

ORDINANCE NO. 270  
EAST NORRITON TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE POLICE PENSION PROGRAM FOR FULL-TIME POLICE OFFICERS OF THE TOWNSHIP OF EAST NORRITON TO INCREASE CERTAIN PRE-RETIREMENT SURVIVOR BENEFITS TO 100 PERCENT OF RETIREMENT BENEFIT ACCRUED THROUGH THE DATE OF DEATH AND PROVIDING FOR THE AMENDMENT AND REGULATION OF THE POLICE PENSION PROGRAM AS FURTHER SET FORTH HEREIN.

**WHEREAS**, the Commonwealth Court of Pennsylvania in Borough of Beaver v. Liston, 76 Pa. Commw. 619, 464 A.2d 679 (1983), has held that "salary" as employed in Section 771, 53 P.S. Section 771, of the Police Pension Fund Enabling Act excludes overtime compensation.

**WHEREAS**, the Board of Supervisors of East Norriton Township deem it necessary to conform Ordinance No. 162 to the Supreme Court's holding in Borough of Beaver v. Liston.

**NOW, THEREFORE**, the Board of Supervisors of East Norriton Township under and by virtue of authority granted by the Second Class Township Code, do hereby enact and ordain:

**SECTION 3.**

1. Survivor Benefits, of East Norriton Township Police Pension Plan (Ordinance No. 162) is hereby amended to read in its entirety as follows:

A. Pre-retirement Survivor Benefits.

(i) The surviving spouse of a police officer who has not met the age and service requirements for normal retirement as defined in Section 1.A who dies while employed by the Township as an active full-time police officer shall receive 100 percent of the Monthly Accrued Pension the police officer would have received had the officer retired the day before the date of the officer's death, until the spouse dies or remarries. In the absence of a surviving spouse or if the spouse remarries, a surviving child or children under the age of

18 shall receive the same survivor benefit until each shall be determined by applying the percentage a police officer's years of service as of the date of death bear to the years of service the officer would have rendered had the officer continued to work until the officer's Normal Retirement Date as defined in Section 1.A to the gross pension, using, however, the monthly average salary during the thirty-six (36) month period prior to the date of death.

(ii) The surviving spouse of a police officer who has met the age and service requirements for normal retirement as defined in Section 1.A and who dies while still employed by the Township as an active full-time police officer shall receive 50 percent of the Monthly Accrued Pension the police officer would have received had the officer retired the day before the date of the officer's death, until the spouse dies or remarries. In the absence of a surviving spouse or if the spouse remarries, a surviving child or children under the age of 18 shall receive the same survivor benefit until each child attains age 18.

(iii) Aggregate survivor benefits paid to the surviving spouse and eligible child or children shall not be less than the amount of total employee contributions accumulated with interest as of the date of the police officer's death, if any. Should the beneficiaries exhaust their eligibility for survivor benefits before collecting benefits equal to the total employee contributions with interest at death, the excess of the latter over the collected benefits shall be paid to the deceased police officer's estate.

B. Post-retirement Survivors Benefits.

(i) The surviving spouse of any police officer retired by reason of age and service, or disability, for so long as said spouse does not remarry shall be entitled to receive pension or retirement benefits as provided in this subsection.

(ii) Any surviving child or children under the age of 18 years of any police officer retired by reason of age and service, or disability, so long as said police officer is not survived by a spouse or, is survived by a spouse who subsequently dies or remarries, shall be entitled to receive pension or retirement benefits as provided in this subsection.

(iii) A spouse eligible to receive monthly benefits by reason of survivorship of a retiree shall receive a pension calculated at the rate of 50 percent of the pension or retirement benefits the retired police officer was receiving. A child eligible to receive benefits by reason of survivorship of a police officer shall receive a pension calculated at the rate of 50 percent of the pension or retirement benefits the police officer was receiving, provided, however, that where more than one child of a police officer is eligible to receive benefits, the aggregate pension payable to said children shall not exceed 50 percent of the pension or retirement benefits the police officer was receiving. Any survivor benefits to the child or children of a police officer shall cease upon attainment of the age of 18 years.

(iv) Aggregate retirement benefit paid to the retired police officer shall not be less than the amount of total employee contributions accumulated with interest as of the date of retirement, if any. Should a retiree die before the retiree's aggregate benefit equals the total employee contributions with interest at retirement, the excess of the latter over the retiree's collected benefits shall be paid to the retiree's surviving spouse or another designated beneficiary.

2. The second sentence of paragraph 2, Retirement Benefits, shall be deleted and in its place shall be inserted the following language:

For all police officers hired on or after August 30, 1983, salary shall be defined to include that fixed amount of compensation

paid to the police officer periodically without regard to the number of hours actually worked; salary shall not include overtime compensation.

3. Section 12. Repealer is hereby amended to read as follows:

Ordinance No. 162 and any Ordinance or part of any Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed, insofar as the same affects this Ordinance.

Effective Date. The effective date of this Ordinance shall be January 1, 1988.

Enacted and Ordained by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, this 26th day of September, 1988.

BOARD OF SUPERVISORS  
EAST NORRITON TOWNSHIP

By: \_\_\_\_\_

Chairman

Attest: \_\_\_\_\_

Secretary