

ORDINANCES

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used for servicing customers, plus one (1) additional space for each full-time employee.

B. Service Business.

- (1) Including, but not limited to, barber, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency, and copying services.
- (2) Parking: One (1) off-street parking space for each two hundred (200) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for every one (1) full-time employee. For barber shop and beauty parlor, there shall be one (1) off-street parking space per barber/beautician chair plus one (1) off-street parking space per waiting B chair.

C. Financial Establishment.

- (1) Bank, savings and loan association, credit union and other financial establishment.

- (2) Parking: One (1) space for every two hundred (200) gross floor square footage, for drive-in banking use, four (4) parking spaces per lane per exterior teller window.

D. Convenience Store.

- (1) A retail store selling foodstuffs, and household supplies for the convenience of the neighboring population.
- (2) Parking: One (1) space per two hundred twenty-five (225) gross floor square footage.

F. Eating Place.

- (1) Provide adequate and safe ingress and egress.
- (2) If the Eating Place offers an outdoor eating area, the use shall provide sufficient screening so as to protect the neighborhood from inappropriate noise and other disturbance.
- (3) Parking: The parking requirements shall be calculated as indicated below. Any outdoor eating areas shall be included with the gross floor square footage.
 - (a) Low turnover sit down - One (1) space per forty-five (45) gross floor square footage.

(b) High turnover sit down - One (1) space per eighty (80) gross floor square footage.

(c) Fast food - One (1) space per sixty (60) gross floor square footage plus one (1) space per employee on peak shift.

F. Repair Shop.

(1) Repair shop for appliances, small engines, outboard motors, go-carts, motorcycles, mopeds, bicycles, guns, locks, and small business machines. Motorcycle and moped inspection shall be allowed.

(2) Outdoor storage and displays shall conform to the provisions Of this Ordinance .

(3) Parking: One (1) off-street parking space for each three hundred (300) square feet of gross floor area plus one (1) additional space for each full-time employee.

G. Upholsterer / cabinet maker.

(1) Parking: One (1) off-street parking space for each three hundred (300) square feet of gross floor area plus one (1)

additional space for each full-time employee.

H. Funeral Home / Mortuary.

- (1) This use must meet the following requirements:
 - (a) Provide safe and adequate traffic flow;
 - (b) Provide adequately for safe assembly of funeral cortege.
- (2) Parking: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used as a chapel and viewing rooms, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.

I. Motel-Hotel.

- (1) Motel, hotel; a building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent.

(2) This use must meet the following requirements:

- (a) Provide safe and adequate traffic flow;
- (b) Provide on-site capacity for loading and unloading in accordance with this Ordinance.

(3) Parking: One (1) off-street parking space for each rental room or suite, plus one (1) additional off-street parking space for each full-time employee.

(4) in addition, if a restaurant is part of the motel-hotel, one (1) off-street parking space for each fifty (50) square feet of total floor area; plus one (1) additional off-street parking space for each full-time employee on maximum shift.

J. Bed and Breakfast.

(1) Parking: One (1) off-street parking space for each guest room and two (2) off-street parking spaces for the owner of the facility.

K. Entertainment.

(1) Entertainment and recreation facilities operated as a gainful business within a building.

(2) This use must meet the following requirements:

- (a) Provide safe, adequate traffic flow;
 - (b) Entertainment Uses shall not conduct business between the hours of 2 a.m. and 6 a.m. at locations within five hundred (500') feet of a residential district.
- (3) Parking: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.

L. Tavern.

- (1) Provide adequate and safe ingress and egress.
- (2) Provide safe and adequate traffic flow.
- (3) Prohibit glare due to site lighting.
- (4) Not conduct business between the hours of 2 a.m. and 6 a.m. at locations within five hundred (500') feet of a residential district.

- (5) If the Tavern offers an outdoor area for patrons, the area shall provide buffering in accordance with this Ordinance.

- (a) Buffering requirements for Commercial C-1 District shall be met when the Tavern is situated adjacent to a residential use(s).

- (6) Parking: One (1) off-street parking space for each fifty (50) square feet of total floor area; plus one (1) additional off-street parking space for each full-time employee.

M. Veterinary.

- (1) Office of a veterinarian with accessory animal kennel. In no event shall animal kennels be allowed as a primary use.
- (2) In the C-1 Districts all activities must be within an enclosed building.
- (3) Parking: Three (3) off-street parking spaces for each doctor plus one (1) space for each full-time employee.

N. Vehicle Service and Gasoline Station.

- (1) Minimum lot width of not less than two hundred (200') feet shall be provided along each street on which the lot abuts;

- (2) All activities except those to be performed at the fuel dispensers shall be performed within a completely enclosed building;
- (3) Fuel dispensers shall be at least twenty-five (25') feet from any street right-of-way;
- (4) All automobile parts and similar articles shall be stored within a building;
- (5) Lubrication, oil changes, tire changes, and repairs shall be permitted only if entirely enclosed within a building;
- (6) A canopy over the fuel dispensers shall be permitted, provided that:
 - (a) The canopy is not attached to the principal building.
 - (b) The canopy shall not be enclosed.
 - (c) The canopy shall be located a minimum of ten (10) feet from any property line or street right of way line.
 - (d) The canopy shall be removed immediately if the use of the fuel dispensers is discontinued.
- (7) A fully automated car wash shall be an authorized accessory use to a vehicle service station provided:

- (a) The car wash is incidental to the primary use of the service station;
 - (b) The car wash is set back at least 25 feet from any street right-of-way;
 - (c) No variances shall be permitted to allow an accessory car wash.
 - (d) The car wash shall be fully automated. No self-service car washes shall be permitted as an accessory use.
 - (e) A minimum of four (4) queuing spaces are required per automatic car wash bay.
- (8) A convenience store shall be an authorized accessory use to a vehicle service station provided all conditions for a convenience store as provided in this Ordinance are met.
- (9) Parking: One (1) off-street parking space for every three hundred (300) square feet of gross floor area, or two (2) off-street parking spaces for each service bay, whichever is larger, plus one (1) space for each full-time employee. Off-street parking spaces are not to be a part of nor interfere with, the access ways to the dispensers.

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O. Automotive Sales.

- (1) Sales of automobiles by a new car dealership, used car sales, car, truck, trailer, cycle and boat rental.
 - (2) Used car sales shall be permitted only as an accessory use to a new car automobile sales situated on a lot of no less than ten thousand (10,000) SF.
 - (3) Parking: Five (5) off-street parking spaces for each employee on the largest shift.
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P. Vehicle Repair and Inspection.

- (1) Vehicle repair garage, including paint spraying and body and fender work or car-washing facility, provided that all repair and paint work is performed within an enclosed building.
- (2) All automobile parts and similar articles shall be stored within a building.
- (3) Parking of vehicles needing repair or inspection shall be in the rear or side of the property.

- (a) Buffering requirements for Commercial C-1 Districts shall be met when the Vehicle Repair and Inspection use is situated adjacent to a residential use(s).
- (4) Any vehicle on the lot must be currently inspected or registered.
- (5) Parking: One (1) off-street parking space for each three hundred (300) square feet of gross floor area, plus one (1) additional space for each full-time employee.

Q. Vehicular Accessories (New Retail).

- (1) Sales of new vehicular accessories, parts, tires, batteries, and other supplies.
- (2) Provision of vehicle services such as lubrication, oil changes, tire change and repairs, excluding fuel dispensers, shall be considered an accessory use and shall be performed entirely within an enclosed structure.
- (3) Installations of parts shall be in an enclosed structure.
- (4) Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area, plus one (1)

additional space for each full-time employee.

R. Greenhouse.

- (1) The floor area for retail sales shall not exceed twelve hundred (1,200) square feet. The growing area is not considered a sales area.
- (2) The heating plant shall be located at least one hundred (100') feet from the property line.
- (3) Out building including those for storage of manure, odor or dust-producing substances shall be located at least two hundred (200') feet from the property line.
- (4) Parking: One (1) off-street parking space for each employee and one (1) off-street parking space for each three hundred (300) square feet of gross building area used or intended to be used as a sales area.

S. Public Parking Lot or Garage.

- (1) No sales, rental, service or repair operations of vehicles shall be performed;
- (2) The parking or storage of trucks or trailers shall not be permitted;

- (3) All parking areas shall meet the design standards of this Ordinance.
- (4) Safe and adequate traffic flow is provided;
- (5) Sufficient screening to protect the neighborhood from inappropriate noise and other disturbance is provided;
- (6) Glare due to site lighting is prohibited.

T. Shopping Center.

- (1) A shopping center which is preplanned and designed as a complex of related structures and circulation patterns, subject to the following additional criteria:
 - (a) Shopping Centers in the C-1 Zoning District shall have a minimum site area of five (5) acres.
 - (b) Not more than twenty-five (25%) percent of the total lot area shall be occupied by buildings.
 - (c) The following uses shall be permitted in a shopping center:
 - (i) Medical Office
 - (ii) Office

- (iii) Retail Store
 - (iv) Service Business
 - (v) Financial Establishment
 - (vi) Eating Place
 - (vii) Repair Shop
 - (viii) Entertainment
 - (ix) Vehicular Accessories
- (d) Any use of the same general character as any of the above permitted uses herein shall be permitted upon review of the Planning Commission and approval by the Town Council.
- (e) The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.
- (f) Outdoor storage and displays shall conform to the provision of this Ordinance.
- (g) The distance, at the closest point, between any two (2) buildings or groups of units of attached buildings, shall

not be less than twenty (20') feet nor need be greater than thirty (30') feet.

- (h) The proposed development shall be served by adequate water and public sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed.
- (i) Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from any direct glare or hazardous interference of any kind.
- (j) Provide safe and adequate traffic flow.
- (k) Areas not paved or occupied by structures shall be landscaped and maintained and the edges of paved areas abutting landscaped areas shall be curbed.
- (l) The Town Council may impose restrictions upon access to the facility, storage of vehicles or materials on the premises, hours of operation and such other matters as they deem necessary to insure that there is no adverse impact upon the functioning of the district or adjacent parcels.

(2) Parking:

(a) Zero to four hundred thousand (0 - 400,000) gross floor square footage - four and a half (4.5) spaces per one thousand (1,000) square feet.

(b) Four hundred thousand to six hundred thousand (400,000 - 600,000) gross floor square footage - five (5.0) spaces per one thousand (1,000) square feet.

(c) Over six hundred thousand (600,000) gross floor square footage - five and a half (5.5) spaces per one thousand (1,000) square feet.

(3) Gross Floor Area is the total floor area designed for tenant occupancy and use, including basements, mezzanines, storage areas, and upper floors, if any, expressed in square feet and measured from the center line of common partitions and from outside wall faces.

U. Public Utility Building and Storage Yard.

(1) Transformer station, pumping station, relay station, towers

(transmission or relay), substations, switching center, sewage treatment plant and any similar or related installations, not including public landfills or communication towers.

(2) In residential districts, such uses shall be permitted as special exceptions only where all the following conditions are met:

- (a) Installation is essential to service such residential areas;
- (b) No public business office or any storage yard or storage building is operated in connection with it;
- (c) A twenty-five (25') foot buffer yard shall be provided along all property lines;
- (d) Sewage treatment facility is prohibited in residential districts;
- (e) Towers are permitted as a special exception in residential districts and commercial districts;

(3) Parking: Two (2) off-street parking spaces plus one (1) off-street parking space for each employee normally in attendance at the facility at any time.

V. Public Solid Waste Disposal Site.

- (1) A site with a minimum size of fifteen (15) acres for the disposal of refuse generated within the area regulated by this Chapter 27. Establishment of a site must be in accordance with County and State regulations including prohibition relating to storing and/or disposal of hazardous wastes, as specified in the latest regulations of the Department of Environmental Protection (DEP), Rules and Regulations.

(a) *Definitions*

words

For the purposes of this Ordinance, certain terms and are defined as follows:

APPLICATION - an application on forms furnished by the Borough requesting a Special Exception.

The application shall be submitted in triplicate along with three (3) copies of a site plan.

ATTENDANT - a person employed by the owner or operator of the landfill on the landfill site at all times when the landfill is in operation for the purpose and with the authority of supervising the operation thereof.

BUREAU OF ENVIRONMENTAL HEALTH - the

Bureau of Environmental Health of the
Allegheny County Health Department.

DEPARTMENT OF ENVIRONMENTAL

PROTECTION - the Department of
Environmental Protection of the Commonwealth
of Pennsylvania.

DURATION OF OPERATION - the time span from the
date the filling operation begins until final
completion of the site.

DUST CONTROL MEASURES - the method that will
be implemented to control air pollution.

FIRE CONTROL - the type of fire suppression
equipment located on the site to extinguish any
fires or hot spots.

HOURS AND DAYS OF OPERATION - the days of
the week during which the landfill will be in
operation and the hours of each day the landfill
will be in operation.

PERMIT - a permit issued by the Borough for the
operation of a landfill.

NOISE CONTROL - the method that noise will be controlled so as not to affect neighboring properties and existing land use.

SCREENING - that method implemented to screen the landfill site from adjoining properties on rights-of-way.

SITE - the location of the landfill site.

SITE DEVELOPMENT PLANS - that plan indicating the area (acres) encompassing the landfill including existing contours, adjoining land use, access to the site, gates, fencing (screening), transport route and all items covered by the Department of Environmental Protection.

SOLID WASTE LANDFILL - a solid waste landfill as defined in the Solid Waste Management Act, P.L. 788 (No. 241,6,) 35 PS-6001 of the Department of Environmental Health and additions thereto.

TRANSPORT ROUTE - the streets within one-half (1/2) mile of the site on which the transport

vehicles will traverse.

TRANSPORT VEHICLE - the type (size) of the
vehicle transporting material to the site.

(b) *Procedure.*

Application form and content: Written application for the grant of Special Exception shall be filed with the Zoning Hearing Board on forms supplied and prepared by the Zoning Hearing Board. The application shall bear the signature of the owners of all of the property within the concerned site, and shall be accompanied by:

- (i) Three (3) copies of a site plan and all other pertinent data and information as may be required in the application form as prepared by the Zoning Hearing Board.
- (ii) The application shall be accompanied with a letter detailing the classification of waste to be disposed of in the landfill as defined in Title 25 of the Rules and Regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania.

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- (iii) The applicant shall be knowledgeable of all of the conditions, definitions and restrictions in this §905 so as to assure the fullest practicable presentation of the facts for review by the Zoning Hearing Board.

(c) *Review of Application.*

In any instance where the Zoning Hearing Board is required to consider a Special Exception in accordance with this Ordinance, the Board shall, among other things, consider the following standards:

- (i) Determine that the proposed Special Exception would not substantially injure or detract from the use of the neighboring property and existing land uses.
- (ii) Determine that the time span for the duration of the landfill is reasonable considering the size of the site and the volume of the fill to be deposited.
- (iii) Determine that the dust control measures are adequate to contain any air pollution on the

site.

- (iv) Determine that the type of fire suppression equipment located on the site is sufficient to contain or extinguish all fire or hot spots.
- (v) Determine that the days and hours of operating would not adversely affect the surrounding properties and land uses.
- (vi) Determine that the screening of the landfill site is adequate to protect the aesthetics of the surrounding land uses.
- (vii) Determine that adequate noise control methods are proposed so that noise is not detrimental to the surrounding areas of the landfill.
- (viii) Determine that the transport route to the site will not adversely affect the surrounding area or the residential streets.
- (ix) Determine that the transport vehicle will be of a size so that it does not adversely affect the properties along the transport route or be detrimental to the surrounding areas.

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W. Adult Related Facilities.

(1) Adult related facilities are subject to the following standards and criteria:

- (a) An adult related facility shall not be permitted to be located within five thousand (5,000) feet of any other adult related facility, whether situate in West View Borough or otherwise. The distance between any two (2) adult related facilities shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior parcel line of each establishment.
- (b) No adult related facility shall be located within five hundred (500) feet from any residentially zoned land or lot used principally as a residential use, whether situate in West View Borough or otherwise.
- (c) No adult related facility shall be located within one thousand (1,000) feet of any parcel of land (situate in West View Borough or otherwise) which contains any one (1) or more of the following specified land uses:

- (i) Camp (for minors' activities).
 - (ii) Day care center and related uses.
 - (iii) Places of worship.
 - (iv) Community center.
 - (v) Park/playground.
 - (vi) Educational facilities (including libraries).
- (d) The distance between any adult related facility and a land use specified in subsection (c) above shall be measured in a straight line, without regard to intervening structures, from the closest point on the exterior property line of the adult related facility to the closest point on the property line of said land use.
- (e) No materials, merchandise or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- (f) Any building or structure occupied as an adult related facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise or film are exhibited or displayed and no materials, merchandise or film shall

be visible from outside the building or structure.

- (g) Signage. Notwithstanding any other provisions of the West View Borough Code, it shall be unlawful for any owner or operator of any adult related facility or any other person to erect, construct or maintain any sign for the regulated establishment other than one (1) "primary sign." "Primary signs" shall contain no photographs, silhouettes, drawings or pictorial representations of any manner and may contain only:

(h) The name of the regulated establishment and/or;

(i) One (1) or more of the following phrases:

1. Adult bookstore.
2. Adult movie theater.
3. Adult encounter parlor.
4. Adult cabaret.
5. Adult lounge.
6. Adult novelties.
7. Adult entertainment.
8. Adult modeling studio.

- (i) Primary signs for adult movie theaters may contain the additional phrase "Movie Title Posted on Premises."
- (j) Each letter forming a word on a primary sign shall be of a solid color and each such letter shall be the same print-type, size and color. The background behind such letter on the display surface of a primary sign shall be of a uniform and solid color.
- (k) Each entrance to the premises shall be posted with a notice specifying that persons under the age of eighteen (18) years are not permitted to enter therein and warning all other persons that they may be offended upon entry.
- (l) No adult related facility may change to another adult related facility except upon approval of any additional conditional use and occupancy permit.
- (m) The use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (n) The adult related facility may be open for business Monday through Saturday from 10:00 a.m., p.t. to 12:00 p.m. midnight, p.t. No adult related facility shall

be open on Sunday.

- (o) An adult business lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the grant of an occupancy permit to the adult use, of a conflicting use as listed in this Ordinance, within 1,000 feet.
- (p) Any adult business, other than an adult motel, which exhibits on the premises in a viewing room (a separate compartment or cubicle) of less than one hundred fifty (150) square feet of floor space a film or videocassette or other video or image production or reproduction which depicts nudity or sexual conduct, as defined herein, shall comply with the following:

 - (i) At least one (1) employee shall be on duty and shall be situated in each manager's station at all times that any patron is present inside the premises.
 - (ii) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms shall not contain

video reproduction or viewing equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection shall be by direct line of sight from the manager's station.

- (iii) It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the viewing area remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated in the application submitted to the Borough as an area in which patrons will not be permitted.
- (iv) No viewing room shall be occupied by more than one (1) person at any time. No connection or openings to an adjoining viewing room shall be permitted.

- (q) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level. It shall be the duty of the owners and operators and any agents and employees present on the premises to ensure that the illumination is maintained at all times that any person is present on the premises.
- (r) If live performances are to be given, the premises in which such live performances are to be offered shall contain a stage separated from the viewing area and shall not be accessible to other performers and the performers shall not have easy access to the viewers present.

X. Commercial Logging.

- (1) Commercial logging operations within the Borough on any parcel of property greater than one (1) acre in size shall require a logging permit. The logging permit shall be valid for a maximum of two (2) acres at any one time and shall

automatically expire within six (6) months of the permit issuance date.

