate for carrying out the purposes of this Ordinance. The remedies and procedures provided in this Ordinance for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to the Township in the case of a

violation of any other Code or Ordinance of the Township, whether or not such other Code or Ordinance is referenced in this Ordinance and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Ordinance.

§124-12. Liability of the Township.

The Occupancy Permit shall be compiled from the records of the Township and from an inspection of the property. Neither the enactment of this ordinance nor the preparation and delivery of any permit required hereunder shall impose any liability upon the Township for any errors or omissions contained in such permit nor shall the Township bear any liability not otherwise imposed by law.

§124-13. Appeal Rights.

A. Any person aggrieved by the decision of the Code Enforcement Officer may request, and shall then be granted a hearing before the Wilkins Township Code Enforcement Appeals Board; provided he files with the Township within ten (10) days after notice of the Code Enforcement Officer's decision, a written appeal requesting such hearing and setting forth a brief statement of the grounds therefore. The hearing shall commence no later than thirty (30) days after the date on which the petition was filed unless postponed for sufficient cause.

B. After such hearing, the Appeals Board shall sustain, modify or overrule the action of the Code Enforcement Officer.

§124-14. Miscellaneous Provisions.

A. Notices.

1) For purposes of this Ordinance, any notice required hereunder to be given to a Manager shall be deemed as notice given to the Owner.

2) There shall be a rebuttable presumption that any notice required to be given to the Owner under this Ordinance shall have been received by such Owner if the notice was given to the Owner in the manner provided by this Ordinance.

3) A claimed lack of knowledge by the Owner of any violation hereunder cited shall be no defense to Permit non-renewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such proceedings have been given

and deemed received in accordance with the applicable provisions of this Ordinance.

B. Changes in Ownership Occupancy.

1) It shall be the duty of each Owner of a unit or structure to notify the Code Enforcement Officer in writing of any change in Ownership of the premises or of the number of units on the premises.

2) It shall also be the duty of the Owner to notify the Code Enforcement Officer in writing of any increase in the number of Occupants or of the changing of a unit from owner-occupied to non-owner-occupied, which thereby transforms the unit or structure into a unit or structure for purposes of this ordinance.

C. Owners severally responsible. If any unit or structure is owned by more than one person, in any form of joint tenancy, as a partnership, or otherwise, each person shall be jointly and severally responsible for the duties imposed under the terms of this Ordinance, and shall be severally subject to prosecution for the violation of this Ordinance.

Section 7. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 8. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

ORDAINED AND ENACTED this 22nd day of May, 2006

ATTEST:

Rebecca Bradley

Rebecca Bradley, Manager

TOWNSHIP OF WILKINS

Frank J. Greco

Frank J. Greco, President

TOWNSHIP OF WILKINS

Ordinance Number 977

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA AMENDING THE CODIFIED BOOK OF ORDINANCES, PART II, CHAPTER 156, TAXATION, TO AUTHORIZE THE DETERMINATION, COLLECTION AND ENFORCEMENT OF TAX, INTEREST AND PENALTIES OF DELINQUENT OR REDETERMINED REALTY TRANSFER TAX BY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF REVENUE.

WHEREAS, Part II, Chapter 156 of the Wilkins Township Codified Book of Ordinances provides for the imposition, collection and enforcement of Realty Transfer Tax, interest and penalties; and

WHEREAS, the Commonwealth of Pennsylvania, Department of Revenue, by virtue of Act 40 of 2005 is now authorized to collect delinquent or redetermined realty transfer tax on behalf of political subdivisions; and

WHEREAS, it is the desire of the Township to authorize the Commonwealth of Pennsylvania Department of Revenue to collect realty transfer tax in accordance with the provisions of Act 40 of 2005.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby Ordained and Enacted as follows:

Section 1. The Code of the Township of Wilkins, Part II, Chapter 156, Section 156-23, Interest and Penalties is hereby amended as follows:

156-23. Interest and Penalties. Any Tax imposed under §156-16 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. §§7101, et. seq.), as amended, known as "The Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent Commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. §806), as amended, known as "The Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.

Section 2. The Code of the Township of Wilkins, Part II, Chapter 156, Section 156-24, Suit for Collection is hereby amended as follows:

156-24. Collection of delinquent or redetermined realty transfer tax. The tax imposed under §156-16 of this ordinance and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511), as amended,

known as "The Local Tax Enabling Act;" provided, that if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Wilkins, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. §8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.

Section 3. Repealer. The Code of the Township of Wilkins, Part II, Chapter 156, Sections 156-25 and 156-26 are hereby repealed. As of the effective date of this Ordinance, all Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The repealed ordinances remain effective for documents that became subject to tax prior to the effective date of this ordinance.

Section 4. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 5. Effective date. The provisions of this ordinance shall become effective on and be applicable to any document made, executed, delivered, accepted or presented for recording on or after October 5, 2005.

