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**PART 1**

**AUTHORITIES**

**A. Spring-Benner-Walker Joint Authority**

**§101. INTENTION AND DESIRE TO ORGANIZE AUTHORITY.**

1. The Board of Supervisors of this Township signifies its intention and desire to organize an authority, jointly, with a certain other municipality, under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945" (the "Authorities Act"), for the purpose of exercising any and all powers conferred by the Authorities Act.
2. The authority shall be organized, jointly, by the Townships of Benner and Spring, both situate in Centre County, Pennsylvania.

(Ord. 255-1976, 1/3/1977, §1)

**§102. ARTICLES OF INCORPORATION.**

The Chairman or Vice Chairman of the Board of Supervisors and Secretary, respectively of this Township, are authorized and directed to execute, in behalf of this Township, Articles of Incorporation for the authority in the following form:

**ARTICLES OF INCORPORATION**

**TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA**

In compliance with requirements of the Act of Assembly approved May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented, and pursuant to ordinances duly enacted by the municipal authorities of the Townships of Benner and Spring, both situate in Centre County, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipalities to organize an authority, jointly, under provisions of said Act, said conforming municipalities certify:

1. The name of the authority is "Spring-Benner-Walker Joint Authority." [Res. 33-1983]
2. The authority is formed under provisions of the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945."
3. No other authority has been organized under the Act of Assembly approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," or under the Act of Assembly approved

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June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or for an incorporating municipality, except that the following municipality authorities heretofore have been organized under provisions of the Act of Assembly, approved May 2, 1945, P.L. 382, as amended and supplemented, known as the "Municipality Authorities Act of 1945," and are in existence in or for the incorporating municipalities:

- A. The following authority heretofore was organized by the Township of Spring, Centre County, Pennsylvania: Spring Township Authority.
  - B. The following authority heretofore was organized by the Township of Benner, Centre County, Pennsylvania: Spring Creek Water Authority.
4. The names of the incorporating municipalities are:
- A. Township of Benner, Centre County, Pennsylvania; and,
  - B. Township of Spring, Centre County, Pennsylvania.
5. The names and addresses of all of the municipal authorities of said incorporating municipalities are: [Here followed the names and addresses of all of the municipal authorities of said incorporating municipalities].
6. The members of the Board of the Authority shall be seven in number, with two members being appointed by the Township of Benner, Centre County, Pennsylvania, and five members being appointed by the Township of Spring, Centre County, Pennsylvania.
7. The names and addresses and terms of office of the first members of the Board of Authority, each of whom is a citizen of the incorporating municipality by which he is appointed, are as follows: [Here followed the names and addresses and terms of office of the first members of the Board of Authority].
8. The term of existence of the authority shall be for a period ending December 31, 2032. [Res. 33-1983]

IN WITNESS WHEREOF, the Townships of Benner and Spring, both situate in Centre County, Pennsylvania, each have caused these Articles of Incorporation to be duly executed in its name and in its behalf by its duly authorized officers and its corporate seal to be affixed hereunto and attested by its Secretary, all as of the \_\_\_ day of \_\_\_\_\_, 1976.

(Ord. 255-1976, 1/3/1977, §2; as amended by Res. 33-1983, 11/7/1983)

**§103. NOTICE.**

The Chairman or Vice Chairman of the Board of Supervisors and Secretary, respectively, of this Township, acting jointly with appropriate officers of the other municipality set forth in §101 of this Part, are authorized and directed to cause notice of the substance of this

Part, including the substance of the foregoing Articles of Incorporation, and of the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

(Ord. 255-1976, 1/3/1977, §3)

**§104.        FILING.**

The Chairman or Vice Chairman of the Board of Supervisors and Secretary, respectively, of this Township, acting joint with appropriate officers of the other municipality set forth in §101 of this part, are authorized and directed to file such Articles of Incorporation and the necessary proofs of publication with the Secretary of the Commonwealth of Pennsylvania and to do all other things necessary to the incorporation of such authority, including payment of the required filing fee.

(Ord. 255-1976, 1/3/1977, §4)

**§105.        FIRST MEMBERS.**

The following named persons are appointed as first members to represent this Township on the Board of such authority: [Here followed the names and addresses and terms of office of the first members appointed to represent this Township on the Board of the authority].

(Ord. 255-1976, 1/3/1977, §5)

**§106.        PURPOSE.**

The enactment of this Part is deemed necessary for the benefit of and preservation of the public health, peace, comfort and general welfare of and will increase the prosperity of citizens of this Township.

(Ord. 255-1976, 1/3/1977, §6)



**B. Spring Township Authority**

**§111. INTENTION AND DESIRE TO ORGANIZE AUTHORITY.**

The Board of Supervisors of this Township signifies its intention and desire to organize an authority, under the provisions of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented (the "Authorities Act"), for the purpose of acquiring, holding, constructing, improving, maintaining and operating and owning projects for water supply works, water distribution systems, sewers, sewer systems and sewage treatment works, and all powers incident thereto as conferred by the Authorities Act.