- (2) Logging shall be done only in accordance with a forest management plan prepared by a Forester, a copy of which shall be filed with the Building Inspector at least 30 days prior to issuance of a permit. The plan shall be accompanied by an Erosion and Sedimentation Control Plan approved by the Soil Conservation Service of Allegheny County and shall include a survey, prepared by a Registered Surveyor of the affected property with the area of the trees to be cut down and shown thereon.
- (3) In the event that the proposed logging is located in an environmentally sensitive area, as defined herein, then a storm water management plan shall be submitted to the Zoning Officer and reviewed by the Borough Engineer.
- (4) The fee for the processing of a logging permit shall be established from time to time by Resolution of the Town Council. Said Fees shall be paid before the issuance of a logging permit by the Zoning Officer.
- (5) Prior to the commencement of logging, the holder of the

logging permit shall post a bond in favor of the Borough and in a form acceptable to the Borough in the amount of twenty-thousand dollars (\$20,000) for each mile of Borough road or portion thereof proposed to be traversed for removing felled trees from the site. The bond shall be returned to the operator upon completion of all operations and any reconstruction of damaged roadway due to excess weight in excess of the posted weight for the road. Any failure to complete the reconstruction required by this ordinance shall result in forfeiture of the required bond. Those portions of the Borough roads which have been damaged shall be determined by inspection of the Borough Engineer and shall be reconstructed to current Borough Specifications.

- (6) Prior to commencement of logging, the holder of the permit shall submit to the Borough evidence of:
 - (a) Property damage insurance in the event the logging shall cause damage to the real or personal property of adjacent property owners or third persons;
 - (b) Liability insurance for injuries caused to third persons on the property with or without the permission of the logging operator.

- (c) Proof of compliance with all applicable State and Federal regulations related to forestry or timbering activities.

Y. Windmill.

- (1) The base of a windmill shall be set back from all property lines a minimum distance which represents one hundred percent (100%) of the windmill height, as measured from the base of the windmill at grade to the highest point of the structure.
- (2) The applicant shall submit evidence that the windmill and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
- (3) The minimum lot size of the lot on which the proposed windmill is located, not lease area if the windmill is leased, shall be at least two (2) acres.
- (4) The windmill structure and any accessory equipment buildings or cabinets shall be completely enclosed by at least

a six (6)-foot-high chain link or similar fence with self-latching gate to limit accessibility to the general public.

- (5) All windmill structures shall be fitted with anti-climbing devices as approved by the manufacturers for the type of installation proposed.
- (6) Existing vegetation on the site shall be preserved to the maximum extent possible.
- (7) A minimum twenty (20) foot (in width) easement or right of way for access shall be provided to the windmill which is adequate to accommodate maintenance and emergency vehicles. A minimum of 12' feet (in width) of the access road shall be improved with a dust-free, all-weather (chip and shot) surface sufficient to accommodate the weight of vehicles proposed to use the easement or right of way.
- (8) All windmill structures shall be subject to any applicable Federal Aviation Administration (FAA) and airport zoning regulations.
- (9) No sign or other structure shall be mounted on the windmill structure, except as may be required by the FCC, FAA or other governmental agency.

- (10) Windmill structures shall be painted silver or have a galvanized finish or may be painted green up to the height of adjacent trees in order to reduce visual impact.
- (11) If the windmill is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the windmill is not fully automated, one (1) parking space shall be provided for each employee on peak shift.
- (12) No windmill structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or other governmental agency.
- (13) A recording of a plat of subdivision or land development shall not be required for a lease parcel on which a windmill is proposed to be constructed, provided the equipment building is unmanned.
- (14) In the event any windmill ceases to be used as a windmill for a period of six (6) months, then the owner and/or operator of the windmill or the owner of the land on which the windmill is located shall be required to remove the same and failing to do so, the Borough may cause the same to be removed and charge the cost of the removal to the foregoing parties. In

addition the Borough may file a municipal lien against the land to recover the cost of the removal and attorney's fees, as well as Inspection Fees incurred by the Borough.

Z. Car Wash.

- (1) All operations of a mechanical car wash including brushing, steaming and polishing shall take place in an enclosed building. Final spot wiping may be done as the cars exit the wash.
- (2) Self-service car washing facilities shall be under a roofed structure which has at least two (2) walls.
- (3) Drainage water from the washing operation shall be controlled so that it does not flow or drain onto berms, streets, alleys, or other property.
- (4) The facility shall be connected to public sanitary and storm sewers.
- (5) Driveway entrances shall be located at least thirty (30) feet from the right of way line of the intersection of any public streets.

- (6) All access drives and waiting areas shall be paved and shall be large enough to accommodate all traffic at peak operating periods so that the operation shall not conflict with normal street operation. Design plans shall be accompanied by a traffic study showing, but not limited to, projected peak operating capacity in relation to driveway and waiting area design.
- (7) Access shall be from an arterial or collector street.
- (8) Parking: One (1) off-street parking space for each employee on the largest shift plus four (4) off-street spaces in waiting line for each washer.

5. Industrial Uses.

A. Manufacturing.

- (1) Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs and products.
- (2) Within the C-1 District manufacturing shall be limited to food

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products, musical and small precision instruments, electrical appliances, metal products of a light nature including heating and ventilating ducts and equipment, hardware and cutlery, and other similar products, manufacturing or assembly of electrical appliances and other uses of a similar and no more objectionable character to those principal uses permitted.

- (3) Parking: Three (3) off-street parking spaces for every four (4) employees on the largest shift, plus one (1) space for each company vehicle normally stored on the premises.

B. Research.

- (1) Research, testing, or experimental laboratory.
- (2) Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

C. Wholesale.

- (1) Wholesale business and storage.
- (2) Parking: Three (3) off-street parking spaces for four (4) employees on the largest shift, or one (1) off-street parking space for every five hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

D. Printing.

- (1) Printing, publishing, binding.
- (2) Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

E. Contracting.

- (1) Contracting offices and shops such as building, cement,

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electrical, heating, masonry, painting and roofing.

- (2) Any outdoor storage and displays shall conform to the provision of this Ordinance.
- (3) Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

F. Truck Terminal.

- (1) Trucking terminal licensed by the Public Utilities Commission.
- (2) Parking: Off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

G. Crafts.

- (1) Plumbing shop, carpentry shop, cabinet-making, furniture-making and similar crafts.
- (2) Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every five hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

H. Vehicle Salvage Yard.

- (1) The deposit or storage of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall be deemed to make the lot a vehicle salvage yard.
- (2) Any outdoor display of vehicles shall be at least forty (40') feet from any street right-of-way.
- (3) No vehicle intended for salvage or without a valid inspection and registration shall be permitted in the front yard.
- (4) All lubricant and fuel oil substances which are to be stored on

the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into streams, creeks, or other bodies of water. A plan detailing how these materials will be stored in compliance with this requirement shall be submitted with the application for a zoning certificate.

- (5) All hazardous materials shall be stored in a safe manner and, where required, shall be in receipt of a permit for such storage.
- (6) Within the C-1 District all operations shall be within an enclosed building or high-fenced area.

I. Junkyard.

- (1) No material shall be placed in any junkyard in such a manner that it is capable of being transferred out of the junkyard by wind, water or other natural causes.
- (2) All paper, rags, cloth and other fibers and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- (3) All junkyard materials and activities not within fully enclosed buildings shall be surrounded by an opaque fence at least

eight (8') feet in height, and maintained in good condition.

Any gate in such fence shall be similarly constructed and maintained, and shall be kept locked at all times when the junk yard is not in operation.

- (4) Screening shall be required in accordance with this Ordinance.

J. Public Warehouse / Storage Facility.

- (1) Any premises upon which buildings are erected for public warehouse and/or storage facilities subject to the following additional provisions:

- (a) A lot area of not less than one (1) acre.
- (b) Prohibit glare due to site lighting.
- (c) Provide buffering in conformance with the provisions of this Ordinance.
- (d) Parking: One (1) space per employee and two (2) additional spaces for customers.

K. Heliports or other Aircraft Landing Areas.

- (1) The applicant shall provide evidence that the Heliports or other

Aircraft Landing Areas will be constructed and installed to meet all current federal, state, and local building and fire codes.

- (2) Heliports or other Aircraft Landing Areas must be approved by the Bureau of Aviation of the Commonwealth of Pennsylvania prior to the issuance of a building permit.
- (3) Prior to usage a plan of the property owned by the intended user must be submitted to the West View Building Inspector and must be physically inspected by him and the West View Fire Marshall to be certain that the construction code requirements have been met.
- (4) The heliport or other aircraft landing field may not be utilized (except for emergency purposes) between the hours of 6:00 P.M. and 9:00 A.M.
- (5) The heliport or other aircraft landing field may only be utilized as a valuable adjunct to the business or businesses being operated in the C-1 Zoning District.
- (6) The operation of the heliport or other aircraft landing field must not adversely affect the peace, privacy and general welfare of the occupants of any residences located in the vicinity of the same.

(7) The heliport or other aircraft landing area must be capable of "safe" operation in the discretion of Air Traffic Safety Engineers.

(8) Heliports or other aircraft landing fields shall be permitted only in the C-1 zoning district and not permitted in any other Zoning District within the Borough of West View.

(9) Prior to the commencement of the heliport or other aircraft landing field use, the Town Council of the Borough of West View have the power to require such physical demonstrations as to the suitability of the site as may be determined appropriate by the Town Council of the Borough of West View.

L. Self-Storage Mini Warehouse.

(1) Caretakers' quarters are permitted as an accessory use, one (1) parking space must be provided per five hundred (500) square feet of floor area of the caretakers' quarters. However, no more than two (2) spaces are required for each caretakers' quarters.

(2) Land area must be greater than ten (10) contiguous acres in size.

- (3) Self Storage / Mini warehouse shall be limited to dead storage of goods not in active use. The storage of flammable liquids, highly combustible or explosive materials, hazardous chemicals is prohibited, including propane and gasoline engine or storage tanks.
- (4) No other activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
- (5) All storage shall be within an enclosed building.
- (6) The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eight (28) feet for storage units which are less than fifteen (15) feet in depth, and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth, to provide safe and adequate traffic flow;
- (7) Prohibit glare due to site lighting;
- (8) Provide buffering in conformance with the provisions of this Ordinance so as to provide sufficient screening to protect the neighborhood from inappropriate noise and other disturbance.

- (9) Parking: One (1) off-street parking space for each three hundred (300) square feet of gross floor area used or intended to be used for servicing employees and customers.

6. Accessory Uses.

A. Home occupation.

- (1) A home occupation shall conform to the following regulations:
- (a) The home occupation shall be carried on wholly indoors and within a dwelling.
 - (b) There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients.
 - (c) There shall be no exterior storage of materials.
 - (d) No external alterations shall be made which involved construction features not customary to dwellings.
 - (e) No articles shall be sold or offered on premises for sale.
 - (f) Frequent and repetitive servicing by commercial vehicles for supplies and materials shall not be permitted.

- (g) The home occupation shall be operated only by members of the immediate family residing in the dwelling.
 - (h) The floor area devoted to a home occupation shall not be more than twenty-five (25%) percent of the ground floor area of the principal residential structure, excluding garage.
 - (i) No use of mechanical equipment, no noticeable noise, odor or nuisance will be allowed.
 - (j) "Home Occupation" is an occupation carried on in a dwelling solely by the dwellers therein, as a secondary use, but it shall not include the employment of any assistants, the use of mechanical equipment, noticeable noise, odor or nuisance, the display or storage for sale of goods, signs or advertisement of commodities or services, or the conduct of a retail business.
- (2) A home occupation may include any of the following: art studio, teaching of not more than four (4) pupils simultaneously; or in the case of musical instruction, not more

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- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (e) The business activity may not use any equipment or process which creates noise, glare, fumes, odors or electrical or electronic interference, including interference with radio or television, which is detectable in the neighborhood.
- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (h) The business shall not involve any illegal activity.

than two (2) pupils at a time; seamstress, handicrafts or other like activity; barber shop and beauty parlor limited to serving two (2) patrons at a time; housing boarders limited to three (3) or less persons; and greenhouse.

- (3) Parking: Two (2) off-street parking spaces in addition to spaces otherwise required.

B. No-Impact Home-Based Business.

- (1) A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, deliver or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
 - (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (b) The business activity shall employ no employees other

C. Accessory Office.

(1) Accessory office of realtor, insurance salesman, physician, lawyer, clergyman, teacher or other profession of like character provided that:

- (a) The area devoted to the permitted professional use shall be located within the practitioner's dwelling.
- (b) There shall be no use of show windows or display or advertising visible outside the premises to attract customers or clients.
- (c) The floor area devoted to such professional use shall be equivalent to no more than twenty-five (25%) percent of the ground area covered by the practitioner's dwelling, excluding the ground area covered by an attached garage or such other similar building.
- (d) Frequent and repetitive servicing by commercial vehicles for supplies and materials shall not be permitted.
- (e) No external alterations shall be made which involved construction features not customary to dwellings.

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(f) No signs shall be permitted.

(2) Parking: Two (2) off-street parking spaces in addition to spaces otherwise required.

D. Residential Accessory Structure.

(1) Buildings such as storage sheds, bath houses, private greenhouses, facilities for domestic servants or gratuitous guests shall meet the following standards:

(a) Front Yard -- Accessory buildings shall not be permitted within the required front yard.

(b) Side Yards -- Accessory buildings may be located in the required side yard, but shall not be located closer than five (5) feet to any side property line.

(c) Rear Yard -- Accessory buildings may be located in the required rear yard, but shall not be located closer than five (5) feet to the rear property line.

(2) Parking of commercial vehicles one ton or more loading capacity shall be within a completely enclosed building, which

shall comply with the setback requirements of the principal structure.

- (3) Recreational facilities, such as tennis courts, paddle tennis platforms and swimming pools, which abut a residential district, shall provide adequate screening or fencing in order to protect the area from inappropriate noise, glare or other disturbance.
- (4) Fences and walls shall conform to the requirements delineated in the Borough Fencing Ordinance.
- (5) Carports may be permitted over a driveway in a portion of a side or rear yard, provided that such structure is:
 - (a) Not more than one (1) story or fourteen (14) feet in height and twenty (20) feet in length;
 - (b) Entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features;
 - (c) Located at least five (5) feet from side lot lines.

E. Commercial Accessory Structure.

- (1) Commercial accessory buildings shall conform to the yard requirements of the underlying zoning district for a principal building except as indicated below.
 - (a) The overall height of any commercial accessory building shall be fifteen (15) feet.
- (2) Commercial accessory uses shall conform to the requirements of the most closely related use in this Ordinance.
- (3) Outside storage shall not be considered an accessory use.
- (4) Parking: Parking shall conform to the requirements of the most closely related use in this Ordinance.

F. Commercial Outside Storage or Display.

- (1) Outside storage or display, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use; subject to the following additional provisions:
 - (a) No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, and no required parking areas, shall be occupied by

outside storage or display.

(b) Outside storage and display areas shall occupy an area of less than one-half (1/2) the existing building coverage.

(c) Outside storage and display areas shall be shielded from view from the public streets and adjacent lots.

(2) Uses requiring more substantial amounts of land area for storage or display may be exempt from the provisions of this Ordinance when granted as a conditional use. Such use shall be subject to the following additional provisions:

(a) In particular, uses appropriate for consideration under this provision include, but are not limited to, greenhouses, lumber yards, automotive sales, truck sales, and truck terminals.

(b) Among the uses that shall not be considered appropriate for inclusion under this provision are retail stores, repair shops, gasoline service stations, vehicle and inspection repairs, wholesale business and storage, contractor offices and shops, and crafts.

(c) The outside storage or display shall provide screening

and buffering, as seen necessary by the Town Council,
to protect the area from inappropriate noise, glare and
other disturbance.

- (d) The outside storage or display shall provide safe and
adequate traffic flow.

G. Temporary Structure or Use.

- (1) A temporary permit may be issued for structures or uses
necessary during construction or other special circumstances
of a nonrecurring nature, subject to the following additional
provisions:

- (a) There is no reasonable alternative to the temporary
use.
- (b) The temporary use does not involve the erection of a
substantial structure or require any other permanent
commitment of the land. A substantial structure is
hereby defined as a structure which would require the
issuance of a building permit under the applicable
West View Borough Ordinance.

radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- (v) A commercially reasonable agreement could not be reached with the owners of such structures.
- (c) The minimum lot size of the lot on which the proposed tower is located, not lease area, shall be at least two (2) acres.
- (d) The applicant shall demonstrate, using technological evidence, that the proposed height of the wireless communications tower is the minimum height necessary to function effectively.
- (e) The base of a free-standing wireless communications facility antenna tower structure shall be set back from all property lines a minimum distance which represents one hundred percent (100%) of the tower height, as measured from the base of the antenna support structure at grade to the highest point of the structure. Guy wires shall meet the dimensional yard requirements of the

I. Wireless Communications Antennas and Towers.

(1) Wireless Communications Antennas shall meet the following

Provisions:

- (a) An antenna which is proposed to be mounted on an existing building or structure, other than existing communications tower, shall not exceed the height of the building or structure by more than fifteen (15) feet.
- (b) The applicant shall submit certification from a structural engineer that the structural capacity of any existing building or structure on which an antenna is proposed to be mounted is adequate to withstand wind and other loads associated with the antenna's location.
- (c) Any equipment necessary for the operation of the antennas that is located on the ground shall be enclosed with at minimum a six (6) foot high chain link fence and shall be landscaped so as to screen the equipment from abutting property.
- (d) Wireless Communications Antennas shall not be located on any single-family dwelling or two-family

- (e) The antenna and its associated supports, such as guy wires or the yard area containing the structure, shall be protected and secured to guarantee the safety of the general public. Associated structures and guy wires shall not be closer than five (5') feet from any property line;
 - (f) In granting the special exception, the Zoning Hearing Board may attach other reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to fencing, screening and increased setbacks.
- (4) Whenever any antenna, as defined in this Subsection is disconnected or abandoned for a period of six (6) months, or (b) becomes in a state of disrepair so as to become a danger to persons or property in the area, then the property owner shall be required to remove said antenna within thirty (30) days of receipt of a written notice from the Building Inspector. The Building Inspector is empowered to enforce this provision by entering upon any property affected in order to determine the status or conditions of any antenna.

least one month prior to the expiration of the temporary permit.

- (4) None of the terms and provisions of this Section shall be applicable to any West View Volunteer Fire Company.

H. Parabolic or Satellite Dish Antennae.

- (1) Parabolic or satellite dish antenna measuring less than two (2) feet in diameter, across the widest section of the dish, shall be permitted by right, provided the provisions delineated below are met.
- (2) All parabolic or satellite dish antennae shall be subject to the following provisions:
- (a) No such antenna shall be located in any front yard;
 - (b) No such antenna shall be located on the roof of any accessory building;
 - (c) No more than one (1) satellite or parabolic dish antenna shall be located on any one (1) lot;
 - (d) In all residentially zoned districts, no such antenna exceeding four (4') feet in height, diameter or depth shall be installed on any roof or above a building. In

dwelling.

- (e) The applicant shall submit evidence that the Wireless Communications Antennas will comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
 - (f) The wireless communications equipment building shall be subject to the height and setback requirements for commercial accessory buildings.
- (2) Wireless Communications Towers shall meet the following provisions:
- (a) The applicant shall demonstrate that it is licensed by the Federal Communications Commission (FCC) to operate a wireless communications facility.
 - (b) Any applicant proposing a new free-standing wireless communications facility antenna tower structure shall demonstrate that a good faith effort has been made to obtain permission to mount the antenna on an existing building, structure, or communications tower. A good faith effort shall require that all owners of potentially

Board may attach other reasonable conditions warranted to protect the public health, safety and welfare, including, but not limited to, fencing, screening and increased setbacks.