ORDAINED AND ENACTED this 11th day of December, 2006

ATTEST:

Rebecca Bradley, Manager

TOWNSHIP OF WILKINS

Frank J. Greco, President

APPROVED AS TO FORM:

Gary Matta, Solicitor

TOWNSHIP OF WILKINS

ORDINANCE NO. 978

AN ORDINANCE OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, APPROPRIATING OUT OF REVENUES AVAILABLE FOR FISCAL YEAR 2007 SPECIFIC SUMS REQUIRED AS SHOWN BY THE BUDGET AND FIXING THE REAL ESTATE TAX LEVY FOR THE FISCAL YEAR 2007.

The Board of Commissioners of the Township of Wilkins ordain as follows:

Section I. The estimated total revenue to be received by the Township during the fiscal year 2007 is $4,984,700.

Section II. There is hereby appropriated out of said revenues the following specific funds as shown in the budget adopted:

2007 Budget Summary Expenses (General Fund)

General Government	$749,200.00
Public Safety	$1,755,200.00
Sanitation	$332,200.00
Public Works	$1,531,500.00
Recreation	$75,700.00
Debt Service	$ 0.00
Intergovernmental	$5,000.00
Refunds	$10,300.00
Interfund Transfers	$525,600.00
Total Expenses	**4,984,700.00**

Section III. A tax be and the same is hereby levied on all real property within the Township of Wilkins, subject to taxation for the fiscal year 2007 as follows:

1. Tax rate for general revenue purposes, the sum of 3.513 mills on each dollar of assessed valuation, or the sum of .3513 cents on each one hundred ($100) dollars of assessed valuation.

Section IV. Discounts. Pursuant to Section 10 of the "Local Tax Collection Law," a taxpayer subject to the payment of a tax levied by this ordinance shall be entitled to a discount of two percent (2%) from the amount of such tax upon making payment of the whole amount of such tax within two (2) months after the date of the tax notice.

Section V. Penalties. A taxpayer subject to the payment of a tax levied by this ordinance, who shall fail to make payments of such tax for four (4) months after the date of the tax notice, shall

be charged a penalty of ten percent (10%) (which penalty shall be added to the tax by the Tax Collector and shall be collected by the Tax Collector).

Section VI. Effective date. This ordinance and the real estate tax shall take effect on January 1, 2007.

Section VII. Severability. That any ordinance, or part of ordinance, conflicting with this ordinance be and same is hereby repealed insofar as the same affects this ordinance.

ORDAINED AND ADOPTED by the Board of Commissioners of the Township of Wilkins at a duly assembled public meeting held on the 11th day of December, 2006.

ATTEST:

Rebecca Bradley
Manager

TOWNSHIP OF WILKINS

Frank Greco
President, Board of Commissioners

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 979

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, ESTABLISHING A REAL ESTATE TAX ABATEMENT SCHEDULE FOR NEW HOME CONSTRUCTION ON UNIMPROVED REAL ESTATE AND A REAL ESTATE TAX ABATEMENT SCHEDULE FOR IMPROVEMENTS TO DETERIORATED RESIDENTIAL PROPERTY.

WHEREAS, Article VIII, Section 2, Subsection (b) (iv) of the Pennsylvania Constitution and the New Home Construction Local Tax Abatement Act, Act 202 of 1986, 72 P.S. Section 4754-1, et seq., (hereinafter called Act 202) authorizes local taxing authorities to exempt from taxation new home construction upon unimproved residential property; and

WHEREAS, Article VIII, Section 2, Subsection (b) (iii) of the Pennsylvania Constitution and the Improvement of Deteriorating Real Property or Areas Tax Exemption Act, Act 42 of 1977, 72 P.S. Section 4711-101, et seq., (hereinafter called Act 42), authorizes local taxing authorities to exempt from taxation improvements to certain deteriorated residential property or areas; and

WHEREAS, pursuant to such authority, the Board of Commissioners of Wilkins Township, meeting in regular session on the 10th day of October, 2005, pursuant to public hearing, adopted Ordinance Number 973, granting an Act 202 tax abatement on properties within the specific geographic area of the former Swiss Farm Dairy; and

WHEREAS, it is now the desire of the Board of Commissioners, pursuant to such authority to provide temporary exemption from real estate taxation of new home construction upon unimproved property located throughout its geographic area; and

WHEREAS, the Woodland Hills School District, meeting in regular session on February 14, 2007 adopted Resolution Number 382-07, providing for temporary exemption from real estate taxation of such improvements to deteriorated residential property or areas located within its geographical area, of which Wilkins Township is a part; and

WHEREAS, the Woodland Hills School District Resolution Number 382-07 provides in part, that the exemptions authorized are available to improvements to deteriorated property only if the municipality in which the property is located has acted or acts to afford an equivalent exemption; and