(Ord. 68-1966, 3/7/1966, §1)

**§112. ARTICLES OF INCORPORATION.**

The President and Secretary of the Township are authorized and directed to execute on behalf of this Township, Articles of Incorporation for such authority in substantially the following form:

**ARTICLES OF INCORPORATION**

**TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA**

In compliance with requirements of the Act of May 2, 1945, P.L. 382, known as the "Municipality Authorities Act of 1945," as amended and supplemented and pursuant to an ordinance enacted by the municipal authorities of the Township of Spring, Centre county, Pennsylvania, expressing the intention and desire of the municipal authorities of said municipality to organize under said Act, the incorporating municipality does certify:

1. The name of the authority is "Spring Township Authority."
2. The authority is formed under the provisions of the Act of May 2, 1945, known as the "Municipality Authorities Act of 1945," as amended and supplemented.
3. No other authority has been organized under said Municipality Authorities Act of 1945, as amended and supplemented, or under the Act of June 28, 1935, P.L. 463, as amended and supplemented, and is in existence in or from the incorporating municipality.
4. The name of the incorporating municipality is Township of Spring, Centre County, Pennsylvania.
5. The names and addresses of the municipal authorities of said incorporating municipality are: [Here followed the names and addresses of the municipal authorities of said incorporating municipality].

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6. The names, addresses and terms of office of the first members of the Board. [Here followed the names, addresses and terms of office of the first members of the Board.]
7. The term of existence of the authority shall end on January 1, 2053. [Ord. 2003-01]

IN WITNESS WHEREOF, the Township of Spring, Centre County, Pennsylvania, has caused these Articles of Incorporation to be executed by its President and attested by its Secretary, and its official seal to be affixed hereto this \_\_\_\_ day of March, 1966.

(Ord. 68-1966, 3/7/1966, §2; as amended by Res. 42-1984, 3/30/1984; and by Ord. 2003-01, 2/3/2003, §2)

**§113. NOTICE.**

The President and Secretary of the Board of Supervisors of this Township are authorized and described to cause notice of the substance of this Part, including the substance of the foregoing Articles of Incorporation, and the proposed filing of such Articles of Incorporation, to be published as required by the Authorities Act.

(Ord. 68-1966, 3/7/1966, §3)

**§114. FILING.**

The President and Secretary of this Township are authorized and directed to cause such Articles of Incorporation, together with necessary proofs of publication, to be filed with the Secretary of the Commonwealth of Pennsylvania, and to do all other acts and things necessary or appropriate to effect the incorporation of the authority, including payment of any filing fees necessary in connection therewith.

(Ord. 68-1966, 3/7/1966, §4)

**§115. FIRST MEMBERS.**

The following named persons shall be and they are appointed as first members of the Board of the authority for the following terms of office: [Here followed the names, addresses and terms of office of the persons appointed as first members of the Board of the authority].

(Ord. 68-1966, 3/7/1966, §5)

**§116. PURPOSE.**

The enactment of this Part is deemed necessary for the benefit of and preservation of the public health, peace, comfort and general welfare of and will increase the prosperity of citizens of this Township.

(Ord. 68-1966, 3/7/1966, §6)



**PART 2**

**COMMISSIONS AND AGENCIES**

**A. Planning Commission**

**§201. CREATION OF COMMISSION.**

A Township Planning Commission to be composed of seven members, appointed as provided by law (53 P.S. §10202), is hereby created in and for the Township of Spring. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon Township planning agencies; provided, the Planning Commission previously created in and for the said Township shall constitute the tenure of any of the members thereof, but any and all vacancies in the said Commission hereafter occurring shall be filled in the manner and for the term provided in the law governing Township planning commissions in effect at the time of the happening of the said vacancy.

(Ord. 52-1962, 7/5/1962; as revised by Ord. 09-00, 10/2/2000)



**B. Educational Service Agency**

**§211. ESTABLISHMENT OF EDUCATIONAL SERVICE AGENCY.**

1. The Spring Township Board of Supervisors hereby resolves that an Educational Service Agency is established as provided for in Act 108 and further in conformity with §66915 of the Second Class Township Code, 53 P.S. §66915. The Educational Service Agency is established and operates exclusively for the purpose of providing such service of school crossing guards, appointed in conjunction with the Bellefonte School District. [Ord. 09-00]
2. The Board, therefore, recognizes the Educational Service Agency as the Spring Township agency for management and control of crossing guards.
3. Therefore, the Board resolves that we have employed an employee in accordance with §66915 of the Second Class Township Code, 53 P.S. §66915 and will establish and operate as amended in Act 108. [Ord. 09-00]
4. The new Act excludes workers of nonprofessional status of school districts who are actual employees of the Township.

(Res. 40-1980, 6/2/1980; as amended by Ord. 09-00, 10/2/2000)



**C. Mid-County Recreation Commission**

**§221. ESTABLISHMENT OF COMMISSION.**

There is hereby created and established a joint recreation commission to be known as "Mid-County Recreation Commission," which said commission is to consist of 12 members.

(Agr. 3/2/1970, §1)

**§222. MEMBERSHIP.**

Each member of the Mid-County Recreation Commission shall serve for a term of 2 years, with appointments to be made in the month of April of each year. Two members shall be appointed by the School District, two members by Bellefonte Borough, two members by Spring Township, two members by Benner Township, two members by Walker Township and two members by Marion Township. The number of members of the commission shall be reviewed at the expiration of 3 years after the effective date of this agreement to determine if more members shall be needed, and the number of members of said commission shall be mutually agreed upon at that time.

