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Part 1

Elected and Appointed Officials

Subpart A. Board of Supervisors

Section 101. Compensation of Members of Board of Supervisors. Each member of the Board of Supervisors of the Township shall receive an annual salary of two thousand four hundred dollars (\$2,400.00) for preparation for and/or attendance at meetings or hearings of the Township Board of Supervisors or other meetings authorized by the Township Board of Supervisors. Such salary shall become effective at the beginning of the term of office of each member of the Township Board of Supervisors following enactment of this Section. (Ordinance 256, January 27, 1997, Section 1)

Subpart B. Tax Collector.

Section 111. Tax Certifications. The Township of Spring, Berks County, Pennsylvania (the "Township"), hereby appoints the duly elected and/or appointed tax collector of the Township as the municipal officer authorized to provide tax certifications upon request by the public, and the Township hereby authorizes such tax collector to assess, collect and retain, as compensation for providing such additional service, a fee of not more than twenty dollars (\$20.00) for each tax certification that such tax collector provides. (Ordinance No. 318, March 28, 2005, Section 1)

Section 112. Tax Duplicates. The Township of Spring, Berks County, Pennsylvania (the "Township"), hereby appoints the duly elected and/or appointed Tax Collector of the Township as the municipal officer authorized to provide tax duplicate tax bills upon request by the public and hereby authorizes said Tax Collector to assess, collect and retain, as compensation for providing such additional service, a fee of not more than Five and 00/100 Dollars (\$5.00) per duplicate tax bill issued. Such fee shall be in addition to any other compensation which the Tax Collector may be or is entitled to receive. (Ordinance No. 333, February 12, 2007, Section 1)



Subpart C. Manager.

Section 121. Office of Township Manager Created. The office of Township Manager is hereby created by the Township of Spring. (Ordinance No. 367, January 26, 2009, Section 1)

Section 122. Appointment, Tenure and Removal of Manager. The Township Manager, hereinafter referred to as Manager, shall be appointed for an indefinite term by a majority of all the members of the Board of Supervisors, hereinafter referred to as the Board. The Manager shall serve at the pleasure of the Board and may be removed at any time by a majority of the Board. (Ordinance No. 367, January 26, 2009, Section 1)

Section 123. Qualifications of Manager. The Manager shall be chosen solely on the basis of his executive and administrative abilities. The Manager shall qualify for the position by having obtained not less than five (5) years experience in the field of government administration. (Ordinance No. 367, January 26, 2009, Section 1)

Section 124. Manager's Salary. The salary of the Manager shall be fixed from time to time by resolution of the Board of Supervisors. (Ordinance No. 367, January 26, 2009, Section 1)

Section 125. Manager's Bond. Before entering upon Manager's duties, the Manager shall give a bond to the Township with corporate surety and in the sum of one hundred thousand and 00/100 dollars (\$100,000.00), and said bond shall be conditioned upon the faithful performance of his duties. The premium shall be paid by the Township. (Ordinance No. 367, January 26, 2009, Section 1)

Section 126. Powers and Duties of Manager. The Manager shall be the chief administrative officer of the Township and shall be responsible to the Board as a whole for the proper and efficient administration of the affairs of the Township. The Manager's powers and duties shall be nonlegislative, and shall relate to the general management of all Township affairs not expressly by statute or ordinance conferred upon other Township officers or employees. Subject to recall by ordinance of the Board, the powers and duties of the Township Manager shall include the following:

(A) The Manager shall supervise and be responsible for the activities of all Township departments other than that of the Police Department. The Manager shall work with the senior or ranking police officer in the administrative work of the Police Department, but shall not exercise operational control or supervision.

(B) The Manager shall prepare and submit to the Board before the close of its fiscal year, or on such alternate dates as the Board may determine, a budget for the next fiscal year and an explanatory message. In preparation of the

budget, the Manager or an employee designated by the Manager shall obtain from the head of each department, including the Police Department, estimates of revenue and expenditures and other supporting data as the Manager requests. The Manager shall review such estimates and may revise them before submitting the budget to the Board.

(C) The Manager shall be notified of and shall attend meetings of the Board and of its committees with the right to take part in the discussion.

(D) The Manager shall prepare the agenda and supply facts and pertinent data for each meeting of the Board or such of its committees as may be directed by the Board.

(E) The Manager shall keep the Board informed as to the conduct of the Township affairs, submit periodic reports on the condition of Township finances and such other reports as may be requested by the Board, and such reports or recommendations that the Manager deems necessary.

(F) Except where the responsibility is expressly imposed by statute or ordinance upon or is specifically directed by the Board to be performed by another officer or person, the Manager shall enforce the laws of the Commonwealth and the ordinances and resolutions of the Township.

(G) All complaints regarding services or personnel of the Township shall be referred to the Office of the Manager. The Manager, or an employee designated by the Manager, shall report thereon to the Board.

(H) The Manager shall hire, and, when the Manager shall deem it necessary for the good of the Township, shall suspend or discharge all employees under the Manager's supervision and report any such action taken at the next Board of Supervisors meeting.

(I) The Manager shall fix wages and salaries of all personnel under the Manager's supervision within a range previously determined by the Board of Supervisors.

(J) The Manager shall establish annual written goals of all employees under his direct supervision. The Manager shall write annual employment evaluations of all Directors, Township Secretary, Fire Marshall, and any other employees as determined by the Board of Supervisors.

(K) The Manager shall prepare and propose short and long-term goals and objectives for consideration by the Township Board of Supervisors and develop plans and programs to implement approved objectives.

(L) The Manager shall represent the Township in contacts with Federal, State, County and local governments.

(M) The Manager shall develop and implement administrative and operating procedures to meet Township needs and carry out approved policies.

(N) The Manager shall maintain good relations with the news media and community organizations in order to keep the public informed and promote cooperation with Township activities and plans.

(O) The Manager shall authorize routine expenditures in amounts less than ten thousand dollars (\$10,000.00) without prior Board of Supervisors approval, to such extent as otherwise permitted by law.

(P) The Manager shall see that the provisions of all franchises, leases, permits and privileges granted by the Township are observed.

(Ordinance No. 367, January 26, 2009, Section 1)

Section 127. Relationship Between Board of Supervisors and Manager. Except for the approval by the Board of employees hired by the Manager and the amount of compensation to be paid to such employees, neither the Board nor any of its members shall dictate or attempt to dictate the hiring of any particular person, or the suspension or discharge of an employee, by the Manager. Except for the purpose of inquiry, the Board and its members shall deal with the administrative matters solely through the Manager. (Ordinance No. 367, January 26, 2009, Section 1)

Section 128. Illness or Absence of Manager. If the Manager becomes ill or needs to be absent from the Township, the duties of the Manager shall be performed during the Manager's absence or disability by such person as may be recommended by the Manager and approved by the Board. (Ordinance No. 367, January 26, 2009, Section 1)

Section 129. Grammatical Gender and Number. Whenever used in this Part, entitled "Elected and Appointed Officers", the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders. (Ordinance No. 367, January 26, 2009, Section 1)

Part 2

Authorities

Subpart A. The Municipal Authority of the Township of Spring

(THE MUNICIPAL AUTHORITY OF THE TOWNSHIP OF SPRING WAS CREATED BY ORDINANCE NO. 38, MAY 19, 1958, AMENDED BY ORDINANCE NO. 202, JUNE 26, 1989, AND WAS DISSOLVED BY RESOLUTION NO. 2004-61, DECEMBER 13, 2004 AND ORDINANCE NO. 315, DECEMBER 27, 2004)

Subpart B. The Western Berks Refuse Authority.