WHEREAS, pursuant to the authority granted by Act 42, and in cooperation with the Woodland Hills School District Resolution Number 382-07, it is the desire of the Wilkins Township Board of Commissioners to likewise provide for such temporary real estate tax exemption of such improvements to deteriorated residential property or area located within its geographical boundaries; and

WHEREAS, in conformity with the Acts, the Board of Commissioners held a public hearing on April 9, 2007, for the purpose of discussion of the provisions of this Ordinance, including the abatement period and exemption schedule, pursuant to Section 4 of the Act, 72, P.S. Section 4754-4.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Article I. **Act 202 Abatement – New Residential Construction**

Section 1. **Definitions.** For the purposes of the interpretation and administration of Article I of this Ordinance, the following definitions shall apply to the terms used in Article I of this Ordinance.

(A). **"Improvement"** means the erection or construction of one or more single-family residential buildings in compliance with laws, ordinances or regulations governing such actions.

(B). **"Unimproved Residential Property"** means any unimproved real estate owned by an individual, association, corporation or governmental entity located in the geographical boundaries of the Local Taxing Authority, which is or may be zoned, in accordance with the Pennsylvania Municipal Planning Code. Unimproved Residential Property includes property upon which a condemned, vacant and blighted structure has been razed to provide for the construction of a new single-family residential dwelling.

(C). **"Township"** means the Township of Wilkins, a political subdivision of the Commonwealth of Pennsylvania, with principal offices at 110 Peffer Road, Turtle Creek, PA 15145.

Section 2. **Purpose.** In consideration of the limited amount of unimproved residential property located within its boundaries; its desire to rejuvenate and enhance economic growth, and its desire to eliminate slum and blight within the Township, the Board of Commissioners has determined that it is in the best interest of the community that the boundaries within which tax exemption herein provided shall be available and should be coterminous with the geographical boundaries of the Township of Wilkins

Section 3. **Exemptions.**

(A) The exemption from real property taxes shall be limited:

(1) To the exemption schedule as established within this Ordinance.

(2) To the assessment valuation attributable to the cost of construction of a single-family residential dwelling.

(B) In all cases, the exemption from taxes shall be limited to that portion of the additional assessment attributable to the new construction and for which a separate assessment has been made by the Allegheny County Board of Property Assessment, and for which an exemption has been separately requested.

(C) No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property.

(D) In any case after the effective date of this Ordinance when a property is damaged, destroyed or demolished, by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of the said damage, destruction or demolition, the exemption from real property taxation authorized by this Ordinance shall be limited to that portion of new assessment attributable to the actual cost of improvement or construction that is in excess of the original assessments that existed prior to the damage, destruction or demolition of the property.

Article II. **Act 42 Abatement – Deteriorated Residential Property**

Section 1. **Definitions.** For the purposes of the interpretation and administration of Article II of this Ordinance, the following definitions shall apply to the terms used in Article II of this Ordinance.

(A) **"Deteriorated Property"** means a residential dwelling unit located in the geographical boundaries of Wilkins Township, which the Board of Commissioners determines to be physically blighted on the basis of one or more of the following standards:

1) The residential dwelling unit has been the subject of an order by a government agency requiring the property to be vacated, condemned, or demolished by reason of noncompliance with laws, ordinances, or regulations.

2) The residential dwelling unit, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration has become an economic and /or social liability.

3) The residential dwelling unit is substandard or unsanitary for healthful and safe living purposes.

4) The residential dwelling unit is overcrowded, poorly spaced or is lacking light, space and air as to be conducive to wholesome living.

5) The residential dwelling unit is faultily arranged, covers the land to an excessive extent, or shows a deleterious use of land, or exhibits any combination of the above which is detrimental to health, safety or welfare.

6) The residential dwelling unit is more than twenty (20) years of age.

(B) **"Dwelling Unit"** means a single-family residential building intended for occupancy as a separate living quarters by family as defined in Section 173.7 of the Wilkins Township Codified Book of Ordinances, containing a kitchen and cooking equipment, for the exclusive use of the occupants. Dwelling Unit shall not include any unit owned or occupied by persons receiving a subsidy or portion of their rent or mortgage payment under a federally subsidized program including but not limited to the Housing and Community Development Act of 1974, as amended, the U.S. Housing Act of 1937, as amended and the Housing Act of 1959, as amended.

(C) **"Improvement"** means repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating a structure so that it becomes habitable or attains higher standards of housing safety, health, or amenity, or is brought into compliance with laws, ordinances or regulations governing housing standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

(D) **"Township"** means the Township of Wilkins, a political subdivision of the Commonwealth of Pennsylvania, with principal offices at 110 Peffer Road, Turtle Creek, PA 15145.