(Agr. 3/2/1970, §2)

**§223. RESIDENCY REQUIREMENTS.**

All members of the commission shall reside within the area of Bellefonte Borough, Spring Township, Benner Township, Walker Township and Marion Township; provided, however, that each member appointed by his respective municipality shall reside in that particular municipality. The members shall serve without compensation or pay, although they may be reimbursed for necessary expenses in the performance of their duties.

(Agr. 3/2/1970, §3)

**§224. VACANCIES**

Any vacancies in said commission shall be filled by the municipality or school district making the original appointment for the unexpired portion of the term. All appointees shall serve for their full term, unless they voluntarily resign or unless the township or school district making the appointment, after a public hearing, removes any member of the commission for inefficiency, neglect of duty or malfeasance in office.

(Agr. 3/2/1970, §4)

**§225. OFFICERS.**

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The commission shall elect its own Chairman and a Secretary and a Treasurer, and create and fill such other offices as it may determine, said officers to serve for a term of 1 year. The Secretary and/or Treasurer need not be a member of the commission. They may be paid for their services. They shall also be bonded with sufficient bond as determined by the commission, as all monies appropriated by the commission shall pass through their hands.

(Agr. 3/2/1970, §5)

### **§226. BY-LAWS; RULES AND REGULATIONS.**

The commission may adopt by laws and make and alter rules and regulations for its procedure consistent with the laws of the Commonwealth of Pennsylvania and of the codes governing the parties creating the commission. The commission shall keep a record of its resolutions and transactions, which record shall be a public record. It shall submit a report at least annually to each of the municipalities and the school district creating the commission, which report shall set forth the financial receipts and expenditures of the commission, an analysis of the community recreation areas, facilities and leadership, the adequacy of the program and its effectiveness and any recommendations for a recreation program. All financial receipts shall be deposited in an account in the name of Mid-County Recreation Commission, and it shall account to all municipalities annually in its report. All financial records of the commission shall be subject to audit by the municipalities.

(Agr. 3/2/1970, §6)

### **§227. RESPONSIBILITIES.**

The Mid-County Recreation Commission shall have the responsibility of preparing and submitting to the parties hereto a comprehensive plan for recreational activities and the use of such capital facilities throughout the district as shall be necessary to provide a full and adequate recreation program for all citizens of the district within reasonable proximity of all areas of the district; provided, that nothing contained herein shall be construed as requiring any particular party or municipality to contribute to the construction of a particular facility without the approval of its governing body. Copies of any plans, reports and recommendations relating to use and operation of recreation facilities and parks or other property owned by the participating boroughs or townships shall be submitted to the appropriate officer in such borough or township, and those relating to the school district to its superintendent.

(Agr. 3/2/1970, §7)

### **§228. OWNERSHIP OF REAL ESTATE PROHIBITED.**

Unless the parties creating the commission hereafter specifically agree thereto, the commission shall not have power to purchase or own any real estate. Any real estate used by the commission in carrying out its function shall remain the property of the municipal-

ity or school district owning the same or shall be leased from private parties under a written lease.

(Agr. 3/2/1970, §8)

**§229. FISCAL AFFAIRS.**

1. The commission shall plan its fiscal affairs on a calendar year basis, submit its financial reports on a calendar year basis and submit its requested budget to the parties hereto by the first day of November for the year following. The Recreation Commission must not spend any money or obligate themselves beyond that which is appropriated to it annually by the parties hereto.
2. The amounts designed in the annual budget of the commission shall not be binding on the parties hereto until approved by the governing boards of the parties hereto.
3. The parties agree that they will, for the year beginning January, 1970, appropriate the sum of money set forth below:

Borough of Bellefonte	\$150.00
Township of Spring	150.00
Township of Benner	100.00
Township of Walker	50.00
Township of Marion	25.00
Bellefonte School District	50.00

4. Thereafter, the parties agree that they will exert their best efforts to agree on a formula for the allocation among themselves for the costs of operating the Recreation Commission, which formula may be based on either assessed valuation, population or such other factors as may appear proper.
5. The Recreation Commission may accept any grant, gift, bequest or donation of services, equipment or money from any individual or group to be used as specified by the donor, or by the terms of acceptance.

(Agr. 3/2/1970, §9)

**§230. AGREEMENT.**

This agreement shall remain in effect and bind all parties thereto from year to year, except that this agreement may be terminated by the mutual consent of all parties hereto, and except that this agreement may be terminated by any municipality or school district party thereto giving notice in writing of its intention to terminate this agreement, said notice in writing to be delivered to the other parties hereto at least 3 months before the beginning of any calendar year hereafter, and the agreement shall thereupon be terminated at the beginning of said year, insofar as the notice-giving party is concerned.

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(Agr. 3/2/1970, §10)

**D. Shade Tree Commission**

**§231. CREATION OF COMMISSION; MEMBERSHIP, POWERS, DUTIES AND OBLIGATIONS**

The Township of Spring hereby creates a Shade Tree Commission to be composed of three residents of the Township, who shall be appointed by the Board of Supervisors and shall serve without compensation for their terms of office and will the rights, powers, duties and obligations provided for by law.

(Ord. 97-07, 7/7/1997, §1)

**§232. APPOINTMENTS; TERM OF OFFICE**

The members of the commission shall be appointed by the Board of Supervisors for terms of 5 years each; provided, for the members of said commission, one member shall be appointed for a term of 3 years, one for a term of 4 years and one for a term of 5 years. On the expiration of the term of any commissioner, a successor shall be appointed by the Board of Supervisors to serve for a term of 5 years. Vacancies in the office of commissioner shall be filled by the Township Supervisors for the unexpired term.