Section 211. Intention and Desire to Organize Joint Refuse Authority. The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, constituting the municipal authorities of the Township, hereby signifies its intention and desire to join with the Borough of Mohnton, Borough of Shillington, Borough of Sinking Spring, Borough of West Lawn, Borough of West Reading, Borough of Wyomissing, Borough of Wyomissing Hills, and the Township of Cumru, all of Berks County, Pennsylvania, in organizing a Municipal Authority under the provisions of the Municipal Authorities Act of 1945, the Act of May 2, 1945, P.L. 382, as amended. (Ordinance No. 41A, July 11, 1960, Section 1)

Section 212. Articles of Incorporation. The Board of Supervisors are hereby authorized and directed to execute on behalf of the Township of Spring Articles of Incorporation for said Joint Authority in substantially the following form:

ARTICLES OF INCORPORATION

To the Secretary of the Commonwealth  
Commonwealth of Pennsylvania  
Harrisburg, Pennsylvania:

In compliance with the requirements of the Act of May 2, 1945, P.L. 382, known as "Municipality Authorities Act of 1945," the Borough of Mohnton, Borough of Shillington, Borough of Sinking Spring, Borough of West Lawn, Borough of West Reading, Borough of Wyomissing, Borough of Wyomissing Hills, and the Township of Cumru and Township of Spring, all situated in Berks County Pennsylvania, desiring to incorporate a Joint Authority thereunder do hereby certify:

1. The name of the Joint Authority is "The Western Berks Refuse Authority."

2. Said Authority is formed by the Borough of Mohnton, Borough of Shillington, Borough of Sinking Spring, Borough of West Lawn, Borough of West Reading, Borough of Wyomissing, Borough of Wyomissing Hills, the Township of Cumru and Township of Spring, all situated in Berks County, Pennsylvania, under the provisions of the Act of May 2, 1945, P.L. 382, as amended, known as the "Municipality Authorities Act of 1945" for the following purposes:

(a) To establish facilities and equipment for the collection, removal or disposal of ashes, garbage, rubbish and other refuse materials by incineration, landfill, or other methods.

3. No other Authority organized under this Act, or under the Act approved June 28, 1935, P.L. 463, is in existence in or for the incorporating municipalities except as follows:

(a) The Borough of Mohnton is a member of "Mohnton Borough Authority" composed solely of said Borough of Mohnton.

(b) The Borough of Shillington is a member of "Shillington Municipal Authority" composed solely of said Borough of Shillington.

(c) The Borough of Sinking Spring is a member of "Southwestern Berks County Joint Water Authority" composed of said Borough of Sinking Spring, Borough of West Lawn, Borough of Wyomissing Hills, and the Township of Spring, all of Berks County, Pennsylvania.

(d) The Borough of West Lawn is a member of "West Lawn Borough Authority" composed solely of said Borough of West Lawn and of the "Southwestern Berks County Joint Water Authority" composed of said Borough of West Lawn, Borough of Wyomissing Hills, Borough of Sinking Spring, and the Township of Spring, all of Berks County, Pennsylvania.

(e) The Borough of West Reading is a member of the "West Reading Sewer Authority" composed solely of said Borough of West Reading and of the "Joint Municipal Authority of Wyomissing Valley, Berks County" composed of the Borough of West Reading and the Borough of Wyomissing, both of Berks County, Pennsylvania.

(f) The Borough of Wyomissing is a member of the "Joint Municipal Authority of Wyomissing Valley, Berks County" composed of the Borough of Wyomissing and the Borough of West Reading, both of Berks County, Pennsylvania.

(g) The Borough of Wyomissing Hills is a member of the "Wyomissing Hills, Berks County Authority" composed solely of said Borough of Wyomissing Hills and of the "Southwestern Berks County Joint Water Authority" composed of said Borough of Wyomissing Hills, Borough of West Lawn, Borough of Sinking Spring, and the Township of Spring, all of Berks County, Pennsylvania.

(h) The Township of Cumru is a member of the "Cumru Township Authority" composed solely of said Township of Cumru.

(i) The Township of Spring is a member of the "Municipal Authority of Spring Township" composed solely of said Township of Spring and of the "Southwestern Berks County Water Authority" composed of said Township of Spring, Borough of West Lawn, Borough of Wyomissing Hills, and the Borough of Sinking Spring, all of Berks County, Pennsylvania.

4. The names of the incorporating municipalities are: Borough of Mohnton, Borough of Shillington, Borough of Sinking Spring, Borough of West Lawn, Borough of West Reading, Borough of Wyomissing, Borough of Wyomissing Hills, and the Township of Cumru and Township of Spring, all situated in Berks County, Pennsylvania.

5. The names and addresses of all the municipal authorities of said incorporating municipalities are:

(the names and addresses have been omitted intentionally due to their length)

6. The names, addresses and terms of office of the first members of the Board of said Joint Authority to be formed hereby each of whom is a resident and citizen of the appointing municipality, are as follows:

(the names and addresses have been omitted intentionally due to their length)

7. The members of the Board of said Authority shall be nine (9) in number, and said members shall be apportioned as follows:

Borough of Mohnton	1
Borough of Shillington	1
Borough of Sinking Spring	1
Borough of West Lawn	1
Borough of West Reading	1
Borough of Wyomissing	1
Borough of Wyomissing Hills	1
Township of Cumru	1
Township of Spring	1

Each member of the Board of the said Authority shall be appointed by the Borough Council of each incorporating Borough and the Board of Supervisors of each incorporating Township which he is to represent on said Board. The terms of office of any members of the Board appointed to succeed any of the first members of the Board shall be for a period of five (5) years.

The Council of each Borough and the Board of Supervisors of each Township at a meeting held not later than one month prior to January 1 in each year in which a vacancy will occur in the Board by reason of the expiration of the term of the member appointed by that Borough or Township, shall appoint, as a member of the Board, a citizen of that Borough or Township, as the case may be, for a term of five (5) years to succeed the member whose term expires on January 1, next succeeding.

Any other vacancy in the Board shall be filled by the Council of the Borough or Board of Supervisors of the Township which appointed the member whose vacancy is to be filled and the person so appointed to fill said vacancy shall hold office for the remainder of the unexpired term of the member whose vacancy in office he has been appointed to fill.

IN WITNESS WHEREOF, the Borough of Mohnton, Borough of Shillington, Borough of Sinking Spring, Borough of West Lawn, Borough of West Reading, Borough of Wyomissing, Borough of Wyomissing Hills, and the Township of Cumru and Township of Spring, all situated in Berks County, Pennsylvania, each have caused these Articles of Incorporation to be executed by the Burgess, President of its Borough Council, or the Chairman of its Board of Supervisors, attested by the Secretary of its respective Council or Board of Supervisors, and the seal of the said Borough or Township to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 1960.

(the names and signatures lines have been omitted intentionally due to their length)

(Ordinance No. 41A, July 11, 1960, Section 2)

Section 213. Notice of Articles of Incorporation. The Chairman and Secretary of the Board of Supervisors of this Township, acting jointly with the appropriate officers of the various other incorporating bodies, all situated in Berks County, Pennsylvania, further are directed to cause a notice of the substance of this Ordinance, including the substance of the above Articles of Incorporation, and of the proposed filing of the Articles of Incorporation, to be published once in a newspaper published and of general circulation in the County of Berks, Pennsylvania, and once in the Berks County Law Journal, all as required by the Municipality Authorities Act of 1945, as amended. (Ordinance No. 41A, July 11, 1960, Section 3)



Section 214. Filing of Articles of Incorporation. The Chairman and Secretary of the Board of Supervisors of this Township, acting jointly with the appropriate officers of the municipal bodies of the Borough of Mohnton, Borough of Shillington, Borough of Sinking Spring, Borough of West Lawn, Borough of West Reading, Borough of Wyomissing, Borough of Wyomissing Hills, and the Township of Cumru, all situated in Berks County, Pennsylvania, are directed to file said Articles of Incorporation, together with the necessary proofs of publication, with the Secretary of the Commonwealth, and to do all other things necessary or appropriate to effect the incorporation of "The Western Berks Refuse Authority", including the payment of any filing fees in connection therewith. (Ordinance No. 41A, July 11, 1960, Section 4)

(Section 5 of Ordinance No. 41A, July 11, 1960, was intentionally omitted as it only served to appoint a member to The Western Berks Refuse Authority)

Subpart C. Southwestern Berks County Joint Water Authority.