- (3) Amateur radio equipment including ham or citizen band radio antennas shall be subject to the following express standards and criteria:

- (a) The antenna shall be located at least (15') feet from the dwelling unit on the lot;
- (b) Antennae which do not exceed thirty (30') feet in height shall be located at least fifteen (15') feet from any property line. Antennae which exceed thirty (30') feet in height shall provide an additional one (1') foot of clearance from the property line for every one (1') foot of height in excess of thirty (30') feet;
- (c) The antenna shall not be permitted in any front yard;
- (d) The antenna shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified evidence that the proposed structure will withstand wind and other such natural forces;

- (c) The temporary use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.
- (d) The temporary use will comply with the parking requirements of the West View Borough Zoning Ordinance.
- (e) The temporary use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
- (f) The applicant shall have sufficient liability insurance for the requested use and a certificate of insurance naming Borough of West View as an additional insured shall be presented to the West View Building Inspector prior to the issuance of a temporary use permit.
- (g) The applicant shall provide, at the applicant's own expense, for the restoration of the site of said use to its original condition, including such clean up, washing and replacement of facilities as may be necessary. This shall be done within two (2) weeks of the expiration date of

the temporary permit or the conclusion of the temporary use, whichever occurs first.

(h) The West View Town Council may impose such restrictions and regulations as it may deem necessary and appropriate to the specific temporary use permit granted.

(2) The West View Town Council shall establish permit fees for a temporary use by Resolution duly adopted, provided, however, that any volunteer organization may be exempt from the payment of the permit fee. An organization claiming to be exempt shall make application for said exemption to the West View Building Inspector. In the event that the exemption is not granted by the West View Building Inspector, the applicant may appeal to the Town Council for a review of the Building Inspector's decision. The applicant shall submit such documentation as the Town Council shall require to enable it to determine if the applicant is "exempt."

(3) The temporary permit shall be valid for one (1) year. An extension of up to two (2) months per extension, for a maximum of three (3) extensions, may be granted upon written request to the Zoning Officer. Such request must be made at

radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.

- (v) A commercially reasonable agreement could not be reached with the owners of such structures.
- (c) The minimum lot size of the lot on which the proposed tower is located, not lease area, shall be at least two (2) acres.
- (d) The applicant shall demonstrate, using technological evidence, that the proposed height of the wireless communications tower is the minimum height necessary to function effectively.
- (e) The base of a free-standing wireless communications facility antenna tower structure shall be set back from all property lines a minimum distance which represents one hundred percent (100%) of the tower height, as measured from the base of the antenna support structure at grade to the highest point of the structure. Guy wires shall meet the dimensional yard requirements of the

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suitable Structures within a one-quarter (1/4) mile radius of the proposed Communications Tower site be contacted and that one (1) or more of the following reasons for not selecting such building, structure or communications tower apply:

- (i) The proposed antennas and related equipment would exceed the structural capacity of the existing Structure and its reinforcement cannot be accomplished at a reasonable cost.
- (ii) The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- (iii) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- (iv) Addition of the proposed antennas and related equipment would result in electromagnetic

underlying zoning district.

- (f) The applicant shall submit evidence that the tower structure and its method of installation have been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with accepted engineering practice.
- (g) The applicant shall demonstrate that the proposed antenna and any tower structure are safe and that surrounding areas will not be negatively affected by tower structure failure, falling ice or other debris, electromagnetic fields or radio frequency interference.
- (h) All guy wires and all guyed towers shall be clearly marked so as to be visible at all times.
- (i) The tower structure and any accessory equipment building or cabinets shall be completely enclosed by at least a six (6)-foot-high chain link or similar fence with self-latching gate to limit accessibility to the general public.
- (j) All tower structures shall be fitted with anti-climbing

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- (k) Existing vegetation on the site shall be preserved to the maximum extent possible.
- (l) A minimum twenty (20) foot (in width) easement or right of way for access shall be provided to the tower which is adequate to accommodate maintenance and emergency vehicles. A minimum of 12' feet (in width) of the access road shall be improved with a dust-free, all-weather (chip and shot) surface sufficient to accommodate the weight of vehicles proposed to use the easement or right of way.
- (m) All tower structures shall be subject to any applicable Federal Aviation Administration (FAA) and airport zoning regulations.
- (n) No sign or other structure shall be mounted on the tower structure, except as may be required by the FCC, FAA or other governmental agency.
- (o) Tower structures supporting antennas shall be painted silver or have a galvanized finish or may be painted

green up to the height of adjacent trees in order to reduce visual impact.

- (p) If the wireless communications facility is fully automated, adequate parking shall be provided for periodic visits by maintenance workers. If the wireless communications facility is not fully automated, one (1) parking space shall be provided for each employee on peak shift.
- (q) No antenna or tower structure shall be illuminated, except as may be required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).
- (r) A recording of a plat of subdivision or land development shall not be required for a lease parcel on which a Communications Tower is proposed to be constructed, provided the Communications equipment building is unmanned.
- (s) In the event any tower ceases to be used as a communication facility for a period of six (6) months, then the owner and/or operator of the tower or the

owner of the land on which the tower is located shall be required to remove the same and, failing to do so, the Borough may cause the same to be removed and charge the cost of the removal to the foregoing parties. In addition, the Borough may file a municipal lien against the land to recover the cost of the removal and attorney's fees, as well as Inspection Fees incurred by the Borough.

ORDAINED and ENACTED by the Town Council of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania on this 8th day of September 2010

BOROUGH OF WEST VIEW

BY: _____

Kenneth J. Wolf
Secretary/Manager

BY: _____

Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 8th day of September 2010

BY: _____

J. R. Henry, Mayor

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1457

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, FIXING THE TAX RATE FOR THE YEAR 2011.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:

That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2011 as follows:

Tax Rate for general purposes, the sum of 6.68 Mills
on each Dollar of assessed valuation.

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 8th day of December 2010

BOROUGH OF WEST VIEW

BY: _____

Kenneth J. Wolf
Secretary/Manager

BY: _____

Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 8th day of December 2010

BY: _____

J. R. Henry, Mayor

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OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1458

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2011.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenses of the Fiscal Year 2011, the following amounts are hereby appropriated from the fund equities, revenues, and other financing sources available for the Year 2011 for the specific purposes set forth on the following pages.

2011 ANNUAL BUDGET

Revenue Source	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
Taxes & Fees	2,518,380				2,518,380
Licenses/Permits	142,560				142,560
Fines/Forfeits	83,100				83,100
Interest/Rents	1,000	107,625			108,625
Entitlements	261,330		130,550	875,080	1,266,960
Dept. Earnings	161,520				161,520
Misc. Revenue	72,110	8,900		466,835	547,845
TOTAL	3,240,000	116,525	130,550	1,341,915	4,828,990

Expenditure Category	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
General Gov't.	326,585	112,055			438,640
Public Safety	1,120,985				1,120,985
Health & Welfare	11,500			875,080	886,580
Hwy /Roads/Streets	865,795		130,550		996,345
Rec./Parks/Lib/Civil	43,080				43,080
Debt Service	109,540			466,835	576,375
Ins. Prem./Ben.	762,265	4,470			766,735
Refunds/Prior Yr.	250				250
TOTAL	3,240,000	116,525	130,550	1,341,915	4,828,990

SECTION 2 - That any Ordinance, or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 8th day of December 2010

BOROUGH OF WEST VIEW
BY Mary C. Bernhard
Mary C. Bernhard, President of Town Council

EXAMINED and APPROVED this 8th day of December 2010

BY J. R. Henry
J. R. Henry, Mayor

ATTEST:

BY Kenneth J. Wolf
Kenneth J. Wolf, Secretary/Manager

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1459

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NUMBER 1433 OF THE BOROUGH OF WEST VIEW, ESTABLISHING A POLICE PENSION PLAN.

WHEREAS, the Borough of West View ("Borough") previously enacted an Ordinance establishing a Police Pension Plan ("Plan"); and

WHEREAS, said Pension Plan had been amended and restated effective January 1, 2006; and

WHEREAS, the state legislature has enacted Act 51 of 2009 amending Act 600 of 1956; and

WHEREAS, certain Plan changes were made pursuant to collective bargaining; and

WHEREAS, the Borough as employer hereby amends said Police Pension Plan so as to comply with the requirements of Act 600, as amended by Act 51 of 2009, of the Commonwealth of Pennsylvania, and to incorporate in said amendment changes to said Plan as achieved through collective bargaining.

NOW, THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by the authority of the same:

Sections 1.21 and 6.03 shall be repealed in their entirety and any references to such sections shall be considered null and void, effectively repealing the killed in service survivor benefit.

New section 4.16 shall be added to the Plan as follows:

- 4.16 Retirement Window/Enhanced Service Increment - A Participant who is eligible for a Normal Retirement Benefit and who elects to retire between January 1, 2011 and July 1, 2011 will be eligible for a Service Increment benefit as described in the section 4.16 instead of the amount described in section 4.04. The Service Increment payable to a Participant who retires pursuant to this section shall be equal to one hundred dollars (\$100) for each completed full year of Aggregate Service in excess of twenty-five (25) years, up to a maximum monthly benefit of five hundred dollars (\$500). Any Participant who does not retire hereunder prior to July 1, 2011 shall have forever waived any opportunity to do so and shall have their Service Increment (if eligible) determined in accordance with section 4.04.

This Ordinance shall be binding and effective on January 1, 2011.

Any Ordinance, or parts of an Ordinance or Ordinances, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 8th day of June 2011

BOROUGH OF WEST VIEW

BY: 

Kenneth J. Wolf
Secretary/Manager

BY: 

Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 8th day of June 2011

BY: 

J. R. Henry, Mayor

BOROUGH OF WEST VIEW

ORDINANCE #1460

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW ESTABLISHING A STOP SIGN ON HIGHLAND AVENUE AT BELLEVUE AVENUE, FACING TRAFFIC WEST BOUND; PROVIDING PENALTIES AND FINES FOR THE VIOLATION THEREOF.

WHEREAS, the Town Council of the Borough of West View and the Mayor of the Borough of West View deem it in the best interest of the health, public safety, and welfare of the Residents of the Borough of West View to establish the Stop Sign as set forth herein;

NOW THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View, and it is hereby ORDAINED and ENACTED by and with the authority of the same:

SECTION ONE - The Code of the Borough of West View is hereby amended so as to provide for the placement of a Stop Sign on Highland Avenue, facing traffic traveling West Bound on Highland Avenue at Bellevue Avenue.

SECTION TWO - Penalties and fines for the violation of this Ordinance shall be imposed in accordance with the Motor Vehicle Code of the Commonwealth of Pennsylvania.

SECTION THREE - Any Ordinance or parts of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.


ORDAINED and ENACTED this 10th day of August 2011

BOROUGH OF WEST VIEW

BY:


Bruce A. Fromlak
Secretary/Manager

BY:


Mary C. Bernhard
President of Town Council

EXAMINED and APPROVED this 10th day of August 2011

BY:


J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1461

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, FIXING THE
TAX RATE FOR THE YEAR 2012.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it
is hereby ORDAINED and ENACTED by and with the Authority of the same:


That a tax be and the same is hereby levied on all real property within the Borough of
West View subject to taxation for the Fiscal Year 2012 as follows:

Tax Rate for general purposes,
the sum of 6.68 Mills
on each Dollar of assessed valuation

That any Ordinance, or part of Ordinance, in conflict with the provisions of this
Ordinance are hereby repealed to the extent of said conflict.

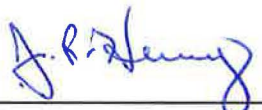
ORDAINED and ENACTED this 14th day of December 2011

BOROUGH OF WEST VIEW

BY: 
Chief of Police Bruce A. Fromlak
Manager

BY: 
Mary C. Bernhard, President

EXAMINED and APPROVED this 14th day of December 2011

BY: 
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1462

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2012.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenditures of Fiscal Year 2012, the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the Year 2012 for the specific purposes set forth on the following pages

Revenue Source	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
Taxes & Fees	2,482,800.00				2,482,800.00
Licenses/Permits	140,000.00				140,000.00
Fines/Forfeits	82,700.00				82,700.00
Interest/Rents	1,000.00	108,000.00			109,000.00
Entitlements	256,500.00		128,900.00	875,080.00	1,260,480.00
Dept. Earnings	134,800.00				134,800.00
Mis. Revenue	77,200.00	3,000.00		466,835.00	547,035.00
TOTAL	3,175,000.00	111,000.00	128,900.00	1,341,915.00	4,756,815.00

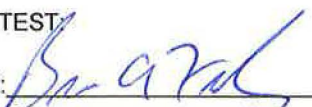
Expenditure Category	General Fund	Building Fund	Highway Aid Fund	2007 Project & Proprietary Fund	Total
General Gov't	296,800.00	103,000.00			399,800.00
Public Safety	1,186,500.00				1,186,500.00
Health & Welfare	11,500.00			875,080.00	886,580.00
Hwy/Roads/Streets	850,250.00		128,900.00		979,150.00
Rec/Parks/Lib/Civil	41,450.00				41,450.00
Debt Service	10,000.00			466,835.00	476,835.00
Ins. Prem/Ben	778,500.00	8,000.00			786,500.00
TOTAL	3,175,000.00	111,000.00	128,900.00	1,341,915.00	4,756,815.00

SECTION 2 - That any Ordinance or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 14th day of December 2011

BOROUGH OF WEST VIEW

ATTEST:

BY: 
Chief of Police Bruce A. Fromlak/Manager

BY: 
President of Council Mary C. Bernhard

EXAMINED and APPROVED this 14th day of December 2011 BY: 
J. R. Henry, Mayor

BOROUGH OF WEST VIEW
ORDINANCE #1463

ORDINANCE AUTHORIZING THE INCURRING OF NONELECTORAL DEBT FOR THE PURPOSE OF PROVIDING FUNDS FOR A REFUNDING PROJECT AND A CAPITAL PROJECT, BY THE ISSUANCE OF GENERAL OBLIGATION BONDS NOT TO EXCEED THE AGGREGATE PRINCIPAL AMOUNT OF \$11,100,000; FINDING A SALE BY NEGOTIATION TO BE IN THE BEST INTEREST OF THE BOROUGH; PROVIDING FOR MAXIMUM MATURITIES, MAXIMUM INTEREST RATES AND REDEMPTION FEATURES; COVENANTING TO PAY DEBT SERVICE; PLEDGING FULL FAITH, CREDIT AND TAXING POWER FOR THE PAYMENT OF THE BONDS; APPOINTING A PAYING AGENT, REGISTRAR AND SINKING FUND DEPOSITORY; ESTABLISHING A SINKING FUND; APPROPRIATING THE BOND PROCEEDS; AUTHORIZING ACCEPTANCE OF A PROPOSAL; RATIFYING PRIOR ADVERTISEMENT AND DIRECTING FURTHER ADVERTISEMENT; AUTHORIZING THE PAYMENT OF EXPENSES; RATIFYING THE PRELIMINARY OFFICIAL STATEMENT; AUTHORIZING APPROVAL OF THE FINAL OFFICIAL STATEMENT; AUTHORIZING THE OPENING OF A CLEARING ACCOUNT AND A PROJECT ACCOUNT; ADOPTING A FORM OF BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE AGREEMENT; AND REPEALING INCONSISTENT ORDINANCES.

As Enacted February 9, 2012

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WHEREAS, the Borough of West View (the "Borough") pursuant to an ordinance enacted on January 24, 2007 issued a series of bonds entitled Borough of West View , General Obligation Bonds, Series of 2007 in the original aggregate principal amount of \$7,695,000 of which \$7,070,000 are currently outstanding (the "2007 Bonds") of which \$6,900,000 mature on or after August 1, 2013 (the "Prior Bonds"), which were issued to undertake a project (the "2007 Capital Project") consisting of the payment of the cost of the Borough's share of the acquisition, construction, and equipping of the Phase III Joint Trunk Sewer Expansion Project and the 1997 Millvale Joint Trunk Line Expansion, and the cost of capital improvements to the Borough sewer system; and

WHEREAS, the Borough has determined an economic benefit to be gained from the refunding of some or all of the Prior Bonds (the "Refunding Project") by reducing debt service over the life of the Prior Bonds; and

WHEREAS, it is necessary that the Borough issue its general obligation bonds in order to accomplish the Refunding Project and gain such benefit; and

WHEREAS, the Borough desires to undertake a project consisting of constructing improvements to the Borough's roads and capital improvements to the Borough's facilities (the "Capital Project"); and

WHEREAS, it is necessary that the Borough issue its general obligation bonds in order to accomplish the Capital Project; and

WHEREAS, the Borough intends to issue its bonds in accordance with the terms of this Ordinance and the Local Government Unit Debt Act, 53 Pa.C.S. §§8001 *et seq.*, as amended (the "Debt Act"), to pay the costs of the Refunding Project and the Capital Project; and

NOW, THEREFORE, BE AND IT HEREBY IS ORDAINED AND ENACTED by the Borough Council of the Borough of West View that:

SECTION 1. The Project.

The Borough hereby undertakes as a project the Refunding Project and hereby undertakes as a project the Capital Project, which are combined for purposes of financing. The descriptions of the Refunding Project and the Capital Project contained in the recitals to this Ordinance are hereby incorporated into this Section by reference as if set out at length.

SECTION 2. Incurrence of Indebtedness.

For the purpose of providing funds for and toward the payment of costs, as such term is used in the Debt Act, of the Capital Project, the incurring of nonelectoral debt by the Borough in an amount not to exceed \$11,100,000 is hereby authorized. Such debt shall be evidenced by an issue of general obligation bonds of the Borough in an aggregate principal amount not to exceed \$11,100,000, designated "Borough of West View, General Obligation Bonds, Series of 2012" (the "Bonds").

SECTION 3. Approval of Private Sale.

After considering the advantages and disadvantages of a public sale of the Bonds, the Borough Council hereby determines that a private sale by negotiation is in the best financial interests of the Borough.

SECTION 4. Acceptance of Proposal.

(a) The Borough hereby invites, and authorizes Piper Jaffray & Co. (the "Purchaser") to submit in the manner herein provided, a proposal for the purchase of all but not less than all of the Bonds, bearing rates, terms and other provisions not inconsistent with this Ordinance (the "Proposal").

(b) The Proposal shall be submitted to the President of the Borough Council of the Borough for approval and acceptance, which Proposal shall be substantially in the form presented at this meeting, with such insertions as to interest rates, principal amounts, maturity dates and redemption provisions and related matters, and (ii) such deletions and amendments as the President, the Solicitor and Bond Counsel shall approve. The execution and delivery of a Proposal by the appropriate officers of the Borough shall constitute conclusive evidence of such approval.

(c) The Proposal must meet the following requirements:

(i) The aggregate purchase price for the Bonds to be purchased pursuant to such Proposal shall not be less than the total of (A) 99.00% of the aggregate principal amount thereof, (B) reduced or increased by any net original issue discount or premium, if any, and (C) plus accrued interest, if any.

(ii) The Proposal must identify the Prior Bonds being refunded.

(iii) The net savings after all expenses from the Refunding Project must be not less than the 2% of the aggregate principal amount of the Bonds after reduction for any original issue discount or increase for any original issue premium.