(Ord. 97-07, 7/7/1997, §2)

**§233. EXPRESS AUTHORITY OF SHADE TREE COMMISSION**

The collection of assessments, the filing of liens, the levying of taxes and the collection of penalties, expressly authorized as provided for by law.

(Ord. 97-07, 7/7/1997, §3)

**§234. RULES AND REGULATIONS AUTHORIZED; PENALTY FOR VIOLATION**

The commission is hereby authorized to prescribe such rules and regulations to impose such penalties for the violation of the same as it may deem necessary and proper; provided that the rules and regulations are approved by the Board of Supervisors and are not in conflict with other ordinances of the Township.

(Ord. 97-97, 7/7/1997, §4)

**§235. ANNUAL REPORT**

The Shade Tree Commission shall report annually to the Board of Supervisors on all transactions and expenses for the preceding fiscal year.

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(Ord. 97-07, 7/7/1997, §5)

**E. Nittany Valley Joint Planning Commission**

**§241. CREATION, MEMBERSHIP AND TERMS.**

Spring Township hereby joins with the municipalities of Bellefonte Borough, Benner Township, Marion Township and Walker Township to create the Nittany Valley Joint Planning Commission as per the guidelines set forth under Article XI of the Pennsylvania Municipalities Planning Code, Fifteenth Edition of Act 247 as amended January 2001. Each participating municipality shall appoint two members. The term of each member shall be 2 years.

(Ord. 2002-05, 8/5/2002, §1)

**§242. PURPOSE.**

The five municipalities of the Bellefonte area have come to recognize that the issues associated with growth and development, such as, but not limited to, traffic congestion, air and water pollution and loss of open space, are too large for any one municipality to deal with. They further recognize that current growth and anticipated growth, if not properly managed, will lead to the diminution of the region's quality of life. They are concerned that current zoning requirements which call for each and every municipality to provide for a full range of uses, regardless of historic development patterns, is inefficient and potentially destructive to the region's economic and social structure. To this end, the five municipalities of the Bellefonte area hereby embark on a course of action to implement multi-municipal planning. Spring Township empowers the Nittany Valley Joint Planning Commission to undertake the development of a Multi-Municipal Comprehensive Plan that shall encompass the five municipalities of the Bellefonte area.

(Ord. 2002-05, 8/5/2002, §2)

**§243. POWERS AND DUTIES.**

The Nittany Valley Joint Planning Commission shall have the responsibility to prepare a Multi-Municipal Comprehensive Plan for the five participating municipalities of the Bellefonte area. To this end, the powers and duties of the Commission are as follows:

- A. To prepare a Multi-Municipal Comprehensive Plan pursuant to Article XI of the Pennsylvania Municipalities Planning Code.
- B. That in the preparation of the Multi-Municipal Comprehensive Plan, the members of the Commission shall represent the interest of their respective municipalities and may cast one vote per municipality on all matters that require action.
- C. The recommendation of the Commission shall be advisory only.

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- D. The municipalities may extend the power and duties of the Joint Planning Commission by resolution of all participating municipalities.
- E. The Commission shall be guided by the by-laws of the Nittany Valley Joint Planning Commission Attachment 1.

(Ord. 2002-05, 8/5/2002, §3)

### **§244. WITHDRAWAL.**

Any participating municipality may withdraw from the Nittany Valley Joint Planning Commission after 6 months formal notice. Formal notice must be submitted in writing with the consent of the respective governing body authorizing withdrawal from the Joint Planning Commission. Upon receiving notice that a municipality wishes to withdraw from the Joint Planning Commission, the governing bodies of the remaining municipalities shall promptly schedule a meeting to consider whether the remaining municipalities wish to continue with the Joint Planning Commission. Municipalities who choose to withdraw shall still be responsible for their share of costs for the 6 month formal notice period.

(Ord. 2002-05, 8/5/2002, §4)

### **§245. DISPUTE RESOLUTION.**

In instances where a dispute arises between two or more municipalities as to the contents of the Multi-Municipal Comprehensive Plan or the interpretation of this Part 2E, the Joint Planning Commission may retain the services of the Centre County Planning Commission or any other organization that specializes in mediation. The parties involved in the dispute shall be responsible for any costs incurred for mediation.

(Ord. 2002-05, 8/5/2002, §5)

ATTACHMENT #1  
BY-LAWS  
THE NITTANY VALLEY JOINT PLANNING COMMISSION

For the Municipalities of:  
Bellefonte Borough, Benner Township, Marion Township, Spring Township,  
And Walker Township

ARTICLE I  
The Nittany Valley Joint Planning Commission

- 1.1 The name of this organization shall be the Nittany Valley Joint Planning Commission (Regional Planning Commission).

ARTICLE II  
Authorization

- 2.1 Authorization for the establishment of the Nittany Valley Joint Planning Commission is set forth under Articles 1, II, and XI of the Pennsylvania Municipalities Planning Code, Act 247, Fifteenth Edition, January 2001.