(THE SOUTHWESTERN BERKS COUNTY JOINT WATER AUTHORITY WAS CREATED BY TOWNSHIP OF SPRING ORDINANCE NO. 41, MARCH 20, 1959, AND BOROUGH OF WEST LAWN ORDINANCE NO. 164, MARCH 20, 1959, AND WAS DISSOLVED BY TOWNSHIP OF SPRING RESOLUTION NO. 2009-15)

Part 3

Boards, Commissions and Committees

Subpart A. Planning Commission.

Section 301. Title. This Subpart shall be known and may be cited as the "Township of Spring, Berks County, Pennsylvania, Planning Commission Ordinance of 1974". (Ordinance No. 102, April 8, 1974, Section 1)

Section 302. Powers and Duties of the Planning Commission.

(A) The Planning Commission, herein created and enlarged, shall at the request of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, have the power and shall be required to:

(1) Prepare the comprehensive plan for the development of the Township of Spring, Berks County, Pennsylvania, as set forth in the Act of Assembly of July 31, 1968, P.L. 805, as amended, commonly known and cited as the "Pennsylvania Municipalities Planning Code," and present it for the consideration of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

(2) Maintain and keep on file records of its action. All records and files of the Planning Commission herein created and enlarged, shall be in the possession of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

(B) The Planning Commission, herein created and enlarged, at the request of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, may:

(1) Make recommendations to the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, concerning the adoption or amendment of an official map;

(2) Prepare and present to the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, a zoning ordinance, and make recommendations to said Board of Supervisors on proposed amendments to it as set forth in the Act of Assembly of July 31, 1968, P.L. 805, as amended, commonly known and cited as the "Pennsylvania Municipalities Planning Code";

(3) Prepare, recommend and administer subdivision and land development, planned residential development regulations as set forth in the foregoing Act of Assembly;

(4) Prepare and present to the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, a building code and a housing code and make recommendations concerning proposed amendments thereto;

(5) Do such other act or make such studies as may be necessary to fulfill the duties and obligations imposed by the foregoing Act of Assembly;

(6) Prepare and present to the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, an environmental study;

(7) Submit to the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, a recommended capital improvements program;

(8) Promote public interest in, and understanding of, the comprehensive plan and planning;

(9) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals;

(10) Hold public hearings and meetings;

(11) Require from other departments and agencies of the Township of Spring, Berks County, Pennsylvania, such available information as related to the work of the Planning Commission herein created and enlarged; and

(12) In the performance of its functions, enter upon any land to make examination and surveys with the consent of the owner.

(C) In the performance of its powers and duties, any act or recommendation of the Planning Commission, herein created and enlarged, which involves engineering consideration, shall be subject to review and comments of the Engineer of the Township of Spring, Berks County, Pennsylvania, or an engineer appointed by said Board of Supervisors, which

shall be incorporated and separately set forth in any report, written act or recommendation of the Planning Commission herein created and enlarged.

(Ordinance No. 102, April 8, 1974, Section 2)

Section 303. Membership of the Planning Commission.

(A) All members of the Planning Commission of said Township shall be appointed by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.

(B) The Planning Commission of the Township of Spring, Berks County, Pennsylvania, shall have seven (7) members, all of whom shall be residents of said Township.

(C) All members of the Planning Commission of said Township shall be citizen members of whom no more than two (2) shall be officers or employees of the Township of Spring, Berks County, Pennsylvania.

(D) The term of each of the members of the Planning Commission of said Township shall be for four (4) years, or until his or her successor is appointed and qualified; provided, however, that the members of the existing Planning Commission of said Township, established under former laws, shall continue in office until the end of the term for which they were appointed.

(E) All members of the Planning Commission of said Township shall serve without compensation, but may be reimbursed for necessary and reasonable expenses.

(F) Any member of the Planning Commission of said Township once qualified and appointed may be removed from office for malfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors of the Township of Spring Berks County, Pennsylvania, taken after the member has received fifteen (15) days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

(Ordinance No. 102, April 8, 1974, Section 3 as amended by Ordinance No. 128, January 26, 1976, Section 1)

Section 304. Conduct of Business. The Planning Commission of the Township of Spring, Berks County, Pennsylvania, shall elect its own chairman and vice chairman and create and fill such other offices as it may determine. Officers shall serve annual

terms and may succeed themselves. The Planning Commission of the Township may make and alter by-laws and rules and regulations to govern its procedures consistent with the ordinances of the Township of Spring, Berks County, Pennsylvania, and the laws of the Commonwealth of Pennsylvania. The Planning Commission of said Township shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the Board of Supervisors of said Township. Interim reports may be made as may be necessary, or as requested by the Board of Supervisors of said Township. (Ordinance No. 102, April 8, 1974, Section 4)

Section 305. Engineering Advisors to the Planning Commission. The Engineer for the Township of Spring, Berks County, Pennsylvania, or an engineer appointed by the Board of Supervisors of said Township shall serve the Planning Commission of said Township as engineering advisor. (Ordinance No. 102, April 8, 1974, Section 5)

Section 306. Administrative and Technical Assistance to the Planning Commission. The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, may employ administrative and technical services to aid in carrying out the provisions of this Subpart and the Act of Assembly of July 31, 1968, P.L. 805, commonly known and cited as the "Pennsylvania Municipalities Planning Code" as consultants on particular matters or as regular employees of the municipality. (Ordinance No. 102, April 8, 1974, Section 6)

Section 307. Invalidity of Portions of Subpart. In the event that any provision, section, sentence, clause or part of this Subpart shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence clause or part of this Subpart, it being the intent of this Township that such remainder of this Subpart shall be and shall remain in full force and effect. (Ordinance No. 102, April 8, 1974, Section 8)

Subpart B. Park and Recreation Board.

Section 311. Title. This Subpart shall be known and may be cited as the "Township of Spring, Berks County, Pennsylvania, Park and Recreation Board Ordinance." (Ordinance No. 103, April 8, 1974, Section 1)

Section 312. Powers and Duties of the Park and Recreation Board.

(A) The power and authority to equip, operate and maintain parks, recreation areas and facilities shall be placed in a Park and Recreation Board and such Board shall possess all of the powers and be subject to all the responsibilities under Article XIX of the Act of Assembly of May 1, 1933, P.L. 103, as amended, and as hereinafter amended, including but not limited to the right to select, employ and discharge all recreation personnel used to carry out the provisions of Article XIX of the foregoing Act of Assembly.

(B) Subject to the approval of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, the Park and Recreation Board, herein created, shall exercise its powers and duties in establishing standards, qualifications and salary classifications of recreation personnel; provided, however, that whenever boroughs, cities, counties, townships, school districts, or any of them shall develop a cooperative plan of recreation service with the Township of Spring, Berks County, Pennsylvania, the Park and Recreation Board, herein created, shall have the further power to adjust its established personnel standards, qualifications and salary scheduled to be approved by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, to meet the terms of a joint operation agreed upon.

(C) The Park and Recreation Board of the Township of Spring, Berks County, Pennsylvania, shall have the power to adopt rules and regulations for the conduct of all business within its jurisdiction.