Section 2. **Purpose.** In cooperation with the Woodland Hills School District; in consideration of its desire to rejuvenate and enhance economic growth in the Township; its desire to foster improvements to single-family residential buildings; and to provide impetus to other investment and improvement, the Township has determined that it is in the best interests of the community that the tax exemption herein provided should be available throughout the Township.

Section 3. **Exemptions.**

(A) The exemption from real property taxes shall be limited:

(1) To the exemption schedule as established within this Ordinance.

(2) To the assessment valuation attributable to the cost of construction of an approved Improvement, as defined in Article II, Section (1), Paragraph (C).

(B) In all cases, the exemption from taxes shall be limited to that portion of the additional assessment attributable to the new construction and for which a separate

assessment has been made by the Allegheny County Board of Property Assessments and for which and exemption has bee separately requested.

(C) No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property.

(D) In any case after the effective date of this Ordinance when a property is damaged, destroyed or demolished, by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of the said damage, destruction or demolition, the exemption from real property taxation authorized by this Ordinance shall be limited to that portion of new assessment attributable to the actual cost of the improvement that is in excess of the original assessments that existed prior to the damage, destruction or demolition of the property.

Article III. Act 202 and Act 42 Provisions

Section 1. Schedule of Temporary Exemption.

(A) The Township hereby temporarily exempts from real property taxation the assessment attributable to improvements to residential property located within the geographical boundaries of the Township of Wilkins in accordance with the provisions set forth herein. There shall be no abatement of tax on the assessed valuation attributable to land. Temporary tax exemption for such improvements to residential properties will be provided in accordance with the following schedule:

Year One:	100% of the assessed value of the improvements.
Year Two:	100% of the assessed value of the improvements.

(B) After the second year immediately following the year upon which the improvement becomes assessable, the exemption shall terminate. To be eligible for temporary tax exemption under this Ordinance, construction of the improvement must commence no later than December 31, 2009.

(C) If an eligible property is granted tax exemption pursuant to this Ordinance, the improvement shall, during the exemption period, be considered as a factor in assessing other properties.

(D) If the use of the property at the time the exemption is granted is modified, terminated, or changed during the two (2) year period in any way which would have affected the exemption if the property had been so used when the exemption was granted, then, at the election of the Board of Commissioners of the Township of Wilkins, the exemption shall terminate as of the date the use was modified or terminated if the

Township of Wilkins so determines that continuation of the exemption would be inconsistent with the purposes of this Ordinance.

(E) Any Unimproved Property with a Tax Delinquency is not eligible for the relief set forth in this Ordinance. There is no exemption granted; and any existing exemption shall be permanently revoked, if there exists any tax delinquency with respect to the Unimproved Property or any other property owned in the Township by the property owner at the time of application for the tax exemption or at any time during the aforesaid exemption period.

Section 2. **Application for Temporary Exemption.** Any person desiring tax exemption pursuant to this Ordinance shall notify the Manager of the Township in writing on a form prescribed by the Township submitted at the time such person secures an occupancy permit for the construction of the improvement. Applications for temporary exemption not submitted to the Township within thirty (30) days after the issuance of an occupancy permit (Act 202) or building permit (Act 42) will not be eligible for tax exemption hereunder. The application for exemption must set forth the following information:

(A) The identity of the unimproved residential property that is to be improved by reference to the adjoining street, road, or highway and the block and lot or tax parcel number of the property as designated by the Board of Property Assessment of the County of Allegheny.

(B) The identity of the current owner of record, or person or entity having an equitable interest in the unimproved residential property, and any person or entity having a financial interest in either the unimproved residential property or the planned improvement.

(C) The date the building permit was issued for the planned improvement; and the date that the occupancy permit was issued for the improvement.

(D) A summary of the plan of improvement of the unimproved residential property.

(E) An estimate of the cost of the planned improvements; and

(F) Such other and additional information as the Township may require to determine eligibility for exemption.

Section 3. **Processing of Application for Temporary Exemption.** If the application meets the requirements of this Ordinance and upon approval of the application by the Board of Commissioners of the Township, a copy of the application

shall be forwarded to the Board of Property Assessment of Allegheny County and the applicant shall be notified of such action. Upon completion of the construction of the improvement, the applicant must promptly notify the Board of Property Assessment of Allegheny County so that an inspection of the improvement may be made. When the Board of Property Assessments has completed its inspection, such agency shall assess separately the improvement and the land, shall calculate the amounts of the assessment eligible for tax exemption in accordance with the limits of this Ordinance and shall notify the applicant and the Township of the same.

Section 4. **Exemption Upon Property.** The exemption from taxes authorized by this Ordinance for both Act 202 and Act 42 abatements shall be upon the property exempted and shall not be terminated upon the sale, conveyance, bequest or other alienation of such property.

Section 5. **Non-permissible Exemptions.** Any exemption made permissible under this Ordinance shall not be applied to any commercial and/or industrial property.