ARTICLE III  
Powers and Duties

- 3.1 The powers and duties contained herein have been delegated to the Joint Planning Commission by the participating member governing bodies by ordinance in accordance with the above-mentioned enabling law.
- 3.2 The Joint Planning Commission shall have the responsibility to prepare The Nittany Valley Multi-Municipal Comprehensive Plan for the five (5) participating municipalities in accordance with all applicable sections of the Pennsylvania Municipalities Planning Code.
- 3.3 That in the preparation of the Multi-Municipal Comprehensive Plan, the members of the Joint Planning Commission shall represent the interests of their respective municipalities.
- 3.4 The recommendations of the Joint Planning Commission shall be advisory only.
- 3.5 The Joint Planning Commission shall not usurp the powers, duties and obligations of the individual municipal planning commissions and zoning hearing boards regarding subdivisions, land developments and zoning matters.

ARTICLE IV  
Membership

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- 4.1 The Nittany Valley Joint Planning Commission shall be comprised of the following member municipalities: Bellefonte Borough, Benner Township, Marion Township, Spring Township, and Walker Township.
- 4.2 Each Municipality shall appoint two representatives to the Joint Planning Commission. One member from each municipality must be from the elected governing board and the other may either be from the governing board, planning commission, or citizen from the municipality. Where there are differing opinions by members of the same municipality, the elected official shall have the final say and cast the municipal vote.
- 4.3 Each municipality shall have the right to send a proxy to any meeting of the Joint Planning Commission where said proxy shall have the right to cast the municipal vote on matters which come before the Commission.
- 4.4 Each municipality is responsible for ensuring full representation on the Joint Planning Commission and must fill any vacancy in a timely fashion.
- 4.5 Contiguous municipalities may apply for membership in the Nittany Valley Joint Planning Commission. This shall constitute an amendment to the By-Laws as per Article XV and may require amendments to Articles VII and XII.
- 4.6 Associate membership is available to those organizations whose purpose is to provide essential / life-support services to the general public. Associate members are non-voting members. Membership in this capacity shall include but not be limited to the Bellefonte Area School District, Spring Benner Walker Joint Area Authority, Spring Township Water Authority, Walker Township Water Association, The Nittany Valley Water Company and the East Nittany Valley Municipal Authority.

### ARTICLE V Terms of Office

- 5.1 The term of each member shall be two (2) years, although initially the terms shall be staggered with one (1) appointee serving for one year, and the second for two (2).

### ARTICLE VI Voting and Voting Rights

- 6.1 Each member municipality shall have one vote to cast on all matters that come before the Joint Planning Commission.
- 6.2 No action may be taken, or recommendation made by the Joint Planning Commission, where the resulting vote ends in a tie.
- 6.3 Although each municipality shall have two (2) representatives on the Joint Planning Commission, together they may cast only one (1) vote on behalf of their respective municipality.

- 6.4 Any vote to be considered binding must represent a majority of the participating member municipalities. A majority vote shall be considered achieved only when a minimum of three (3) votes representing three (3) municipalities have been cast either ye or nay.

ARTICLE VII  
Quorum

- 7.1 A quorum of the Joint Planning Commission shall be considered achieved when there are three (3) voting members present whereby each voting member represents a separate municipality.

ARTICLE VIII  
Officers

- 8.1 The officers of the Joint Planning Commission shall consist of a Chairperson, Vice-Chairperson, Treasurer and Secretary, all of whom are to serve for a term of one-year. The Chairperson, Vice-Chairperson and Treasurer shall be members of the Commission, but the Secretary need not be a member of the Commission.
- 8.2 The positions of Chairperson, Vice-Chairperson and Treasurer must be held by individuals representing three (3) different member municipalities.
- 8.3 The Secretary shall keep the minutes and records of the Joint Planning Commission, and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairperson, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Secretary.
- 8.4 The Chairperson shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers.

ARTICLE IX  
Selection of Officers

- 9.1 At the first official meeting of the newly created Nittany Valley Joint Planning Commission, the election of officers shall be held. Officers elected at the first official meeting of the Joint Planning Commission shall serve for the remainder of the year in which they were elected and for the year after. This shall count as one year for their term of office. Subsequently, beginning with the following year, an annual organization meeting shall be held during the first regular meeting in January or at a special meeting authorized by the governing bodies.

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- 9.2 Officers shall serve for a one-year term, and may succeed themselves for a second one-year term. No officer may serve in the position in which he or she was elected for more than two consecutive years.
- 9.3 Once the term for Chairperson, Vice-Chairperson, or Treasurer has expired, that position must be filled by a representative from a municipality other than the one from which the position was previously filled. No municipality may have its representative repeat as Chairperson, Vice-Chairperson or Treasurer until all the participating municipalities have been represented in that leadership position.
- 9.4 Vacancies in office shall be filled immediately by the Joint Planning Commission. The replacement shall then serve the remainder of the term.

### ARTICLE X Meetings

- 10.1 Regular meetings will be held on a mutually agreed upon day, time and place. In the event of conflict with holidays or other events, a majority at any meeting may change the date of said meeting.
- 10.2 All meetings or portions of meetings at which official action is taken shall be open to the general public and comply with the Sunshine Laws of Pennsylvania.

### ARTICLE XI Administration and Expenditure of Funds

- 11.1 The Joint Planning Commission may prepare an annual budget and appropriate funds for its operation.
- 11.2 The Joint Planning Commission may seek federal, state and county grants and funds to offset the cost of operation and the preparation of the comprehensive plan.
- 11.3 All budgeted and non-budgeted items shall require unanimous consent of the voting members present at the Joint Planning Commission meeting.