(iv) The Proposal must identify the amount of proceeds to be applied to the Capital Project.

(v) The Bonds contemplated by the Proposal must conform to the requirements of the Debt Act.

(d) The execution and delivery of the Proposal by the appropriate officers of the Borough shall constitute acceptance hereunder of the Proposal. Upon acceptance of the Proposal, the Bonds shall be and are hereby awarded and sold at private sale by negotiation unto the Purchaser identified by the President of Town Council in accordance with the requirements set forth in the preceding provisions of this Section 4, in accordance with all the terms of the

Proposal. The proper officers are authorized and directed to accept such Proposal by signing it, to return it to the Purchaser and to file a copy of the same with the records of the Borough.

The Secretary is hereby authorized and directed to deliver the Bonds to the Purchaser and receive payment therefor on behalf of the Borough after sale of the same in the manner required by law and the terms of this Resolution. The proper officers of the Borough are hereby authorized and directed to transfer and invest funds, to pay all necessary, usual and proper costs of issuance of the Bonds, to execute and deliver such documents and to do all such other acts, upon advice of the Solicitor and/or Bond Counsel, as are reasonably necessary to ensure a satisfactory settlement of the sale of the Bonds, and a proper application of the proceeds thereof to the Refunding Project.

SECTION 5. Maturity and Interest Rates.

The rate of interest per annum for each maturity of the Bonds shall not exceed the rates set forth in Schedule A attached hereto and incorporated herein; provided, that in the case of term bonds the applicable rate of interest shall be the rate set forth in Schedule A for the relevant maturity date of such term bonds. The principal amount of Bonds annually scheduled to mature or to be subject to mandatory redemption, as the case may be, shall not exceed the principal amount on each date set forth in Schedule A attached hereto. The Bonds shall bear interest accruing from a date (the "Dated Date"), which date shall be on or about the date of delivery as more fully specified in the applicable Proposal.

SECTION 6. Appointment of Paying Agent, Registrar and Sinking Fund Depository.

The Bank of New York Mellon Trust Company, N.A., Pittsburgh, Pennsylvania, is hereby appointed Paying Agent (the "Paying Agent") and Registrar (the "Registrar") for the Bonds and Sinking Fund Depository (the "Sinking Fund Depository") for the Sinking Fund created hereby. The Secretary is hereby authorized and directed to contract with such entity for its services as Sinking Fund Depository, Paying Agent and Registrar at such initial and annual charges as shall be appropriate and reasonable for such services. The Borough may, by Ordinance, from time to time, appoint a successor Paying Agent, Sinking Fund Depository or Registrar to fill a vacancy or for any other reason.

SECTION 7. Form of Bond, Interest Payment Dates and Record Dates.

The Bonds shall be issued in fully registered form without coupons and shall be numbered in such manner as may be satisfactory to the Borough and the Paying Agent. Pursuant to recommendations promulgated by the Committee on Uniform Security Identification Procedures, "CUSIP" numbers may be printed on the Bonds. Each Bond shall be dated as of the date of its authentication. The Bonds shall be issued in denominations of \$5,000 or any whole multiple thereof. The Bonds shall bear interest from the appropriate February 1 or August 1 (each, an "Interest Payment Date") immediately preceding their respective dates of authentication, unless: (a) a Bond shall be authenticated as of a date after a Record Date and on or before the next succeeding Interest Payment Date, in which case such Bond shall bear interest from such next succeeding Interest Payment Date or (b) a Bond shall be authenticated on or prior

to the Regular Record Date preceding the August 1, 2012, in which case such Bond shall bear interest from the Dated Date; or (c) as shown on the records of the Paying Agent, interest on the Bonds shall be in default, in which event the Bond shall bear interest from the date on which interest was last paid on the Bond until such sum is paid, or if no interest has been paid, from the Dated Date.

The term "Regular Record Date" with respect to any Interest Payment Date shall mean the January 15 or July 15 immediately preceding such Interest Payment Date. The person in whose name any Bond is registered at the close of business on any Regular Record Date with respect to any Interest Payment Date shall be entitled to receive the interest payable on such Interest Payment Date notwithstanding the cancellation of such Bond upon any transfer or exchange thereof subsequent to such Regular Record Date and prior to such Interest Payment Date, except if and to the extent that the Borough defaults in the payment of the interest due on such Interest Payment Date, in which case such defaulted interest shall be paid to the persons in whose names outstanding Bonds are registered at the close of business on a Special Record Date established by the Paying Agent, notice of which shall have been mailed not less than ten (10) days prior to such Special Record Date to the persons in whose name the Bonds are registered at the close of business on the fifth (5th) day preceding the date of mailing.

If the date for payment of the principal of or interest on any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized or required by law or executive order to close, then the date for payment of such principal or interest shall be the next succeeding day that is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized or required to close, and payment on such date shall have the same force and effect as if made on the nominal date established for such payment.

SECTION 8. Bond Register, Registrations and Transfer.

The Borough shall cause to be kept at the designated corporate trust office of the Paying Agent a register (the "Bond Register") in which, subject to such reasonable regulations as it may prescribe, the Borough shall provide for the registration of Bonds and the registration of transfers and exchanges of Bonds. No transfer or exchange of any Bond shall be valid unless made at such office and registered in the Bond Register.

Upon surrender of any Bond at the designated corporate trust office of the Paying Agent for registration of transfer, the Borough shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee or transferees, a new Bond or Bonds of any authorized denomination, of the same interest rate and maturity, and in the same aggregate principal amount as the Bond so surrendered.

Any Bond shall be exchangeable for other Bonds of the same maturity and interest rate, in any authorized denomination, in an aggregate principal amount equal to the principal amount of the Bond or Bonds presented for exchange. Upon surrender of any Bond for exchange at the principal corporate trust office of the Paying Agent, the Borough shall execute and the Paying

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Agent shall authenticate and deliver in exchange therefor the Bond or Bonds which the owner making the exchange shall be entitled to receive.

All Bonds issued upon any registration of transfer or exchange shall be valid obligations of the Borough, evidencing the same debt and entitled to the same benefits under this Ordinance as the Bonds surrendered for such registration of transfer or exchange.

Every Bond presented or surrendered for registration of transfer or exchange shall be duly endorsed, or be accompanied by a written instrument of transfer, in form and with guaranty of signature satisfactory to the Borough and the Registrar, duly executed by the Registered Owner thereof or his duly authorized agent or legal representative.

No service charge shall be made for any transfer or exchange of any Bond, but the Borough may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

The Borough shall not be required to register the transfer of or exchange any Bond: (a) in the case of Bonds then considered for redemption, during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is mailed; (b) once selected for redemption in whole or in part until after the redemption date; or (c) during a period beginning at the close of business on the fifteenth (15th) day next preceding the date of maturity of the Bond and ending at the close of business on the date of maturity.

SECTION 9. Execution and Authentication.

(a) Execution and Authentication. The Bonds shall be executed on behalf of the Borough by the President of the Borough Council, and shall have a facsimile of the corporate seal of the Borough affixed thereto, duly attested by the Secretary and said officers are hereby authorized and directed to execute the Bonds. The Bonds shall be authenticated by the manual execution of the Certificate of Authentication by a duly authorized officer of the Paying Agent. No Bond shall be valid until such Certificate of Authentication shall have been duly executed by the Paying Agent and such authentication shall be conclusive and the only proof that any Bond has been issued pursuant to this Ordinance and is entitled to any benefits conferred thereon under the provisions of this Ordinance. To the extent that any one signature on a Bond (including the signature of the officer of the Paying Agent) is manual, all other signatures may be by facsimile. The President of the Borough Council or Treasurer or Secretary or any of such officers is hereby authorized and directed, subject to the terms and conditions of the Proposal, to deliver the Bonds to the Purchaser and receive payment therefor on behalf of the Borough after sale of the same in the manner required by law and this Ordinance.

(b) Book-Entry-Only Registration.

(i) Letter of Representations. The Borough authorizes and approves the purchase of the Bonds by the Purchaser as book-entry-only obligations with The Depository Trust Company, New York, New York ("DTC"). Proper officers of the Borough are authorized

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and directed to execute DTC's Letter of Representations, if applicable, in substantially the form submitted to the Borough concurrent with its consideration of this Resolution, and such other documents as shall be necessary to complete the sale of the Bonds as book-entry obligations.

(ii) Book-Entry-Only System.

(A) The Bonds shall be issued in the form of one fully registered bond for the aggregate principal amount of the Bonds of each maturity, which Bonds shall be registered in the name of Cede & Co., as nominee of DTC. Except as provided in paragraph (G) below, all of the Bonds shall be registered in the name of Cede & Co., as nominee of DTC; provided that if DTC shall request that the Bonds be registered in the name of a different nominee, the Paying Agent shall exchange all or any portion of the Bonds for an equal aggregate principal amount of Bonds, registered in the name of such nominee or nominees of DTC. No person other than DTC or its nominee shall be entitled to receive from the Borough or the Paying Agent either a Bond or any other evidence of ownership of the Bonds, or any right to receive any payment in respect thereof unless DTC or its nominee shall transfer record ownership of all or any portions of the Bonds on the registration records maintained by the Paying Agent pursuant to Section 5 hereof, in connection with discontinuing the book entry system as provided in paragraph (G) below or otherwise.

(B) So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all payments of the principal or redemption price of or interest on such Bonds shall be made to DTC or its nominee in immediately available funds on the dates provided for such payments in this Resolution and in the Bonds. Each such payment to DTC or its nominee shall be valid and effective to discharge fully all liability of the Borough or the Paying Agent with respect to the principal or redemption price of or interest on such Bonds to the extent of the sum or sums so paid. In the event of the redemption of less than all of the Bonds outstanding of any maturity, the Paying Agent shall not require surrender by DTC or its nominee of the Bonds so redeemed, but DTC (or its nominee) may retain such Bonds and make an appropriate notation on the Bond certificate as to the amount of such partial redemption; provided that DTC shall deliver to the Paying Agent, upon request, a written confirmation of such partial redemption and thereafter the records maintained by the Paying Agent shall be conclusive as to the amount of the Bonds of such maturity which have been redeemed.

(C) The Borough and the Paying Agent may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or redemption price of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to registered owners under this Resolution and the Bonds, registering the transfer of Bonds, obtaining any consent or other action to be taken by registered owners and for all other purposes whatsoever; and neither the Borough nor the Paying Agent shall be affected by any notice to the contrary. Neither the Borough nor the Paying Agent shall have any responsibility or obligation to any participant in DTC, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any such participant, or any other person which is not shown on the registration records maintained by the Paying Agent as being a registered owner, with respect to either: (1) the Bonds; or (2) the accuracy of any records maintained by DTC or any such participant; or (3) the

payment by DTC or any such participant of any amount in respect of the principal or redemption price of or interest on the Bonds; or (4) any notice which is permitted or required to be given to registered owners under this Resolution or the Bonds; or (5) the selection by DTC or any such participant of any person to receive payment in the event of a partial redemption of the Bonds; or (6) any consent given or other action taken by DTC as registered owner.

(D) So long as the Bonds or any portion thereof are registered in the name of DTC or any nominee thereof, all notices required or permitted to be given to the registered owners of Bonds under this Resolution or the Bonds shall be given to DTC as provided in the representation letter to be delivered to DTC, in form and content satisfactory to DTC and the Borough.

(E) In connection with any notice or other communication to be provided to registered owners pursuant to this Resolution or the Bonds by the Borough or the Paying Agent with respect to any consent or other action to be taken by registered owners, DTC shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action, provided that the Borough or the Paying Agent may establish a special record date for such consent or other action. The Borough or the Paying Agent shall give DTC notice of such special record date not less than fifteen (15) calendar days in advance of such special record date to the extent possible.

(F) Any successor Paying Agent shall, in its written acceptance of its duties under this Resolution, agree to take any actions necessary from time to time to comply with the requirements of the representation letter.

(G) The book-entry system for registration of the ownership of the Bonds may be discontinued at any time if either: (1) after notice to the Borough and the Paying Agent, DTC determines to resign as securities depository for the Bonds; or (2) after notice to DTC and the Paying Agent, the Borough determines that a continuation of the system of book-entry transfers through DTC (or through a successor securities depository) is not in the best interests of the Borough. In either of such events (unless in the case described in clause (2) above, the Borough appoints a successor securities depository), the Bonds shall be delivered in registered certificate form to such persons, and in such maturities and principal amounts, as may be designated by DTC, but without any liability on the part of the Borough or the Paying Agent for the accuracy of such designation. Whenever DTC requests the Borough and the Paying Agent to do so, the Borough and the Paying Agent shall cooperate with DTC in taking appropriate action after reasonable notice to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

SECTION 10. General Obligation Covenant.

The Bonds are hereby declared to be general obligations of the Borough. The Borough hereby covenants with the Registered Owners from time to time of the Bonds outstanding pursuant to this Ordinance that it will include the amount of the debt service as specified in this Section, subject to appropriate adjustment in the event of the optional redemption of any Bonds prior to maturity, on the Bonds for each fiscal year in which such sums are payable, in its budget

for that year, will appropriate such amounts for such payments and will duly and punctually pay or cause to be paid the principal of the Bonds and the interest thereon on the dates, at the places and in the manner stated therein, according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Borough does hereby pledge its full faith, credit and taxing power. The maximum amount of the debt service which the Borough hereby covenants to pay on the Bonds in each year is shown on Schedule B which is attached hereto and incorporated herein by reference as if set out here at length.

As provided in the Debt Act, the foregoing covenants are specifically enforceable.

SECTION 11. Redemption.

(a) Optional. The Bonds shall be subject to redemption at the option of the Borough prior to their stated maturity dates, as a whole, or in part from time to time, in any order of maturity (and in any authorized principal amount within a maturity) and by lot within a maturity, on the dates and at the redemption prices provided in the accepted Proposal, together with interest accrued to the date fixed for redemption.

(b) Mandatory. Mandatory. Bonds may be subject to mandatory redemption, if at all, on the dates (each, a "Mandatory Redemption Date") and in the amounts as provided in the accepted Proposal, which mandatory redemption provisions are incorporated herein by reference as if set out here at length. The Borough covenants and directs the Paying Agent to redeem the specified aggregate principal amount of Bonds of the specified series and maturities on the respective Mandatory Redemption Dates set forth in the accepted Proposal, subject to the Borough's right which is reserved in Section 12, to satisfy that obligation by delivering to the Paying Agent and Sinking Fund Depository no later than forty-five (45) days before any Mandatory Redemption Date, for cancellation, Bonds of the maturity which are subject to mandatory redemption on that Mandatory Redemption Date.

(c) Notice. Notice of any redemption shall be given by mailing a notice of redemption by first class mail, postage prepaid, not less than thirty (30) nor more than sixty (60) days prior to the redemption date to the Registered Owners of Bonds to be redeemed at the addresses which appear in the Bond Register, provided, however, that neither failure to mail such notice nor any defect in the notice so mailed or in the mailing thereof with respect to any one Bond shall affect the validity of the proceedings for the redemption of any other Bond. If the Borough shall have duly given notice of redemption and shall have deposited with the Paying Agent funds for the payment of the redemption price of the Bonds so called for redemption, with accrued interest thereon to the date fixed for redemption, interest on such Bonds shall cease to accrue after such redemption date. Notices may be made conditional upon such deposits being timely made.

(d) CUSIP Numbers. Notices of redemption shall contain the applicable CUSIP numbers pertaining to the Bonds called for redemption (if then generally in use), and shall also contain the serial identification numbers printed on the Bonds.

(e) Selection by Lot. If less than all Bonds maturing on any one date are to be redeemed at any time, the Paying Agent shall select by lot the Bonds to be redeemed at such time.

(f) Portions of Bonds. Any portion of any Bond of a denomination larger than \$5,000 may be redeemed, but only in the principal amount of \$5,000 or any integral multiple thereof. Prior to selecting Bonds for redemption, the Paying Agent shall assign numbers to each \$5,000 portion of any Bond of a denomination larger than \$5,000 and shall treat each portion as a separate Bond in the denomination of \$5,000 for purposes of selection for redemption. Upon surrender of any Bond for redemption of a portion thereof, the Paying Agent shall authenticate and deliver to the Registered Owner thereof a new Bond or Bonds of the same maturity and in any authorized denominations requested by the Registered Owner in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered.

(g) Date of Redemption. If the redemption date for any Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the Commonwealth are authorized or required by law or executive order to close, then the date for payment of the principal, premium, if any, and interest upon such redemption shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized or required to close, and payment on such date shall have the same force and effect as if made on the nominal date of redemption.

SECTION 12. Sinking Fund.

(a) Deposit. There is hereby established a sinking fund to be known as "Borough of West View, Series of 2012 Bonds Sinking Fund" (the "Sinking Fund") into which the Borough covenants to deposit, and into which the Treasurer is hereby authorized and directed to deposit (i) on or before August 1, 2012, and on or before each Interest Payment Date thereafter to and including August 1, 2040, amounts sufficient to pay the interest due on such dates on the Bonds then outstanding, and (ii) on or before August 1, 2012, and on or before each August 1 thereafter to and including August 1, 2040, amounts sufficient to pay the principal of the Bonds due on each such date at maturity or pursuant to the mandatory redemption requirements hereof. Should the amounts covenanted to be paid into the Sinking Fund be, at any time, in excess of the net amounts required at such time for the payment of interest and principal, whether by reason of funds already on deposit in the Sinking Fund or by reason of the purchase or redemption of Bonds, or for some similar reason, the amounts covenanted to be paid may be reduced to the extent of the excess.

(b) Credit for Bonds Delivered. The Borough may satisfy any part of its obligations with respect to clause (a)(ii) by delivering to the Paying Agent and Sinking Fund Depository, for cancellation, Bonds maturing or subject to mandatory redemption on the date on which such deposit is required. The Borough shall receive credit against such deposit for the face amount of the Bonds so delivered, provided that such Bonds are delivered to and received by the Paying Agent and Sinking Fund Depository (i) on or before the maturity date of the Bonds for which credit is requested, in the case of a deposit required for the payment of Bonds at maturity, or

(ii) in the case of a deposit required to be made on a Mandatory Redemption Date, no later than forty-five (45) days prior to the Mandatory Redemption Date for which credit is requested.

(c) Application of Funds. All sums in the Sinking Fund shall be applied exclusively to the payment of principal and interest covenanted to be paid by Section 10 hereof as the same from time to time become due and payable and the balance of said moneys over and above the sum so required shall remain in the Sinking Fund, to be applied to the reduction of future required deposits; subject, however, to investment or deposit at interest as authorized by law and as permitted by Section 23 hereof. The Sinking Fund shall be kept as a separate account at the principal corporate trust office of the Sinking Fund Depository. The Sinking Fund Depository, without further authorization other than as herein contained, shall pay from the moneys in the Sinking Fund, the interest on the Bonds as and when due to the Registered Owners on the appropriate Record Date and principal of the Bonds, as and when the same shall become due, to the Registered Owners thereof.

(d) Optional Deposits. Notwithstanding the foregoing, in the case of optional redemption of any or all of the Bonds as permitted by Section 11 hereof, the Treasurer is hereby authorized and directed to deposit, from time to time, before the appropriate optional redemption date, funds which shall be sufficient when they, either alone or together with the interest to be earned thereon, if any, will equal the principal of the Bonds so called for redemption and the premium, if any, and the interest thereon to the date fixed for redemption.

SECTION 13. Disposition of Proceeds.