(D) The jurisdiction of the Park and Recreation Board of the Township of Spring, Berks County, Pennsylvania, shall include the right to select, employ and discharge all recreation personnel used to carry out the provisions of Article XIX, P.L. 103, as amended, and as hereinafter amended.

(E) It shall be the duty of the Park and Recreation Board of the Township of Spring, Berks County, Pennsylvania, to submit an annual report to the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, on or before the first day of October of each year, including an analysis of the Township recreation areas, facilities and leadership with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public needs to be met, together with a

proposed budget of moneys to be appropriated and expended during the following fiscal year for park and recreation purposes within the Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 103, April 8, 1974, Section 2)

Section 313. Composition and Organization of the Park and Recreation Board.

(A) The Park and Recreation Board, herein created, shall consist of seven (7) members, two (2) of which members shall be members or appointees of the Board of School Directors of the Wilson School District, Berks County, Pennsylvania, of which School District the Township of Spring, Berks County, Pennsylvania, is a part. All members of the Park and Recreation Board herein created, shall be adult residents of the Township of Spring, Berks County, Pennsylvania, and shall serve for a term of five (5) years or until their successors are appointed, except that the members of such Board first appointed shall be appointed for such terms that the term of not more than two (2) members shall expire annually thereafter.

(B) The members of the Park and Recreation Board of the Township of Spring, Berks County, Pennsylvania, shall serve without pay.

(C) All persons appointed to the Park and Recreation Board of the Township of Spring, Berks County, Pennsylvania, shall serve their full terms unless voluntarily resigned or removed by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, for dereliction, or neglect of duty.

(D) Vacancies in the Park and Recreation Board of the Township of Spring, Berks County, Pennsylvania, occurring otherwise than by expiration of term shall be for the unexpired term, and shall be filled in the same manner as original appointments.

(E) The members of the Park and Recreation Board of the Township of Spring, Berks County, Pennsylvania, shall elect their own chairman and secretary and select all other officers to serve for a period of one year.

(Ordinance No. 103, April 8, 1974, Section 3)

Section 314. Joint Ownership and Maintenance of Certain Parks and Public Recreation Areas and Facilities. The Township of Spring, Berks County, Pennsylvania, may jointly with any one or more townships, boroughs and cities, acquire property for and to operate and maintain any parks and public recreation area and facilities. Any school district may join with the Township of Spring, Berks County, Pennsylvania, in



equipping, operating and maintaining parks, public recreation areas and facilities, and the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, may appropriate money therefor. (Ordinance No. 103, April 8, 1974, Section 4)

Section 315. Bond Issue. The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, may issue bonds for the purpose of acquiring lands for buildings or parks, public recreation areas and facilities and for the equipment thereof. (Ordinance No. 103, April 8, 1974, Section 5)

Section 316. Maintenance and Tax Levy. All expenses incurred in the operation of such parks, recreation areas and facilities established as provided in Article XIX of the Act of Assembly of May 1, 1933, P.L. 103, as amended, and as hereinafter amended, shall be payable from the general Township fund of the Township of Spring, Berks County, Pennsylvania, or from the treasury of such township, borough, city, county or school district, as may be provided for by the agreement of the corporate authorities. The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, may annually appropriate an amount necessary for carrying out the provisions of Article XIX of the foregoing Act of Assembly, and may cause to be raised by special taxation such tax, for the purpose of maintaining, equipping and operating the parks, recreation areas and facilities of the programs thereof. (Ordinance No. 103, April 8, 1974, Section 6)

Section 317. Invalidity of Portions of Subpart. In the event that any provisions, section, sentence, clause or part of this Subpart shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Subpart, it being the intent of this Township that such remainder of this Subpart shall be and shall remain in full force and effect. (Ordinance No. 103, April 5, 1974, Section 8)

Subpart C. Infrastructure Committee.

Section 321. Title. There is hereby created a committee which shall be known as the "Infrastructure Committee of the Township of Spring." (Ordinance No. 308, July 26, 2004, Section 1)

Section 322. Membership. The Committee shall have five voting members, one of whom shall be the Township Road Master, up to two of whom, including the Road Master, if he or she be a Supervisor, may be members of the Township of Spring Board of Supervisors, up to two of whom may be members of the Township of Spring Planning Commission, and those others who are taxpayers or residents of the Township of Spring. (Ordinance No. 308, July 26, 2004, Section 1; as amended by Ordinance No. 339 May 29, 2007, Section 1)

Section 323. Appointment. The Committee's members shall be appointed by the Board of Supervisors of the Township of Spring. (Ordinance No. 308, July 26, 2004, Section 1)

Section 324. Term. All members of the Committee shall serve for one year. The initial members shall be appointed effective August 1, 2004 through December 31, 2004. All subsequent members' term shall commence on January 1<sup>st</sup> and end on December 31 of each year. The Township of Spring Board of Supervisors may have the discretion and power to remove and replace any voting member during their term. (Ordinance No. 308, July 26, 2004, Section 1)

Section 325. Responsibility. The Committee shall be responsible to the Board of Supervisors of the Township of Spring and shall review and recommend action to be taken regarding curb, sidewalk, storm sewer, drainage, sanitary sewer, water, street, lighting, communications fixtures, or any other infrastructure matter. (Ordinance No. 308, July 26, 2004, Section 1)

Section 326. Costs. The Board of Supervisors of the Township of Spring shall appropriate, annually, such monies as the Board of Supervisors of the Township of Spring determines to be necessary for the Committee to fulfill its mandate ordained herein. Initial term (August 1 - December 31, 2004) costs and monies will be drawn from existing appropriate Township budgets as needed with approval of the Township Supervisors. (Ordinance No. 308, July 26, 2004, Section 1)

Section 327. Meetings. Upon initial organization, the Infrastructure Committee will elect one chairperson and vice chairperson. The Infrastructure Committee will meet at such time and place as to be determined by the Committee. (Ordinance No. 308, July 26, 2004, Section 1)

Section 328. Support. The Infrastructure Committee will be directly supported by the Township of Spring Road Master, Director of Engineering Services, Director of Parks and Recreation, Director of Public Safety and any other Township employee as deemed appropriate by the Township of Spring Board of Supervisors. Minutes will be taken by an internal Township of Spring employee as determined by the Board of Supervisors. Solicitor services (on an as needed basis) will be supported by the current Township of Spring Solicitor's firm for the Board of Supervisors meetings. (Ordinance No. 308, July 26, 2004, Section 1)

Section 329. Capital Plan. The Infrastructure Committee will establish and maintain a five-year Capital Plan with an annual Capital Budget commencing with the Fiscal Year January 1, 2005 - December 1, 2005. (Ordinance No. 308, July 26, 2004, Section 1)

Section 330. Severability. If any sentence, clause, or section of this Subpart is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Subpart. It is hereby declared as the intent of the Board of Supervisors that this Subpart would have been adopted had such unconstitutional, illegal or invalid sentence, clause, or section thereof not been included herein. (Ordinance No. 308, July 26, 2004, Section 1)

Part 4

Pensions

Subpart A. Police Pension Plan

Section 401. Establishment. This Subpart establishes a retirement plan for the police officers of the Township through the adoption of the Township of Spring Police Retirement Plan, originally effective March 1, 1974, as amended and restated effective January 1, 2008, and as further amended from time to time. (Ordinance No. 368, January 26, 2009, Section 1; Amended by Ordinance 382, October 11, 2011, Section 1; Amended by Ordinance No. 387, February 27, 2012, Section 1; Amended by Ordinance No. 398, November 26, 2012, Section 1)

Section 402. Savings Provisions. In the event that any provision, section, sentence, clause or part of this Retirement Plan shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Retirement Plan, it being the intent of the Township that such remainder shall be and remain in full force and effect. (Ordinance No. 368, January 26, 2009, Section 1)

