

**CHAPTER 1**

**ADMINISTRATION AND GOVERNMENT**

**PART 1**

**ELECTED OFFICIALS**

- §1-101. Compensation of Mayor and Members of Borough Council
- §1-102. Compensation of Tax Collector

**PART 2**

**APPOINTED OFFICIALS**

- A. Appointed Auditor
  - §1-201. Establishment of Office of Appointed Auditor
- B. Borough Manager
  - §1-211. Office of Borough Manager Created
  - §1-212. Appointment and Removal
  - §1-213. Qualifications
  - §1-214. Bond
  - §1-215. Manager's Compensation
  - §1-216. Powers and Duties
  - §1-217. Disability or Absence of Manager

**PART 3**

**AUTHORITIES, BOARDS, COMMISSIONS AND DEPARTMENTS**

- A. Planning Commission
  - §1-301. Planning Commission Established
  - §1-302. Appointments to Planning Commission; Terms of Office; Incompatible Offices
  - §1-303. Purposes, Powers and Duties of Planning Commission
  - §1-304. Plans to be Submitted to Planning Commission
  - §1-305. Powers, Duties and Responsibilities of Planning Commission
  - §1-306. Records of Planning Commission
  - §1-307. Fiscal Limitations of Planning Commission; Employees and Staff

## ADMINISTRATION AND GOVERNMENT

### B. Police Department

- §1-311. Police Department Recognized and Reestablished
- §1-312. Subordinate Classifications in Police Department; Priority of Authority; Number of Persons in Each Classification; Compensation
- §1-313. Special Policemen

### C. Environmental Advisory Council

- §1-321. Creation
- §1-322. Purpose of Council
- §1-323. Powers
- §1-324. Composition; Terms of Office
- §1-325. Compensation
- §1-326. Records to be Kept; Annual Report
- §1-327. Funds for Expenses Incurred
- §1-328. Programs of Assistance
- §1-329. Affect on Existing Agencies

## PART 4

### PENSIONS AND RETIREMENT

#### A. Police Pension Fund

- §1-401. Police Pension Fund Continued and Established
- §1-402. Eligibility for Participation; Administration of Fund
- §1-403. Benefits
- §1-404. Payments into Fund by Members
- §1-405. Pensions or Retirement Benefits
- §1-406. Disability Pension
- §1-407. Termination or Discontinuance of Employment
- §1-408. Transfer of Contracts, Agreements or Funds
- §1-409. Cost-of-Living Adjustments
- §1-410. Deferred Retirement Option Plan

#### B. Municipal Employees Pension Fund

- §1-411. Municipal Employees Pension Fund Created
- §1-412. Definitions
- §1-413. Control Over Municipal Employees Pension Fund; Delegation of Responsibilities by Council
- §1-414. Eligibility for Retirement
- §1-415. Employees' Contribution; Payroll Deduction System
- §1-416. Determination of Pension
- §1-417. Option of Employees as to Method of Payment of Pension

- §1-418. Employment of Actuary; Time Limit for Payment of Unfunded Liabilities; Determinations of Future Service Costs
  - §1-419. Payments Charge Upon Municipal Employees Pension Fund Only
  - §1-420. Rights of Borough, Participant and Beneficiary Employees
  - §1-421. Vesting
  - §1-422. Payments not Subject to Attachments or Other Legal Process, Assignment or Transfer
  - §1-423. Eligibility for Participation
  - §1-424. Certain Expenses Payable by Borough
  - §1-425. Authority to Transfer Assets of Fund into State Administered Retirement Plan
  - §1-426. Authority to Amend or Terminate Municipal Employees Pension Fund; Allocation of Assets Thereafter
- C. Firemen's Relief
- §1-431. Firemen's Relief Association Recognized

## PART 5

### WARD REALIGNMENT AND REAPPOINTMENT FOR THE ELECTION OF MEMBERS OF BOROUGH COUNCIL

- §1-501. Purpose of Wards
- §1-502. Boundaries of First Ward
- §1-503. Boundaries of Second Ward
- §1-504. Boundaries of Third Ward
- §1-505. Redistricting Based on Federal Census

## PART 6

### FIRE LOSS PROCEEDS

- §1-601. Use of Fire Insurance Proceeds
- §1-602. Limits of Liability
- §1-603. Insurance Company Rights Reserved
- §1-604. Construction
- §1-605. Notification of Pennsylvania Department of Community and Economic Development
- §1-606. Penalty

ADMINISTRATION AND GOVERNMENT

PART 7

TEMPORARY ABATEMENT OF ORDINANCES BY RESOLUTION OF  
BOROUGH COUNCIL

- §1-701. Purpose for Abatement
- §1-702. Procedure for Council and Conditions
- §1-703. Notice Provisions
- §1-704. Penalty

PART 8

PUBLIC RECORDS

- §1-801. Purpose and Policy

PART 9

IDENTITY THEFT PROGRAM

- §1-901. Purpose
- §1-902. Definitions
- §1-903. Findings
- §1-904. Process of Establishing a Covered Account
- §1-905. Access to Covered Account Information
- §1-906. Credit Card Payments
- §1-907. Sources and Types of Red Flags
- §1-908. Prevention and Mitigation of Identity Theft
- §1-909. Updating the Program
- §1-910. Administration

PART 10

VOLUNTEER FIREFIGHTERS AND AMBULANCE PERSONNEL

- A. Authorized Activities
  - §1-1001. Workers' Compensation Coverage
    - Public Record Review-Duplication Request
    - Public Record Review-Duplication Request
    - Denial Of Request To Review And-Or Duplicate

## PART 11

### FUND BALANCE POLICY

- §1-1101. Title
- §1-1102. Definitions
- §1-1103. Purpose
- §1-1104. Fund Balance Policy (General Fund)
- §1-1105. Reservations of Fund Balance (General Fund)
- §1-1106. Budgeting
- §1-1107. Spending Order of Operating Revenues and Fund Balances
- §1-1108. Annual Review and Determination of Fund Balance Policy
- §1-1109. Additional Information, Requirements and Responsibilities



**PART 1**

**ELECTED OFFICIALS**

**§1-101. Compensation of Mayor and Members of Borough Council.**

1. The compensation of the Mayor is hereby set at \$5,000 per year.
2. The compensation of the President of Borough Council is hereby set at \$5,000 per year.
3. The compensation of every other member of Borough Council is hereby set at \$2,500 per year.
4. Such compensation amounts, to the extent different from current payment amounts, shall become effective May 1, 2012.
5. Any and all prior ordinances establishing for the aforesaid offices are repealed, effective upon the effective date of this amendment.

(Ord. 959, 12/17/2001; as amended by Ord. 1065, 4/17/2012)

**§1-102. Compensation of Tax Collector.**

1. Beginning January 1, 2010, the Tax Collector shall be paid a salary of \$7,280 annually, payable in equal monthly installments. This salary shall be in compensation for all duties performed by the Tax Collector pursuant to law, including the collection of real estate taxes and the liening of properties.
2. (Reserved)
3. Real Estate Tax Certification Fee. There shall be a fee for preparing and providing by mail or any other means a real estate tax certification fee for any single tax parcel within the Borough of Ambler, which fee shall be assessed and collected by the Tax Collector for providing such services. The amount of the fee shall be set from time to time by resolution of the Borough Council.<sup>1</sup> Initially, the fee is established at the rate of \$10 for a current tax year certification and an additional \$5 for each prior year tax certification.

(Ord. 654, 1/17/1977; as amended by Ord. 999, 2/21/2006; and by Ord. 1032, 2/3/2009)

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<sup>1</sup> Editor's Note: The current resolution is on file in the office of the Borough Secretary.



**PART 2**

**APPOINTED OFFICIALS**

**A. Appointed Auditor.**

**§1-201. Establishment of Office of Appointed Auditor.**

Pursuant to the provisions §1005 of the Borough Code, as last amended, the accounts and other evidences of financial transactions of the Borough of Ambler and Borough officers of the Borough of Ambler shall be audited by an appointed auditor, who shall be a certified public accountant, a firm of certified public accountants, a competent independent public accountant or a firm of independent public accountants.

(Ord. 504, 11/11/1963, §1)

**B. Borough Manager.**

**§1-211. Office of Borough Manager Created.**

The office of Borough Manager is hereby created for the Borough of Ambler.

(Ord. 916, 12/26/1995)

**§1-212. Appointment and Removal.**

The Manager shall be appointed for an indefinite term by a majority of all members of the Borough Council. The Manager shall serve at the pleasure of the Borough Council and he may be removed at any time by a majority vote of all its members. At least 30 days before such removal is to become effective, the Borough Council shall furnish the Manager with a written statement setting forth its intention to remove him.

(Ord. 916, 12/26/1995)

**§1-213. Qualifications.**

The Manager shall be chosen on the basis of his executive and administrative abilities with special reference to his actual experience or education in and his knowledge of local government. The Borough Manager shall be a citizen of the United States, at least 21 years of age. The word "he" as used within this Part 2B refers to a person either of the male or female sex.

(Ord. 916, 12/26/1995)

## ADMINISTRATION AND GOVERNMENT

### **§1-214. Bond.**

Before entering upon his duties, the Manager shall give bond, for the faithful performance of his duties to the Borough with a surety company authorized by law to act as surety, in the amount of \$100,000. The premium for said bond to be paid by the Borough.

(Ord. 916, 12/26/1995)

### **§1-215. Manager's Compensation.**

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

(Ord. 916, 12/26/1995)

### **§1-216. Powers and Duties.**

The Manager shall be the chief administrative officer of the Borough and he shall be responsible to the Borough Council as a whole and to the President when so instructed, for the proper and efficient administration of the affairs of the Borough. His powers and duties shall relate to the general management of all Borough business not expressly by statute imposed or conferred upon other Borough officers. The powers set forth herein may be clarified and elaborated upon through bylaws adopted by Council, although it shall still require an ordinance amendment to add or delete an entirely new or different power. Subject to recall by ordinance, the powers and duties of the Borough Manager shall include, but are not limited to, the following:

- A. He shall supervise and be responsible for the activities of all Borough departments, services and facilities, excepting those of the Police Department, Solicitor, Engineer and Auditor and as otherwise provided by ordinance or law.
- B. He shall, with the approval of the Borough Council, hire and, when necessary for the good of the Borough, with the approval of the Borough Council, suspend or discharge all employees under his supervision. Provided, persons in positions covered by the Civil Service provisions of the Borough Code shall be hired, suspended or discharged in accordance with such provisions and this subsection shall not affect appointment to office by Borough Council, such as the Solicitor, Engineer and Auditor, all as provided for in the Borough Code.
- C. He shall prepare and submit to the Borough Council, each year, by such date as Council shall determine, a budget for the next fiscal year and an explanatory budget message. In preparing the budget, the Manager or an of-

ficer designated by him, shall obtain from the head of each department, agency, board or office, estimates of revenues and expenditures and other supporting data as he requests. The Manager shall review such estimates and may revise them before submitting the budget to the Council.

- D. He shall be responsible for the administration of the budget after its adoption by the Council.
- E. He shall hold such other municipal offices, or head one or more of the municipal departments as Council may, from time to time, direct.
- F. He shall attend all meetings of the Borough Council and its committees and he shall receive notice of all special meetings of the Council or its committees which he shall also attend.
- G. He shall prepare, with the approval of the Council President, the agenda for each meeting of the Council and supply facts pertinent thereto.
- H. He shall keep the Council informed as to the conduct of Borough affairs, submit periodic reports on the condition of the Borough finances at intervals requested by Council and such other reports as the Council may request and he shall make such recommendations to the Council as he shall deem necessary.
- I. He shall submit, separate from the Auditor's report, to the Council as soon as possible after the close of the fiscal year, a complete report on the financial and administrative activities of the Borough for the preceding year.
- J. He shall see that the provisions of all franchises, leases, permits and privileges granted by the Borough are observed.
- K. He shall keep Borough Council informed about grants and assistance programs as they become available from other governmental agencies.
- L. He shall supervise the performance and faithful execution of contract of services and construction except insofar as such duties are expressly imposed upon some other Borough officer by statute or delegated by Council to members of the supervisory staff.
- M. He shall see that all moneys owed the Borough are promptly paid and that proper proceedings are taken for the security and collection of all the Borough's claims.
- N. To serve as purchasing officer of the Borough and to purchase in accordance with the provisions of the Borough Code and pursuant to Council directives, all supplies and equipment for the agencies, boards, departments and other offices of the Borough, enforce rules and regulations governing the procurement of all Borough supplies and equipment. He shall have the power to

## ADMINISTRATION AND GOVERNMENT

purchase supplies, equipment and services for the Borough; provided, that no single purchase shall be in an amount in excess of \$5,000 without specific authorization by Borough Council unless it is a recurring bill, maintenance or supply item, or a budgeted item. In the event that the Manager is faced with an emergency, amounts in excess of \$5,000 may be expended. Any expenditure not approved by Council in advance shall be subsequently ratified by Council.