Section 6. **Expiration and Repeal.** Except as otherwise provided herein, the provisions of this Ordinance shall continue in full force and effect through and including December 31, 2009. Prior to such date, this Ordinance may be repealed by Ordinance of the Board of Commissioners of the Township of Wilkins. Unless earlier terminated by the Township, the terms of this Ordinance shall automatically expire and be deemed repealed effective January 1, 2010. The expiration or earlier repeal of this Ordinance shall not affect any completed application for exemption received by the Township before the effective date of expiration or repeal, as to which terms of this Ordinance shall continue to apply.

Section 7. **Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Wilkins Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 8. **Repeal of Inconsistent Ordinances.** By virtue of adoption of this Ordinance, Ordinance Number 973 is hereby specifically repealed. Any other Ordinance, or part of an Ordinance in conflict is hereby repealed insofar as it is in conflict herewith.

Section 9. **Implementation.** The Board of Commissioners or their designee, may adopt and prescribe necessary forms and procedures to implement and facilitate this Ordinance.

Section 10. Effective Date. This Ordinance shall be effective on the date of adoption by the Board of Commissioners.

ORDAINED AND ENACTED this 9th day of April, 2007, at a duly assembled public meeting.

ATTEST: WILKINS TOWNSHIP

Rebecca Bradley, Manager

Frank J. Greco, Chairman

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 980

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE WILKINS TOWNSHIP CODIFIED BOOK OF ORDINANCES, PART II, CHAPTER 168, VEHICLES AND TRAFFIC, SECTION 17, STOP INTERSECTIONS.

WHEREAS, the Board of Commissioners, at the recommendation of the Chief of Police, desires to amend the stop intersections as detailed in Chapter 168, Section 17 of the Wilkins Township Codified Book of Ordinances to provide for more a detailed and unambiguous reading and comprehension of the code; and

WHEREAS, in addition to amendment for the purposes of clarity, the Board of Commissioners, at the recommendation of the Chief of Police has determined that certain stop intersections should be eliminated and other stop intersections should be added.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. Chapter 168, Section 17 of the Wilkins Township Codified Book of Ordinances is hereby amended to read:

§168-17. Stop intersections established. [Amended 04/30/07 by Ordinance Number 980] The following intersections located in the township are hereby declared to be stop intersections and official stop signs shall be erected or are hereby confirmed if heretofore erected. All vehicles traveling upon the first named street, upon approaching the second named street shall come to a full stop, at a clearly marked stop line, or if none, before entering a crosswalk on the near side of the intersection or, if none, then, at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering into the intersection. For those roadways where the term "intersection" appears, then all vehicles traveling upon all intersecting streets shall stop in the manner hereinbefore described.

If traveling upon:	**Stop At:**	**Further Detail:**
Alpine Boulevard	Greensburg Pike	
Alpine Boulevard	Miller Street	INTERSECTION
Alpine Boulevard	Stevendale Drive	INTERSECTION
Ayers Avenue	Negley Avenue	
Baker Street	Lower Rodi Road	
Beech Street	Saw Mill Run	
Beech Street	Washington Street Extension	
Boone Alley	Clugston Avenue	(Both Sides)

Braddsley Drive	Penhurst Drive	(Both Directions)
Briaridge Drive	Larchwood Drive	(South Only)
Briaridge Drive	Leax Lane	
Briaridge Drive	Tynewood Drive	INTERSECTION
Calmont Drive	Thorncrest Drive	INTERSECTION
Charnwood Drive	Frazier Drive	
Cherry Way	Wallace Avenue	
Churchill Court	Churchill Road	
Churchill Lane	Coal Street	
Churchill Lane	Negley Avenue	
Cline Street	Greensburg Pike	
Cline Street	Powell Street	(South Only)
Cline Street	Wallace Avenue	INTERSECTION
Clugston Avenue	Highland Avenue	INTERSECTION
Coal Street	Meadow Street	
Curry Avenue	Negley Avenue	(Both Directions)
Delaney Drive	Dunbar Drive – East	(South only)
Delaney Drive	Dunbar Drive – West	INTERSECTION
Delaney Drive	Queenston Drive	INTERSECTION
Dorothy Street	Greensburg Pike	
Dorothy Street	John Street	INTERSECTION
Dorothy Street	Peter Street	INTERSECTION
Dowling Avenue	Elizabeth Street	
Dunbar Drive	Delaney Drive	INTERSECTION
Eastmont Park	Frazier Drive	
Elizabeth Street	Greensburg Pike	