(THE POLICE PENSION PLAN OF THE TOWNSHIP OF SPRING HAS BEEN OMITTED DUE TO LENGTH AND MAY BE VIEWED IN ITS ENTIRETY AT THE TOWNSHIP OFFICE)

Subpart B. Non-Uniformed Pension Plan

Section 411. Establishment. This Subpart establishes a retirement plan for the non-uniformed employees of the Township through the adoption of the Township of Spring Non Uniformed Employees Retirement Income Plan, originally effective September 1, 1970, as amended and rested effective January 1, 2008, as amended from time to time. (Ordinance No. 368, January 26, 2009, Section 1; Amended by Ordinance No. 384, October 24, 2011, Section 1; Amended by Ordinance No. 399, November 26, 2012, Section 1)

Section 412. Savings Provisions. In the event that any provision, section, sentence, clause or part of this Retirement Plan shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Retirement Plan, it being the intent of the Township that such remainder shall be and remain in full force and effect. (Ordinance No. 368, January 26, 2009, Section 1)

(THE TOWNSHIP OF SPRING NON-UNIFORMED PENSION PLAN HAS BEEN OMITTED DUE TO LENGTH AND MAY BE VIEWED IN ITS ENTIRETY AT THE TOWNSHIP OFFICE)

Subpart C. Firefighters Pension Plan

Section 421. Establishment. This Subpart establishes a retirement plan for the firefighters of the Township through the adoption of the Township of Spring Firefighters Retirement Income Plan, effective January 1, 2008, as amended from time to time. (Ordinance No. 368, January 26, 2009, Section 1; Amended by Ordinance No. 383, October 11, 2011, Section 1; Amended by Ordinance No. 400, November 26, 2012, Section 1)

Section 422. Savings Provisions. In the event that any provision, section, sentence, clause or part of this Retirement Plan shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of the Retirement Plan, it being the intent of the Township that such remainder shall be and remain in full force and effect. (Ordinance No. 368, January 26, 2009, Section 1)

(THE TOWNSHIP OF SPRING FIREFIGHTERS RETIREMENT INCOME PLAN HAS BEEN OMITTED DUE TO LENGTH AND MAY BE VIEWED IN ITS ENTIRETY AT THE TOWNSHIP OFFICE)

## Part 5

## Social Security

Section 501. Participation in System; Plan and Agreement Authorized. The 1951 Session of the General Assembly of the Commonwealth of Pennsylvania, in regular session, enacted a statute known as Act No. 491, which is the enabling Act provided for in Section 218 of Public Law 734, 91<sup>st</sup> Congress, which designated the Secretary of Labor and Industry of the Commonwealth of Pennsylvania to act as the "State Agency" to implement the coverage of employees and officers under the said Old Age and Survivors Insurance System. The Board of Supervisors of Spring Township is hereby authorized to execute and deliver to the State Agency, a plan or plans and agreement, required under Section 6 of said enabling Act and the Social Security Act, to extend coverage to employees and officers of Spring Township and do all other necessary things to effectuate coverage of employees and officers under the Old Age and Survivors Insurance System. (Ordinance No. 7, December 8, 1952, Paragraph 1)

Section 502. Payments into Contribution Fund; Payroll Deduction System Authorized; Date Participation Commences. The Secretary is hereby authorized to establish a system of payroll deduction to be matched by payment by Spring Township, to be made into the Contribution Fund of the Social Security Act through the office of the State Agency, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees of Spring Township. Such payments are to be made in accordance with provisions of the law and regulations promulgated by the State Agency and the Federal Security Administrator. Such payments which are delinquent shall bear interest at the rate of 1/2 of 1 per cent per month until such time as payments are made. Appropriation is hereby made from the proper fund, or funds of Spring Township in the necessary amount to pay into the Contribution Fund as provided in Section 4 of the enabling Act and in accordance with the plan, or plans, and agreement. Authority is given to the Chairman and the Secretary of Spring Township to enter into an agreement with the State Agency, which agreement shall be in accordance with Act No. 491 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the Township of Spring shall commence as of January 1, 1951. (Ordinance No. 7, December 8, 1952, Paragraph 2)

## Part 6

## Enforcement of Ordinances

Section 601. Civil Procedure. Except as provided in the following Section 602 hereof, when the penalty imposed for the violation of an ordinance of the Township of Spring is not voluntarily paid to the said Township, the said Township shall initiate a civil enforcement proceeding before a district justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. All ordinances which are to be enforced through a civil enforcement proceeding shall prescribe civil penalties not to exceed six hundred dollars (\$600.00) per violation. In addition to or in lieu of civil actions before a district justice, the Township of Spring may enforce ordinances in equity. In any case where a penalty for a violation of an ordinance of the Township of Spring has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorneys' fees incurred by the said Township of Spring in the enforcement proceedings. The Township of Spring shall be exempt from the payment of costs in any civil case brought to enforce an ordinance in accordance with this Section. (Ordinance No. 257, June 9, 1997, Section 1)

Section 602. Criminal Procedure. All ordinances of the Township of Spring regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water, air or noise pollution shall be enforce by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pa.R.Crim.P. No. 83(c) (relating to trial in summary cases). The Board of Supervisors of the Township of Spring shall prescribe criminal fines not to exceed one thousand dollars (\$1,000.00) for the violation of such ordinances and shall prescribe imprisonment to the extent allowed by law for the punishment of summary offenses. (Ordinance No. 257, June 9, 1997, Section 1)



## Part 7

## School Crossing Guards

Section 701. Hiring of Crossing Guards. The Board of Supervisors of the Township of Spring does hereby approve and allow the Board of School Directors of the Wilson School District to assume the hiring and oversight of school crossing guards in accordance with Section 1915(c) of the Second Class Township Code, as amended, and the Resolution adopted by the Board of School Directors of the Wilson School District on October 16, 2006. (Ordinance No. 340, July 9, 2007, Section 1)

Section 702. Training. The Township of Spring Police Department shall provide any and all necessary training and assistance of the school crossing guards while on duty in accordance with their operating and procedure standards. (Ordinance No. 340, July 9, 2007, Section 1)

Section 703. Authorization. The school crossing guards will be authorized only in the management of traffic and pedestrians in and around areas identified by the Township of Spring Police Department and the Wilson School District Superintendent or his or her designees. (Ordinance No. 340, July 9, 2007, Section 1)

Section 704. Crossing Guards not Civil Service. The school crossing guards shall not come within the civil service provision of the Second Class Township Code, as amended, nor shall they fall under the bargaining unit of the Wilson School District, nor be considered an employee as defined under Section 1101-A of the Act of March 10, 1949 (P.L. 30, No. 14), known as the "Public School Code of 1949", or a "School employee" as defined under 24 Pa. C.S. Section 8102 (relating to definitions), or under any plans hereafter effective. (Ordinance No. 340, July 9, 2007, Section 1)

Section 705. Compensation. The Wilson School District shall fix the compensation for all school crossing guards. The Township of Spring and the Wilson School District shall each assume one-half (1/2) of the cost associated with compensation of the school crossing guards. (Ordinance No. 340, July 9, 2007, Section 1)

Section 706. Notification. The Board of School Directors of the Wilson School District shall notify the Board of Supervisors of the Township of Spring of those hired to serve as school crossing guards and request the necessary training or assistance to be provided. (Ordinance No. 340, July 9, 2007, Section 1)

Section 707. Severability. The provisions of this Part are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Part. It is hereby declared to be the intent of the Township of Spring that such Part would have

been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein. (Ordinance No. 340, July 9, 2007, Section 1)

Part 8

Taxpayer Bill of Rights

Section 801. Definitions. The following words and phrases when used in this Part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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

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

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

Board of Supervisors. The Board of Supervisors of the Township.