- O. To investigate and dispose of, or to designate an officer to investigate and dispose of, all complaints regarding Borough services, obtaining Council guidance where necessary and to report to the Council on all such matters.

(Ord. 916, 12/26/1995; as amended by Ord. 1026, 10/21/2008)

### **§1-217. Disability or Absence of Manager.**

If the Manager becomes ill or temporarily incapacitated or needs to be absent from the Borough, he shall be temporarily replaced by the Chief of Police, except when an assistant manager is in office, who shall perform the duties of the Manager during his absence or disability, all with the approval of Council.

(Ord. 916, 12/26/1995)

**PART 3<sup>2</sup>**

**AUTHORITIES, BOARDS, COMMISSIONS AND DEPARTMENTS**

**A. Planning Commission**

**§1-301. Planning Commission Established.**

A Planning Commission for the Borough of Ambler, consisting of nine members appointed by the Borough Council of Ambler, is hereby established.

(Ord. 510, 5/11/1964, §1; as amended by Ord. 557, 3/10/1969, §1; by Ord. 722, 2/18/1980, §1; by Ord. 998, 2/21/2006; and by Ord. 1045, 1/19/2010)

**§1-302. Appointments to Planning Commission; Terms of Office; Incompatible Offices.**

Appointments and terms of members of the Ambler Borough Planning Commission shall be made pursuant to the provisions of §203 of the Pennsylvania Municipalities Planning Code, consistent with Ambler Borough resolutions relating to the appointment to boards and commissions. The members of the Planning Commission shall hold no other Borough offices.

(Ord. 510, 5/11/1964, §2; as amended by Ord. 557, 3/10/1969, §2; and by Ord. 722, 2/18/1980, §2)

**§1-303. Purposes, Powers and Duties of Planning Commission.**

The purpose and duty of the Planning Commission hereby established is to advise the Borough Council concerning the most expedient methods of promoting the orderly development of the Borough. The Secretary of Borough Council shall, upon introduction, furnish to the Borough Planning Commission for its consideration, a copy of all proposed ordinances and all amendments thereto, relating to the location of any public building of the Borough, and to the location, extension, widening, narrowing, enlargement, ornamentation and parking of any street, boulevard, parkway, park, playground or other public ground and to the relocation, vacation, curtailment, changes of use or any other alteration of the Borough Plan with relation to any of the same and to the location of any bridge, tunnel and subway or any surface, underground or elevated railway. The said Commission shall have the power to disapprove any of the said ordinances, bills or amendments, which disapproval, however, must be communicated to Council in writing within 10 days for the introduction of said ordinances, but such disapproval shall not operate as a veto.

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<sup>2</sup> Editor's Note: For the ordinances concerning the incorporation of the Ambler Municipal Authority and the Ambler Municipal Parking Authority, see Appendix D, "Governmental and Intergovernmental Affairs."

## ADMINISTRATION AND GOVERNMENT

(Ord. 510, 5/11/1964, §3)

### **§1-304. Plans to be Submitted to Planning Commission.**

All plans, plots or replots of land, laid out building lots and the streets or other portions of the same, intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto and located within the Borough limits, shall be submitted to the Borough Planning Commission and approved by it, before they shall be recorded. And it shall be unlawful to receive or record such plan in any public office, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Borough Planning Commission. The disapproval of any such plan by the Borough Planning Commission shall be deemed the refusal of the proposed dedication shown thereon. The approval of the Commission shall be deemed an acceptance of the proposed dedication, but shall not impose any duty upon the Borough concerning the maintenance or improvements of any such dedicated parts, until the proper authorities of the Borough shall have made actual appropriations of the same by entry, use, or improvement. No sewer, water or gas main or pipe, or other improvement, shall be voted or made, within the area under the jurisdiction of said Commission, for the use of any such purchasers or owners, nor shall any permit for connection with, or use of, any such improvement existing, or for any other reason made, be given to any such purchasers or owners, till such plan is so approved.

(Ord. 510, 5/11/1964, §4)

### **§1-305. Powers, Duties and Responsibilities of Planning Commission.**

Unless otherwise provided herein, the Ambler Borough Planning Commission is hereby vested with all power, duties and responsibilities which a Borough, pursuant to the Municipal Planning Code, may confer upon a Planning Commission.

(Ord. 510, 5/11/1964, §5; as amended by Ord. 991, 8/15/2005)

### **§1-306. Records of Planning Commission.**

The Planning Commission shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Ord. 510, 5/11/1964, §6)

### **§1-307. Fiscal Limitation of Planning Commission; Employees and Staff.**

The Planning Commission shall not have power to let contracts or incur any debts on behalf of the Borough of Ambler; however, the Planning Commission is hereby authorized to expend in the manner it deems advisable such sums as shall, prior to such ex-

penditures, be appropriated by the Borough Council of Ambler Borough for the work of the Planning Commission. Within the limitation, the Planning Commission may appoint such employees and staff as it may deem necessary for its work and contract with planners and other consultants for such technical services as it may require.

(Ord. 510, 5/11/1964, §7)

**B. Police Department**

**§1-311. Police Department Recognized and Reestablished.**

The existing Police Department is hereby recognized and reestablished in and for the Borough of Ambler. The Chief of Police shall be the chief executive for the Police Department. He shall, under the direction of the Manager, be in charge of the police force and have supervision over its members, in the exercise of their powers, duties and authority.

(Ord. 462, 11/4/1960, §1; as amended by Ord. 680, 10/17/1977)

**§1-312. Subordinate Classifications in Police Department; Priority of Authority; Number of Persons in each Classification; Compensation.**

1. Subordinate to the Chief of Police, in the Police Department, the following classifications are hereby established:
  - A. Lieutenant.
  - B. Sergeant.
  - C. Detective.
  - D. Patrolman.

The priority of authority among such subordinate classifications shall be in the order cited above, except that when the Detective arrives on scene, he shall exercise immediate supervision of the patrol officers and Sergeant who are assisting at the scene of a crime. The number of persons to serve in each subordinate classifications on a full-time or part-time basis, and the compensation of each shall be as determined by Borough Council, from time to time.

2. Any member of the Ambler Borough Police Department, regardless of rank, may be appointed to such rank and position of Detective in accordance with the requirements of the Civil Service provisions of the Borough Code.
3. In the event that person appointed as Detective is unavailable or unable to perform his duties for whatever reason, Borough Council shall appoint an acting De-

## ADMINISTRATION AND GOVERNMENT

tective until such time as the said appointee resumes his duties or Borough Council appoints a replacement.

4. The person appointed to the rank of Detective shall perform investigations of criminal activity including, but not limited to, investigations of criminal complaints in Part I and Part II crimes which include burglary, robbery, rape, fraud, murder and any other case requiring follow-up investigations, gathering of facts, questioning of witnesses and suspects and compiling information for preparing cases for prosecution, procuring witnesses and securing and preserving physical evidence, supplying information to the Police Department on criminal activities within the Borough, appearing in court when required, preparing full reports on activities and investigations, assisting uniformed police when required or requested, filling in on all shifts in uniform, when required due to man power shortages for sickness, injuries or vacations within the Police Department, cooperating with neighboring law enforcement agencies by making record checks for other departments, fingerprints for prospective employers, performing other related duties as required, including the duties of juvenile officer which include, but are not limited to, the investigation, apprehension and interviewing of all juvenile suspects, their parents and advisors, investigating allegations of abuse to youths by family or other members of society, attending court hearings involving juveniles, maintaining close contact with Montgomery County juvenile authorities, visiting schools for lectures and discussions to promote good youth relations and to present laws to youths for their understanding, acting as a liaison officer with the schools of the Borough or other youth oriented groups and performing all other necessary related duties.

(Ord. 462, 11/14/1960, §2; as amended by Ord. 566, 4/13/1970; by Ord. 680, 10/17/1977; by Ord. 793, 9/17/1985; and by Ord. 828, -/-/1986)

### **§1-313. Special Policemen.**

Nothing contained in this Part 3B shall affect the authority of the Mayor to appoint special policemen.

(Ord. 462, 11/14/1960, §3; as amended by Ord. 680, 10/17/1977)

## **C. Environmental Advisory Council**

### **§1-321. Creation.**

There is hereby created and established as Borough of Ambler Environmental Advisory Council (hereinafter referred to as the "Council") pursuant to the authority granted by the Act of December 19, 1996, P.L. 1158, No. 177, 53 Pa.C.S.A. §2322 et seq.

(Ord. 942, 5/17/1999, §1; as amended by Ord. 991, 8/15/2005)

**§1-322. Purpose of Council.**

The Council shall advise other local governmental agencies including, but not limited to, the Planning Commission and the Borough Council and, at the request thereof, other officials, employees, boards, councils or other entities of the Borough on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within the territorial limits of the Borough of Ambler.

(Ord. 942, 5/17/1999, §2)

**§1-323. Powers.**

The Council shall have the power to identify environmental problems and recommend plans and programs to the appropriate Borough agencies for the promotion, protection and conservation of the natural resources and for the protection and improvement of the quality of the environment within the Borough, to make recommendations as to the possible use of open land areas of the Borough, to promote a community environmental program, to keep an index of all open areas, publicly or privately owned including, but not limited to, flood prone areas, swamps and other unique natural areas for the purpose of obtaining information on the proper use of such areas and to advise appropriate Borough agencies with respect to the sale or acquisition of property, both real and personal, by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the protection, conservation, management, promotion and use of natural resources.

(Ord. 942, 5/17/1999, §3)

**§1-324. Composition; Terms of Office.**

The Council shall be composed of seven residents of the Borough, who shall be appointed by the Borough Council. Any vacancy occurring on the Council shall be filled by appointment by the Borough Council. Duly appointed Council members shall serve a term of three years, except that initial appointments shall be so staggered that the terms of one-third of the membership of the Council shall expire each year, the terms of their successors to be of three years each. The Borough Council shall designate the Chairman of the Council.

(Ord. 942, 5/17/1999, §4)

**§1-325. Compensation.**

Members shall receive no compensation for their services, but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

## ADMINISTRATION AND GOVERNMENT

(Ord. 942, 5/17/1999, §5)

### **§1-326. Records to be Kept: Annual Report.**

The Council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual Borough report, if any, or if there shall be no annual Borough report, the Council shall otherwise make its written annual report to the Borough Council and generally make the report known and available.

(Ord. 942, 5/17/1999, §6)

### **§1-327. Funds for Expenses Incurred.**

Funds for the expenses incurred by the Council shall, at the discretion of the Borough Council, be appropriated to the Council. The Council may expend monies for such administrative, clerical, printing and legal services as may, from time to time, be required, but its expenditures shall be limited to the amount of funds appropriated to it by the Borough Council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund, allowed to accumulate from year to year or be expended in any year. The Council shall submit a detailed written itemized budget proposal to the Borough Council at least 30 days prior to adoption of the Borough's preliminary budget.

(Ord. 942, 5/17/1999, §7)

### **§1-328. Programs of Assistance.**

The Council shall endeavor to take advantage of such programs of assistance to environmental advisory councils, including educational services, exchange of information, assignment of technical personnel for natural resources planning assistance and coordination of State and local conservation activities, as may be established by the State Conservation Commission in the Department of Environmental Protection and any program or assistance to environmental advisory councils in planning for the management, use and development of open space and recreation areas as may be established by the Department of Economic and Community Development and any other program of assistance as may seem to the Council and the Borough of Ambler to be advantageous.