### ARTICLE XII Funding Formula

- 12.1 Each municipality shall pay a percentage of the costs incurred by the Joint Planning Commission based on their share of the population of the Nittany Valley Region as of 2000 U.S. Census, less any in kind services and grants that may be applicable.
- 12.2 2000 U.S. Census data and municipal share:

<u>Municipality</u>	<u>Population</u>	<u>Percentage</u>
Bellefonte Borough	6,395	32%
Spring Township	6,117	30.5%
Walker Township	3,299	16.5%
Benner Township	3,205 (no inmates)	16%
Marion Township	978	5%
	19,994	100%

12.3 Each municipality shall be required to contribute \$250.00 for initial start-up fees, such as advertising, copying, and postage.

ARTICLE XIII  
The Hiring of Staff or Professional Consultants

13.1 Within the limits imposed upon it by the funds available for its use, the Joint Planning Commission may employ such staff or personnel and enter into contracts with consultants as it sees fit to aid in its work.

ARTICLE XIV  
Order of Business

14.1 The order of business at regular meetings shall be:

- a. Roll call.
- b. Reading of minutes.
- c. Public comments and questions.
- d. Communications and bills.
- e. Reports of Officers.
- f. Old business.
- g. New business.
- h. Adjournment.

14.2 A motion from the floor must be made and passed in order to dispense with any item on the agenda.

ARTICLE XV  
Amendments

15.1 These By-Laws may only be amended by unanimous consent of the participating municipalities by resolution adopted by the governing bodies.



**PART 3**

**POLICE DEPARTMENT**

**A. Police Department**

**§301. ESTABLISHMENT OF POLICE DEPARTMENT.**

There is hereby established for the Township of Spring a Police Department to exercise all of the rights, duties and privileges and powers as set forth in the Second Class Township Code.

(Ord. 92-1968, 1/22/1968, §1)

**§302. CHIEF OF POLICE.**

The Chief of Police of the Police Department of Spring Township shall be the person who from time to time is designated as such by the Board of Supervisors.

(Ord. 92-1968, 1/22/1968, §2; as amended by Ord. 103-1968, 5/6/1968, §§1,2; and by Ord. 09-00, 10/2/2000)

**§303. TOWNSHIP EMPLOYEES SERVICE COMMITTEE.**

There is hereby established a Township Employees Service Committee, which shall consist of not less than three nor more than five residents and electors of the Township of Spring, which committee shall be charged with the administration and control of the Police Department and all personnel thereunder, shall prescribe the duties, shall fix the salary for the policemen in conjunction with the specific authority and authorization of the Township Supervisors and shall exercise all the necessary powers over the police force and the policemen. The Township Employees' Service Committee shall also exercise the power and administration over all Township employees and shall be charged by the Supervisors with the responsibility of making investigations and conducting hearings in the event of the proposed dismissal of any of the police officers and employees of the Township. Appointments to said committee shall be made for 1 year terms by the Township Supervisors.

(Ord. 92-1968, 1/22/1968, §3)

**§304. AUXILIARY POLICE.**

The Chief of Police is authorized to employ not more than three auxiliary police to assist in carrying out the police functions of the Department for the Township in accordance with the Act of Assembly of the Commonwealth of Pennsylvania, which auxiliary police shall

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serve at the discretion of the Chief of Police and shall exercise all of the powers and duties as set forth in the Act of Assembly.

(Ord. 92-1968, 1/22/1968, §4)

### **§305. APPROPRIATION OF FUNDS.**

There is hereby appropriated from the general funds of the Township to the specific purpose of providing police duty, such amount as may be necessary to defray the expenses of the police in accordance with the terms of the agreement between the Township and the Chief of Police.

(Ord. 92-1968, 1/22/1968, §5)

**B. Police Pension Fund**

**§311. AMENDMENT AND RESTATEMENT OF POLICE PENSION PLAN.**

All previous ordinances or resolutions relating to the Spring Township Police Pension Plan with an effective date prior to the adoption date of the amendment and restatement of the plan are hereby repealed with respect to the benefits accruing on or after the amendment and restatement effective date and the attached amendment and restatement of the plan<sup>1</sup> is reenacted.

(Ord. 02-01, 3/4/2002; as amended by Ord. 03-04, 10/6/2003; by Ord. 2005-01, 3/7/2005; and by Ord. 2007-01, 1/2/2007)

**§312. POLICE PENSION PLAN'S TRUST FUND.**

Be it further ordained and enacted by Spring Township that the previous ordinances and resolutions relating to the plan's trust fund with an effective date prior to the adoption of plan of the amendment and restatement of the trust are hereby repealed and the amendment and restatement of the trust<sup>1</sup> as presented is enacted.

(Ord. 02-01, 3/4/2002)

**§313. APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER OF THE PLAN AND TRUSTEE OF THE TRUST.**

Terry M. Perryman is hereby appointed the Chief Administrative Officer of the plan and as agent of the employer is authorized and directed to execute the amendment and restatement of the plan as submitted. Weinken and Associates is hereby confirmed as the trustee of the trust.