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

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

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

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

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

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

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

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

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

Except as provided in Section 805 of this Chapter, the provisions of this Part shall not apply to any tax on real property.

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

Taxpayer. An individual, partnership, association, corporation, limited liability company, estate, trust, trustee, fiduciary or any other entity subject to or claiming exception from any eligible tax or under a duty to perform an act for itself or for another under or pursuant to the authority of an act providing for an eligible tax.

Township. The Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 369, February 23, 2009, Section 1)

Section 802. Notice and Distribution of Disclosure Statement. The Township, as a local taxing authority, shall notify any taxpayer contacted regarding the assessment, audit, determination, review or collection of an eligible tax of the availability of a disclosure statement. The local taxing authority shall make copies of the disclosure statement available to taxpayers upon request at no charge to the taxpayer, including mailing costs. A copy of the notification shall read as follows:

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

Township of Spring  
Township Secretary  
2850 Windmill Road  
Sinking Spring, PA 19608

A copy will also be mailed to you if you call the Township Secretary at telephone number 610-678-5393 weekdays during the hours of 8:00 a.m. to 5:00 p.m.”

(Ordinance No. 369, February 23, 2009, Section 1)

Section 803. Requirements for Requests. The Disclosure Statement shall set forth the following information as required by Act 50 and shall be made available for distribution as set forth in Section 802 of this Chapter:

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

(Ordinance No. 369, February 23, 2009, Section 1)

Section 804. Minimum Time Periods for Taxpayer Response to Requests From Local Taxing Authority.

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

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

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

(Ordinance No. 369, February 23, 2009, Section 1)

Section 805. Administrative Appeals. The administrative process for appeals shall consist of review and decision or hearing and decision by a local tax appeals board appointed by the Board of Supervisors from time to time. The appeals board shall consist of three (3) members. The members of the local tax appeals board shall be residents of the Township and shall receive no compensation for their service on the local tax appeals board. (Ordinance No. 369, February 23, 2009, Section 1)

Section 806. Petitions.

(A) Filing. A petition is timely filed if the letter transmitting the petition, addressed to the Township Secretary at the Township offices located at 2800 Shillington Road, Reading, PA 19608, is postmarked by the United States Postal Service on or before the final day on which the petition is required to be filed. Deadlines for filing petitions to the Board of Supervisors are as follows:

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

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

(B) Contents. The petition shall contain all information required by the form which is attached to the Disclosure Statement.

(Ordinance No. 369, February 23, 2009, Section 1)

Section 807. Decisions. Decisions on petitions submitted under Section 806 of this Chapter shall be issued within sixty (60) days of the date a complete and accurate petition is received by the Board of Supervisors. Failure to act within sixty (60) days shall result in the petition being deemed approved. (Ordinance No. 369, February 23, 2009, Section 1)

Section 808. Appeals. Any person aggrieved by a decision under this Part who has a direct interest in the decision shall have the right to appeal to the Court of Common Pleas of Berks County, Pennsylvania within thirty (30) days of the adverse decision denying the petition. Failure to file an appeal to the Court of Common Pleas of Berks County, Pennsylvania within said thirty (30) day time period shall be deemed waiver of all rights of said taxpayer to further appeal. (Ordinance No. 369, February 23, 2009, Section 1)

Section 809. Enforcement.

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

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

(Ordinance No. 369, February 23, 2009, Section 1)

Section 810. Severability. If any sentence, clause, section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township of Spring that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance No. 369, February 23, 2009, Section 1)

## Part 9

## Collection of Attorney Fees

Section 901. Statement of Policies. The Township of Spring hereby approves the Statement of Collection Policies and Procedures for the collection of delinquent unpaid taxes, user charges, utility charges and other charges (the "account(s)") covered by the Pennsylvania Municipal Claims and Tax Lien Law, Act of May 16, 1923 (P.L. 207, No. 153), amended December 19, 1990 (53 P.S. §7101, et seq.) (the Municipal Claims Law), as further amended by Pennsylvania Act No. 1 of 1996, (P.L. 1, No. 1) (53 P.S. §7106) (the "Act"), or such other policies and administrative statements as may be approved by the Board of Supervisors for the Township by resolution or other formal enactment from time to time. (Ordinance No. 281, March 25, 2002, Section 1)

Section 902. Schedule of Fees.

(A) The Township hereby approves the following schedule of attorneys' fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth in §3(a.1) of the Municipal Claims Law as added by the Act:

Legal Services	Fee for Services (Designated in Time for Service to be Billed at Approved Rates)
Initial review and sending first demand letter	0.50 hours
Prepare and transmit second demand letter	0.50 hours
Prepare and file lien	1.00 hours
Prepare and file Writ of Scire Facias	0.50 hours
Obtain reissued writ	0.50 hours
Prepare and mail under Pa.R.C.P. §237.1	0.25 hours
Prepare Motion for Alternate Service	0.50 hours
Prepare and file Motion for Summary Judgment and related judgment	1.00 hours
Prepare and file Writ of Execution	0.50 hours



Attendance at sale; review of schedule of distribution and resolve distribution issues

1.50 hours

Services not covered above

Hourly amount equal to Solicitor's regular charges to Township

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

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

(Ordinance No. 281, March 25, 2002, Section 2)

Section 903. Collection Procedures. The following collection procedures are hereby established in accordance with the Act:

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

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

(C) All notices required by this Part shall be mailed to the account debtor's last known post office address as recorded in the records or other information of the Township, or such other address as it may be able to obtain from the Berks County Tax Assessment Office.

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

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

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

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

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

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

(Ordinance No. 281, March 25, 2002, Section 3)

Section 904. Related Action. The proper officials of the Township are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Part. (Ordinance No. 281, March 25, 2002, Section 4)

Section 905. Severability. If any sentence, clause, section or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Township Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance No. 281, March 25, 2002, Section 5)

Part 10

Westside Regional Emergency Management Agency

Section 1001. Purpose. A local emergency management agency comprised of various Berks County municipalities is established to provide the residents and citizens of the respective municipalities and communities with more efficient, responsive, cost effective and competent emergency management services consistent with the requirements of the Pennsylvania Emergency Management Services Code and with the objectives of protecting the health, safety and welfare of municipal residents and landowners. The regional emergency management agency shall assume the responsibilities and functions assigned by law to each participating municipality. (Ordinance No. 321, August 22, 2005, Section 1; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 1)

Section 1002. Grant of Power. This Part is adopted pursuant to authority granted in:

(A) The Pennsylvania Emergency Management Services Code, Act 323 of November 26, 1978 (35 Pa. C.S. §7101, et seq.) as amended, or as it may be amended from time to time;

(B) The Pennsylvania Intergovernmental Cooperation Act, Act 180 of 1972 (53 P.S. 481, et seq.) as amended, or as it may be amended from time to time.

(Ordinance No. 321, August 22, 2005, Section 2; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 2)

Section 1003. Definitions. The following words or phrases, when used in this Part, shall have the meanings indicated:

Code - the Pennsylvania Emergency Management Services Code, Act 323 of 1978 (35 Pa. C.S. §7101, et seq.) as amended, or as it may be amended from time to time.

Agency - the West Side Regional Emergency Management Agency created by various Berks County municipalities under and pursuant to this and similar ordinances under authority of the Code.