All moneys derived from the sale of the Bonds shall be deposited in the Clearing Account created pursuant to Section 21 hereof and shall be and hereby are appropriated substantially to payment of the costs of the Refunding Project and the Capital Project, including but not limited to payment of the costs and expenses of preparing, issuing and marketing the Bonds, and shall not be used for any other purposes, except as to any insubstantial amounts of money which may remain after fulfilling the purposes set forth herein, which minor amounts of remaining moneys shall promptly upon their determination be deposited in the Sinking Fund and used for the payment of interest on the Bonds, or as otherwise directed by the Borough. Promptly on the deposit of the proceeds of the Bonds, the Borough shall cause the transfers to the Prior Bonds Escrow Fund and the 2012 Project Account described below.

SECTION 14. Cost and Realistic Useful Life.

(a) Capital Project. Reasonable cost estimates have been obtained for the Capital Project with the assistance of architects, engineers, financial advisors and other persons qualified by experience. The realistic estimated useful life of the Capital Project is at least twenty (20) years. The Bonds allocable to the Capital Project mature within such period and so are in accordance with the Debt Act (53 Pa.C.S. §8142(a)(2)).

(b) Refunding Project. Reasonable cost estimates have been obtained for the Refunding Project with the assistance of financial advisors and other persons qualified by experience. The cost of the Refunding Project is at least equal to the amount of Bonds allocable

to the Refunding Project and the useful life of the capital improvements being refinanced is at least twenty-eight and one-half (28-1/2) years. Therefore, the maturities of the Bonds allocable to the Refunding Project are in accordance with the Debt Act (53 Pa.C.S. §8142(a)(2)).

(c) Level Debt Service. In addition, in accordance with the Debt Act (53 Pa.C.S. §8142(b)(1)), the maturities of the Bonds have been fixed so as to result in issue on at least an approximately level annual debt service plan.

SECTION 15. Internal Revenue Code Covenants.

(a) General. The Borough hereby covenants with the Registered Owners, from time to time, of the Bonds that no part of the proceeds of the Bonds will be used, at any time, directly or indirectly, in a manner which would cause the Bonds to be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the Regulations thereunder proposed or in effect at the time of such use and applicable to the Bonds, and that it will comply with the requirements of that section and the Regulations throughout the term of the Bonds.

The Borough agrees to take all actions necessary to preserve and maintain the tax exempt status of the Bonds and of the interest thereon, under all laws currently in effect and any that may become effective. The Borough covenants that it will not intentionally use any portion of the proceeds of the Bonds to acquire, or to replace funds used directly or indirectly to acquire, investment property with a yield materially higher than the yield on the Bonds as prohibited by Section 148(a) of the Code. The Borough covenants to expend the proceeds of the Bonds within the temporary periods prescribed by Section 148(c) of the Code and the regulations thereunder.

(b) Rebate. The Borough covenants that it will rebate, to the extent required by law, to the U.S. Treasury, at the times and in the manner required by the Code, all investment income derived from investing the proceeds of the Bonds in an amount which exceeds the amount which would have been derived from the investment of the proceeds of the Bonds at a yield not in excess of the yield on the Bonds, but only if such rebate is required by the Code.

(c) Qualified Tax-Exempt Obligation Designation. The Borough hereby designates the Bonds as Qualified Tax-Exempt Obligations pursuant to Section 265(b)(3) of the Code and represents and expects that the total amount of its obligations so designated and to be designated during the current calendar year does not and will not exceed \$10,000,000.

(d) Filing. The Borough will file IRS Form 8038-G and any other forms or information required by the Code to be filed in order to permit the interest on the Bonds to be excluded from gross income tax for federal income tax purposes.

SECTION 16. Advertising.

The action of the officers of the Borough in advertising a summary of this Ordinance, as required by law, is ratified and confirmed. The officers of the Borough or any of them, are authorized and directed to advertise a notice of enactment of this Ordinance in a newspaper of

general circulation in the Borough of West View within fifteen (15) days after final enactment. The Secretary is hereby directed to make a copy of this Ordinance available for inspection by any citizen during normal office hours.

SECTION 17. Appointment of Professionals.

The Borough hereby appoints Eckert Seamans Cherin & Mellott, LLC, as Bond Counsel, for the purpose of rendering any and all necessary opinions with respect to the Bonds.

SECTION 18. Filing With Department of Community and Economic Development.

The Secretary is hereby authorized and directed to prepare, verify and file with the Department of Community and Economic Development, in accordance with the Debt Act, a transcript of the proceedings relating to the issuance of the Bonds including the Debt Statement and Borrowing Base Certificate required by the Debt Act (53 Pa.C.S. §8110), and to take other necessary action, and to prepare and file all necessary documents with the Department of Community Affairs including, if necessary or desirable, any statements required to exclude any portion of the debt evidenced by the Bonds from the appropriate debt limit as self-liquidating or subsidized debt.

SECTION 19. General Authorization.

The officers and officials of the Borough are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effect the execution, issuance, sale and delivery of the Bonds, all in accordance with this Ordinance.

SECTION 20. Official Statements.

The Preliminary Official Statement prepared with respect to the Bonds is hereby approved. The President of the Borough Council is hereby authorized to execute and approve a Final Official Statement relating to the Bonds provided that the Final Official Statement shall have been approved by the Borough's Solicitor. The distribution of the Preliminary Official Statement is hereby ratified and the Purchaser is hereby authorized to use the Preliminary and the Final Official Statements in connection with the sale of the Bonds.

SECTION 21. Clearing Account and Project Account.

(a) The Borough hereby creates with the Paying Agent a special fund to be known as the Borough of West View 2012 Clearing Account (the "Clearing Account") which shall be held as a trust fund for the benefit of the Borough until disbursed in accordance with the provisions hereof. The Borough shall deliver the net proceeds (including accrued interest) derived from the sale of the Bonds to the Paying Agent for deposit to the Clearing Account. Upon written directions from the Borough signed by the President of the Governing Body and the Secretary, the Paying Agent shall pay, out of the Clearing Account the costs and expenses of the issuance of the Bonds, shall transfer the amount of accrued interest, if any, to the Sinking Fund, and shall

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deposit the required amount to the Prior Bonds Escrow Fund described in Section 24 below, and shall deposit the remaining amount to the Project Account described in (b) below. The written direction from the Borough shall state the names of the respective payees, the purpose for which the expenditure has been incurred, for the purpose of the transfer, whichever is applicable, and shall contain a certification that each item of expense for which payment has been requested has been properly incurred and is then unpaid, and that each transfer which is requested is in accordance with the provisions of this Ordinance.

(b) The Borough covenants to establish, and does hereby establish, a separate account in the name of the Borough to be known as the "Borough of West View 2012 Project Account" (referred to herein as the "Project Account"). The Project Account shall be constituted of the net proceeds from the sale of the Bonds (after payment of costs of issuance of the Bonds and the transfer to the Prior Bonds Escrow Fund), all moneys earned from the investment of funds therein and any other moneys which the Borough shall desire to deposit therein. The Project Account shall be expended first for the payment of all necessary and proper costs of the Capital Project, and then for any other lawful purpose as provided in the Borough Code, the Debt Act and other applicable laws.

SECTION 22. Payment of Expenses.

All expenses incurred in connection with issuance of the Bonds shall be paid out of the proceeds derived from the issuance of the Bonds and deposited in the Clearing Account and the proper officers and officials are authorized to sign and deliver requests for payment of such expenses.

SECTION 23. Investment.

Any moneys in the Project Account may be invested or deposited as permitted by applicable law for funds of the Borough. Any moneys in the Sinking Fund not required for prompt expenditure may, at the direction of the Borough, be invested in bonds or obligations which are direct obligations of, or are fully guaranteed as to principal and interest by, the United States of America or may be deposited at interest in time accounts or certificates of deposit or other interest bearing accounts of any bank or bank and trust company, savings and loan association or building and loan association. To the extent that such deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation or similar Federal agency, they need not be secured. Otherwise, such deposits shall be secured as public deposits or as trust funds. Any such investments or deposits shall mature or be subject to redemption at the option of the holder, or be subject to withdrawal at the option of the depositor, not later than the date upon which such moneys are required to be paid to the Registered Owners.

SECTION 24. Instructions to Refund.

(a) By acceptance of the Proposal, the President of Borough Council shall identify the portion of the Prior Bonds being refunded (the "Refunded Prior Bonds").

(b) The Borough hereby directs the redemption on the earliest feasible date of all the Refunded Bonds, by the deposit of funds in the Series of 2007 Bonds Sinking Fund with The Bank of New York Mellon Trust Company, N.A., as paying agent and sinking fund depository for the 2007 Bonds, or in an escrow account (the "Prior Bonds Escrow Fund") with The Bank of New York Mellon Trust Company, N.A., as Escrow Agent under an Escrow Trust Agreement (the "Escrow Agreement") providing for the payment of the Refunded Prior Bonds, and particularly for the investment of certain of the proceeds of the Bonds pursuant to Regulations of the U.S. Treasury Department. The Escrow Agreement, in the standard form, is hereby approved. The President or Vice President of Borough Council is hereby authorized and directed to execute said Agreement with such changes as have been approved by the Solicitor and Bond Counsel, and the Secretary to affix the seal of the Borough thereto and to attest the same, and any said officers are authorized to deliver said Agreement to the Escrow Agent. The Escrow Agent or its designee is hereby authorized to purchase necessary investments for the Escrow Fund established thereby. Escrow Agent. The Borough hereby authorizes and directs Eckert Seamans Cherin & Mellott, LLC, or Piper Jaffray & Co., or the Escrow Agent, or their respective representatives, to subscribe or commit on behalf of and as agent for the Borough, for United States Treasury Certificates of Indebtedness of the State and Local Government Series or other United States Government Obligations, or to arrange for the purchase of time deposits or certificates of deposit, which satisfy the requirements of Section 8250 of the Debt Act, in accordance with the Escrow Trust Agreement. The President or Vice President of Borough Council or the Secretary of the Borough is also hereby authorized to execute and deliver appropriate subscription forms for such obligations and to instruct any of the individuals or entities named above to purchase said obligations on behalf of the Borough.

SECTION 25. Authorization of Officers.

Any authorization granted to, power conferred on, or direction given to the President, Manager, Secretary or Treasurer, shall be deemed to run to the Vice President, Assistant or Acting Secretary, Assistant or Acting Manager or Assistant Treasurer, respectively, as if such latter titles had been expressly included in the text hereof which grants such authorization, confers such power or gives such direction.

SECTION 26. Bond Form.

The form of the Bonds shall be substantially as follows:

UNLESS THIS CERTIFICATE IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO THE BOROUGH OR ITS AGENT FOR REGISTRATION FOR TRANSFER, EXCHANGE, OR PAYMENT, AND ANY CERTIFICATE ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN

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SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC) ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

BOROUGH OF WEST VIEW
GENERAL OBLIGATION BOND, SERIES OF 2012

No.
CUSIP

Interest Rate:
Maturity Date:

Borough of West View, County of Allegheny, Commonwealth of Pennsylvania (the "Borough"), for value received, and intending to be legally bound, promises to pay to _____, or registered assigns, (the "Registered Owner") the principal amount of _____ Dollars (\$_____) on the maturity date stated above upon presentation and surrender of this Bond at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A. (the "Paying Agent") in Pittsburgh, Pennsylvania, and to pay interest thereon at the above-stated rate from the February 1 or August 1 immediately preceding the date hereof (unless this Bond is dated after a Regular Record Date but on or before the next succeeding February 1 or August 1 date, then from such next succeeding February 1 or August 1, or unless this Bond is dated on or prior to the Regular Record Date preceding August 1, 2012, then from _____, 20____, or unless, as shown on the records of the Paying Agent, interest on the Bond shall be in default, in which event the Bond shall bear interest from the date on which interest was last paid on the Bond until such sum is paid, or if no interest has been paid, from _____, 20____) semiannually on February 1 or August 1 of each year during the term of this Bond (beginning August 1, 2012), or until payment of said principal sum has been made or provided for.

The principal of, and premium, if any, and interest on this Bond are payable in such coin or currency of the United States of America as at the time and place of payment is legal tender for payment of public and private debts, at the designated corporate trust office of the Paying Agent; provided that, interest will be paid by check mailed to the person who is the registered owner on the appropriate record date at his address as it appears on the Bond Register described below, unless written demand is made by such person for payment in legal tender at such office.

This Bond is one of a duly authorized issue of \$_____, principal amount, General Obligation Bonds, Series of 2012 (the "Bonds") of the Borough which have been issued in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, as amended (the "Act"), without the assent of the electors, pursuant to an Ordinance (the "Ordinance") of the Borough Council of the Borough of West View enacted on February 9,

2012. The Bonds have been issued for the purpose of obtaining funds to pay the costs of a capital project.

Interest payable on any interest payment date will be paid to the person in whose name this Bond is registered (the "Record Owner") at the close of business on the January 15 or July 15 (the "Regular Record Date") immediately preceding the relevant interest payment date. Any such interest which is not deposited with the Paying Agent on or before any such interest payment date for payment to the Record Owner on the Regular Record Date shall forthwith cease to be payable to the Record Owner on the Regular Record Date, and shall be paid to the person in whose name this Bond is registered on a special record date for the payment of such defaulted interest to be fixed by the Paying Agent, notice of which shall be given to all registered owners not less than ten (10) days prior to such special record date, all as provided in the Ordinance.

Bonds maturing on August 1 of the years 20__, 20__, and 20__ are subject to mandatory redemption prior to their stated maturity dates, in part, by lot, or by any other method deemed fair and appropriate by the Paying Agent, on the dates and in the amounts shown below upon payment of the redemption price of 100% of the principal amount, together with interest accrued to the date fixed for redemption.

August 1, 20__ Maturity <u>Redemption Date</u>		August 1, 20__ Maturity <u>Redemption Date</u>		August 1, 20__ Maturity <u>Redemption Date</u>	
<u>(August 1)</u>	<u>Amount</u>	<u>(August 1)</u>	<u>Amount</u>	<u>(August 1)</u>	<u>Amount</u>

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* At maturity

The Bonds maturing on or after August 1, 20__, are subject to redemption at the option of the Borough prior to their stated maturity dates, as a whole, or in part from time to time, on August 1, 20__, or on any date thereafter, in any order of maturity as selected by the Borough, in each case, upon payment of 100% of the principal amount to be redeemed together with interest accrued to the date fixed for redemption.

If less than all Bonds maturing on any one date are to be redeemed at any time, the Bonds to be called for redemption at such time shall be chosen by the Paying Agent, by lot or by any other method deemed fair and appropriate by the Paying Agent.

Notice of redemption of any Bond shall be given to the registered owner of such Bond by first class mail, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, in the manner and upon the terms and conditions set forth in the Ordinance. A portion of a Bond of a denomination larger than \$5,000 may be redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefor, a Bond or Bonds for the unredeemed balance of the principal amount of such Bond, all

as more fully set forth in the Ordinance. If notice of redemption shall have been duly given, the Bonds or portions thereof specified in that notice shall become due and payable at the applicable redemption price on the redemption date designated in that notice, and if, on that redemption date, moneys are held by the Sinking Fund Depository for the payment of the redemption price of the Bonds to be redeemed, together with interest to the redemption date, then from and after the redemption date, interest on such Bonds shall cease to accrue.

The Borough, pursuant to recommendations made by the Committee on Uniform Security Identification Procedures, has caused CUSIP numbers to be printed on the Bonds, and has directed the Paying Agent to use such numbers in notices of redemption and other notices, if any, as a convenience to the registered owners of the Bonds. No representation is made by the Borough as to the accuracy of such numbers either as printed on the Bonds or as contained in any notice and reliance may be placed only on the identification number printed hereon.

This Bond may be transferred or exchanged only on the Bond Register (the "Bond Register") maintained by the Borough at the principal corporate trust office of the Paying Agent upon surrender hereof by the Registered Owner at such office duly endorsed by, or accompanied by a written instrument of transfer duly executed by, the Registered Owner or his duly authorized agent or legal representative, in each case, in form and with a guaranty of signature satisfactory to the Borough and the Paying Agent.

No service charge shall be made for any transfer or exchange of any Bond, but the Borough may require payment of any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

The Borough shall not be required to register the transfer or exchange of any Bond: (a) in the case of Bonds then considered for redemption, during a period beginning at the close of business on the fifteenth (15th) day next preceding any date of selection of Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is mailed; (b) once selected for redemption in whole or in part; or (c) during a period beginning at the close of business on the fifteenth (15th) day next preceding the date of maturity of the Bond and ending at the close of business on the date of maturity.

Subject to the provisions of this Bond and of the Ordinance relating to payment of interest, the Borough and the Paying Agent may treat the Registered Owner of this Bond as the absolute owner hereof, for all purposes, whether or not this Bond shall be overdue, and neither the Borough nor the Paying Agent shall be affected by any notice to the contrary.

No recourse shall be had for the payment of the principal of or interest on this Bond, or for any claim based hereon or on the Ordinance against any member, officer or employee, past, present or future, of the Borough or of any successor body, as such, either directly or through the Borough or any such successor body, under any constitutional provision, statute or rule of law, or by the enforcement of any assessment or by any legal or equitable proceeding or otherwise, and all such liability of such members, officers or employees is released as a condition of and as consideration for the issuance of this Bond.

It is hereby certified that the approval of the Department of Community and Economic Development of the Commonwealth of Pennsylvania for the Borough to issue and deliver this Bond has been duly given pursuant to the Act; that all acts, conditions and things required by the laws of the Commonwealth of Pennsylvania to exist, to have happened or to have been performed, precedent to or in the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that this Bond, together with all other indebtedness of the Borough is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania and applicable to the Borough; and that the Borough has established with the Paying Agent as Sinking Fund Depository a sinking fund for the Bonds and has agreed to deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable.

This Bond is hereby declared to be a general obligation of the Borough. The Borough, in the Ordinance authorizing the issuance of the Bonds, has covenanted with the registered owners, from time to time, of the Bonds that the Borough will include the amount of the debt service charges on the Bonds for each fiscal year in which such sums are payable, in its budget for that year, that it will appropriate such amounts to the payment of such debt service, and will duly and punctually pay or cause to be paid the principal of every Bond, and the interest thereon, on the dates and at the places and in the manner stated in the Bonds, according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the Borough has pledged its full faith, credit and taxing power. This covenant is specifically enforceable.

This Bond shall not be valid or become obligatory for any purpose unless the certificate of authentication hereon shall have been signed by the manual signature of an officer of the Paying Agent.

IN WITNESS WHEREOF, the Borough has caused this Bond to be duly executed and dated as of the date of its authentication.

ATTEST:

BOROUGH OF WEST VIEW

/s/ Facsimile Signature
Secretary

By /s/ Facsimile Signature
President

[SEAL]

PAYING AGENT'S AUTHENTICATION CERTIFICATE

This Bond is one of the Borough of West View, General Obligation Bonds, Series of 2012, described in the within-mentioned Ordinance. The text of opinion printed hereon is the text of the opinion of Eckert Seamans Cherin & Mellott, LLC, Bond Counsel, of Pittsburgh, Pennsylvania, an executed counterpart of which, dated and delivered on the date of original delivery of and payment for said Bonds, is on file with the undersigned.