(Ord. 942, 5/17/1999, §8; as amended by Ord. 991, 8/15/2005)

### **§1-329. Affect on Existing Agencies.**

Nothing herein contained shall be construed as abolishing or limiting any existing Borough agency, board, authority or commission, even though such agency, board, authority

or commission may have a responsibility related to the responsibilities delegated to the Environmental Advisory Council hereunder.

(Ord. 942, 5/17/1999, §9)



**PART 4**

**PENSIONS AND RETIREMENT**

**A. Police Pension Fund.**

**§1-401. Police Pension Fund Continued and Established.**

A Police Pension Fund is continued and hereby established pursuant to the Act of May 29, 1956, P.L. 1804, as amended (commonly referred to as Act 600 of 1956). Such fund shall be under the direction of the Borough of Ambler and shall be applied under such regulations as the Borough of Ambler may prescribe.

(Ord. 859, 9/17/1990, §1)

**§1-402. Eligibility for Participation; Administration of Fund.**

1. Each full-time policeman now or hereafter employed by the Borough of Ambler shall be eligible to participate and shall be a participant in the Police Pension Fund. The Police Pension Fund shall be administered by a committee of 10 persons, consisting of the nine members of Ambler Borough Council and one member thereof who shall be a full-time member of the Ambler Borough Police Department.
2. The duly appointed Borough Manager is designated as the chief administrative officer as defined in the Act of Assembly of the Commonwealth of Pennsylvania in Act 205 of 1984 (53 P.S. §895.101 et seq.). As such chief administrative officer, said person shall have the primary responsibility for the execution of the administrative affairs of the Borough and of the pension plan. He shall have, in addition to the responsibility set forth in said Act, the authority including, but not limited to, subject to the approval by the Borough Council of the Borough of Ambler, to enter into trust agreements, continue trust agreements or terminate trust agreements, to engage the services of an actuary, employee benefit and administrative report services, investment manager, trustee, custodial service and investment services.

(Ord. 859, 9/17/1990, §2)

**§1-403. Benefits.**

The benefits of this Police Pension Fund shall be payable to:

- A. Any police officer who has served the Borough for an aggregate total of at least 25 years as a full-time policeman and has attained the age of at least 50 years.

## ADMINISTRATION AND GOVERNMENT

- B. Any police officer who has served the Borough as a full-time police officer for an aggregate of at least 20 years and has attained the age of 60 years.
- C. Any former full-time police officer who has served the Borough for an aggregate total of at least five years as a full-time police officer and within 90 days after termination of employment as a police officer is re-employed by the Borough as an employee in some other capacity and has not withdrawn his contribution to the Police Pension Fund and has subsequently continued within the employment of the Borough until he has become eligible for retirement under the Municipal Employees Pension Fund.
- D. All full-time police officers shall retire from their respective positions or employment upon reaching the age of 70. Upon the effective date of his retirement from the employment as a police officer with the Borough of Ambler, said participant shall be entitled to receive pension or retirement benefits as are hereinafter provided.
- E. The surviving spouse of a police officer who retires or is eligible for retirement at the time of his death shall be entitled to receive a pension calculated at the rate of 50% of the pension the member would have received for the surviving spouse's lifetime or her remarriage. If no spouse survives or if he or she survives and subsequently dies or remarries, then the child or children under the age of 18 years of the member of the police force or a member who retires on pension who dies shall, until reaching the age of 18 years, be entitled to receive the pension calculated; provided, further, that the benefit available to surviving children shall be extended beyond the age of 18 to the age of 23 when any surviving child is enrolled in an accredited institution of higher learning and carrying a minimum course load of seven credits per semester.
- F. An early retirement benefit shall be available to any member of the police force with 20 or more years of service who terminates employment prior to the completion of superannuation retirement age and service requirements and who files a written application for an early retirement benefit, to be delivered to the Borough Manager for approval by Borough Council. The early retirement benefit shall become effective as of the date that the application was filed with the Borough Manager or the date that is actually on the application, whichever is later.
- G. The early retirement benefit shall be the actuarial equivalent of a partial superannuation retirement benefit and shall be determined by applying the percentage that the member's years of service bear to the years of service that the member would have rendered had he/she continued to be employed until his/her superannuation retirement date to the gross pension amount calculated using the monthly average salary during the appropriate period (as determined by the Borough's actuary) prior to his termination of employment. There shall be an actuarial reduction of the partial superannua-

tion retirement benefit to reflect that it will commence on the effective date of the early retirement, rather than on the date on which the member would have completed superannuation age and service requirements. The actuarial reduction shall be calculated using the actuarial assumptions as reported in the last actuarial valuation report filed with the Public Employee Retirement Commission under the Municipal Pension Plan Funding Standard and Recovery Act.

- H. It is intended that the early retirement provisions herein be interpreted in a manner consistent with and as authorized by House Bill No. 595 of Session 1997, authorizing early retirement for police. The early retirement provisions are in addition to and do not replace or modify any existing pension provisions herein.
- I. Officers shall be permitted to vest their pensions after 12 years of full-time employment. Should a police officer, before completing superannuation retirement age and length of service requirements, but after having completed 12 years of total full-time service, for any reason cease to be employed by the Borough as a full-time police officer, he shall be entitled to vest his retirement benefits by filing with the Borough within 90 days of the date he ceases to be a full-time police officer a written notice of his intention to vest. Upon reaching the date which would have been his superannuation retirement date if he had continued to be employed as a full-time police officer, he shall be paid a partial superannuation retirement allowance determined by applying the percentage his years of service bear to the years of service which he would have rendered had he continued to work until his superannuation retirement date to the gross pension using, however, the monthly average salary during the appropriate period prior to his termination of employment.
- J. Any member of the police force who has been employed for at least six months and who thereafter enters into the military service of the United States shall have credited to his employment record for pension or retirement benefits all of the time spent by him in such military service if such person returns or has heretofore returned to his employment within six months after his separation from the service. Further, full service credit shall be provided for each year of military service or fraction thereof, not to exceed five years, to any member of the police force who was not employed by the Borough of Ambler prior to such military service. The amount due for the purchase of credit for military service other than intervening military service shall be computed by applying the average normal cost rate for Borough police pension plans as certified by the Public Employee Retirement Commission, but not to exceed 10%, to the member's average annual rate of compensation over the first three years of municipal service and multiplying the result by the number of years and fraction part of a year of creditable nonintervening military service being purchased, together with interest at the rate of 4 3/4% compounded annually from the date of initial entry into

## ADMINISTRATION AND GOVERNMENT

the service of the Police Department of the Borough of Ambler to the date of payment.

(Ord. 859, 9/17/1990, §3; as amended by Ord. 937, 8/17/1998; by Ord. 992, 6/20/2005; and by Ord. 1020, 9/16/2008)

### **§1-404. Payments into Fund by Members.**

1. **Member Contributions.** Members shall continue to pay into the Act 600 pension fund at a rate neither less than 5% nor more than 8% of their compensation as defined in prior ordinances. For any year in which it is determined by an actuarial valuation report prepared in accordance with the Municipal Plan Funding Standard and Recovery Act (Act 205) that the plan has a balance that is 25% in excess of the minimum amount needed to declare it actuarially sound and where Borough funds will not be required to keep the plan actuarially sound, then the Borough Council may, on an annual basis by ordinance or resolution, reduce or eliminate payments into the pension fund by its members. When required by the actuary in accordance with any such report, funding must resume as necessary to keep the balance at or above 25% in excess of the minimum needed for actuarial soundness, but member contributions will in such event remain within the parameters set forth above. Insofar as “actuarial soundness” is not always a number that can be determined with precision, such number shall be calculated to the best judgment of the actuary, in determining whether the fund is over-funded by at least 25%, and the actuary’s determination shall control the funding.
2. **Withholding.** The specific terms for withholding member contributions and administration shall be set forth in the collective bargaining agreement.
3. **Resolution Required.** For any year in which the actuary has determined that no contributions to the plan are required to maintain the plan at 25% above the minimum needed to declare the plan actuarially sound, a resolution shall be adopted by Council setting forth that there shall be no contributions for that year based upon the findings of the actuary.

(Ord. 859, 9/17/1990, §4; as amended by Ord. 943, 9/20/1999; and by Ord. 950, 11/20/2000)

### **§1-405. Pension or Retirement Benefit.**

The pension or retirement benefit shall be payable during the balance of the participant's life following the effective date of his retirement and after fulfillment of the age and service requirements set forth above. The benefit, payable monthly, shall be equal to 1/2 of the average yearly compensation to which the participant was entitled, during the last 36 months of his employment plus any service increments and COLA payments to which the participant may be entitled. In the event a member dies prior to vesting, his/her survivor(s) shall be entitled to 100% of the member's contributions, together

with interest, unless the member has designated some other beneficiary to receive such sums.

A. Service Increments and COLA.

- (1) Service increments shall be added to the sum otherwise calculated above for each year in service in excess of 25 years, as follows:
  - (a) For the first year in excess of 25 years of service, a one-hundred-dollar-per-month service increment;
  - (b) For the second year in excess of 25 years of service, a two-hundred-dollar-per-month service increment;
  - (c) For a third year in excess of 25 years, a three-hundred-dollar-per-month service increment;
  - (d) For a fourth year in excess of 25 years, a four-hundred-dollar-per-month service increment;
  - (e) For a fifth year in excess of 25 years, and continuing thereafter for each subsequent year, a maximum service increment of \$500 per month.
- (2) In addition to the above, there will be such COLA payments that are provided for in §1-409 of this Part.

B. The sources of the payments dictated by the above provisions are:

- (1) Primary benefits under Social Security laws, if any applicable, for which the police officer may be eligible because of age as if and when such benefits become payable to police officers of the Borough, on account of their service as police officers.
- (2) Any remaining amounts necessary to fund the monthly benefits to be provided under this Section shall be from the police pension fund established by this Part.

C. Intervening Military Service. Retirement credit shall be provided for all periods of active military service to the United States, provided that the police officer has been employed with the Borough for six months prior to commencing active military service, and provided, further, that the employee returns to employment with the Borough within six months of the conclusion of active military service. If the period of military service entitles the employee to retirement pay from the United States military, then the credit described in this subsection shall not be applicable.

## ADMINISTRATION AND GOVERNMENT

(Ord. 859, 9/17/1990, §5; as amended by Ord. 992, 6/20/2005; by Ord. 1000, 3/20/2006; and by Ord. 1059, 9/20/2011)

### **§1-406. Disability Pension.**

Effective September 19, 1989, in the event that any participant shall become totally and permanently disabled as a result of a service connected injury or illness, he shall be entitled to receive a disability pension from the plan. For this purpose, a total and permanent disability shall mean a physical or mental condition which renders the participant incapable of performing the duties of a policeman. The amount of such disability pension shall be 75% of the monthly salary rate effective for the participant at the time of applying for the disability pension, including, however, any payments to which the participant would be entitled under the Social Security Act (42 U.S.C. § 301 et seq.). The disability pension shall begin at the expiration of any short-term (13 or 26 week) salary continuance plan of the Borough and shall continue thereafter during his disability until the last day of the month in which he would have attained his normal retirement age (i.e., the date on which he would have both attained his 50th birthday and completed 25 years of service); thereafter his regular age retirement pension shall be payable.

(Ord. 859, 9/17/1990, §6; as amended by Ord. 992, 6/20/2005; and by Ord. 1059, 9/20/2011)

### **§1-407. Termination or Discontinuance of Employment.**

1. Each participant shall be entitled, in the event of termination or discontinuance of his employment for reasons other than retirement or death, to have returned to him the total amount of all such monies paid by him into the pension fund with interest at the rate of 4 1/2% per annum; or if the participant has completed 12 years of service, he may declare his pension vested, in which event he would not be entitled to the return of the aforesaid funds and interest. If such termination or discontinuance of employment is due to death and §1-403E is not applicable, such refund of money shall be paid to the participant's designated beneficiary or, in the absence thereof, to his estate.
2. A police employee with 12 years of service who desires to vest his or her pension benefits shall do so by filing with the Borough Council notice of an intention to do so within 90 days of the date of termination of employment. Upon reaching the date on which the employee would have qualified for a normal retirement benefit if he or shall had continued to be employed, he or she shall be paid a partial pension determined by applying the percentages his or her years of service bear to the years of service he or shall would have rendered had he or she continued to work until qualified for a normal retirement pension as set forth in §1-403D of the Codified Ordinances.