Municipality - the Township of Spring, Berks County, Pennsylvania

(Ordinance No. 321, August 22, 2005, Section 3; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 3)

Section 1004. Participation in Agency. Pursuant to and in accord with the above-referenced authority, the Municipality is hereby authorized to become a member of and to participate in the Agency, and hereby delegates its responsibilities under the Code to the Agency in accordance with the authority granted in the above-referenced laws and this Part. (Ordinance No. 321, August 22, 2005, Section 4; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 4)

Section 1005. Authority to Enter Agreement. Pursuant to and in accord with the above-referenced authority, the Municipality is hereby authorized and directed to enter into the First Amended and Restated Westside Regional Emergency Management Agency Agreement which governs the Agency and its affairs, a copy of which is attached to this Part and incorporated herein by reference (the "Agreement"). (A copy of the Agreement has been omitted due to length but may be viewed at the Township Office) (Ordinance No. 321, August 22, 2005, Section 5; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 5)

Section 1006. Organization. The Agency created and existing under and by virtue of the authority of the Code and this Part shall be comprised of representatives of the municipalities creating and participating in the Agency. The participation of the Municipality in the Agency shall be governed and controlled by the terms and conditions of the Agreement, as duly amended, the provisions of applicable Pennsylvania laws and regulations, and such other policies as may be duly adopted by the Agency in accordance with the Agreement. (Ordinance No. 321, August 22, 2005, Section 6; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 6)

Section 1007. Finances. The Agency and its activities shall be operated with funds provided by the participating municipalities in accordance with the provisions of the Agreement referred to above, and such other grants or funding as may be available. (Ordinance No. 321, August 22, 2005, Section 7; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 7)

Section 1008. Term. The Agency, and the Agreement governing it, shall be for an indefinite term and dependent upon the continued participation of the various member municipalities. Participating municipalities can withdraw from the Agency upon reasonable notice as provided for in the Agreement. (Ordinance No. 321, August 22, 2005, Section 8; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 8)

Section 1009. Municipality Participation.

(A) The governing body of the Municipality shall appoint one (1) member of its elected officials to serve on the Agency Council. The governing

body of the Municipality shall also designate one (1) alternate member of its elected officials who shall only assume the duties and responsibilities of the appointed member when the appointed member is absent or otherwise directs the alternate member to so act in his or her place

(B) The governing body of the Municipality shall authorize, budget, appropriate and pay in a timely manner such initial and annual fees and other necessary charges as provided for under the Agreement to provide the Agency with fiscal resources for its operational requirements.

(C) Municipal officials and employees shall cooperate fully with the Agency to accomplish the goals and objectives of the Agency.

(Ordinance No. 321, August 22, 2005, Section 9; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 9)

Section 1010. Agency Powers and Duties. The powers and duties of the Agency, its officials, employees and representatives, shall be as set forth in this Part, the Agreement and the other laws, regulations and instruments governing its organization and operation and shall include the following:

(A) The Agency Council in consultation with the Technical Committee shall (i) designate an individual to serve as the Emergency Management Coordinator, who shall be an employee of and paid by the Township of Spring, and (ii) name a member of the Technical Committee from each Agency Member (as defined in the Amended and Restated Agreement) to serve as Deputy Emergency Management Coordinators of the Agency. Deputy Coordinators shall perform their duties as employees of the respective Agency Members with all costs associated with Deputy Coordinators to be paid by the respective Agency Member employing a Deputy Coordinator. The Township of Spring shall be reimbursed by the Agency for all costs associated with the employment of the Emergency Management Coordinator, including but not limited to salary and any applicable fringe benefits. The Agency shall provide the necessary and appropriate training for the Coordinator and Deputy Coordinators.

(B) Subject to review and approval of each participating municipality, the Agency shall prepare and maintain a joint Emergency Operations Plan that can be implemented for response to emergencies affecting the participating municipalities.

(C) Subject to review and approval of each participating municipality, the Agency shall be responsible for planning and resource development for emergency operations within the territorial limits of the participating municipalities.

(D) Subject to review and approval of each participating municipality, the Agency shall carry out all other powers and duties of the participating municipalities as set forth in the Code, at 35 Pa. C.S.A. §7503.

(Ordinance No. 321, August 22, 2005, Section 10; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 10)

Section 1011. Property. All property shall be acquired, managed, or disposed of pursuant to the Agreement in accordance with the terms of the Agreement. No acquisition of real property or real estate is authorized. (Ordinance No. 321, August 22, 2005, Section 11; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 11)

Section 1012. Agency Employees. Although there is no current authority for Agency employees, in the event the Agency is subsequently granted authority under the Agreement to hire employees, then the Agency shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security for its employees. (Ordinance No. 321, August 22, 2005, Section 12; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 12)

Section 1013. Severability. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Part, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Part as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Part. The Board of Supervisors of the Township of Spring, Pennsylvania, hereby declares that it would have adopted the within Part and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid. (Ordinance No. 321, August 22, 2005, Section 14; as amended and restated in its entirety by Ordinance No. 334, March 12, 2007, Section 14)

Part 11

Berks County Emergency Response Team

Section 1101. Purpose. A local emergency response team comprised of various Berks County municipalities is established to provide the residents and citizens of the respective municipalities and communities with more efficient, responsive, cost effective and competent emergency response services consistent with the requirements of applicable laws and with the objectives of protecting the health, safety and welfare of municipal residents and landowners. (Ordinance No. 356, March 24, 2008, Section 1)

Section 1102. Grant of Power. This Part is adopted pursuant to authority granted in:

(A) The Municipal Police Jurisdiction Act, 42 Pa. C.S.A. Section 8951 et seq., as amended, or as it may be amended from time to time (the "Jurisdiction Act");

(B) The Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 Pa. C.S.A. Section 2301, et seq.) as amended, or as it may be amended from time to time (the "Cooperation Act").

(Ordinance No. 356, March 24, 2008, Section 1)

Section 1103. Definitions. The following words or phrases, when used in this Part, shall have the meanings indicated:

Agency - the Berks County Emergency Response Team created by various Berks County municipalities and other entities under and pursuant to this and similar ordinances or resolutions, as appropriate, under authority of the Jurisdiction Act.

Township - the Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 356, March 24, 2008, Section 1)

Section 1104. Participation in Agency. Pursuant to and in accord with the above-referenced authority, the Township is hereby authorized to become a member of and to participate in the Agency. (Ordinance No. 356, March 24, 2008, Section 1)

Section 1105. Authority to Enter Agreement. Pursuant to and in accord with the above-referenced authority, the Township is hereby authorized and directed to enter into the intergovernmental cooperation agreement which governs the Agency and its affairs, a copy of which is attached as Exhibit "A" and incorporated herein by reference

(the "Agreement"). (A copy of said Agreement has been omitted due to length but may be viewed at the Township Office) (Ordinance No. 356, March 24, 2008, Section 1)

Section 1106. Organization. The Agency created and existing under and by virtue of the authority of the Jurisdiction Act, the Cooperation Act and this Part shall be comprised of representatives of the municipalities creating and participating in the Agency. The participation of the Township in the Agency shall be governed and controlled by the terms and conditions of the Agreement, as duly amended, the provisions of applicable Pennsylvania laws and regulations, and such other policies as may be duly adopted by the Agency in accordance with the Agreement. (Ordinance No. 356, March 24, 2008, Section 1)

Section 1107. Finances. The Agency and its activities shall be operated with funds provided by the participating municipalities in accordance with the provisions of the Agreement referred to above, and such other grants or funding as may be available. (Ordinance No. 356, March 24, 2008, Section 1)

Section 1108. Term. The Agency, and the Agreement governing it, shall be for an indefinite term and dependent upon the continued participation of the various member municipalities, but in any event, not less than three (3) years. Thereafter, participating municipalities can withdraw from the Agency upon reasonable notice as provided for in the Agreement. (Ordinance No. 356, March 24, 2008, Section 1)

Section 1109. Municipality Participation.