(Ord. 02-01, 3/4/2002; as amended by Ord. 02-04, 4/1/2002; and by Ord. 03-04, 10/6/2003)

**§314. APPOINTMENT OF INVESTMENT MANAGER AND TRUSTEE OF THE POLICE PENSION PLAN.**

Weinken and Associates is appointed Investment Manager and the Township of Spring, acting through the Board of Supervisors, is appointed trustee of the pension plan.

(Ord. 02-04, 4/1/2002)

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<sup>1</sup>Editor's Note: The amendment and restatement of the police pension plan and plan's trust fund are on file at the Township office.



**PART 4**

**FIREMEN'S RELIEF ASSOCIATION**

**§401. RECOGNITION OF FIREMEN'S RELIEF ASSOCIATION.**

- 1. The following associations are hereby recognized as actively engaged in providing fire protection and/or emergency services in the Township of Spring:

<u>Fire Company</u>	<u>Municipality</u>	<u>Percentage</u>
Pleasant Gap	Pleasant Gap	70%
Logan Fire Co.	Bellefonte Borough	
Undine Fire Co.	Bellefonte Borough	30%

- 2. The above named associations have been formed for the benefit of their members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty.
- 3. The above named associations of the Township of Spring are designated the proper associations to receive such funds as are due and payable to the Township Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies.

(Ord. 09-00, 10/2/2000)

**§402. CERTIFICATION TO AUDITOR GENERAL.**

The Board of Supervisors shall annually certify to the Auditor General of the Commonwealth, the names of the active associations and the percentage of service they contribute to the protection of the Township of Spring. Such certification shall be on forms prescribed by the Auditor General.

(Ord. 09-00, 10/2/2000)

**§403. ANNUAL APPROPRIATION.**

There is annually appropriated from the Township Treasury all such sums of money that may hereafter be paid into the Township Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of the Act of December 18, 1984, No. 205, §701 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania. Such monies received by the Township Treasurer from the State Treasurer shall be distributed

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to the duly recognized associations within 60 days of receipt. The funds shall be distributed on the basis of the percentage of service established in the certification to the Auditor General and with other provisions of the Act.

(Ord. 09-00, 10/2/2000)

**PART 5**

**APPOINTED OFFICIALS**

**A. Township Manager**

**§501. CREATION OF OFFICE.**

The office of Spring Township Manager is hereby created by the Board of Township Supervisors.

(Ord. 2004-04, 5/3/2004, §1)

**§502. APPOINTMENT, TERM, VACANCIES, REMOVAL.**

As soon as practicable, after enactment, the Board of Supervisors of the Township of Spring shall appoint, by a majority vote of all of its members, one person to fill the office of Township Manager, who shall serve until their successor is elected and qualifies. In the case of a vacancy, the Board of Supervisors of Spring Township will fill said office by a majority vote of all its members. The Township Manager shall serve at the pleasure of the Board, and be subject to removal at any time by a majority vote of all its members of the Board of Supervisors of Spring Township. At least 30 days notice before such removal is to become effective. The Board of Supervisors shall furnish the Manager with a written statement setting forth its intention to remove him/her.

(Ord. 2004-04, 5/3/2004, §2)

**§503. QUALIFICATIONS; RESIDENCY REQUIREMENTS.**

The Manager should have either a bachelors degree in public administration and a minimum of 5 years experience in local government or related field, or at least 10 years of experience in local government at progressively more responsible positions. The Manager need not be a resident of the Township or of the Commonwealth of Pennsylvania at the time of appointment, but during the tenure of office he/she may reside outside the Township only with the approval of the Board of Township Supervisors. If the Board of Township Supervisors fails within a reasonable time, not to exceed 60 days after the appointment, to approve the Manager's residence outside the Township, he must immediately become, and during his/her tenure remain, a resident of the Township.

(Ord. 2004-04, 5/3/2004, §3)

**§504. BOND.**

Before entering upon his/her duties, the Manager shall give a bond in the sum of \$25,000, with a bonding company as surety, to be approved by the Board of Township

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Supervisors, conditioned upon the faithful performance of his/her duties, the premium for said bond to be paid by the Township.

(Ord. 2004-04, 5/3/2004, §4)

### **§505. MANAGER'S COMPENSATION.**

The salary of the Township Manager shall be fixed from time to time by the Board of Township Supervisors by resolution.

(Ord. 2004-04, 5/3/2004, §5)

### **§506. POWERS AND DUTIES.**

The Manager shall be the Chief Administrative Officer of the Township and shall be responsible to the Board of Township Supervisors as a whole for the proper and efficient administration of the affairs of the Township placed in his/her charge. The powers and duties for administration of all Township business shall be vested in the Manager, unless expressed imposed or conferred by statute or ordinance upon other Township officers.

- A. Subject to recall by ordinance, the powers and duties of the Township Manager shall include the following:
- (1) Supervise and be responsible for the activities of all municipal departments.
  - (2) Hire and, when necessary for the good of the Township, suspend or discharge any employee under his/her supervision, provided that persons covered by the civil service provisions of the Township Code shall be hired, suspended or discharged in accordance with such provisions, and provided further that the Manager shall report, at the next meeting thereafter of the Board of Township Supervisors, any action taken by authority of this subsection.
  - (3) Fix wages and salaries of all personnel under his/her supervision, within a range previously determined by the Board of Township Supervisors.
  - (4) Prepare and submit to the Board of Township Supervisors, a budget for the next fiscal year and an explanatory budget message, in such a timely fashion as will enable the Board of Township Supervisors to consider and adopt the budget and related tax ordinances according to the requirements of law. In preparing the budget, the Manager or

an officer designated<sup>2</sup> by him/her shall obtain from the head of each department, agency or Board, or any qualified officer thereof, estimates of revenues and expenditures and such other supporting data as is required. The Manager shall review such estimates and may revise them before submitting the budget to the Board of Township Supervisors.