(Ord. 859, 9/17/1990, §7; as amended by Ord. 1059, 9/20/2011)

**§1-408. Transfer of Contracts, Agreements or Funds.**

All contracts, agreements or funds held for the purpose of providing pensions, annuities or retirement income or any of them, for any policeman who shall be a participant in the program herein established shall be and are transferred and assigned to the fund being continued and created herein. After such transfer, the Police Pension Fund shall assume the liability, if any, of continuing the payment of pensions to members of the police force retired prior to such transfer in accordance with the laws and regulations under which such members were retired.

(Ord. 859, 9/17/1990, §8)

**§1-409. Cost-of-Living Adjustments.**

1. Effective September 19, 1989, each retirement pension payable hereunder shall be adjusted annually as of each July 1 to reflect the cost-of-living change in the preceding calendar year, based upon the increase in the CPI-U Consumer Price Index of the U.S. Department of Labor for the Philadelphia area. Notwithstanding the above, the following limitations shall be applicable to all cost-of-living adjustments:
  - A. The cost-of-living increase shall not exceed the percentage increase in the consumer price index from the year in which the participant last worked.
  - B. In no case shall the total police pension benefits exceed 75% of the salary used for computing retirement benefits.
  - C. The total of the cost-of-living increases shall not exceed 30%.
  - D. No cost-of-living increase shall be granted which shall impair the actuarial soundness of the pension fund.
2. Effective January 1, 2007, each retirement pension payable hereunder shall be adjusted annually as of each January 1 to reflect the cost-of-living change in the calendar year based on the October CPI-U Consumer Price Index of the U.S. Department of Labor for the Philadelphia area. In no event shall the adjusted monthly pension be less than the monthly pension being paid in the prior year.

(Ord. 859, 9/17/1990, §9; as amended by Ord. 1010, 10/15/2007)

**§1-410. Deferred Retirement Option Plan.**

1. Eligibility and Definitions. Any member who has reached his/her normal retirement date may elect to become a participant in the DROP. Eligible employees who elect to participate in the DROP make an irrevocable commitment to separate from Borough service and retire upon ceasing participation in the DROP, which

## ADMINISTRATION AND GOVERNMENT

they must do no later than five years after entering the DROP. Such employees remain employees of the Borough for all other purposes (except that deductions for employee pension contributions cease and the employee no longer accrues additional service credit for the Borough pension) and are not treated as separated from the Borough during their participation in the DROP. However, the determination of the retirement benefit amount is made and payment begun upon entry into the DROP, except that payments of that benefits are credited to a special DROP account subject to certain conditions, rather than to the employee directly. Relevant terms are further defined as follows:

**DROP** — a deferred retirement opinion plan; the DROP is not a plan as that term is used with respect to pension plans.

**DROP ACCOUNT** — the total amount credited to an individual DROP participant due to participation in the DROP.

**DROP BENEFIT** — a member's total DROP account balance at the time the member separates from active service.

**DROP ENTRY DATE** — the effective date of the member's participation in the DROP.

**DROP PARTICIPANT** — a member who is participating in the DROP.

**DROP PERIOD** — the duration of a member's participation in the DROP, from the DROP entry date to the date the member separates from active service with the Borough.

2. **Election to Participate.** Election to participate in DROP is irrevocable. The member shall make the election by using forms and procedures as prescribed by the Pension Board Trustees.
3. **DROP Pension Payments.** Upon entry into the DROP, a member's service and average applicable compensation shall be frozen and his/her DROP pension payment shall be calculated as if he/she actually retired on the date he/she entered the DROP. The monthly DROP pension payment, plus any applicable COLA, shall be paid to an individual DROP investment account. A third-party administrator shall maintain the account, independent of the Borough of Ambler. There shall be no additional costs to the Borough of Ambler under the DROP plan.
4. **Individual DROP Investment Account.** Each member shall select the investments in his/her individual investment account from an array of options as selected by the trustees. The trustees will select a third party to provide mutual fund or other investment options, record-keeping and reporting to the members and the trustees. All investment and administrative costs shall be charged against the individual DROP investment accounts of the participants.

5. Employee Contributions. Upon entry into the DROP, all Borough and employee contributions shall cease, with no additional costs to the Borough. The entry date shall be the date of receipt by the Borough of the member's application.
6. Maximum Participation. The maximum period of participation in the DROP is 60 months. Once the maximum participation has been achieved, the member must terminate employment and separate from service. There is no return to regular employment from a DROP.
7. Distribution Options. Commensurate with DROP participation, a member shall make an election, on forms designated by the Pension Board Trustees, of the pay-out option(s) he/she wishes at the termination of the DROP period. This election may be changed at any time prior to termination. The distribution options are as follows:
  - A. A full and lump-sum distribution.
  - B. Rollover to another qualified retirement plan (as permitted by law) or to an IRA.
  - C. Purchase of an annuity.
  - D. Keep the monies in the individual DROP investment account. Monies kept in the individual DROP investment account may be withdrawn in any manner desired by the member.
  - E. Any other distribution provided by the Pension Board Trustees/third-party administrator.
8. Beneficiary Designation. Commensurate with DROP participation, a member shall make an election, on forms designated by the Pension Board Trustees, of the beneficiary or beneficiaries he/she wishes to receive the monies in his/her individual DROP investment account in the event of his/her death before all monies have been distributed.
9. Disability. A member who becomes permanently disabled during the DROP period and retires from service shall revert to his/her normal retirement pension and directly receive those pension payments that were being deposited into his/her DROP investment account. The participant will then have access to the distributions from his/her individual DROP investment account.
10. If the Commonwealth of Pennsylvania passes and implements legislation governing DROP plans in this state, any plan in effect in the Borough of Ambler will be brought into compliance with such legislation when required.

(Ord. 992, 6/20/2005)

ADMINISTRATION AND GOVERNMENT

**B. Municipal Employees Pension Fund.**

**§1-411. Municipal Employees Pension Fund Created.**

The Borough hereby creates a Municipal Employees Pension Fund to be maintained by a charge against each employee covered hereunder, by annual appropriations made by the Borough and by gifts, grants, devises or bequests which may be granted to the pension fund.

(Ord. 467, 12/12/1960, §1; as amended by Ord. 807, 5/20/1985, §1)

**§1-412. Definitions.**

CALENDAR YEAR — the period from January 1 to December 31, inclusive.

MONTHLY COMPENSATION — all monthly earnings received by a municipal employee from Ambler Borough

MUNICIPAL EMPLOYEE — a regular Borough employee whose assigned hours of work per week are at least 35 and who is scheduled to work for a minimum of 40 weeks per year.

The person holding the position of Borough Manager may opt not to become a participant in the Municipal Employees Pension Fund created by this subpart by participation in the International City Management Association Retirement Corporation (ICMA-RC) Retirement Plan.

(Ord. 467, 12/12/1960, §1-A; as added by Ord. 468, 1/9/1961; as amended by Ord. 770, 1/17/1983; and by Ord. 807, 5/20/1985, §1)

**§1-413. Control Over Municipal Employees Pension Fund; Delegation of Responsibilities by Council.**

Borough Council shall retain ultimate fiduciary control over the Municipal Employees Pension Fund; however, Borough Council may delegate the following responsibilities:

- A. Council may appoint a subcommittee to review the performance of the investment manager and to review the fund's compliance with Act 205 of 1984, as from time to time amended, and with other requirements under state law.
- B. Council may assign the daily administrative operations of the fund, including the receipt and allocation of money, to the Borough Manager.

- C. Council may appoint a corporate trustee to serve in that capacity at any time of reference. The trust shall be managed under an appropriate deed of trust approved by Borough Council.
- D. Council may delegate such other responsibilities as it may deem appropriate.

(Ord. 467, 12/12/1960, §2; as amended by Ord. 807, 5/20/1985, §1)

**§1-414. Eligibility for Retirement.**

The benefits from the Municipal Employees Fund shall be payable to municipal employees who have served the Borough for an aggregate total of at least five years from the date of last appointment and who have attained the age of at least 65 years, after which the municipal employee may retire from the Borough's service on a normal retirement benefit. An employee may retire at an earlier age under the following conditions:

- A. An employee may retire prior to reaching the age of 65 years, after 20 years of service, on a reduced benefit, when permitted by Borough Council.
- B. An employee who retires after having served the Borough for an aggregate total of 25 years and attaining the age of 55 years shall be entitled to the full benefit accrued up to the date of termination of employment; provided however, that the amount of retirement income to which said employee is entitled will not be payable until the employee attains the age of 62 years.
- C. An employee who has attained the age of 53 and has at least 25 years of service to the Borough; provided, however, that such retirement benefit shall only be available between the dates of December 1, 2000, and January 31, 2001, and any qualified employee seeking to elect such retirement benefit must so state, in writing submitted to the Borough Manager, between (and including) said dates.

(Ord. 467, 12/12/1960, §3; as amended by Ord. 586, 1/10/1972; by Ord. 807, 5/20/1985 §1; and by Ord. 949, 11/20/2000)

**§1-415. Employees' Contributions; Payroll Deduction System.**

Municipal employees shall pay into the Municipal Employees Pension Fund an amount equal to 3% of their monthly compensation based on all earnings. The Borough Secretary is authorized to establish a system of payroll deductions for the administration of the fund.

(Ord. 467, 12/12/1960, §4; as amended by Ord. 621, 2/11/1974, §1; by Ord. 747, 11/16/1981; and by Ord. 807, 5/20/1985, §1)

## ADMINISTRATION AND GOVERNMENT

### §1-416. Determination of Pension.

1. Retirement at or After Age 65. The amount of monthly pension payable commencing on or after the employee's 65th birthday shall be the greater of Subsection A or B.
  - A. Is 25% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding his or her 65th birthday, reduced by 1/15th for each full year of service by which the employee's service at retirement is less than 15 years.
  - B. Is 40% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding his or her 65th birthday, reduced by 1/25th for each full year of service by which the employee's service at retirement is less than 25 years.
2. Retirement Prior to Age 65 after 20 Years of Service. The amount of monthly pension payable commencing upon the retirement prior to age 65 of an employee who has completed at least 20 years of service shall be the greater of Subsection A or B, multiplied by Subsection C where:
  - A. Is 25% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding the employee's retirement multiplied by the percentage that the employee's actual years and months of service at retirement bear to the years and months of service which the employees would have completed at age 65 (minimum 15 years).
  - B. Is 40% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31st on or next preceding the employee's retirement, multiplied by the percentage that the employee's actual years and months of service at retirement bear to the years and months of service which the employee would have completed at age 65 (minimum 25 years).
  - C. Retirement at or After Age 55 and Prior to Age 65 with at Least 25 Years of Service. The amount of monthly pension payable commencing upon the retirement after age 55 but prior to age 65 of an employee who has completed at least 25 years of service shall be the greater of Subsection C(1) or (2) multiplied by Subsection C(3) where:
    - (1) Is 25% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31<sup>st</sup> on or next preceding the employee's retirement, multiplied by the percentage that the employee's actual years and months

of service at retirement bear to the years and months of service which the employee would have completed at age 65 (minimum 15 years).

- (2) Is 40% of the average monthly compensation paid to such employee during the three calendar years of highest earnings ending with the December 31<sup>st</sup> on or next preceding the employee's retirement, multiplied by the percentage that the employee's actual years and months of service at retirement bear to the years and months of service which the employee would have completed at age 65 (minimum 25 years).
- (3) Is 100% reduced by 1/2% for each month that the employee's retirement precedes his 62nd birthday.

- D. The monthly pension payable to those employees who elect to retire under the provisions of §1-414C shall be 50% of the average monthly compensation paid to such employee during the 36 months immediately preceding the month in which notice of election of this benefit is submitted.