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A.,
Paying Agent

By _____
Authorized Officer

Dated:

* * * * *

[STATEMENT OF INSURANCE]

* * * * *

[TEXT OF OPINION OF ECKERT SEAMANS CHERIN & MELLOTT, LLC,
BOND COUNSEL, OF PITTSBURGH, PENNSYLVANIA]

* * * * *

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common

TEN ENT - as tenants by the
entireties

JT TEN - as joint tenants with
right of survivorship and
not as tenants in common

UNIF. TRANS. MIN. ACT-

Custodian

(Cust) (Minor)

under Uniform Transfers to Minors

Act _____
(State)

Additional abbreviations may also be used though not in the list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

Please insert Social Security
or other identifying number of
assignee

Please print or typewrite name and address

including postal zip code of transferee

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ Agent
to transfer the within Bond on the books kept for registration thereof, with full power of
substitution in the premises.

Dated _____

Signature(s) Guaranteed: _____

NOTICE: Signature(s) must be
guaranteed by a member of an
approved Signature Guarantee
Medallion Program.

NOTICE: The signature(s) to this
assignment must correspond with
the name(s) as written upon the face
of the Bond, in every particular,
without alteration or enlargement
or any change whatever.

SECTION 27. Bond Insurance.

The Borough hereby accepts a commitment from the bond insurance company, if any specified in the Proposal (the "Bond Insurer") to issue its financial guaranty insurance policy insuring the payment when due of the principal of and interest on the Bonds, authorizes the payment of an appropriate premium to the Bond Insurer, authorizes the printing of an appropriate statement of insurance on the Bonds and covenants to comply with the Bond Insurer's requirements set forth in such commitment.

SECTION 28. Disclosure Agreement.

The Borough covenants that it will enter into and comply with a Continuing Disclosure Agreement (the "Disclosure Agreement") for the benefit of the owners of the Bonds at or prior to the closing for the issuance of the Bonds. Pursuant to the Disclosure Agreement, the Borough will provide certain financial and operating information on an annual basis and notice of certain events to the Municipal Securities Rulemaking Board in accordance with United States Securities and Exchange Commission Rule 15c2-12. The Disclosure Agreement is hereby approved in the form presented to this meeting. The President or Vice President of the Borough Council is hereby authorized and directed to execute and deliver the Disclosure Agreement on behalf of the Borough with such changes as have been approved by the Solicitor and Bond Counsel, and the Secretary of the Borough is hereby authorized and directed to seal and attest the Disclosure Agreement.

SECTION 29. Repealer.

All ordinances and resolutions or parts thereof, not in accordance with this Ordinance are hereby repealed insofar as they conflict with this Ordinance.

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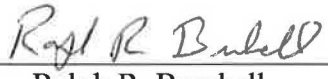
ENACTED by the Borough Council of the Borough of West View, in lawful session assembled, on February 9, 2012.

ATTEST:

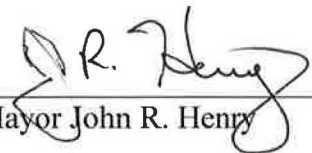

Secretary

[SEAL]

BOROUGH OF WEST VIEW

By 
Ralph R. Burchell
Council President

Examined and Approved by Me This
9th Day of February, 2012:

By 
Mayor John R. Henry

SCHEDULE A

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2012

MAXIMUM PRINCIPAL AND INTEREST RATE SCHEDULE

<u>Date of Maturity or Mandatory Redemption</u>	<u>Maximum Principal Maturity Amount or Mandatory Redemption Amount</u>	<u>Maximum Annual Interest Rate</u>	<u>Maximum Yield</u>
8/1/12	\$ 170,000	6.000%	6.000%
8/1/2012	\$ 200,000	6.000%	6.000%
8/1/2013	375,000	6.000%	6.000%
8/1/2014	380,000	6.000%	6.000%
8/1/2015	385,000	6.000%	6.000%
8/1/2016	390,000	6.000%	6.000%
8/1/2017	400,000	6.000%	6.000%
8/1/2018	400,000	6.000%	6.000%
8/1/2019	405,000	6.000%	6.000%
8/1/2020	410,000	6.000%	6.000%
8/1/2021	415,000	6.000%	6.000%
8/1/2022	430,000	6.000%	6.000%
8/1/2023	435,000	6.000%	6.000%
8/1/2024	440,000	6.000%	6.000%
8/1/2025	450,000	6.000%	6.000%
8/1/2026	455,000	6.000%	6.000%
8/1/2027	470,000	6.000%	6.000%
8/1/2028	485,000	6.000%	6.000%
8/1/2029	495,000	6.000%	6.000%
8/1/2030	505,000	6.000%	6.000%
8/1/2031	520,000	6.000%	6.000%
8/1/2032	535,000	6.000%	6.000%
8/1/2033	505,000	6.000%	6.000%
8/1/2034	525,000	6.000%	6.000%
8/1/2035	535,000	6.000%	6.000%
8/1/2036	555,000	6.000%	6.000%
8/1/38	515,000	6.000%	6.000%
8/1/39	530,000	6.000%	6.000%
8/1/40	540,000	6.000%	6.000%

Approved
&
Corrected
Figures
PAC

SCHEDULE B

Borough of West View
Allegheny County, Pennsylvania
General Obligation Bonds
Series of 2012

MAXIMUM DEBT SERVICE SCHEDULE

<u>Fiscal Year</u> <u>(Ending December 31)</u>	<u>Fiscal Year</u> <u>Total</u>
<u>Fiscal Year</u> <u>(Ending</u> <u>December 31)</u>	<u>Fiscal Year</u> <u>Total</u>
2012	\$ 366,500.00
2013	1,029,000.00
2014	1,011,500.00
2015	993,700.00
2016	975,600.00
2017	962,200.00
2018	938,200.00
2019	919,200.00
2020	899,900.00
2021	880,300.00
2022	870,400.00
2023	849,600.00
2024	828,500.00
2025	812,100.00
2026	790,100.00
2027	777,800.00
2028	764,600.00
2029	745,500.00
2030	725,800.00
2031	710,500.00
2032	694,300.00
2033	632,200.00
2034	621,900.00
2035	600,400.00
2036	588,300.00


*approved &
corrected
figures/AR*

CERTIFICATE

I, the undersigned, Secretary of the Borough of West View, Allegheny County, Pennsylvania (the "Borough"), hereby certify that: (a) attached to this Certificate is a true, correct and complete copy of an Ordinance (the "Ordinance") which was duly enacted at a meeting of the Borough Council of the Borough on February 9, 2012, at which a quorum was present and acting throughout, and which was at all times open to the public; (b) the Ordinance was duly recorded in the Borough's Ordinance Book, and a summary of the Ordinance was published as required by law in a newspaper of general circulation in the Borough; (c) the Borough met the advance notice requirements of 65 Pa. C.S. ch. 7; as amended (the "Sunshine Law") by advertising the date of the meeting and posting a notice of the meeting at the public meeting place of the Borough Council; (d) the total number of members of the Borough Council is seven (7); and (e) the vote upon the Ordinance was called and duly recorded upon the minutes and that the members voted in the following manner:

	Yes	No	Abstain	Absent
William F. Aguglia	WFA ✓	_____	_____	_____
Mary C. Bernhard	MLB ✓	_____	_____	_____
Ralph R. Burchell	RRB ✓	_____	_____	_____
John W. Koerts	JK ✓	_____	_____	_____
Donald E. Mikec	DM ✓	_____	_____	_____
Barry G. Schell	BGS ✓	_____	_____	_____
M. Kimberly Steele	MS ✓	_____	_____	_____

WITNESS my hand and seal of the Borough of West View on February 9, 2012.

By 
Secretary

[SEAL]

**OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1464**

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, REGULATING STREET OPENING AND/OR EXCAVATION AND REPEALING ORDINANCE NUMBER 938 OF NOVEMBER 11, 1952, ARTICLE IV, STREET EXCAVATIONS, CODE OF THE BOROUGH OF WEST VIEW SECTION 117-14 AND REPLACING SAME.

WHEREAS, it is in the public interest to regulate the location and construction of utility facilities within Borough street rights-of-way, for the purpose of insuring the structural integrity of such streets, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic.

BE IT ORDAINED AND ENACTED BY the Town Council of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, that no work shall be performed within the rights-of-way of a Borough street involving the placement of utility facilities or other structures or opening of the service without first applying to the Borough of West View for a street occupancy permit, and obtaining from the Borough of West View an appropriate permit for the same, and it is hereby ordained and enacted by and with the authority of the same:

Section 1 - Applications: Permit applications to the Borough of West View shall comply with the following:

1. Shall be submitted in person or by mail on a form provided by the Borough of West View. Additionally, all of the provisions of "Pennsylvania One call" shall be strictly adhered to, and the applicant shall insure that the Borough is also directly put on notice as to any

activity involving its streets, roads and rights-of-way.

2. Shall be signed by the applicant.

3. Shall include two (2) sets of plans detailing the location and pertinent dimensions of the opening, the proposed installation and related highway features.

4. Shall be accompanied by a check or money order payable to the Borough of West View in the amount of \$1500.00 minimum, or in lieu, any utility, which is regulated by the P.U.C. may post a ten thousand (\$10,000.00) annual bond with the Borough.

5. That such application shall be submitted to the Borough at least thirty (30) days prior to the anticipated start of the work; provided, nevertheless, that in cases of emergency, such application shall be submitted as soon as shall be practicable, but in no event later than five (5) days from the occurrence of the emergency. Work as to permanent restoration after emergency repairs shall be completed within ten (10) days of the emergency repairs and shall be inspected by the Borough.

6. The appropriate Borough official shall examine and determine the completeness of each application, and may reject any application if said official is not satisfied with the

information provided.

7. Upon approval by the borough, a Permit shall be issued, including a Permit Placard. The placard shall be retained by the permittee and shall be posted and displayed in a prominent location at all times at the work site for the entire work period.

8. Not more than two hundred linear feet (200') shall be opened in any street at any time.

Section 2 - Fees:

Issuance fees in amount necessary to defray the costs incurred by the Borough in reviewing and processing applications and plans, including the preliminary review of the site location identified in the application, and issuing and processing the permit shall be as established from time to time by Borough Council.

Section 3 - Bond Required:

The applicant shall be required to execute and deliver unto the Borough an Agreement, or its Performance and Labor and Materials Payment Bond(s) with approved surety, or both, as a prerequisite to the issuance of any such permit, in an amount to be determined by the appropriate issuing Borough official, the amount of which shall equal the estimated cost of the work, for the

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000106

purpose of indemnifying the Borough for any costs, damages or expenses incurred or estimated as the result of the restoration of such Borough street and right-of-way, which is the subject of said application. Upon completion of restoration, the applicant shall be required to execute and deliver to the Borough and Agreement or its Maintenance Bond with an approved surety, or both, as its guarantee and warranty against defects regarding said restoration for a period of two (2) years from the date of acceptance by the borough of said restoration work.

Section 4 - Responsibility of Permit Holder for Certain Work to Restore Borough Roads:

Any applicant or permittee shall be required to restore a Borough road or street to the same condition as it was prior to entry thereon by the permittee in accordance with regulations promulgated by the Borough of West View. The estimate of such restoration shall be set forth in detail on the permit issued by the Borough of West View.

Section 5 - Conformance with Borough Requirements and Standards:

The permittee shall be required to repair the excavation by cutting back and resurfacing at least one (1') foot on each side of the street opening in each direction, and the bond referred to herein shall include the cost of such restoration; provided, nevertheless, that the foregoing shall include restoration of Borough maintained streets. All work shall be done at such time and in such manner as shall be consistent with the safety of the public, and shall conform to requirements and standards of the Borough of West View. If, at any time, it shall be determined

by the appropriate official of the Borough that the work is not being done or has not been properly performed, the permittee, upon being notified in writing by said official, shall immediately take the necessary steps, at its own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the permittee and the aforementioned appropriate Borough official, the Borough shall have the authority to suspend work until the question at issue is resolved.

Section 6 - Openings to Parallel to the Road or Right-of-Way:

1. Requirements for openings parallel to a roadway or right-of-way are as follows:

- A. A utility facility shall be placed outside the pavement and shoulder unless there is no feasible space outside the pavement and shoulder for placing the facility, in which case occupancy within the pavement or shoulder may be authorized by the permit.
- B. The top of a utility facility shall be installed at least three (3') feet beneath the surface.
- C. On an unpaved road, the near edge of the opening shall be at least twelve (12') feet from the general center line of the traveled highway or as authorized in subsection (A).

- D. No opening may be made for more than two hundred (200') linear feet at one (1) time, unless authorized by the permit.
- E. The permittee shall protect its opening to provide for the safety of the traveling public, including motorists, bicyclists and pedestrians.
- F. The permittee shall be required to maintain the flow of traffic within the affected work area at all times, and shall be required to provide all necessary signage, flaggers and any other items necessary for traffic control in accordance with Penn D.O.T. requirements. NO road closures shall be permitted at any time without written permission from the borough. The permittee shall be required to provide acceptable and adequate notification to all affected properties not less than seventy two (72) hours prior to the commencement of any construction activities, except in the event of an emergency, at which such notification shall be given as timely as possible and with the full knowledge and concurrence of the borough.
- G. The permittee shall store materials and equipment ONLY at the location(s) approved and acceptable to the borough. The permittee shall obtain borough approval not less than five (5) business days prior to the commencement of work and shall NOT deliver ANY materials or equipment to the borough without said approval.

2. Daily Stoppage of Work Requirements. Daily stoppage of work requirements including the following:

- A. Except for emergency repairs of utility facilities, work within the pavement or shoulder shall be stopped prior to peak traffic hours that may exist on a particular roadway on a particular day and as specified in the permit.
- B. At the end of each workday, an opening in the right of way shall be on the following:
 - (1) Covered with steel plates or bridging over openings which are less than six (6') feet either length or width. The plates or bridging shall be extended a minimum of eighteen (18") inches from each edge of the opening and shall be secured in a safe manner.
 - (2) Backfilled to the bottom elevation of the pavement or base course, or to the original surface elevation if outside the pavement and shoulder, and protected under an approved traffic control plan until the surface is restored to its former condition.

- C. The permittee shall protect its openings to provide for safety of the traveling public, including motorists, bicyclists and pedestrians.

Section 7 - Backfilling:

Any person who shall open or excavate any improved street in the Borough, shall thoroughly and completely backfill the opening or excavation, mechanically compact same so as to prevent any settling thereafter as it was before the opening or excavation, to the same surface and base materials, line and grade as it were before the opening or excavation; as restored, the surface and base shall conform to the line and grade and be of the same materials as that of the undisturbed existing adjacent surfaces and bases.

An opening shall be backfilled by the permittee in accordance with the following:

- A. The opening may first be backfilled with fine aggregate materials, meeting applicable Pennsylvania Department of Transportation standards, or standards as promulgated by the Borough from time to time, and placed to a height not to exceed one (1') foot over the top of the facility, if the material is compacted in not more than four (4") inch(s) loose layers or as authorized by the Borough. To help protect its facility from future

excavations, the permittee shall place a permanent ribbon at least one (1') foot above its facility. If the facility is nonmetallic, the permittee shall place a metallic ribbon at a depth from which the ribbon can be sensed by typical metal locating instruments.

- B. The opening shall then be backfilled with select granular material, unless retained suitable materials are authorized by the Borough or other coarse aggregate material specified in the permit. Select granular material or other aggregate material will be required for use as backfill of openings in pavements, paved shoulders and improved shoulders as well as unimproved shoulders within three (3') feet of the edge of pavement. Retained suitable material will normally be authorized for use as backfill of openings outside shoulders and in unimproved shoulders more than three (3) feet outside the edge of pavement and up to within three (3') feet of the surface.

C. Backfill shall be compacted as follows:

- (1) General Rule. Except as provided in subsection (2), backfill material shall be placed in loose layers not to exceed eight (8") inches if vibratory compaction equipment is used or authorized.

Each layer shall be thoroughly compacted to preclude subsidence.

- (2) **Compaction Outside Pavement and Shoulders.** At least fifteen (15) days prior to the start of work, the applicant may submit its written compaction plan to the Borough office requesting backfill in an opening outside the pavement and shoulder to be placed in layers thicker than eight (8") inches prior to compaction. The compaction plan shall include full details of equipment, materials and work methods as well as the permittee's acknowledgment of its obligation and commitment to regularly monitor the restored surface until two (2) years after the acknowledged completion date of the permitted work and to promptly correct failure or subsidence of the roadway. The Borough may condition its approval of a compaction plan on the execution of a bond if a part of the opening is within the improved area.

- (3) **Existing Pavement Elevation.** Compaction shall be completed to the bottom elevation of the existing pavement.

D. The Borough may require the permittee to have material proposed for use

as backfill and compacted material tested, at the expense of the permittee.

Section 8 - Additional Restoration:

On improved streets, a temporary pavement consisting of bituminous cold patch material, not less than three (3") inch compacted depth shall be installed flush with the surface of the existing undisturbed pavement and shall be maintained until permanent restoration has been completed. On unimproved streets, compacted 2-A stone material, not less than three (3") inches compacted depth shall be installed and maintained until permanent restoration has been completed.

On streets or alleys that have been improved within a period of five (5) years or less from the date of the utility disturbance, the contractor shall be required to mill the existing pavement surface between the outside edges of pavement (curb line to curb line) of the existing pavement and to a point not less than two (2') feet beyond the limits of the opening. Trench restoration shall be the same as that described for Bituminous Pavement, excepting that the entire area shall receive a one and one half (1 1/2 W") inch compacted depth overlay of Superpave 9.5 mm Wearing Material.

PERMANENT RESTORATION shall be performed and completed as soon thereafter as the utility work has been completed, but in NO INSTANCE shall permanent restoration be completed any longer than three (3) months from the official date of said completion, except as

may be necessitated by winter weather conditions and as approved by the Borough. Failure to comply shall result in the penalties as set forth elsewhere herein.

Permanent restoration shall meet the following requirements:

BITUMOUS PAVEMENT RESTORATION shall consist of the following:

Saw one (1') foot outside the initial excavation and remove temporary paving and base to a depth of seven and one half (7 1/2") inches below the existing finished surface and furnish and install the following.

- Thoroughly compact subgrade
- Place three (3") inch compacted depth of a 2-A modified stone base.
- Place three (3") inch compacted depth of 19.0 mm Superpave Binder material.
- Place one and a half (1 1/2") inch compact depth of 9.5 mm Superpave Wearing Material.
- Immediately following paving operations hand mop and seal all edges where new pavement meets existing surfaces with AC-20 sealing material.

When four (4) or greater consecutive openings occur at one time (within a twelve consecutive month period) within one half of any street (from the center line to the outside edge of pavement (curb line) the contractor shall be required to perform the following additional work:

Mill the existing pavement surface from the center line to the outside edge (curb line) of the existing pavement and to a point not less than two (2') feet beyond the limits of the farthest openings. Trench restoration shall be the same as that described for Bituminous Pavement, excepting that the entire area shall receive a one and one half (1 ½") inch compacted depth overlay of Superpave 9.5 mm Wearing Material.

When four (4) or greater openings occur within one block between outside edges of pavement (curb line to curb line), (within a twelve (12) consecutive month period.), the contractor shall be required to perform the following additional work:

Mill the existing pavement surface between the outside edges of pavement (curb line to curb line) of the existing pavement and to a point not less than two (2') feet beyond the limits of the farthest openings. Trench restoration shall be the same as that described for Bituminous Pavement, excepting that the entire area shall receive a one and a half (1 ½") inch compacted depth overlay of Superpave 9.5 mm Wearing Material.

Where **CONCRETE CURB** is to be restored, the contractor shall **saw out** and remove affected curb to the next undisturbed expansion or contraction joint, shall place one half inch (1/2") pre-moulded expansion joint material and install medium depth eighteen (18") inch

plain cement curb to match width and reveal of the adjacent existing undisturbed curb.