If traveling upon:	**Stop At:**	**Further Detail:**
Elizabeth Street	Lucia Road	
Elizabeth Street	Nannette Drive	INTERSECTION
Elizabeth Street	Rita Drive	(East only)
Elizabeth Street	Stevendale Drive	INTERSECTION
Farnsworth Street	Churchill Road	
Farnsworth Street	Patterson Street	(Both Directions)
Fire Department #4	Frazier Drive	
Frazier Drive	Gilmore Drive	INTERSECTION
Free Lane	Brown Avenue	
Gardenia Drive	Churchill Road	
Gardenia Drive	Peffer Road	INTERSECTION
George Lane	Churchill Road	
George Street	Harrison Road	
Gilchrest Drive	Old Northern Pike	
Grayhurst Drive	Harrison Road	
Harrison Road	Churchill Road	
Harrison Road	Farnsworth Street	INTERSECTION
Harrison Road	Larimer Avenue	
Harrison Road	Patterson Road	(East only)
Hart Drive	Delaney Drive	
Hawthorne Drive	State Route 22	
Hawthorne Drive	Sunset Drive	
Hibiscus Drive	Gardenia Drive	
Highland Avenue	Negley Avenue	INTERSECTION
Ivy Street	Brown Avenue	
Ivy Street	Tongalucas	

James Street	George Street	
Jefferson Heights Road	Kingston Drive	INTERSECTION
Jefferson Heights Road	Orion Drive	
Kingston Drive	Dunbar Drive	INTERSECTION
Kingston Drive	Delaney / Gilmore Drive	INTERSECTION
Kingston Drive	Frazier Drive	INTERSECTION
Kingston Drive	Queenston Drive	INTERSECTION
Larchwood Drive	Briaridge Drive	
Laurel Drive	Hawthorne Drive	INTERSECTION
Laurel Drive	Orion Drive	INTERSECTION
Leax Lane	Briaridge Drive	
Lilly Lane	Elizabeth Street	
Lilly Lane	Rita Drive	
If traveling upon:	**Stop At:**	**Further Detail:**
Linhart Street	Larimer Avenue	
Lougeay Road	Lower Rodi Road	
Lougeay Road	Old William Penn Hwy	
Lower Rodi Road	State Rte. 22 Off Ramp	(East only)
Lucia Road	Roland Road	
Lucinda Drive	Brown Avenue	
McMasters Avenue	Larimer Avenue	
McMasters Avenue	Rebecca Avenue	INTERSECTION
McMasters Avenue	Semmens Street	
Miller Street	Elizabeth Street	
Mortimer Avenue	Highland Avenue	INTERSECTION
Mortimer Avenue	Saw Mill Run	INTERSECTION
Mortimer Avenue	Spur Road	(Both Directions)
Moss Street	Brown Avenue	
Nannette Drive	Rita Drive	
Negley Avenue	Churchill Road	(Both sides)
Negley Avenue	Highland Avenue	(North only)
Negley Avenue	Rebecca Avenue	(Both sides)
Negley Avenue	Thompson Street	
Negley Avenue	Semmens Street	
Old Northern Pike	Old William Penn Hwy	
Orion Drive	Sunset Drive	
Peffer Road	Saw Mill Run	
Penhurst Drive	Braddsley – East	INTERSECTION
Penhurst Drive	Braddsley – West	(North only)
Penhurst Drive	Churchill Road	INTERSECTION
Penhurst Drive	Harrison Road	
Penhurst Drive	Harwick Drive	INTERSECTION
Penhurst Drive	Heritage Drive	INTERSECTION
Penhurst Drive	Radcliff Drive	INTERSECTION
Penn Center Boulevard	Eckerd Drug Store	(North only)
Penn Center Boulevard	Laurel Village	INTERSECTION
Penn Center Boulevard	Rodi Road	
Penn Center Boulevard	Building #7	INTERSECTION
Pine Tree Drive	Vinesiean Place	
Powell Street	Cline Street	
Powell Street	Greensburg Pike	
Radcliff Drive	Harwick Drive	
Railroad Street	Larimer Avenue	
Ridge Street	Cline Street	(Both directions)

Ridge Street	Greensburg Pike	
If traveling upon:	**Stop At:**	**Further Detail:**
Ridgecrest Drive	Lougeay Road	
Ridgewood Drive	Gilchrest Drive	INTERSECTION
Rita Drive	Elizabeth Street	
Roland Road	Brown Avenue	
Roland Road	Stevendale Drive	INTERSECTION
Russell Lane	Brown Avenue	
Semmens Street	McMasters Avenue	(East only)
Spur Road	Beaver Avenue	
Stevendale Drive	Alpine Boulevard	(East only)
Stevendale Drive	Rita Drive	
Straley Lane	Brown Avenue	
Sunset Drive	Hawthorne Drive	(Both Directions)
Sunset Drive	Old William Penn Hwy	
Sylvia Lane	Old William Penn Hwy	
Thompson Street	Rebecca Avenue	(Both Directions)
Thompson Street	Semmens Street	
Thompson Run Road	Rodi Road	
Thorncrest Drive	Hawthorne Drive	
Upper Mortimer	Clugston Avenue	
Vineseian Place	Churchill Road	
Wallace Avenue	Powell Street	
Wallace Avenue	Ridge Street	(Both Directions)
Washington Avenue	Brown Avenue	
Washington Avenue	Hazel Street	
Washington Avenue Extension	Beaver Avenue	
Wilbur Street	Ivy Street	

Section 2. **Repealer.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 3. **Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 4. **Effective Date.** This Ordinance shall be effective on the date of adoption by the Board of Commissioners.