(Ord. 467, 12/12/1960, §5; as amended by Ord. 774, 4/18/1983; by Ord. 807, 5/20/1985, §1; by Ord. 817, 2/17/1986; by Ord. 896, 2/22/1993; by Ord. 901, 8/16/1993; by Ord. 912, 4/18/1995; by Ord. 949, 11/20/2000; and by Ord. 957, 12/17/2001)

#### **§1-417. Option of Employee as to Method of Payment of Pension.**

A municipal employee who is eligible for retirement shall have the right to exercise the option, in writing, immediately upon retirement, to designate one of the following three alternative methods for payment of his or her pension:

- A. The employee may elect to receive a pension, as provided for in §1-416 hereof, until the employee's death. The benefits payable to a retired municipal employee shall continue for a minimum of five years after the retirement of said employee. In the event of the death of a retired employee before the expiration of five years from the date of said employee's retirement, the balance of payments during said five-year period shall be made to the employee's designated beneficiary or to the employee's estate. Said election may only be made when accomplished by the written consent of the employee's spouse.
- B. The employee may elect to receive an actuarially reduced pension, with provision to continue either 50% or 100% of that reduced pension to the employee's spouse, for the spouse's further lifetime.
- C. The employee may elect to receive an actuarially reduced pension, with provision to continue 50% of that reduced pension to the employee's spouse, for the spouse's further lifetime. In the event that a municipal employee who is eligible for retirement fails to exercise the option provided for above, said

## ADMINISTRATION AND GOVERNMENT

employee shall be deemed to have designated Alternative B as the method for payment of his or her pension.

(Ord. 467, 12/12/1960, §6; as amended by Ord. 774, 4/18/1983; by Ord. 807, 5/20/1985; and by Ord. 817, 2/17/1986)

### **§1-418. Employment of Actuary; Time Limit for Payment of Unfunded Liabilities; Determination of Future Service Costs.**

The Borough may employ an actuary at a compensation to be determined from time to time by the Borough Council. In the event an actuary is employed by the Borough, the actuary shall perform all of the duties required by Act 205 of 1984, as from time to time amended, and such other duties as may be assigned to the actuary by Borough Council.

(Ord. 467, 12/12/1960, §7; as amended by Ord. 807, 5/20/1985, §1)

### **§1-419. Payments Charge Upon Municipal Employees Pension Fund Only.**

Payments made under the provisions of this Part shall not be a charge on any other fund in the treasury of the Borough or under its control save the Municipal Employees Pension Fund herein created and provided for.

(Ord. 467, 12/12/1960, §8; as amended by Ord. 614, 11/12/1973; and by Ord. 807, 5/20/1985, §1)

### **§1-420. Rights of Borough, Participant and Beneficiary.**

Any municipal employee who resigns or who is discharged from the service of the Borough after having contributed to the Municipal Employees Pension Fund created hereby and who is not eligible for payment of pension benefits from the fund shall, upon discontinuance of his or her employment with the Borough, be refunded all such monies paid by him or her into the said fund, together with all interest earned by such monies while in the pension fund at the rate of 4 1/2% simple interest per annum. If such termination or discontinuance is due to death, such money shall be paid to the employee's designated beneficiary or, in the absence thereof, to the employee's estate; provided, however, that in the case of an employee who is temporarily laid off by the Borough, said employee shall have the option of being refunded all monies paid by him or her into the fund or of allowing such monies to remain in the fund. Upon being called back into the service of the Borough, said employee shall continue payments into the fund as though no interruption had occurred and shall be deemed to have continued in service from the time of last appointment prior to being laid off, provided that no credit shall be given for the period of time during which said employee is laid off. If such employee has elected to receive the monies paid by him or her into the said fund, during the period of furlough, said employee shall redeposit with the Borough said amount of monies immediately upon returning to active employment. Failure on the part of such employee to redeposit

the monies received within 30 days of returning to active employment shall result in said employee being treated for pension fund purposes as having commenced work from the time of return to active employment and recommencement of payments into the fund. An employee who resigns or is discharged from service shall not be permitted, in the event of being reemployed by the Borough, to redeposit the monies paid to said employee at time of termination of prior service, in order to be reinstated as to such past service for purposes of this plan.

(Ord. 467, 12/12/1960, §9; as amended by Ord. 807, 5/20/1985, §1)

**§1-421. Vesting.**

1. If a municipal employee, before completing the retirement age and service requirements set forth in §1-414, but after having completed 10 years of total service, should for any reason cease to be employed as a municipal employee by the Borough in whose pension fund he or she has been a member, said employee shall be entitled to vest his or her pension benefits by filing with the Borough Council, within 90 days of the date he or she ceases to be a municipal employee, a written notice of intention to vest pension benefits and to leave in the Municipal Employees Pension Fund all contributions of monies made by such employee into the fund. Upon reaching the date on which the employee would have qualified for a normal retirement benefit if he or she had continued to be employed as a municipal employee, he or she shall be paid a partial pension determined by applying the percentages his or her years of service bear to the years of service which he or she would have rendered had he or she continued to work until he or she qualified for a normal retirement pension to the gross pension calculated under §416, using, however, the monthly average salary as provided in §416.
2. In the event a municipal employee dies after having vested his or her retirement benefits, said employee's spouse shall receive a lifetime pension commencing upon the occurrence of the later of the following two events:
  - A. The death of the municipal employee.
  - B. The earliest date upon which the municipal employee could have retired pursuant to §416 hereof based upon the number of years of service the employee had accumulated at the time of his or her death.

Said spouse's pension allowance shall be calculated at the rate of 50% of the pension which the municipal employee would have received had the employee retired on the date on which said spouse's pension is to commence, based upon the years of service and amount of salary of said employee on the date of his or her death.

(Ord. 467, 12/12/1960, §10; as amended by Ord. 807, 5/20/1985, §1)

## ADMINISTRATION AND GOVERNMENT

### **§1-422. Payments not Subject to Attachment or Other Legal Process; Assignment or Transfer.**

Any payments herein provided shall not be subject to attachment and shall be payable only to those persons indicated to be eligible for pension payments and shall not be subject to assignment or transfer.

(Ord. 467, 12/12/1960, §10; as amended by Ord. 807, 5/20/1985, §1)

### **§1-423. Eligibility for Participation.**

No municipal employee shall be eligible for participation in the Municipal Employees Pension Fund created by this Part until such employee shall have completed six months service with the Borough, as an employee; provided, however, that upon completion of six months of service, an employee shall receive credit for said six months of service towards the employee's eligibility for pension benefits.

(Ord. 467, 12/12/1960, §12; as amended by Ord. 807, 5/20/1985, §1)

### **§1-424. Certain Expenses Payable by Borough.**

The expenses and administration and management of the fund, including the compensation of an actuary, if such be employed, and of the trustee of the fund, may be paid by the Borough or from the fund as shall be determined from time to time by Borough Council.

(Ord. 467, 12/12/1960, §13; as amended by Ord. 774, 4/18/1983; as amended by Ord. 807, 5/20/1985, §1)

### **§1-425. Authority to Transfer Assets of Fund Into State Administered Retirement Plan.**

In the event the Borough, at some future date, should elect to participate in a state administered retirement plan in lieu of the Municipal Employees Pension Fund Plan established under the terms of this Part, Borough Council may transfer or cause the trustee to transfer all the then assets of the Municipal Employees Pension Fund into the said state administered plan.

(Ord. 467, 12/12/1960; as amended by Ord. 774, 4/18/1983; and by Ord. 807, 5/20/1985, §1)

**§1-426. Authority to Amend or Terminate Municipal Employees Pension Fund; Allocation of Assets Thereafter.**

1. The Borough reserves the right to amend or terminate this Municipal Employees Pension Fund by subsequent ordinance. If the Municipal Employees Pension Fund is terminated, the assets then remaining in the fund shall be allocated as follows:
  - A. There shall first be allocated from the fund an amount sufficient to refund to all active employees the total amounts of all monies paid by each employee into the pension fund along with the accrued interest at the rate of 4 1/2% per annum.
  - B. If any funds remain, there shall be allocated from the fund an amount sufficient to continue, for the balance of their lives, all pensions then being paid to municipal employees retired prior to the date of termination. The amount of pension payable to each such municipal employee retired or eligible to retire from the Municipal Employee Pension Fund shall be that to which he is entitled under the fund at the date of termination. In the event the assets remaining in the fund are insufficient to enable the full amount of such pensions to be provided, the monthly pensions to be provided for each such municipal employee shall be the same proportion of the total monthly benefit to which he is then entitled.
  - C. If any funds remain, there shall be allocated to municipal employees then participating in the plan, in order of age, commencing with the eldest, an amount sufficient to provide for each participating employee the total of his past service benefit as defined in §1-416.
  - D. If any funds remain, they shall either be returned to the Borough or allocated additional pensions for all retired and active participating employees, increasing each employee's pension in the same proportion.
2. All prior provisions of the Code of Ordinances, Borough of Ambler, not inconsistent herewith shall remain in full force and effect; and all provisions that are inconsistent herewith are hereby repealed.

(Ord. 467, 12/12/1960, §15; as amended by Ord. 485, 5/14/1962, §2; and by Ord. 807, 5/20/1985, §1)

**C. Firemen's Relief Association.**

**§1-431. Firemen's Relief Association Recognized.**

The Borough Council of the Borough of Ambler does hereby and has heretofore recognized the Wissahickon Fire Company Relief Association of the Borough of Ambler as the Firemen's Relief Fund Association of the Wissahickon Fire Company, and the Borough Council hereby appropriates and will hereafter appropriate unto the said Wissahickon

## ADMINISTRATION AND GOVERNMENT

Fire Company Relief Association such sums as may hereafter be received by the Borough from the tax paid on premiums received from foreign fire companies, as the same may become available for this purpose.

(Res. 10/3/1932)

**PART 5**

**WARD REALIGNMENT AND REAPPOINTMENT FOR THE ELECTION OF MEMBERS OF BOROUGH COUNCIL**

**§1-501. Purpose of Wards.**

There shall be three wards or districts for the purpose of the subdivision of the Borough of Ambler for the election of members of Borough Council.

(Ord. 792, 9/17/1984)

**§1-502. Boundaries of First Ward.**

The boundaries of the first ward are described as follows:

**WARD NO. 1.**

BEGINNING at the point of intersection of the center line of Mount Pleasant Avenue with the center line of Knight Road; thence in a northeasterly direction along the aforesaid center line of Mount Pleasant Avenue, said center line marking the boundary between the Borough of Ambler, and Lower Gwynedd Township, 2,300 feet more or less to the point of intersection of the aforesaid center line of Mount Pleasant Avenue with the westerly right-of-way line of Bethlehem Pike, 60 feet wide; thence along the aforesaid westerly side line of Bethlehem Pike in a southeasterly direction, partly along Lower Gwynedd Township and Upper Dublin Township, 3,600 feet more or less to the point of intersection of the southwesterly side line of Bethlehem Pike with the center line of Butler Avenue; thence along the aforesaid center line of Butler Avenue in a southwesterly direction 2500 feet more or less to the point of intersection with the center line of Ridge Avenue; thence along the aforesaid center line of Ridge Avenue in a northwesterly direction 1,750 feet more or less to the point of intersection with the center line of Tennis Avenue; thence in a northeasterly direction, along the northwesterly right-of-way line of Tennis Avenue, 1,210 feet more or less to the point of intersection of the northwesterly right-of-way line of Tennis Avenue to the point of intersection of the northeasterly right-of-way line of Hendricks Street; thence along the said northeasterly right-of-way line of Hendricks Street in a northwesterly direction, 1,120 feet more or less to the point and place of beginning.

