BOROUGH OF EBENSBURG

ORDINANCE #572

AN ORDINANCE OF THE BOROUGH OF EBENSBURG, CAMBRIA COUNTY, PENNSYLVANIA, AMENDING ORDINANCE #537, AMENDING CERTAIN PROVISIONS OF THE PENSION PLAN APPLICABLE TO POLICE

WHEREAS, the Borough of Ebensburg has established The Borough of Ebensburg Police Pension Plan ("Plan") under the provisions of P.L. 1804, 53 P.C.S. Ann. 767, et.seq. (Act 600); and

WHEREAS, Act 30 of 2002 required that certain amendments be made to Plan language relative to the killed-in-service benefit; and

WHEREAS, Act 51 of 2009 transferred responsibility for payment of said killed-in-service benefit to the Commonwealth.

NOW THEREFORE, be it Ordained and Enacted by the Council of the Borough of Ebensburg, Cambria County, Pennsylvania, and it is hereby Ordained and Enacted:

Section 1: Provisions

Ordinance 537 is hereby amended by repealing the following Articles:

ARTICLE VI, SECTION 6.03, establishing a killed-in-service benefit.

ARTICLE VI, SECTION 6.04, establishing procedures for payment of survivor benefits.

ARTICLE VI, SECTION 6.06, authorizing the purchase of life insurance.

Section 2: Limitations

This Ordinance is intended for the sole purpose of achieving compliance with Act 51 of 2009. It is NOT the intention of the Borough of Ebensburg to increase benefits in such a manner so as to exceed the requirements of the Act, and under no circumstances shall any language or clause herein be interpreted to increase benefits beyond that required by the Act.

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 Ebensburg Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4: Repealing Clause

All ordinances and/or parts of ordinances conflicting in any manner with the provisions of this Ordinance are hereby generally repealed insofar as the same are inconsistent with the terms and provisions of this Ordinance.

Section 5: Effective Date

This ordinance shall become effective on the 24th day of May 2010.

ENACTED AND ORDAINED this 24th day of May 2010.

EBENSBURG BOROUGH COUNCIL

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ATTEST: **Deborah A. Nesbella, President**

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Daniel L. Penatzer; Manager

Approved this 24th day of May 2010.

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Randy S. Datsko, Mayor