(A) The Chief of Police of the Township or his designee within his department, as determined by the Township, shall serve on the Board of Chiefs of the Agency.

(B) The Board of Supervisors of the Township shall authorize, budget, appropriate and pay in a timely manner such initial and annual fees and other necessary charges as provided for under the Agreement to provide the Agency with fiscal resources for its operational requirements, to the extent that such goals and objectives are consistent with and in the best interest of the Township.

(C) Township officials and employees shall cooperate fully with the Agency to accomplish the goals and objectives of the Agency.

(Ordinance No. 356, March 24, 2008, Section 1)

Section 1110. Agency Powers and Duties. The powers and duties of the Agency, its officials, employees and representatives, shall be as set forth in this Part, the Agreement and the other laws, regulations and instruments governing its organization and operation. (Ordinance No. 356, March 24, 2008, Section 1)



Section 1111. Property. All property shall be acquired, managed, or disposed of pursuant to the Agreement in accordance with the terms of the Agreement. No acquisition of real property or real estate is authorized. (Ordinance No. 356, March 24, 2008, Section 1)

Section 1112. Agency Employees. Although there is no current authority for Agency employees, in the event the Agency is subsequently granted authority by the participating municipalities to hire employees, then the Agency shall be empowered to enter into contracts for policies of group insurance and employee benefits for its employees. (Ordinance No. 356, March 24, 2008, Section 1)

PART 12

Intergovernmental Cooperation Agreement for the Purpose of Delegating Collection of Certain Taxes by Wilson School District

Section 1201. Purpose. The Township of Spring (the "Township") and Wilson School District (the "School District") have negotiated an Agreement whereby and whereunder the Township will delegate to the School District the power and responsibility to exclusively collect Act 511 Business Privilege Tax and Mercantile Taxes levied by the Township, for the portion of the Township located within the geographic boundaries of the School District, so as to efficiently collect said certain taxes, which is in the best interests of the Township and the citizens of the Township. (Ordinance No. 389, April 9, 2012, Section 1)

Section 1202. Grant of Power. This Ordinance is adopted pursuant to authority granted in:

A. The Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 Pa. C.S.A. Section 2301 et seq.) as amended, or as it may be amended from time to time (the "Cooperation Act"); and

B. The Local Tax Enabling Act, Act 511 of 1965 (53 P.S. Section 6924.101 et seq.) as amended or as it may be amended from time to time ("Act 511").

(Ordinance No. 389, April 9, 2012, Section 1)

Section 1203. Agreement. The terms and conditions of the Intergovernmental Cooperation Agreement between the Township and the School District (the "Agreement") are attached hereto as Exhibit A and made a part hereof in their entirety. (A copy of said Agreement has been omitted due to length but may be viewed at the Township Office) (Ordinance No. 389, April 9, 2012, Section 1)

Section 1204. Term. The initial term of the Agreement shall be five (5) years and shall continue for one-year periods thereafter unless and until terminated by either party in writing with ninety (90) days' notice prior to the expiration of the then-current term. (Ordinance 389, April 9, 2012, Section 1)

Section 1205. Finances. The Township shall compensate the School District in an amount equal to three and one-quarter percent (3.25%) of the gross Mercantile Taxes and Business Privilege Taxes collected by the School District in accordance with the provisions of the Agreement referred to above. (Ordinance No. 389, April 9, 2012, Section 1)

Section 1206. Organization. The organizational terms are set forth in Sections I, II, IV and V of the Agreement. (Ordinance No. 389, April 9, 2012, Section 1)

Section 1207. Property. All property shall be acquired, managed, or disposed of pursuant to the Agreement in accordance with the terms of the Agreement. No acquisition of real property or real estate is authorized. (Ordinance No. 389, April 9, 2012, Section 1)

Section 1208. Employees. No new entity has been created by the Agreement that would require employees, however in the event a new entity is subsequently created and granted authority by the Township and the School District to hire employees, then the new entity shall be empowered to enter into contracts for policies of group insurance and employee benefits for its employees. Independently the Township and the School District are responsible for their respective employees' policies for group insurance and employee benefits. (Ordinance No. 389, April 9, 2012, Section 1)

(THE INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE PURPOSE OF DELEGATING COLLECTION OF CERTAIN TAXES BY WILSON SCHOOL DISTRICT HAS BEEN OMITTED DUE TO LENGTH AND MAY BE VIEWED IN ITS ENTIRETY AT THE TOWNSHIP OFFICE)

PART 13

Intergovernmental Cooperation Agreement for the Purpose of Creating and Joining the  
Wyomissing Creek Watershed Coalition

Section 1301. Grant of Power. This Ordinance is adopted pursuant to authority granted in the Pennsylvania Intergovernmental Cooperation Act, Act 177 of 1996 (53 PA. C.S.A. §2301 et seq.) as amended, or as may be amended from time to time. (Ordinance No. 394, June 25, 2012, Section 1)

Section 1302. Conditions. The terms and conditions of the Intergovernmental Cooperation Agreement between the Township and the Participating Municipalities (the "Agreement") is attached hereto as Exhibit A and made a part hereof in its entirety. (A copy of said Agreement has been omitted due to length but may be viewed at the Township Office) (Ordinance No. 394, June 25, 2012, Section 1)

Section 1303. Duration of Agreement. The Agreement shall continue in full force and effect, except as modified by mutual agreement of the parties or if terminated pursuant to paragraph 36 of the Agreement, which provides, if at any time a Participating Member wishes to end its participation in the Coalition and to terminate its rights and obligations under the Agreement, it shall give the Chairperson of the Steering Committee thirty (30) days written notice that it no longer wishes to participate. (Ordinance No. 394, June 25, 2012, Section 1)

Section 1304. Purpose and Objectives. The Township and the Township of Cumru, the Borough of Mohnton, the City of Reading, the Borough of Shillington, the Borough of Wyomissing, and the Borough of West Reading (the "Participating Municipalities"), have negotiated an Agreement whereby and whereunder as Participating Municipalities in the Wyomissing Creek Watershed to create a Coalition to coordinate and cost share the implementation of the Total Maximum Daily Load (the "TMDL") for the Wyomissing Watershed per the Municipal Separate Storm Sewer System (the "MS4") permitting regulations of Pennsylvania Department of Environmental Protection on behalf of the United States Environmental Protection Agency for the Wyomissing Creek Watershed. (Ordinance No. 394, June 25, 2012, Section 1)

Section 1305. Financing. The Township shall initially contribute Five Thousand Dollars (\$5000), and thereafter, an equal share based upon assessment by the Coalition in accordance with the provisions of the Agreement referred to above. (Ordinance No. 394, June 25, 2012, Section 1)

Section 1306. Organizational Structure. Each Participating Municipality shall appoint one (1) member to serve on a Steering Committee which shall direct the

Coalition. Additional terms on the organizational structure are set forth in Paragraphs 11 through 16 of the Agreement. (Ordinance No. 394, June 25, 2012, Section 1)

Section 1307. Real and/or Personal Property. All property shall be acquired, managed, or disposed of pursuant to the Agreement in accordance with the terms of the Agreement. No acquisition of real property or real estate is authorized. (Ordinance No. 394, June 25, 2012, Section 1)

Section 1308. Employees. No new entity has been created by the Agreement that would require employees. The utilization of municipal consultants to be compensated is anticipated in the Agreement. The Coalition is therefore empowered to enter into contracts for such consultants. (Ordinance No. 394, June 25, 2012, Section 1)

(THE INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE PURPOSE OF CREATING AND JOINING THE WYOMISSING CREEK WATERSHED COALITION HAS BEEN OMITTED DUE TO LENGTH AND MAY BE VIEWED IN ITS ENTIRETY AT THE TOWNSHIP OFFICE)