(Ord. 792, 9/17/1984)

**§1-503. Boundaries of Second Ward.**

The boundaries of the second ward are described as follows:

## ADMINISTRATION AND GOVERNMENT

### WARD NO. 2.

BEGINNING at the point of intersection of the center line of Mount Pleasant Avenue with the center line of Knight Road; thence in a southeasterly direction along the northwesterly right-of-way line of Hendricks Street, 1,120 feet more or less to the point of intersection of the northwesterly right-of-way line of Tennis Avenue; thence along the said northwesterly right-of-way line of Tennis Avenue in a southwesterly direction, 1,210 feet more or less to a point of intersection with the center line of Ridge Avenue; thence along said center line of Ridge Avenue in a southeasterly direction 1,750 feet more or less to the point of intersection with the center line of Butler Avenue; thence along the aforesaid center line of Butler Avenue in a northeasterly direction 680 feet more or less to the point of intersection with the center line of Lindenwold Avenue; thence along the aforesaid center line of Lindenwold Avenue in an easterly direction 640 feet more or less to the point of intersection with the center line of Park Avenue; thence along the aforesaid center line of Park Avenue in a southerly direction 1,080 feet more or less to the point of intersection with the center line of Rosemary Avenue; thence along the aforesaid center line of Rosemary Avenue in a westerly direction 135 feet more or less to a point of intersection with the center line of Lemon Street; thence along the aforesaid center line of Lemon Street in a southwesterly direction 570 feet more or less to a point of intersection with the center line of Trinity Avenue; thence along the aforesaid center line of Trinity Avenue in a northwesterly direction 225 feet more or less to the point of intersection with the center line of Orange Avenue; thence in a southwesterly direction, partly along the aforesaid center line of Orange Avenue to a point of intersection with the center line of Main Street; and thence continuing on a straight line extension of the aforesaid center line of Orange Avenue, crossing over the North Pennsylvania Branch of the former Reading Railroad, for a total distance of 2,260 feet more or less to the point of intersection with a line marking the boundary between the Borough of Ambler and the Township of Upper Dublin; thence in a generally northerly direction partly along the aforesaid boundary line between the Borough of Ambler and the Township of Upper Dublin and partly along the boundary line between the Borough of Ambler and Whitpain Township, and partly along the boundary line between the Borough of Ambler and Lower Gwynedd Township, to a point located 150 feet more or less northwest of the point of intersection of the aforesaid center line of Mount Pleasant Avenue with the northeasterly right-of-way line of the aforesaid North Pennsylvania Branch of the former Reading Railroad; thence in a northeasterly direction, continuing along a line marking the boundary between the Borough of Ambler and the Township of Lower Gwynedd, 1,890 feet more or less to the point of intersection with the aforesaid center line of Knight Road; thence along the aforesaid center line of Knight Road in a southeasterly direction 450 feet more or less to the point and place of beginning.

(Ord. 792, 9/17/1984)

**§1-504. Boundaries of Third Ward.**

The boundaries of the third ward are described as follows:

**WARD NO. 3.**

BEGINNING at the point of intersection of the center line of Butler Avenue with the southwesterly right-of-way line of Bethlehem Pike, 60 feet wide; thence in a southeast to a southerly direction along the aforesaid right-of-way line of Bethlehem Pike, a line marking the boundary line between the Borough of Ambler and Upper Dublin Township, 2750 feet more or less to a point south of Church Street; thence in a southwesterly direction, along the line marking the boundary between the Borough of Ambler and Upper Dublin Township, for a distance of 210 feet more or less to a point on the center line of Church Street; thence along the aforesaid center line of Church Street in a southwesterly direction, still along the boundary line between the Borough of Ambler and Upper Dublin Township, 1600 feet to the point of intersection with the center line of Ambler Road; thence along the aforesaid center line of Ambler Road in a southeasterly direction, still along the boundary line with Upper Dublin Township, 130 feet more or less to the point of intersection with the center line of a private alley located in the rear of the properties fronting onto the southeast side of Church Street; thence along the aforesaid center line of a private alley in a southwesterly direction, still along the boundary line with Upper Dublin Township, 600 feet more or less to the point of intersection with the rear property line of properties fronting onto the northeast side of Main Street; thence along said rear property line in a southeasterly direction, still along the boundary line with Upper Dublin Township, 130 feet more or less to the point of intersection with the center line of Randolph Avenue; thence along the aforesaid center line of Randolph Avenue in a southwesterly direction, still along the boundary line with Upper Dublin Township, 120 feet more or less to the point of intersection with the center line of Main Street thence along the aforesaid center line of Main Street in a northwesterly direction, still along the boundary line with Upper Dublin Township, 190 feet more or less to the point of intersection with the aforesaid center line of Church Street; thence along the aforesaid center line of Church Street in a southwesterly direction, continuing along the boundary line of Upper Dublin Township, and crossing the North Pennsylvania Branch of the former Reading Railroad, 600 feet more or less to a point; thence in a northwesterly direction, continuing along the boundary with Upper Dublin Township, 1,400 feet more or less to a point; thence in a northeasterly direction, partly along the line being a projection of the center line of Orange Avenue to the southwest of Main Street, crossing over the aforesaid North Pennsylvania Branch of the former Reading Company to Main Street, and partly along the aforesaid center line of Orange Avenue, for a total distance of 2,260 feet more or less to the point of intersection with the center line of Trinity Avenue; thence along the aforesaid center line of Trinity Avenue in a southeasterly direction 225 feet more or less to a point of intersection with the center line of Lemon Street; thence along the aforesaid center line of Lemon Street in a northeasterly direction 570 feet more or less to the point of intersection with the center line of Rosemary Avenue; thence along the aforesaid center line of Rosemary Avenue in an easterly

## ADMINISTRATION AND GOVERNMENT

direction 135 feet more or less to the point of intersection with the center line of Park Avenue; thence along the aforesaid center line of Park Avenue in a northerly direction 1,080 feet more or less to the point of intersection with the center line of Lindenwold Avenue; thence along the aforesaid center line of Lindenwold Avenue in a westerly direction 640 feet more or less to the point of intersection in the aforesaid center line of Butler Avenue; thence in a northeasterly direction along the aforesaid center line of Butler Avenue 1,820 feet to the point and place of beginning.

(Ord. 792, 9/17/1984)

### **§1-505. Redistricting Based on Federal Census.**

Said wards or districts are composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the most recent Federal Census.

(Ord. 792, 9/17/1984)

**PART 6**

**FIRE LOSS PROCEEDS**

**§1-601. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter “insurer”) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Borough Treasurer with a certificate pursuant to §508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the “Act”) and unless there is compliance with the procedures set forth in §508(c) of the Act.
2. Where there are delinquent taxes, assessments, penalties or user charges against the property (“municipal claims”) or there are expenses which the Borough has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively “municipal expenses”), the [Designated Official] of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice confirmed in writing) either:
  - A. Stating that there are no unpaid municipal claims or municipal expenses against the property.
  - B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law, upon receipt of a certificate and bill pursuant to Subsection A of this Section, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of Subsection 3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to Subsection 2 of this Section or where the Treasurer has issued a certificate described in Subsection 2A indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

## ADMINISTRATION AND GOVERNMENT

- A. The insurer shall transfer from the insurance proceeds to the Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.
- B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.
- C. Upon receipt of the above described portion of the insurance proceeds, the Treasurer shall do the following:
  - (1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing or any proceedings related thereto.
  - (2) Mail to the named insured, at the address received from the insurer, a notice the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.
  - (3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Treasurer shall, if such estimated is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses; provided, the Borough has not commenced to remove, repair or secure the building or other structure, in which case the Borough will complete the work.
  - (4) Pay to the [Designated Official], for reimbursement to the Borough general fund, the amount of the municipal expenses paid by the Borough.
  - (5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the [Designated Official] that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

- (6) Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part or to insurance proceeds by an action at law or in equity to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem responsible.

(Ord. 991, 8/15/2005)

**§1-602. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Borough, any Borough official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(Ord. 991, 8/15/2005)

**§1-603. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Borough shall have a full benefit of such payment, including all rights of subrogation and of assignment.

(Ord. 991, 8/15/2005)

**§1-604. Notification of Pennsylvania Department of Community and Economic Development.**

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

(Ord. 991, 8/15/2005)

**§1-605. Penalty.**

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

## ADMINISTRATION AND GOVERNMENT

Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 991, 8/15/2005)

**PART 7**

**TEMPORARY ABATEMENT OF ORDINANCES BY RESOLUTION OF  
BOROUGH COUNCIL**

**§1-701. Purpose for Abatement.**

Whenever in the opinion of Borough Council, evidenced by its resolution duly adopted, a public interest of the Borough of the citizens of the Borough dictates that one or several ordinances should be temporarily abated for one or more days then it shall, by Council resolution, so declare such abatement.

(Ord. 904, 10/11/1993)

**§1-702. Procedure Before Council and Conditions.**

Any person or group requesting such abatement shall:

- A. Request the same in writing of Borough Council.
- B. Execute a letter of indemnification prepared by the Borough Solicitor.
- C. File with the Borough Manager certificates of insurance for the liability against which the Borough is being indemnified as the circumstances permit, naming the Borough as an additional assured and in such amounts as shall be contained in the Council resolution ordering the abatement.

(Ord. 904, 10/11/1993)

**§1-703. Notice Provisions.**

Borough Council, by advertisement, shall notify the citizens and through the Borough Manager notify the Borough Police Department.

(Ord. 904, 10/11/1993)

**§1-704. Penalty.**

Any person proceeding under this Part who breaches this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 904, 10/11/1993; as amended by Ord. 991, 8/15/2005)



## PART 8

### PUBLIC RECORDS

#### §1-801. Purpose and Policy.

1. The purpose of this Part is to assure compliance with the Pennsylvania Right-to-Know Law, 65 P.S. §66.1, et seq., as amended, to provide access to the records of the Borough of Ambler (hereinafter “the Borough”), to preserve the integrity of the Borough’s records and to minimize the financial impact to the residents of the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
2. It is the policy of the Borough to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Borough. The Borough designates the Borough Manager as responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:
  - A. The Borough Manager may designate certain employee(s) to process public record requests.
  - B. The Borough Manager is responsible for minimizing, where possible, the financial impact to the Borough regarding the resources utilized in the receipt and processing of public record requests and the retrieval and copying of public records.
  - C. All requests for the records of the Borough under this policy shall be specific in identifying and describing each public record requested. In no case shall the Borough be required to create a public record which does not exist or to compile, maintain, format or organize the public record in a manner which the Borough does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and on a form provided by the Borough, as attached hereto, entitled “Request for Public Records.”
  - D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.
  - E. The Borough shall facilitate a reasonable response to a request for Borough public records. In no case is the Borough expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Borough’s administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.
  - F. The designated employee shall respond to the requester within five business days from the date of receipt of the written request. If the Borough does not

## ADMINISTRATION AND GOVERNMENT

respond within five business days of receipt thereof, the request is deemed denied.

- G. The response provided by the Borough shall consist of a review of the request by the designated employee, approval for access to the public record or denial of access to the record requested.
- H. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Borough. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect the Borough records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.
- I. Fees for duplication of public records shall be as follows:
  - (1) Photocopying – in an amount to be established, from time to time, by resolution of Borough Council.
  - (2) Duplication of public electronic and/or taped records – actual cost to the Borough of duplicating the public record.
  - (3) Certified copies – in an amount to be established, from time to time, by resolution of Borough Council.
  - (4) Postage – actual cost to the Borough of mailing the public record.

The Borough may, in its discretion, waive any one or more of the above fees.

- J. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100, the designated employee(s) shall obtain 50% of the expected cost in advance of fulfilling the request to avoid unwarranted waste of administrative resources and expense to the Borough.
- K. If the request is being reviewed, the notice provided by the Borough shall be in writing and shall include the reason for the review and expected response date, which shall be within 30 days of the notice of review. If the Borough does not respond within 30 days thereof, the request is deemed denied. Review of the request is limited to situation where:
  - (1) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.
  - (2) The record requires retrieval from a remote location.
  - (3) A timely response cannot be accomplished due to staffing limitations.

