



**TOWNSHIP OF NORTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 523

AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF TOWNSHIP POLICE EMPLOYEE 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.

WHEREAS, the Township of North Fayette Police Pension Plan ("Plan"), which was established by Ordinance under the provisions of Pub. Law 1804, 53 Pa. Con. Stat. Ann. §§ 761, et seq., (referred to as Act 600), for the benefit of the Township's police employees effective February 24, 1981, which was amended and restated by Ordinance No. 395, effective January 1, 2008, and which has been amended and restated by ordinances and resolutions of the Township Board of Supervisors thereafter, shall be, and hereby is, amended in the following respects; and

WHEREAS, the Township reserved the right to amend the Plan pursuant to Section 11.01; and

WHEREAS, the Commonwealth of Pennsylvania amended Act 101 of June 24, 1976 (P.L. 424, No. 101) (also referred to as the "Emergency and Law Enforcement Personnel Death Benefits Act") through Act 51 of 2009 which provided, inter alia, that benefits due law enforcement officers who die as a result of the performance of their duty will be paid by the Commonwealth of Pennsylvania from the Commonwealth of Pennsylvania's General Fund; and

WHEREAS, Act 101, as amended, provides for the one-time payment of a death benefit to the surviving spouse, minor children, or parents of law enforcement officers who die as a result of the performance of their duty, as well as monthly payments equal to their monthly salary until there is no remaining eligible beneficiary to receive the monthly benefit; and

WHEREAS, the Township now desires to further amend the Plan in accordance with the repeal of the Act 600 killed-in-service benefit by Act 51 of 2009 to make it clear that the benefits due when a North Fayette Township police officer dies in the performance of their duty shall be processed through and paid by the Commonwealth of Pennsylvania pursuant to the provisions of Act 101, as amended.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for the Township of North Fayette, and it is hereby ordained and enacted by the authority of the aforesaid as follows:

SECTION 1. AMENDMENTS.

Effective February 1, 2024, the following changes shall be made to the Plan:

1. Section 6.02 shall be deleted and replaced with the following provision:

6.02 Survivor Benefit if Participant Dies in Course of Employment – If a Participant dies in the performance of their duties for Employer, survivor benefits shall be paid by the Commonwealth to the surviving spouse, if any, pursuant to the Emergency and Law Enforcement Personnel Death Benefits Act (or Act 101 of 1976 (P.L. 424, No. 101), 53 P.S. § 891, as amended). If there is no spouse, the benefit shall be paid to the child or children of the Participant who are under the age of 18 years or, if attending college, under the age of 23 years. The amount of the one-time lump sum benefit and the monthly benefit equal to 100% of monthly salary shall be equal to the amounts set forth in the Act, as adjusted pursuant to the terms of the Act. If there are no children or spouse, the lump sum benefit shall be paid to the parents of the Participant, if applicable. When the surviving spouse and/or minor children of a Participant are eligible for benefits pursuant to Act 101, no other benefits shall be due or payable under the Plan.

2. Section 6.05 of the Plan shall be deleted in its entirety, pursuant to the repeal of the Act 600 killed-in-service benefit through Act 51 of 2009. In addition, Section 6.06 shall be renumbered as Section 6.05 of the Plan and the reference to “Section 6.06” in the current Section 6.06 shall accordingly be changed to “Section 6.05”.

SECTION 2: SEVERABILITY.

That 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 Supervisors 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: CONFLICT.

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

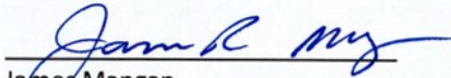
SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.


ENACTED AND ORDAINED into Law this the 27th day of February 2024.

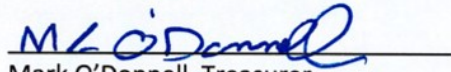
ATTEST:

TOWNSHIP OF NORTH FAYETTE

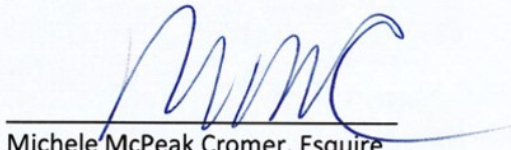

James Mangan
Township Manager


James Morosetti, Chairman


Robert Doddato, Vice Chairman


Mark O'Donnell, Treasurer

APPROVED AS TO FORM:


Michele McPeak Cromer, Esquire
Township Solicitor

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