

ORDINANCE NO. 559

**EAST NORRITON TOWNSHIP,
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF EAST NORRITON, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 26, ARTICLE I ENTITLED EAST NORRITON TOWNSHIP EMPLOYEES' PENSION PLAN IN ORDER TO COMPLY WITH THE STATE LAWS AND REGULATIONS IN EFFECT AS OF MAY 20, 2014

WHEREAS, East Norriton Township previously established the East Norriton Township Employees' Pension Plan; and

WHEREAS, East Norriton Township in order to continue its compliance with the state law, desires to enact an amendment to the Plan recognizing the revised definition of spouse under the laws of the Commonwealth of Pennsylvania.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the East Norriton Township Board of Supervisors, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I. The attached amendment of the East Norriton Township Employees' Pension Plan (2014 Compliance Amendment to the East Norriton Township Employees' Pension Plan) is enacted under Chapter 26 Article I of the East Norriton Township Code and the Township Manager, as the agent for the employer, is authorized and directed to execute the attached amendment to the Plan.

SECTION II. REPEALER

Any and all terms, conditions and provisions of any Ordinance or Resolution of the Township of East Norriton in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION III. SEVERABILITY

The terms, conditions, and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the East Norriton Township Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

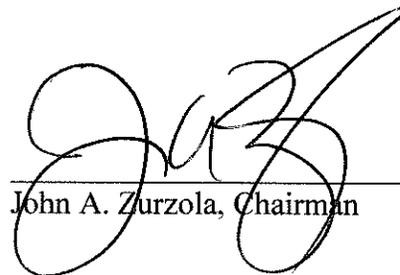
SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective 5 days after adoption by the Board of Supervisors of the Township of East Norriton.

ORDAINED AND ENACTED, by the Board of Supervisors of the Township of East Norriton, Montgomery County, Commonwealth of Pennsylvania, this 9th day of December, 2014.

**EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS**





John A. Zurzola, Chairman

ATTEST:



Donald D. Delamater, Secretary

**2014 COMPLIANCE AMENDMENT
TO
EAST NORRITON TOWNSHIP EMPLOYEES' PENSION PLAN**

As authorized by Section 9.2 of the East Norriton Township Employees' Pension Plan ("Plan") as amended and restated effective January 1, 2008, the employer, East Norriton Township, hereby amends the Plan to comply with certain law and regulatory changes effective as of the 2013 and 2014 plan years not otherwise incorporated into the Plan. This amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment. The employer hereby amends the Plan in the following manner:

FIRST: Spouse

In response to the overturning of the Defense of Marriage Act, 110 Stat. 2419, section 3 by the Supreme Court in United States v. Windsor and in response to the subsequent ruling in *DeB Whitewood, et al v. Michael Wolf* that 23 Pa.C.S. sections 1102 and 1704 are unconstitutional, Section 1.8(c) is amended to redefine the definition of "spouse" for purposes of the Plan. As amended, Section 1.8(c) shall read as follows:

- (c) **Spouse** means the person married to the participant at the time of the determination as evidenced by a marriage license valid under the laws of the place of issuance.

SECOND: Effective Date

This amendment is effective as of May 20, 2014.

THIRD: Remaining Plan Provisions

All other provisions of the Plan remain in full force and effect.

Executed this 9th day of December, 2014 by the duly authorized agent of East Norriton Township.



Title: Township Manager