- (4) A legal review is necessary to determine whether the record requested is a public record.
  - (5) The requester has failed to comply with the Borough's policy and procedure requirements.
  - (6) The requester refuses to pay the applicable fees.
3. If access to the record requested is denied, the notice provided by the Borough shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Ambler Borough Records."
4. If the request is denied or deemed denied, the requester may file exceptions with the Borough within 15 business days of the mailing date of the Borough's notice of denial, or within 15 days of a deemed denial. The exceptions must:
  - A. Indicate the date of the original request.
  - B. Identify and describe the record(s) requested.
  - C. State the grounds upon which the requester asserts the record(s) is a public record.
  - D. Address any grounds stated by the Borough in its notice of denial.
5. The Borough shall review the exceptions and may conduct a hearing to assist in making a final determination. A final determination will be made within 30 days of the mailing date of the exceptions, unless extended by the parties. If the denial is upheld, the decision shall contain a written explanation of the reason for denial and an explanation of the process for further appeal.
6. This Part shall be posted conspicuously at the Borough municipal building, 122 E. Butler Avenue, Ambler, Pennsylvania.

(Res. 2003-10, 9/15/2003)



**PART 9**

**IDENTITY THEFT PROGRAM**

**§1-901. Purpose.**

The purpose of this Part is to comply with 16 CFR 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

(Ord. 1037, 4/21/2009)

**§1-902. Definitions.**

For purposes of this Part, the following definitions apply:

**COVERED ACCOUNT —**

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

**CREDIT —** the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.

**CREDITOR —** any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit, or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.

**CUSTOMER —** a person that has a covered account with a creditor.

**IDENTITY THEFT —** a fraud committed or attempted using identifying information of another person without authority.

## ADMINISTRATION AND GOVERNMENT

PERSON — a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

PERSONAL IDENTIFYING INFORMATION — a person's credit card account information, debit card information bank account information and driver's license information and, for a natural person, includes their social security number, mother's birth name, and date of birth.

SERVICE PROVIDER — a person that provides a service directly to the Borough.

(Ord. 1037, 4/21/2009)

### §1-903. Findings.

1. The Borough is a creditor pursuant to 16 CFR 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears. Covered accounts offered to customers for the provision of Borough services include those that are created in connection with the provision of water utility services. The processes of opening a new covered account and making payment on such accounts have been identified as potential processes in which identity theft could occur. The Borough limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the Borough's computer system and is not otherwise recorded.
2. The Borough determines that there is a risk of identity theft occurring in the following ways:
  - A. Use by an applicant of another person's personal identifying information to establish a new covered account.
  - B. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name.
  - C. Use of another person's credit card bank account or other method of payment by a customer to pay such customer's covered account or accounts.
  - D. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

(Ord. 1037, 4/21/2009)

**§1-904. Process of Establishing a Covered Account.**

As a precondition to opening a covered account in the Borough, each applicant shall provide the Borough with personal identifying information of the customer with required information, for example: a valid government issued identification card containing a photograph of the customer or for customers who are not natural persons a photograph of the customer's agent opening the account. Such information shall be entered directly into the Borough's computer system and shall not otherwise be recorded. Each account shall be assigned an account number and personal identification number (PIN), which shall be unique to that account. The Borough may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

(Ord. 1037, 4/21/2009)

**§1-905. Access to Covered Account Information.**

Access to customer accounts shall be password protected and shall be limited to authorized Borough personnel. Such password(s) shall be changed by the Water Department on a regular basis, shall be at least eight characters in length and shall contain letters, numbers and symbols. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Borough Manager and the password changed immediately. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Borough Manager.

(Ord. 1037, 4/21/2009)

**§1-906. Credit Card Payments.**

1. In the event that credit card payments that are made over the internet are processed through a third-party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
2. All credit card payments made over the telephone or the Borough's website shall be entered directly into the customer's account information in the computer data base.
3. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

(Ord. 1037, 4/21/2009)

## ADMINISTRATION AND GOVERNMENT

### §1-907. Sources and Types of Red Flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft, and such red flags may include:

- A. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
  - (1) A fraud or active duty alert that is included with a consumer report.
  - (2) A notice of credit freeze in response to a request for a consumer report.
  - (3) A notice of address discrepancy provided by a consumer reporting agency.
  - (4) Indications of a pattern of activity in a consumer report that are inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
    - (a) A recent and significant increase in the volume of inquiries;
    - (b) An unusual number of recently established credit relationships;
    - (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
    - (d) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- B. Suspicious documents. Examples of suspicious documents include:
  - (1) Documents provided for identification that appear to be altered or forged.
  - (2) Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer.
  - (3) Identification on which the information is inconsistent with information provided by the applicant or customer.
  - (4) Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check or.
  - (5) An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

- C. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
- (1) Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
    - (a) The social security number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
  - (2) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
  - (3) Personal identifying information or a phone number or address is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
  - (4) Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity,
  - (5) The SSN provided is the same as that submitted by other applicants or customers.
  - (6) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
  - (7) The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  - (8) Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
  - (9) The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
- D. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

## ADMINISTRATION AND GOVERNMENT

- (1) Shortly following the notice of a change of address for an account, Borough receives a request for the addition of authorized users on the account.
  - (2) A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
    - (a) The customer fails to make the first payment or makes an initial payment but no subsequent payments.
  - (3) An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
    - (a) Nonpayment when there is no history of late or missed payments.
    - (b) A material change in purchasing or spending patterns.
  - (4) An account that has been inactive for a long period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
  - (5) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
  - (6) The Borough is notified that the customer is not receiving paper account statements.
  - (7) The Borough is notified of unauthorized charges or transactions in connection with a customer's account.
  - (8) The Borough is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
- E. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft relating to covered accounts.

(Ord. 1037, 4/21/2009)

### **§1-908. Prevention and Mitigation of Identity Theft.**

1. In the event that any Borough employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether

such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Borough Manager if, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Manager who may in his or her discretion determine that no further action is necessary. If in his or her discretion it is determined that further action is necessary, a Borough employee shall perform one or more of the following responses, as determined to be appropriate:

- A. Contact the customer.
  - B. Make the following changes to the account if after contacting the customer it is apparent that someone other than the customer has accessed the customer's covered account:
    - (1) Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
    - (2) Close the account.
  - C. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue.
  - D. Notify a debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account.
  - E. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information.
  - F. Take other appropriate action to prevent or mitigate identity theft.
2. In the event that any Borough employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Manager. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this infor-

## ADMINISTRATION AND GOVERNMENT

mation to the Manager who may in his or her discretion determine that no further action is necessary. If, in his or her discretion it is determined that further action is necessary, a Borough employee shall perform one or more of the following responses, as determined to be appropriate:

- A. Request additional identifying information from the applicant.
- B. Deny the application for the new account.
- C. Notify law enforcement of possible identity theft.
- D. Take other appropriate action to prevent or mitigate identity theft.

(Ord. 1037, 4/21/2009)

### **§1-909. Updating the Program.**

Borough Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the Borough and its covered accounts from identity theft. In so doing, the Borough Council shall consider the following factors and exercise its discretion in amending the program:

- A. The Borough's experiences with identity theft.
- B. Updates in methods of identity theft.
- C. Updates in customary methods used to detect, prevent, and mitigate identity theft.
- D. Updates in the types of accounts that the Borough offers or maintains.
- E. Updates in service provider arrangements.

(Ord. 1037, 4/21/2009)

### **§1-910. Administration.**

1. The Water Department Supervisor is responsible for oversight of the program and for program implementation. The Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program as necessary in the opinion of the Manager to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to Borough Council for consideration by the Council.

2. Staff will report to the Manager, at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
  - A. The effectiveness of the policies and procedures of the Borough in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts.
  - B. Service provider arrangements.
  - C. Significant incidents involving identity theft and management's response.
  - D. Recommendations for material changes to the program.
3. The Water Department Supervisor is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program.

(Ord. 1037, 4/21/2009)



**PART 10**

**VOLUNTEER FIREFIGHTERS AND AMBULANCE PERSONNEL**

A. Authorized Activities.

**§10-1001. Workers' Compensation Coverage.**

1. All volunteer members of the Wissahickon Fire Company, which serves the inhabitants of the Borough, shall be considered employees of the Borough for purposes of receiving compensation pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), 77 P.S. §601(a)(1), for injuries sustained while actively engaged in performing the following duties (although not regular employees of the Borough as that term is otherwise defined in the law):
  - A. Responding to alarms, including all emergency and firefighting activities related thereto; auto rescue; water rescue; hazardous materials alarms; and assistance to other municipalities (whether on an emergency scene in another municipality or on standby at the fire company when requested by another municipality); assistance to the fire police; and all special alarms as authorized by the Fire Chief or the Officer in Charge. For purposes of this paragraph, "responding to alarms" shall include the volunteer firefighter's travel from and the direct return to a firefighter's home, place of business or other place where he or she shall have been when he or she received the call or alarm.
  - B. Answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the Fire Company.
  - C. Performing repair, maintenance of or other work on fire company equipment, buildings and property at the direction of the Fire Chief or Officer in Charge.
  - D. Participating in instruction fire drills and other training exercises pertaining to the operation and certification of the fire company, including training exercises in conjunction with fire companies in other municipalities, as authorized by the Fire Chief or Officer in Charge.
  - E. Participating in Fire Prevention Week activities in the Borough and with fire companies in other municipalities, when authorized by the Fire Chief or the Officer in Charge.
  - F. Participating in fund-raising events sponsored by the Fire Company at their firehouses or on Borough property. Participation in fund-raising activities of any kind at all other locations shall not be allowed without the prior written authorization of the Borough Council or Manager acting on behalf of the Council.

## ADMINISTRATION AND GOVERNMENT

- G. Participating in parades, equipment housings and funerals for fire personnel within the Borough of Ambler, and in other municipalities only with the prior written authorization by the Borough Council or the Manager acting for the Council.
  - H. Participating in any and all additional events or activities for which such participation is expressly pre-authorized in writing by the Borough Council or the Manager acting for the Council.
2. All volunteer members of the Community Ambulance Association, which serves the inhabitants of the Borough of Ambler, shall be considered employees of the Borough for purposes of receiving compensation pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), 77 P.S. §601(a)(2), for injuries sustained while actively engaged as ambulance corpsmen (although not regular employees of the Borough as that term is defined for other purposes), including the following duties:
- A. Responding to emergencies, including fire, accident or other emergencies; and all special alarms. For purposes of this paragraph, "responding to emergencies" shall include the ambulance corpsman's travel from and the direct return to a corpsman's home, place of business or other place where he or she shall have been when he or she received the call or alarm.
  - B. Answering any emergency calls for any purpose or riding in or upon the ambulance apparatus which is owned by the Ambulance Company.
  - C. Performing maintenance of ambulance apparatus, buildings and property, when such activity is authorized by the Ambulance Company or other person in charge.
  - D. Participating in training exercises pertaining to the operation and certification of the Ambulance Company, including training exercises in conjunction with ambulance companies in other municipalities, as approved by the Company or other person in charge.
  - E. Participating in fund-raising events sponsored by the Ambulance Company on Borough property. Participation in fund-raising activities of any kind at all other locations shall not be allowed without the prior written authorization of the Borough Council or the Manager acting for the Council.
  - F. Participating in parades and other events within the Borough of Ambler, and in other municipalities only when expressly pre-authorized in writing by the Borough Council or Manager acting for the Council.
  - G. Participating in any and all additional events or activities for which such participation is expressly pre-authorized in writing by the Borough Council or Manager acting for the Council.

3. Except where otherwise stated herein, nothing contained in this Section shall be considered to limit in any way the activities for which compensation is available to volunteer fire personnel or volunteer ambulance corpsmen pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), as set forth in 77 P.S. §601(a)(1) and/or (a)(2).

(Ord. 1038, 6/16/2009)



**PART 11**

**FUND BALANCE POLICY**

**§1-1101. Title.**

This Part 11 shall be known as the "Borough of Ambler Governmental Accounting Standards Board Statement No. 54 Fund Balance Policy Ordinance."

(Ord. 1061, 11/15/2011)

**§1-1102. Definitions.**

The following words and phrases, when used in this Part 11, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

**ASSIGNED FUND BALANCE** — includes spendable fund balance amounts established by management of the Borough that are intended to be used for specific purposes that are neither considered restricted or committed.

**COMMITTED FUND BALANCE** — amounts that can be used only for the specific purposes determined by a formal action (ordinance or resolution) of the Borough of Ambler Council (the level of decision-making authority in the Borough). Commitments maybe changed or lifted only by the Borough of Ambler taking the same formal action (ordinance or resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

**FUND BALANCE** — as defined by the Governmental Accounting, Auditing and Financial Reporting of the Government Finance Officers Association (GFOA), "fund balance is the difference between assets and liabilities reported in a governmental fund."