ORDAINED AND ENACTED this 30th day of April, 2007, at a duly assembled public meeting.

ATTEST:

Rebecca Bradley, Manager

WILKINS TOWNSHIP

Frank J. Greco, Chairman

TOWNSHIP OF WILKINS
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 980

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF WILKINS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE WILKINS TOWNSHIP CODIFIED BOOK OF ORDINANCES, PART II, CHAPTER 168, VEHICLES AND TRAFFIC, SECTION 17, STOP INTERSECTIONS.

WHEREAS, the Board of Commissioners, at the recommendation of the Chief of Police, desires to amend the stop intersections as detailed in Chapter 168, Section 17 of the Wilkins Township Codified Book of Ordinances to provide for more a detailed and unambiguous reading and comprehension of the code; and

WHEREAS, in addition to amendment for the purposes of clarity, the Board of Commissioners, at the recommendation of the Chief of Police has determined that certain stop intersections should be eliminated and other stop intersections should be added.

NOW, THEREFORE, be it ordained and enacted by the Board of Commissioners of the Township of Wilkins and it is hereby ordained and enacted as follows:

Section 1. Chapter 168, Section 17 of the Wilkins Township Codified Book of Ordinances is hereby amended to read:

§168-17. Stop intersections established. [Amended 04/30/07 by Ordinance Number 980] The following intersections located in the township are hereby declared to be stop intersections and official stop signs shall be erected or are hereby confirmed if heretofore erected. All vehicles traveling upon the first named street, upon approaching the second named street shall come to a full stop, at a clearly marked stop line, or if none, before entering a crosswalk on the near side of the intersection or, if none, then, at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering into the intersection. For those roadways where the term "intersection" appears, then all vehicles traveling upon all intersecting streets shall stop in the manner hereinbefore described.

If traveling upon:	**Stop At:**	**Further Detail:**
Alpine Boulevard	Greensburg Pike	
Alpine Boulevard	Miller Street	INTERSECTION
Ayers Avenue	Negley Avenue	
Baker Street	Lower Rodi Road	
Beech Street	Saw Mill Run	
Beech Street	Washington Street Extension	
Boone Alley	Clugston Avenue	(Both Sides)
Braddsley Drive	Penhurst Drive	(Both Directions)

If traveling upon:	Stop At:	Further Detail:
Briaridge Drive	Larchwood Drive	(South Only)
Briaridge Drive	Leax Lane	
Briaridge Drive	Tynewood Drive	INTERSECTION
Calmont Drive	Thorncrest Drive	INTERSECTION
Charnwood Drive	Frazier Drive	
Cherry Way	Wallace Avenue	
Churchill Court	Churchill Road	
Churchill Lane	Coal Street	
Churchill Lane	Negley Avenue	
Cline Street	Greensburg Pike	
Cline Street	Powell Street	(South Only)
Cline Street	Wallace Avenue	INTERSECTION
Clugston Avenue	Highland Avenue	INTERSECTION
Coal Street	Meadow Street	
Curry Avenue	Negley Avenue	(Both Directions)
Delaney Drive	Dunbar Drive – East	(South only)
Delaney Drive	Dunbar Drive – West	INTERSECTION
Delaney Drive	Queenston Drive	INTERSECTION
Dorothy Street	Greensburg Pike	
Dorothy Street	John Street	INTERSECTION
Dorothy Street	Peter Street	INTERSECTION
Dowling Avenue	Elizabeth Street	
Eastmont Park	Frazier Drive	
Elizabeth Street	Greensburg Pike	
Elizabeth Street	Lucia Road	
Elizabeth Street	Nannette Drive	INTERSECTION
Elizabeth Street	Rita Drive	
Elizabeth Street	Stevendale Drive	INTERSECTION
Farnsworth Street	Churchill Road	
Farnsworth Street	Patterson Street	(Both Directions)
Fire Department #4	Frazier Drive	
Frazier Drive	Gilmore Drive	INTERSECTION
Free Lane	Brown Avenue	
Gardenia Drive	Churchill Road	
George Lane	Churchill Road	
George Street	Harrison Road	
Gilchrest Drive	Old Northern Pike	
Grayhurst Drive	Harrison Road	
Harrison Road	Churchill Road	
Harrison Road	Farnsworth Street	INTERSECTION
Harrison Road	Larimer Avenue	
Harrison Road	Patterson Road	(East only)
Hart Drive	Delaney Drive	
Hawthorne Drive	State Route 22	
Hawthorne Drive	Sunset Drive	
Hibiscus Drive	Gardenia Drive	
Ivy Street	Brown Avenue	
Ivy Street	Tongalucas	
James Street	George Street	
Jefferson Heights Road	Kingston Drive	INTERSECTION
Jefferson Heights Road	Orion Drive	