Concrete shall be 4,000 p.s.i. air entrained. All new finished concrete surfaces shall be treated with BASF Enviroseal 40 or equivalent.

Where **CONCRETE SIDEWALK** is to be restored, the contractor shall excavate and remove existing affected sidewalk to the next undisturbed expansion or contraction joint, shall saw cut smooth and replace full slabs. Specifications shall include three (3") inch minimum depth of compacted cinders or crushed stone subbase and five (5") inch thickness of 4,000 p.s.i. air entrained concrete, with No. 6/6 gauge welded wire fabric, one half inch (1/2") pre-molded expansion joints where new concrete construction meets existing construction and placed at thirty (30') foot center to center, with contraction joints at ten (10') foot center to center. All new finished concrete surfaces shall be treated with BASF Enviroseal 40 or equivalent.

Additional restoration shall be required as follows:

- A. If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lanes shall be saw cut or milled to a depth of one and one half (1-1/2") inches or the depth of the existing surface course, whichever is less, for the length of the opening to insure a smooth joint, with proper

elevation and cross sections. A full width overlay may be authorized on various roadways instead of saw cutting or milling the disturbed land.

- B. Restored openings in the pavement or paved shoulder shall be sealed in the case of bituminous concrete or in the case of cement concrete.

Section 9 - Penalty for Violation:

That any person, firm or corporation violating any of the provisions of this Ordinance, upon conviction thereof before a Magisterial District Judge, shall be sentenced to pay a fine of six hundred (\$600.00) dollars, plus the costs of prosecution and in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days.

In addition, the proper authorities of the Borough of West View may institute any appropriate action or proceeding to prevent violations of the provisions of this Ordinance, or of any permit issued by the Borough. Upon receipt of oral or written notice of any violations from the proper Borough official, the permittee shall cease to perform any further work in the permitted area, except to restore the area to a safe condition. No further work shall commence in the permitted area until the violations have been remedied. Where the permittee has received oral notice of the violation, written notice shall be sent to the permittee within ten (10) days of receipt

of the oral notice.

Section 10 - Revocation of Permit:

In addition, the proper official of the Borough may revoke the applicant's permit, provided, nevertheless, that the applicant shall have the right to appeal such revocation within five (5) days of receipt of notice of such revocation to Borough Council.

Section 11 - Repealer:

Any ordinance or any part of any ordinance conflicting with the provisions of this Ordinance are hereby repealed.

ORDAINED AND ENACTED this 12th day of April, 2012.

ATTEST:

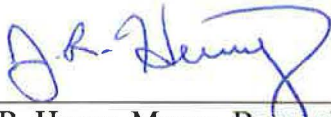


Bruce Fromlak
Secretary/Manager
Borough of West View



Ralph R. Burchell
President, Borough Council
Borough of West View

EXAMINED and APPROVED as to form this 12th day of April, 2012.



J. R. Henry, Mayor, Borough of West View

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**OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1465**

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, ALLEGHENY COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING FEES AND CHARGES FOR STREET OPENING AND/OR EXCAVATION PERMITS AND REPEALING ORDINANCE NUMBER 938 OF NOVEMBER 11, 1952, ARTICLE IV, STREET EXCAVATIONS, CODE OF THE BOROUGH OF WEST VIEW SECTION 117-14 AND REPLACING SAME.

WHEREAS, it is in the public interest to regulate the location and construction of utility facilities within Borough street rights-of-way, for the purpose of insuring the structural integrity of such streets, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic, and

WHEREAS, in order to cover its costs in administering and inspecting the compliance of applicants for Street openings, the Borough has established the following fees and costs for said activities, now therefore;

BE IT ORDAINED AND ENACTED BY the Town Council of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, that no work shall be performed within the rights-of-way of a Borough street involving the placement of utility facilities or other structures or opening of the service without first applying to the Borough of West View for a street occupancy permit, and obtaining from the Borough of West View an appropriate permit for the same, and it is hereby ordained and enacted by and with the authority of the same:

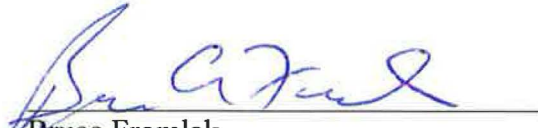
SECTION ONE The Borough hereby establishes the following fees for the issuance and inspection related to a STREET OPENING PERMIT;

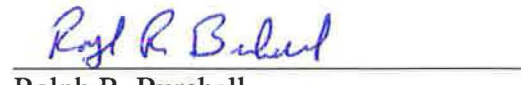
Permit and Inspection Fees. All entities applying for and granted a street opening permit in the Borough of West View shall pay a flat fee of One Hundred and Fifty Dollars (\$150.00). Payment of said fee shall cover up to an opening of not more than four feet (4') by four feet (4'). Any opening in excess of said four feet (4') by four feet (4') shall be charged an additional One Dollar (\$1.00) per square foot. In addition to the Permit Fee, there shall be a One Hundred Dollar (\$100.00) Inspection Fee for each permit issued.

SECTION 2. Repealer Any Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

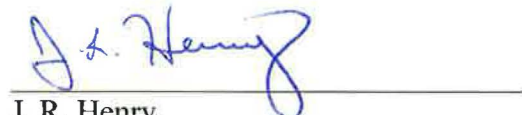
ORDAINED AND ENACTED this 12th day of April, 2012.

ATTEST:


Bruce Fromlak
Secretary/Manager
Borough of West View


Ralph R. Burchell
President, Borough Council
Borough of West View

EXAMINED and APPROVED as to form this 12th day of April, 2012.


J. R. Henry
Mayor
Borough of West View

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE #1466

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW
ESTABLISHING STOP SIGN ON OAKWOOD AVENUE AT RIDGEWOOD AVENUE,
FACING TRAFFIC TRAVELING SOUTH BOUND;
PROVIDING PENALTIES AND FINES FOR THE VIOLATION THEREOF.

WHEREAS, the Town Council of the Borough of West View and the Mayor of the Borough of West View deem it in the best interest of the health, public safety, and welfare of the Residents of the Borough of West View to establish the Stop Sign as set forth herein;

NOW THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View, and it is hereby ORDAINED and ENACTED by and with the authority of the same:

SECTION ONE - The Code of the Borough of West View is hereby amended so as to provide for the placement of a Stop Sign on Oakwood Avenue at Ridgewood Avenue, facing traffic traveling south bound.

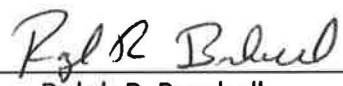
SECTION TWO - Penalties and fines for the violation of this Ordinance shall be imposed in accordance with the Motor Vehicle Code of the Commonwealth of Pennsylvania.

SECTION THREE - Any Ordinance or parts of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

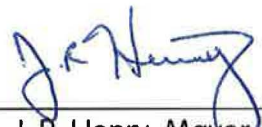
ORDAINED and ENACTED this 14th day of June 2012

BOROUGH OF WEST VIEW

BY: 
Bruce A. Fromlak, Chief of Police
Secretary/Manager

BY: 
Ralph R. Burchell
President of Town Council

EXAMINED and APPROVED this 14^h day of June 2012

BY: 
J. R. Henry, Mayor

ORDINANCE NUMBER 1467

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW TO IMPLEMENT PA. ACT NO. 90-2010 OF THE COMMONWEALTH OF PENNSYLVANIA TO GOVERN BLIGHT PROPERTY PROBLEMS IN THE BOROUGH OF WEST VIEW

An ordinance amending the Code of the Borough of West View of the Borough of West View by adding to said code by authorizing the denial of permits and approvals in accordance with Act No. 90-2010 for serious code violations and to further authorize the recovery of costs and penalties, including attorney's fees or the abatement or prevention of serious code violation by an action in court to the full extent allowed by that Act while preserving all remedies to the recovery, prevention, abatement or restraint of code violations under other statutes and ordinances.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW AND IT IS HEREBY ORDAINED BY AND WITH THE AUTHORITY OF THE SAME as follows:

SECTION 1. SHORT TITLE. This Ordinance may be cited as the "Borough of West View Neighborhood Blight Reclamation and Revitalization Ordinance."

SECTION 2. PURPOSE.

This Ordinance is to implement in the Borough of West View the provisions of the act of October 27, 2010 (P.L. _____, No.90), 53 Pa.C.S. Ch. 61, known as the Neighborhood Blight Reclamation and Revitalization Act.

There are deteriorated properties located in the Borough of West View as a result of neglect by their owners in violation of applicable State and municipal codes; and

These deteriorated properties create public nuisances which have an impact on crime and the quality of life of our residents and require significant expenditures of public funds in order to abate and correct the nuisances; and

In order to address these situations, it is appropriate to deny certain governmental permits and approvals in order;

(1) To prohibit property owners from further extending their financial commitments so as to render themselves unable to abate or correct the code, statutory and regulatory violations or tax delinquencies.

(2) To reduce the likelihood that this municipal and other municipalities will have to address the owners' neglect and resulting deteriorated properties.

(3) To sanction the owners for not adhering to their legal obligations to the (name of municipality), as well as to tenants, adjoining property owners and neighborhoods.

SECTION 3. DEFINITIONS.

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

“Act.” The act of October 27, 2010 (P.L._____, No.90), 53 Pa.C.S. Ch. 61, known as the Neighborhood Blight Reclamation and Revitalization Act.

“Building.” A residential, commercial or industrial building or structure and the land appurtenant to it.

“Code.” A building, housing, property maintenance, fire, health or other public safety ordinance enacted by a municipality. The term does not include a subdivision and land development ordinance or a zoning ordinance enacted by a municipality. ²

“Court.” The Court of Common Pleas of (county in which municipality is located)

“Mortgage lender.” A business association defined as a “banking institution” or “mortgage lender” under 7 Pa.C.S. Ch. 61 (relating to mortgage loan industry licensing and consumer protection) that is in possession of or holds title to real property pursuant to, in enforcement of or to protect rights arising under a mortgage, mortgage note, deed of trust or other transaction that created a security interest in the real property. ³

“Municipality.” A city, borough, incorporated town, township or home rule, optional plan or optional charter municipality or municipal authority ⁴ in this Commonwealth and any entity formed pursuant to the act of Dec. 19, 1996 (P.L. 1158, No. 177), ss 1, 53 Pa.C.S. Ch.23 (relating to intergovernmental cooperation).

“Municipal permits.” Privileges relating to real property granted by the (name of Municipality) that are building permits (cite to Uniform Construction Code Ordinance), Zoning Permits, Special Exceptions, Conditional Uses and Variances granted under the (name of Municipality’s) Zoning Ordinance (cite to Zoning Ordinance provisions) and (cite to the Rental License Ordinance, if any, as well as any other ordinance authorizing a municipal permit affecting real property for which the municipality desires deny permits under this Ordinance). The term does not include decisions on the substantive validity of a zoning ordinance or map such a validity variance or the acceptance of a curative amendment. ⁵

“Owner.” A holder of the title to residential, commercial or industrial real estate, other than a Mortgage Lender, who possesses and controls the real estate. The term includes, but is not limited to, heirs, assigns, beneficiaries and lessees, provided this ownership interest is a matter of public record, including lessees under leases for which a memorandum of lease is recorded in accordance with the act of June 2, 1959 (P.L. 254 (vol. 1), No. 86), 21 P.S. ss 405. ⁶

“Public nuisance.” Property which, because of its physical condition of use, is regarded as a public nuisance at common law or has been declared by the (Codes Official) a public nuisance in accordance with (International Property Maintenance Code adopted by Ordinance 1418,(other ordinances cited here), or by the Court. ⁷

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"Remediation Plan." A plan for the correction of violations of State law or Code that is part of an agreement between the owner and the municipality in which the real property containing the violations is located.⁸

"Serious violation." A violation of a State law or Code that poses an imminent⁹ threat to the health and safety of a dwelling occupant, occupants in surrounding structures or a passerby, that is a building ordered vacated in accordance with the Department of Labor and Industries Regulations, 34 Pa. Code ss 403.84, as amended, implementing the Uniform Construction Code, the act of November 10, 1999 (P.L.491, No.45), as amended, 35 P.S. ss 7210.1103; a building placarded as unfit for human habitation so as to prevent its use under the Borough of West View Property Maintenance Code adopted by Ordinance No.809; or a vacant building whose exterior violates Section 304 of the 2009 ICC Property Maintenance Code adopted Ordinance No.1418, or any successor statute, regulation or Property Maintenance Code)¹⁰

"State law." A statute of the Commonwealth or a regulation of an agency charged with the administration and enforcement of Commonwealth law.

"Substantial step." An affirmative action as determined by a property codes official or officer of the court on the part of a property owner or managing agent to remedy a serious violation of a state law or municipal code, including, but not limited to, physical improvements or repairs to the property, which affirmative action is subject to appeal in accordance with applicable law.

"Tax delinquent property." Tax delinquent property as defined under:

- (1) the act of July 7, 1947 (P.L. 1368, No. 541), known as the Real Estate Tax State Law;
- (2) the act of May 16, 1923 (P.L.207, No. 153), referred to as the Municipal Claim and Tax Lien Act; or
- (3) the act of October 11, 1984 (P.L. 876, No. 171) known as the Second Class City Treasurer's Sale and Collection Act, located in any municipality in this Commonwealth
- (4) or any successor law to any of the above statutes.¹¹

"Uniform Construction Code." The act of November 10, 1999 (P.L.491, No. 45), as amended, 35 P.S. ss 7210.101 to 7210.1103 as implemented by Ordinance No.

SECTION 4. ACTIONS AGAINST OWNER OF PROPERTY WITH SERIOUS CODE VIOLATIONS.

a. Actions.

In addition to any other remedy available at law or in equity, the (name of Municipality) may institute the following actions against the owner of any real property that is in serious violation of a code or for failure to correct a condition which causes the property to be regarded as a public nuisance:

- (1)(i) An in personal action may be initiated for a continuing violation for which the owner takes no substantial step to correct within six months following receipt of an order to correct the violation, unless the order is subject to a pending appeal before the administrative agency or court.

(ii) As authorized by the Act, the (name of Municipality) reserves the right to recover in a single action under this section, an amount equal to any penalties imposed against the owner and any costs of remediation lawfully incurred by or on behalf of the municipality to remedy any code violation.

(2) A proceeding in equity.

b. Asset attachment.

(1) General rule.—A lien may be placed against the assets of an owner of real property that is in serious violation of a code or is regarded as a public nuisance after a judgment, decree or order is entered by a court of competent jurisdiction against the owner of the property for an adjudication under section 4.a (relating to actions).

(2) Limitations under the Act.—In proceedings under the Act, except as otherwise allowed by law, where the owner is an association or trust no lien shall be imposed upon the individual assets of any limited partner, shareholder, member or beneficiary of the owner.¹²

c. Reservation of rights and remedies under law other than the Act. The Borough of West View reserves all rights and remedies existing under statutes other than the Act, its ordinances implementing them, and applicable case law to obtain recovery for the costs of preventing and abatement of code violations and public nuisances to the fullest extent allowed by law¹³ from mortgage lenders;¹⁴ trustees' and members of liability companies, limited partners who provide property management services to the real property as well as general partners of owners; and officers, agents, and operators that are in control of a property as an owner or otherwise hold them personally responsible for code violations as well as owners themselves. Such owners, mortgage lenders, partners,¹⁵ members of limited liability companies, trustees, officers, agents and operators in control of a real property with code violations shall be subject to all actions at law and equity to the full extent authorized by such statutes, ordinances and applicable case law. Such action may be joined in one lawsuit against responsible parties with an action brought under the act.

SECTION 5. DENIAL OF PERMITS.

a. Permit Application Form

(1) In addition to the requirements set forth in the governing ordinance, regulations or rules for the specific municipal permit being applied for under the ordinances referenced in the definition of "municipal permit" in Section 3, all applications for a municipal permit shall include:

(a) If the owner is an individual, the home address of the owner.

(b) If the owner is an entity, its registered office and principal place of business, type of entity, in what state it was formed, and whether the entity has qualified to do business as a foreign entity in Pennsylvania by filing with the Corporation Bureau of the Pennsylvania Department of State under title 15 of the Pennsylvania Consolidated Statutes.¹⁷ (The home address of at least one responsible officer, member, trustee, or partner shall be also be included.)¹⁸

(c) The applications shall also include a provision requiring the owner¹⁹ to disclose real properties owned by the owner both inside of the (name of Municipality) as well as in all other municipalities of the Commonwealth:

- (i) in which there is a serious violation of State law or a code and the owner has taken no Substantial steps to correct the violation within six months²⁰ following notification Of the violation.
 - (ii) and for which fines or other penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court, or a judgment at a law or in equity Was imposed by a court of common pleas;
 - (iii) and real property owned in the Commonwealth by the owner for which there is a final and unappealable tax, water, sewer or refuse collection delinquency on the account of the actions of the owner. This provision shall require the owner to disclose the street address, tax parcel number, municipality, and county of each such real property. The provision shall require the disclosure be under penalty as provided in 18 Pa.C.S. ss 4904(a) for an unsworn falsification to a government officer or employee (public servant) performing official functions.²¹
- (2) All applicants for a municipal permit shall accurately complete the Permit Applicant Disclosure Form as from time to time adopted by Resolution of the (City Council)²² (Board of Supervisors)(Borough Council) subject to a penalty as described in 18 Pa.C.S. ss 4904.

b. Municipal Permit Denials and Appeals

(1) Permit Denial.

(a) The Borough manager, or the (Zoning Hearing Board)(Zoning Board of Adjustment) under subsection 5.b(1)(f), (may)²³ (shall) deny issuing to an applicant a municipal permit if the applicant owns real property in any municipality for which there exists on the real property:

- (i) a final and unappealable tax, water, sewer or refuse collection delinquency on account of the actions of the owner; or
- (ii) a serious violation of State law or a code and the owner has taken no substantial steps to correct the violation within six months following notification of the violation and for which fines or other penalties or a judgment to abate or correct were imposed by a magisterial district judge or municipal court, or a judgment at a law or in equity was imposed by a court of common pleas. However, no denial shall be permitted in the basis of a property for which the judgment , or order decree is subject to a stay or supersedeas by an order of court of competent jurisdiction or automatically allowed by statute or rule of court until the stay or supersedeas is lifted by the court or a higher court or the stay or supersedeas expires as otherwise provided by law. Where a stay or supersedeas is in effect, the property owner shall so advise the municipality seeking to deny a municipal permit.

(b) Borough Manager or Zoning Hearing Board shall not deny a municipal permit to an applicant if the municipal permit is necessary to correct a violation of State law or a code, provided all other conditions for the issuance of a municipal permit have been met.²⁴

(c) The municipal permit denial shall not apply to an applicant's delinquency on taxes, water, sewer or refuse collection charges that are under appeal or otherwise contested through a court or administrative process.

(d) In issuing a denial of a municipal permit based on an applicant's delinquency in real property taxes or municipal charges or for failure to abate a serious violation of State law or a code on a real property that the applicant owns in this Commonwealth, the Borough Manager, his designate, or board shall issue the denial in writing and indicate the street address, municipal corporation and county in which the property is located and the court and docket number for each parcel cited as a basis for the denial. The denial shall also state that the applicant may request a letter of compliance from the appropriate State agency municipality or school district, in a form specified by such entity as provided in the Act. The denial shall be delivered by U.S. Certified, Registered, or Express Mail, Return Receipt Requested²⁵ (and such receipt is obtained or delivery refused); personal service in manner provided by the Pennsylvania Rules of Court for Civil Procedure for original process;²⁶ hand delivery by a member of the codes enforcement staff; or a private delivery service that provides for a receipt (and such receipt is obtained or delivery refused).