**NONSPENDABLE FUND BALANCE** — amounts that are (a) not in spendable form or (b) legally or contractually required to be maintained intact. "Not in spendable form" includes items that are not expected to be converted to cash (such as inventories and prepaid amounts) and items such as long-term amounts of loans and notes receivable, as well as property acquired for resale. The corpus (or principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

**RESERVATIONS OF FUND BALANCE** — reserves established by the Borough Council (committed fund balance) or Borough management (assigned fund balance).

## ADMINISTRATION AND GOVERNMENT

RESTRICTED FUND BALANCE — amounts that can be spent only for specific purposes:

- A. Stipulated by external resource providers such as creditors (by debt covenants), grantors, contributors or laws or regulations of other governments;  
or
- B. Imposed by law through constitutional provisions or enabling legislation.

UNASSIGNED FUND BALANCE — the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund. Unassigned fund balance may also include negative balances for any governmental fund if expenditures exceed amounts restricted, committed, or assigned for those specific purposes.

UNRESTRICTED FUND BALANCE — the total of committed fund balance, assigned fund balance and unassigned fund balance.

(Ord. 1061, 11/15/2011)

### **§1-1103. Purpose.**

1. The Borough hereby establishes and will maintain fund balances, as defined herein, in accordance with Governmental Accounting and Financial Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. Fund balance shall be composed of nonspendable, restricted, committed, assigned and unassigned amounts.
2. A Fund Balance Policy is adopted in order to secure and maintain investment-grade credit ratings, meet seasonal shortfalls in cash flow, and reduce susceptibility to emergency or unanticipated expenditures and/or revenue shortfalls. Fund balance information is used to identify the available resources to repay long-term debt, reduce property taxes, add new governmental programs, expand existing ones, or enhance the financial position of the Borough, in accordance with policies established by the Borough Council.
3. This Fund Balance Policy establishes:
  - A. Fund balance policy for the general fund;
  - B. Reservations of fund balance for the general fund;
  - C. The method of budgeting the amount of estimated unrestricted fund balance available for appropriation during the annual budget adoption process (prior to the actual, audited fund balance being known) and what actions may

need to be taken if the actual fund balance is significantly different than the budgetary fund balance; and

- D. The spending order of operating revenues and fund balances.

(Ord. 1061, 11/15/2011)

**§1-1104. Fund Balance Policy (General Fund).**

1. **Restricted Fund Balance.** There is no restricted fund balance in the general fund. Amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other governments or (b) imposed by law through constitutional provisions or enabling legislation will be budgeted and reported in special revenue funds, capital project funds or debt service funds.
2. **Committed Fund Balance.**
  - A. Commitment of fund balance may be made for such purposes including but not limited to:
    - (1) Major maintenance and repair projects;
    - (2) Meeting future obligations resulting from a natural disaster;
    - (3) Accumulating resources pursuant to stabilization arrangements;
    - (4) Establishing reserves for disasters; and/or
    - (5) Setting aside amounts for specific projects.
  - B. Commitment of fund balance may be made from time to time by ordinance or resolution of the Borough Council. Commitments may be changed or lifted only by the Borough Council taking the same formal action that imposed the constraint originally (ordinance or resolution). The use (appropriation) of committed fund balances will be considered in conjunction with the annual budget adoption process or by budget amendment approved by ordinance or resolution of the Borough Council during the fiscal year.
3. **Assigned Fund Balance.**
  - A. Assignment of fund balance may be:
    - (1) Made for a specific purpose that is narrower than the general purposes of the government itself; and/or

## ADMINISTRATION AND GOVERNMENT

- (2) Used to reflect the appropriation of a portion of existing unassigned fund balance to eliminate a projected deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues.
  - B. Assigned fund balance shall reflect management's intended use of resources as set forth in the annual budget (and any amendments thereto). Assigned fund balance may or may not be appropriated for expenditure in the subsequent year, depending on the timing of the project/reserve for which it was assigned.
4. **Nonspendable Fund Balance.** Nonspendable fund balance is established to report items that are not expected to be converted to cash, such as inventory and prepaid items; items not currently in cash form, such as the long-term amount of loans and notes receivable as well as property acquired for resale; and items legally or contractually required to be maintained intact, such as the corpus (or principal) of a permanent fund.
5. **Minimum Level of Unassigned Fund Balance.**
  - A. Unassigned fund balance is the residual classification for the general fund and represents fund balance that has not been restricted, committed or assigned to specific purposes within the general fund.
  - B. If, after the annual audit, prior committed or assigned fund balance causes the unassigned fund balance to fall below 5% of general fund budgeted operating expenditures, the Finance Director will so advise Borough Council in order for the necessary action to be taken to restore the unassigned fund balance to 5% of general fund budgeted operating expenditures.
  - C. The Borough Manager will prepare and submit a plan for committed and/or assigned fund balance reduction, expenditure reductions and/or revenue increases to the Borough Council. The Borough shall take action necessary to restore the unassigned fund balance to acceptable levels within two years.

(Ord. 1061, 11/15/2011)

### **§1-1105. Reservations of Fund Balance (General Fund).**

1. **Committed Fund Balance.**
  - A. The Borough of Ambler hereby establishes the following committed fund balance reserves in the general fund:
    - (1) **Financial Stabilization.** The financial stabilization fund balance is committed by the Borough of Ambler as set forth by the GFOA, which recommends, at a minimum, that general purpose governments, re-

ardless of size, maintain no less than one or two months of regular general fund budgeted operating expenditures. A government's particular situation may require levels of reserves in the general fund significantly in excess of the GFOA's recommended minimum levels.

- B. It will be the responsibility of the Borough's Finance Director to report the current committed fund balances in the Borough's annual audited financial statements and six-month compiled financial statements.
2. Assigned Fund Balance.
- A. The Ambler Borough Council hereby establishes the following assigned fund balance reserves in the general fund:
    - (1) Assignment to Subsequent Year's Budget. The subsequent year's budgetary fund balance reserve is assigned by Borough management as set forth in the annual budget (and any amendments thereto) to appropriate a portion of existing unassigned fund balance to eliminate a projected deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues.
  - B. It will be the responsibility of the Borough Finance Director to report the current assigned fund balances in the Borough's annual audited financial statement and the six-month compiled financial statements.

(Ord. 1061, 11/15/2011)

**§1-1106. Budgeting.**

- 1. Appropriation of Unrestricted Fund Balance. The actual amount of unrestricted fund balance (total of committed fund balance, assigned fund balance and unassigned fund balance) is not known until the completion of the annual audit, which takes place four months after the end of the fiscal year being audited. However, an estimate of unrestricted fund balance must be made during the annual budget adoption process (October through December), which is prior to the end of the fiscal year, December 31.
- 2. Estimated Beginning Fund Balance. In order to achieve the most accurate estimate possible, the Borough Manager or designee shall project both sources of funds (revenues, prior years' unrestricted fund balances carried forward and other financing sources) and uses of funds (operating and nonoperating expenditures) , including accruals, for each department in each governmental fund through December 31 of the then-current fiscal year. These projections will be shown in a separate column for each fund in the proposed and final budget documents. The difference between the estimated actual sources of funds and estimated actual uses of funds is the calculated estimated beginning fund balance for the subsequent

## ADMINISTRATION AND GOVERNMENT

fiscal year. If planned for use in the subsequent fiscal year, committed and assigned fund balance may be included in the estimated beginning fund balance.

### 3. Estimated Ending Fund Balance.

- A. For the year being budgeted, a calculation of estimated ending fund balance shall also be made. This calculation shall be the difference between the budgeted sources of funds and the budgeted uses of funds as described above.
- B. Since the uses of funds are restricted, committed or assigned in all other governmental fund types, there is no policy to the amount of ending fund balance unless the project is completed and the fund should be closed. In this situation, a residual equity transfer will be made to zero-out any remaining fund balance.
- C. If, after the annual audit, the actual general fund unassigned fund balance is greater than 20% of budgeted operating expenditures in the general fund, the excess may be used in one or a combination of the following ways:
  - (1) Left in the general fund to earn interest and roll forward into the subsequent year's beginning fund balance;
  - (2) Appropriated by ordinance of the Borough Council for a one-time expenditure or opportunity that does not increase recurring operating costs;
  - (3) Committed to increase a formal stabilization arrangement or reserve (including but not limited to economic stabilization, contingency reserves or disaster reserves); or
  - (4) Appropriated for startup expenditures of new programs undertaken at mid-year, provided that such action is considered in the context of Council-approved multi-year projections of revenues and expenditures.

(Ord. 1061, 11/15/2011)

### **§1-1107. Spending Order of Operating Revenues and Fund Balances.**

1. The Borough will first use federal, then state, and lastly Borough revenues to meet its financial obligations. The Borough uses restricted amounts to be spent first when both restricted and unrestricted fund balance is available, unless there are legal documents/contracts that prohibit doing this, such as in grant agreements requiring dollar-for-dollar spending.

2. Additionally, the Borough would first use committed fund balance, followed by assigned fund balance and then unassigned fund balance, when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

(Ord. 1061, 11/15/2011)

**§1-1108. Annual Review and Determination of Fund Balance Policy.**

Compliance with the provisions of this policy shall be reviewed as a part of the annual budget adoption process; and the amounts of restricted, committed, assigned, non-spendable and the minimum level of unassigned fund balance shall be determined during this process.

(Ord. 1061, 11/15/2011)

**§1-1109. Additional Information, Requirements and Responsibilities.**

It will be the responsibility of the Borough Finance Director to keep this policy current.

(Ord. 1061, 11/15/2011)

Borough of Ambler

**PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

Please print legibly.

Date of Request \_\_\_\_\_

Requester's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Requester's Telephone No: \_\_\_\_\_

I request  review  duplication (check applicable line) of the following records. Important: You must identify or describe the records with sufficient specificity to enable the Borough to determine which records are being requested. Use additional sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I am a resident of the Commonwealth of Pennsylvania.

\_\_\_\_\_  
Signature of Requester

This request may be submitted in person, by mail or by facsimile to:

Borough Manager  
Ambler Borough  
122 E. Butler Ave., Ambler, PA 19002  
Fax 215-641-1355

*1 Attachment 2*

Borough of Ambler

**PUBLIC RECORD REVIEW/DUPLICATION REQUEST**

To be completed by: \_\_\_\_\_  
(Name of Borough employee(s) designated by Borough Manager)

Request No.: \_\_\_\_\_

Date Received: \_\_\_\_\_

Action Taken:

Approved                      Date of approval: \_\_\_\_\_

Denied                         Date notice mailed: \_\_\_\_\_

Additional Review             Date notice mailed: \_\_\_\_\_

1 Attachment 3

Borough of Ambler

**DENIAL OF REQUEST TO REVIEW AND/OR DUPLICATE**

Date of Denial: \_\_\_\_\_

Requester's Name: \_\_\_\_\_

Requester's Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Re: Denial of Request to Review and/or Duplicate \_\_\_\_\_

Request No.: \_\_\_\_\_

Date of Request: \_\_\_\_\_

Dear Mr./Mrs./Ms. \_\_\_\_\_ :

Please be advised that your request to review/duplicate [strike out inapplicable request] the following records:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

has been denied for the following reason(s)

\_\_\_\_\_

\_\_\_\_\_

This denial is based upon the following legal authority:

\_\_\_\_\_

\_\_\_\_\_

## ADMINISTRATION AND GOVERNMENT

You have the right to appeal this decision. If you appeal, you must either:

1. Within 15 days of the notice of denial or deemed denial file exceptions with the Borough in accordance with the provisions of Res. 2003-10.

If you file exception, the Borough has 30 days in which to respond to your exceptions, unless extended by the parties. The Borough may decide to conduct a hearing within that time to assist in the making of the decision.

or

2. Within 30 days of the notice of denial, or within 30 days of the Borough's final decision (in the event that you filed exceptions), file a petition for review in the Montgomery County Court of Common Pleas or bring an action in the local district justice office.