- (5) Be responsible for the administration of the budget after its adoption by the Board of Township Supervisors.
- (6) Develop, in conjunction with the preparation of the budget, long-range fiscal plans for the Township, such plans to be presented annually to the Board of Township Supervisors for its review and adoption.
- (7) Hold such other Township offices and head such Township departments as the Board of Township Supervisors may from to time direct.
- (8) Attend all meetings of the Board of Township Supervisors and its committees with the right to take part in the discussions. The Manager shall receive notice of all special meetings of the Board of Township Supervisors and its committees.
- (9) Prepare the agenda for each meeting of the Board of Township Supervisors and supply facts pertinent thereto.
- (10) Keep the Board of Township Supervisors informed as to the conduct of Township affairs; submit periodic reports on the condition of the Township finances and such other reports as the Board of Township Supervisors requests; and make such recommendations to the Board of Township Supervisors as deemed advisable.
- (11) Submit to the Board of Township Supervisors, as soon as possible after the close of the fiscal year, a complete report on the finances and administrative activities of the Township for the preceding year.
- (12) See that the provisions of all franchises, leases, permits and privileges granted by the Board of Township Supervisors are observed.
- (13) Employ, by and with the approval of the Board of Township Supervisors, experts and consultants to perform work and to advise.
- (14) Attend to the letting of contracts in due form of law. The Manager shall supervise the performance and faithful execution of the same

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<sup>2</sup>Editor's Note: Ord. 2004-04, 5/3/2004, §6, as enacted, read "designed."

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except insofar as such duties are expressly imposed by statute upon some other Township officer.

- (15) Be responsible for all accounts payable and receivable.
- (16) Serve as Purchasing Officer of the Township and purchase, in accordance with the provisions of the Township Code, all supplies and equipment for the agencies, boards, departments, and other offices of the Township. The Manager shall keep an account of all purchases and shall, from time to time or when directed by the Board of Township Supervisors, make a full written report thereof. He/She shall also issue rules and regulations, subject to the approval of the Board of Township Supervisors, governing the procurement of all municipal supplies and equipment.
- (17) Investigate and dispose of, or designate an officer to investigate and dispose of, all complaints regarding Township services and personnel, and to report to the Board of Township Supervisors thereon. All complaints regarding Township services shall be referred to the Office of Manager.
- (18) Enforce the ordinances and regulations of the Township.
- (19) Meets with employees and employee representatives to resolve grievances and to negotiate terms of collective bargaining agreements.
- (20) Searches out and applies for other sources of funds such as grants, loans, credits, discounts, etc., when appropriate.
- (21) Develops and implements administrative and operating policies and procedures to meet Township needs and carry out approved policies.
- (22) Monitors insurance coverage to insure that policies are renewed, new equipment is covered, risks are minimized and best rates are obtained.
- (23) Serve as contact with current and potential Township business people and land developers to maintain affirmative public/private relationships.
- (24) Originate and maintain contacts with Federal, State, County, and local agencies and other organizations with whom the Township conducts business.

(Ord. 2004-04, 5/3/2004, §6)

**§507. PROCEDURAL LIMITATIONS ON THE BOARD OF TOWNSHIP SUPERVISORS.**

The Board of Township Supervisors, its members, and its committees shall not dictate, or influence, or attempt to dictate or influence the hiring of any person to, or his/her discharge from, municipal employment by the Manager, or in any manner take part in this hiring, suspending or discharging of employees in the administrative service of the Township except as required by the civil service provisions of the Township Code or the provisions of the Local Agency Law. Other than for the purposes of inquiry, the Board of Township Supervisors or any of its members or any of the Township committees or its members shall deal with the administrative service solely through the Manger, and the Board of Township Supervisors or any of its members, the Township committees or its members shall not give orders publicly or privately to any subordinate of the Manager.

(Ord. 2004-04, 5/3/2004, §7)

**§508. DISABILITY OR ABSENCE OF THE MANAGER.**

If the Manager becomes ill or needs to be absent from the Township, he/she shall designate one qualified member of his/her staff to perform the duties of the Manager during his/her absence or disability. The person so designated shall not perform these duties for a period longer than 2 weeks without the approval of the Board of Township Supervisors.

(Ord. 2004-04, 5/3/2004, §8)



**PART 6**

**BOARD OF SUPERVISORS**

**§601. COMPENSATION.**

Effective January 1, 2008, the compensation to members of the Board of Supervisors of Spring Township is fixed at \$175 for each meeting attended by a Supervisor; provided, however, that in no event shall the compensation paid to any Supervisor exceed \$2,500 per year. The compensation shall be paid monthly.

(Ord. 2007-02, 1/2/2007, §1)

**§602. EFFECTIVE DATE.**

The effective date of this change in compensation is January 1, 2008; provided, however, that any elected Supervisor presently in office shall not receive the compensation fixed by this Part until the expiration of the term of that elected Supervisor.

(Ord. 2007-02, 1/2/2007, §2)