If traveling upon:	Stop At:	Further Detail:
Kingston Drive	Dunbar Drive	INTERSECTION
Kingston Drive	Delaney / Gilmore Drive	INTERSECTION
Kingston Drive	Frazier Drive	INTERSECTION
Kingston Drive	Queenston Drive	INTERSECTION
Larchwood Drive	Briaridge Drive	
Laurel Drive	Hawthorne Drive	INTERSECTION
Laurel Drive	Orion Drive	INTERSECTION
Leax Lane	Briaridge Drive	
Lilly Lane	Elizabeth Street	
Lilly Lane	Rita Drive	
Linhart Street	Larimer Avenue	
Lougeay Road	Lower Rodi Road	
Lougeay Road	Old William Penn Hwy	
Lower Rodi Road	State Rte. 22 Off Ramp	(East only)
Lucia Road	Roland Road	
Lucinda Drive	Brown Avenue	
McMasters Avenue	Larimer Avenue	
McMasters Avenue	Rebecca Avenue	INTERSECTION
McMasters Avenue	Semmens Street	
Miller Street	Elizabeth Street	
Mortimer Avenue	Highland Avenue	INTERSECTION
Mortimer Avenue	Saw Mill Run	INTERSECTION
Mortimer Avenue	Spur Road	(Both Directions)
Moss Street	Brown Avenue	
Nannette Drive	Rita Drive	
Negley Avenue	Churchill Road	(Both sides)
Negley Avenue	Highland Avenue	(North only)
Negley Avenue	Rebecca Avenue	(Both sides)
Negley Avenue	Thompson Street	
Negley Avenue	Semmens Street	
Old Northern Pike	Old William Penn Hwy	
Orion Drive	Sunset Drive	
Peffer Road	Gardenia Drive	
Peffer Road	Saw Mill Run	
Penhurst Drive	Braddsley – East	INTERSECTION
Penhurst Drive	Braddsley – West	(North only)
Penhurst Drive	Churchill Road	INTERSECTION
Penhurst Drive	Harrison Road	
Penhurst Drive	Harwick Drive	INTERSECTION
Penhurst Drive	Heritage Drive	INTERSECTION
Penhurst Drive	Radcliff Drive	INTERSECTION
Penn Center Boulevard	Eckerd Drug Store	(North only)
Penn Center Boulevard	Laurel Village	INTERSECTION
Penn Center Boulevard	Rodi Road	
Penn Center Boulevard	Building #7	INTERSECTION
Pine Tree Drive	Vinesiean Place	
Powell Street	Cline Street	
Powell Street	Greensburg Pike	
Radcliff Drive	Harwick Drive	
Railroad Street	Larimer Avenue	
Ridge Street	Cline Street	(Both directions)
Ridge Street	Greensburg Pike	
Ridgecrest Drive	Lougeay Road	
Ridgewood Drive	Gilchrest Drive	INTERSECTION

If traveling upon:	Stop At:	Further Detail:
Rita Drive	Elizabeth Street	
Roland Road	Brown Avenue	
Roland Road	Stevendale Drive	INTERSECTION
Russell Lane	Brown Avenue	
Semmens Street	McMasters Avenue	(East only)
Spur Road	Beaver Avenue	
Stevendale Drive	Alpine Boulevard	(East only)
Stevendale Drive	Rita Drive	
Straley Lane	Brown Avenue	
Sunset Drive	Hawthorne Drive	(Both Directions)
Sunset Drive	Old William Penn Hwy	
Sunset Drive	Orion Drive	
Sylvia Lane	Old William Penn Hwy	
Thompson Street	Rebecca Avenue	(Both Directions)
Thompson Street	Semmens Street	
Thompson Run Road	Rodi Road	
Thorncrest Drive	Hawthorne Drive	
Upper Mortimer	Clugston Avenue	
Vineseian Place	Churchill Road	
Wallace Avenue	Powell Street	
Wallace Avenue	Ridge Street	(Both Directions)
Washington Avenue	Brown Avenue	
Washington Avenue	Hazel Street	
Washington Avenue Extension	Beaver Avenue	
Wilbur Street	Ivy Street	

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Section 3. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the Township of Wilkins that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Section 4. Effective Date. This Ordinance shall be effective on the date of adoption by the Board of Commissioners.

ORDAINED AND ENACTED this 11th day of June, 2007, at a duly assembled public meeting.

ATTEST:

WILKINS TOWNSHIP

Rebecca Bradley, Manager

Frank J. Greco, Chairman