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(e) The information on the real property forming the basis for municipal permit denial may be obtained by Borough manager, his designate, or other employee or agent of the Borough of West View from information disclosed by the owner in accordance with Section 5.a. or any other reliable information obtained through a search of records using governmental systems online or through direct contact with the office maintaining the systems such as the court docket systems maintained by the administrative Office of the Pennsylvania Courts, county/city department of records, offices of the recorder of deeds, municipal and county tax collectors and treasurers, county tax claim bureaus, prothonotary and clerk of court, private online fee based search services, and free searches on the internet.²⁷ Prior to making a determination on whether to deny a municipal permit the Borough manager, his designate or Zoning Hearing Board using the services of the Zoning Administrator or other municipal staff or contracted service provider may conduct a search using the sources described in this Subsection 5.b(1)(e).²⁸

(f) Zoning Hearing Board

(i) Municipal Permits may be denied by a board in accordance with the requirements of this section to the extent that approval of the municipal permit is within the jurisdiction of the board. For purposes of this section, "board" shall mean the Zoning Hearing Board of the Borough of West View granted jurisdiction to render decisions in accordance with the act of July 31, 1968 (P.L.805, No.247). known as the Pennsylvania Municipalities Planning Code.

(ii) In any proceeding before a board other than the governing body of the municipality, the municipality may appear to present evidence the applicant is subject to a denial by the board in accordance with this section.

(iii) For purposes of this subsection, a municipal permit may only be denied to an applicant other than the owner if:

(A) the applicant is acting under the direction or with the permission of an owner; and

(B) the owner owns real property satisfying the conditions of Subsection 5.b(1)(a).

(3) Applicability of other law.—A denial of a municipal permit shall be subject to the provisions of 2 Pa.C.S.Chs 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code, for denials subject to the act.³⁰

(g) The Borough Manager, his designate, or the Zoning Hearing Board shall review the Disclosure Form and the searches, if any, in accordance with Subsection 5.b(1)(e) prior to any plan or construction reviews or inspections to determine if such a review or inspection is unnecessary due to municipal permit being denied under this Subsection 5.b.³¹

(h) Right of Appeal. The owner shall have the right to appeal the denial of a municipal permit in accordance with the applicable law governing such municipal permit. In the case of denial by the (Title of Codes Official), the appeal shall be made within 30 days of the denial to the Board of Appeals established under the Uniform Construction Code unless the owner has submitted to the Board of Appeals proof before the expiration of the 30 days that the owner is seeking proof of compliance under Section 5(b)(2), which case the municipal permit and denial shall be held in abeyance until the forty-five day period for obtaining proof of compliance under Subsection 5(b)(2) has expired.³² In case of a denial by the Borough of West View, or the Zoning Hearing Board, the appeal shall be to the court of common pleas.

(i) With the respect to a denial under the grounds authorized by the Act, the denial may only be reversed for the following reasons:

(A) An authentic proof of compliance letter in accordance Subsection 5(b)(2).

(B) Evidence of substantial steps taken to remedy a serious violation set forth on the denial confirmed by an order of the Court or the Borough Manager.

(f) Zoning Hearing Board

(i) Municipal permits may be denied by a board in accordance requirements of this section to the extent that approval of the municipal permit is within the jurisdiction of the board. For purposes of this section, "Board" shall mean a the Borough of West View Joint Zoning Hearing

0001 Board²⁹ granted jurisdiction to render decisions in accordance with the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

(ii) In any proceeding before a board other than the governing body of the municipality, the municipality may appear to present evidence that the applicant is subject to a denial by the board in accordance with this section.

(iii) For purposes of this subsection, a municipal permit may only be denied to an applicant other than the owner if:

(A) the applicant is acting under the direction or permission of an owner; and

(B) the owner owns real property satisfying the conditions of the Subsection

5.b(1)(a).

(3) Applicability of other law.—A denial of a municipal permit shall be subject to the provisions of 3 Pa.C.S.Chs. 5 Subch.B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action) or the Pennsylvania Municipalities Planning Code, for denials subject to the act.³⁰

(g) The Borough manager, his designate, or the Zoning Hearing Board shall review the Disclosure Form and the searches, if any, in accordance with Subsection 5.b(1)(e) prior to any plan or construction reviews or inspections to determine if such review or inspection is unnecessary due to a municipal permit being denied under this Subsection 5.b.³¹

(h) Right of appeal. The owner shall have a right to appeal the denial of a municipal permit in accordance with the applicable law governing such municipal permit. In the case of a denial by the (title of Codes Official), the appeal shall be made with 30 days of the denial to the Board of Appeals established under the Uniform Construction Code unless the owner has submitted to the Board of Appeals proof before the expiration of the 30 days that the owner is seeking proof of compliance under Section 5(b)(2), which case the municipal permit and the denial shall be held in abeyance until the forty-five day period for obtaining proof of compliance under Subsection 5(b)(2) has expired.³² In case of a denial by the Borough of West View Zoning Hearing Board. The appeal shall be to the court of common pleas.

(i) With respect to a denial under the grounds authorized by the Act, the denial may only be reversed for the following reasons:

(A) An authentic proof of compliance letter in accordance Subsection 5(b)(2).

(B) Evidence of substantial steps taken to remedy a serious violation set forth on the denial confirmed by an order of the Court of the Borough Manager or his designate,

(C) Evidence of an approved remedial plan to address a serious violation set forth on the denial.

(D) Evidence of a timely appeal or administrative contest of a tax, water, sewer or refuse collection delinquency.

(E) A failure of a state agency, school district or municipality to issue a proof of compliance within 45 days of a request.

(F) A failure of a state agency or municipality to provide the relief required under section 6144 of the Act to an heir or devise.

(G) Any other verifiable evidence that establishes by a preponderance of the evidence that is a serious violation or collection delinquency of tax, water, sewer or refuse accounts does not exist.

(ii) With respect to denials for reasons other than those authorized by the Act, the provisions of the Uniform Construction Code or applicable zoning law shall govern.

(The owner shall be informed of the right, time, and place to make an appeal.)³³

(2) Proof of Compliance.

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(a) All municipal permits denied in accordance with this subsection shall³⁴ be withheld until an applicant obtains a letter from the appropriate State agency, municipality or school district indicating the following:

(i) the property in question has no final unappealable tax, water, sewer, or refuse delinquencies;

(ii) the property in question is now in State law and code compliance; or

(iii) the owner of the property has presented and the appropriate State agency or municipality has accepted a plan to begin remediation of a serious violation of State law or a code. Acceptance of the plan may be contingent on:

(A) Beginning the remediation plan within no fewer than 30 days following acceptance of a plan sooner, if mutually agreeable to both the property owner and the municipality.

(B) Completing the remediation plan within no fewer than 90 days following commencement of the plan or sooner, if mutually agreeable to both the property owner and the municipality.

(b) In the event that the appropriate State agency, municipality or school district fails to issue a letter indicating tax, water, sewer, refuse, State law or code compliance or noncompliance, as the case may be, within 45 days of the request, the property in question shall be deemed to be in compliance for the purpose of this section,³⁵ (provided a copy of the request has been delivered to the municipality where the municipal permit has been applied for in accordance with Subsection 5.b(2)(d).) The appropriate State agency, municipality or school district shall specify the form in which the request for a compliance letter shall be made.

(c) Letters required under this section shall be verified by the appropriate municipal officials before issuing to the applicant a municipal permit.

(d) An owner seeking to obtain a proof of compliance in order to obtain a municipal permit that would otherwise be denied shall submit a copy of the owner's request for proof of compliance within five days of the date that request is sent to the appropriate State agency, municipality or school district, to the municipality from which a municipal permit is sought or submit the copy of the request with the application for the municipal permit if such application is made at a later date.³⁶

SECTION 6. MISCELLANEOUS.

a. Conflict with other law.

In the event of a conflict between the requirements of this Ordinance and Federal requirements applicable to demolition, disposition or redevelopment of buildings, structures or land owned by or held in trust for the Government of the United States and regulated pursuant to the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. ss 1437 et seq.) and the regulations promulgated thereunder, the Federal requirements shall prevail.

b. Relief for inherited property.

Where property is inherited by will or intestacy, the devisee or heir shall be given the opportunity to make payments on reasonable terms to correct code violations or to enter into a remediation plan in accordance with Section 6131(b)(1)(iii) of the Act and Subsection 5.b(2)(a)(iii) (relating to municipal permit denial) with (name of Municipality)³⁷ to avoid subjecting the device's or heir's other properties to asset attachment or denial of permits and approvals on other properties owned by the devisee or heir.

SECTION 7. REPEALER

All ordinances or parts of ordinances in conflict herewith be and are hereby repealed, except any ordinance or parts of ordinances that authorize greater remedies than this Ordinance are preserved.

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SECTION 8. SEVERABILITY


The provisions of this Ordinance shall be severable and if any of its provisions are found to be unconstitutional or illegal the validity of any of the remaining provisions of this Ordinance shall not be affected thereby.³⁸


SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect in (accordance with the law) (_____ days)³⁹.

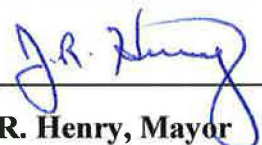
ORDAINED and ENACTED this 13th day of September, 2012

BOROUGH OF WEST VIEW

BY: 
Chief of Police Bruce A. Fromlak
Secretary/Manager

BY: 
Ralph R. Burchell
President of Town Council

EXAMINED and APPROVED this 13th day of September, 2012.

BY: 
J. R. Henry, Mayor

**OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1468**

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NUMBER 1205 OF 1977 KNOWN AS THE "OCCUPATIONAL PRIVILEGE TAX", SECTION 126-65 OF THE CODE OF THE BOROUGH OF WEST VIEW RAISING SAID TAX FROM TEN (\$10.00) DOLLARS TO FIFTY-TWO (\$52.00) DOLLARS EFFECTIVE JANUARY 1ST, 2013, AND RENAMING SAID TAX AS THE "LOCAL SERVICES TAX."

WHEREAS, the Borough has had the same Occupational Privilege Tax since 1977; and

WHEREAS, most municipalities in Allegheny County have raised their tax from ten Dollars (\$10.00) to the Fifty-Two Dollar (\$52.00) amount; and have renamed the tax as a "Local Services Tax"; and

WHEREAS, the costs to the Borough of servicing those individuals working in the Borough has increased over the years;


NOW THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Town Council of the Borough of West View as follows;


SECTION 1. Ordinance Number 1205 of 1977, and Section 126-65 of the Code of the Borough of West View is hereby amended to increase the "Occupational Privilege Tax" from Ten Dollars (\$10.00) to Fifty-Two Dollars (\$52.00) effective January 1, 2013, and to rename said tax as the "Local Services Tax."

SECTION 2. If any part of this Ordinance is determined by a court of competent jurisdiction to be unlawful, it is the intention of the Town Council of the Borough of West View that the remaining portions shall be lawful and in effect.

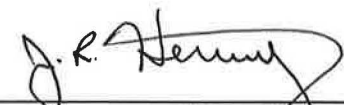
SECTION 3. Any Ordinance or Resolution, or parts of any Ordinance or Resolution in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and **ENACTED** this 13TH Day of September, 2012.

BY: 
Chief of Police Bruce Fromlak
Secretary/Manager

BY: 
Ralph R. Burchell
President of Council

EXAMINED and **APPROVED** by the Mayor, this 13th day of September, 2012.

BY: 
J. R. Henry, Mayor

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**OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1469**

**AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, FIXING A TAX RATE FOR THE YEAR 2013**

WHEREAS, the Town Council of the Borough of West View "Borough" is authorized by statute to levy taxes on real estate within its borders; and

WHEREAS, the certified values of the real estate within the municipal borders for the 2013 tax year are not known with precision as a result of the ongoing reassessment of properties in Allegheny County; and

WHEREAS, the Borough in setting the millage for 2013 intends to comply with the First Class Borough Code and the applicable anti-windfall legislation relating to the County-wide reassessment.

NOW THEREFORE, the Town Council of the Borough of West View hereby ordains:

A. The Borough shall, for 2013, reduce its tax rate, if necessary, for the purpose of having the total amount of property tax revenue received exclusively as a result of the reassessment equal the total amount of property tax revenue received in 2012. This tax rate shall be publicly announced and voted on by motion of the Town Council of the Borough at the first regular or special voting meeting following the receipt of the 2013 certified tax assessment roll.

B. The Borough may, by a separate and specific vote, establish a final tax rate for 2013 at a figure that limits the total amount of property tax revenue received exclusively as a result of the reassessment not to exceed 105% of the total amount of property tax revenue received in 2012. This tax rate shall also be publicly announced and voted on by motion of the Town Council of the Borough at the first regular or special voting meeting following receipt of the 2013 certified tax assessment roll. All revenues collected that exceed the anti-windfall cap shall be deposited in an interest bearing escrow account and used for any of the purposes authorized by law and consistent with the requirements set forth in the Second Class County Code, 16 P.S. §4980.2, regarding the limits imposed upon the Borough's real estate tax levy in the year of a countywide reassessment.

C. For the purpose of determining the total amount of revenue received exclusively as a result of the reassessment, the amount to be levied on newly constructed buildings or structures or on increased valuations based on new improvements made to existing structures shall not be considered, and adjustments may be made to account for historic rates of collection and refunds resulting from appeals, or as otherwise permitted by law.

D. The Town Council ordains that a tax be and the same is hereby levied and assessed upon all real estate in the Borough subject to taxation for all tax purposes for the year 2013 beginning January 1, 2013 through December 31, 2013 in the amount of the tax millage rate determined by the Town Council of the Borough consistent with the above procedure on all

property situated in the Borough and made taxable for Borough purposes by the laws of the Commonwealth of Pennsylvania.

E. In the event that Allegheny County does not certify new assessed values effective for 2013 and instead continues to certify the 2002 base year values, then A, B, C, and D of this Ordinance shall be considered a nullity without further action by the Town Council and the Borough ordains that a tax be and the same is hereby levied and assessed upon all real estate in the Borough, subject to taxation for all tax purposes for the year 2013 beginning January 1, 2013 through December 31, 2013 in the amount of 5.40 mills on each dollar of assessed valuation of property situated in the Borough and made taxable for Borough purposes by the laws of the Commonwealth of Pennsylvania.

F. That any ordinance, or part of ordinances, conflicting with this ordinance be, and the same is, hereby repealed insofar as the same affects the ordinance.

ORDAINED and **ENACTED** into an ordinance and passed by the Town Council of the Borough of West View, Pennsylvania on this 10th day of January, 2013.

ATTEST:

BOROUGH OF WEST VIEW

BY: Bruce A. Fromlak
Chief of Police Bruce A. Fromlak, Sec./Mgr.

BY: Barry G. Schell
Barry G. Schell, President

EXAMINED and **APPROVED** this 10th day of January, 2013.

BY: J. R. Henry
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1470

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2013.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenditures of Fiscal Year 2013, the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the Year 2013 for the specific purposes set forth on the following pages

Revenue Source	General Fund	Building Fund	Highway Aid Fund	2012 Project & Proprietary Fund	Total
Taxes & Fees	2,695,312.00				2,695,312.00
Licenses/Permits	4,750.00				4,750.00
Fines/Forfeits	49,000.00				49,000.00
Interest/Rents	200.00	108,000.00			108,200.00
Entitlements	330,700.00		128,900.00	848,042.00	1,307,642.00
Dept. Earnings	103,100.00				103,100.00
Mis. Revenue	1,700.00	3,000.00		464,614.00	469,314.00
TOTAL	3,184,762.00	111,000.00	128,900.00	1,312,656.00	4,737,318.00
Expenditure Category	General Fund	Building Fund	Highway Aid Fund	2012 Project & Proprietary Fund	Total
General Gov't	343,800.00	103,000.00			446,800.00
Public Safety	1,263,992.00				1,263,992.00
Health & Welfare	24,500.00			848,042.00	872,542.00
Hwy/Roads/Streets	803,610.00		128,900.00		932,510.00
Rec/Parks/Lib/Civil	28,300.00				28,300.00
Debt Service	59,200.00			464,614.00	523,814.00
Ins. Prem/Ben	661,360.00	8,000.00			669,360.00
TOTAL	3,184,762.00	111,000.00	128,900.00	1,312,656.00	4,737,318.00

SECTION 2 - That any Ordinance or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 10th day of January 2013

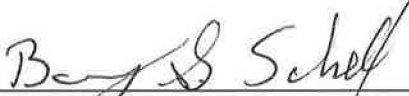
BOROUGH OF WEST VIEW

ATTEST:

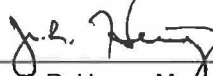
BY:


Chief of Police Bruce A. Fromlak/Manager

BY:


Barry G. Schell, President of Council

EXAMINED and APPROVED this 10th day of January 2013 BY:


J. R. Henry, Mayor

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OFFICIAL BOROUGH OF WEST VIEW ORDINANCE # 1471

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NUMBER 1409 OF JUNE 12, 2002 AND ORDINANCE NUMBER 1429 OF SEPTEMBER 14, 2005, REGULATING AND PROHIBITING PARKING AT TIMES POSTED AND SCHEDULED FOR STREET CLEANING PURSUANT TO MANDATES FROM THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES AND THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY, TO INSURE CLEAN SEWERS FOR CONVEYANCE PRUPOSES, AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Borough of West View, along with other municipalities, has been mandated to insure that a regular street sweeping program is instituted to keep street gravel, leaves, grass and other debris free from the Borough's combined sewer system; and

WHEREAS, in order to meet this mandate, the Town Council of the Borough of West View has established a regular street sweeping program to be followed by the Borough on the months, days and times designated herein and specifically posted on the Borough streets involved; and

WHEREAS, the times and days of the street sweeping and designated streets shall be posted on said streets so that the residents and visitors in the Borough shall have NOTICE as posted on each street involved;

NOW, THEREFORE be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by an with the authority of the same:

SECTION ONE - Parking shall be prohibited at the time, days and months posted for each of the streets in the Borough of West View designed for street sweeping during the periods from April 15 through November 15 of each and every year. The times and days of the week shall be posted on each street in the Borough.

SECTION TWO - Any person who shall violated the provisions of this Ordinance and park in prohibited areas at prohibited times scheduled for street sweeping shall, upon conviction thereof, be sentenced to pay a fine of Five Dollars (\$5.00) for the first violation, Ten Dollars (\$10.00) for the second violation and Fifteen Dollars (\$15.00) for three (3) or more violations.

SECTION THREE - Any Ordinance or parts of an Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED and ENACTED this 12th day of September 2013

BOROUGH OF WEST VIEW

BY: Bruce A. Fromlak
Chief of Police Bruce A. Fromlak
Secretary/Manager

BY: Barry G. Schell
Barry G. Schell
President of Town Council

EXAMINED and APPROVED this 12th day of September 2013

BY: J. R. Henry
J. R. Henry, Mayor

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BOROUGH OF WEST VIEW / NOTICE OF ADOPTION OF CODE

Please take notice that the following ordinance of the Borough of West View, notice of the introduction of which had previously been given, was finally enacted at a meeting of the Town Council of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, on the 12TH day of September, 2013;

ORDINANCE NUMBER 1472

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS, REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ADOPTING CERTAIN CHANGES MADE TO PREVIOUSLY ADOPTED ORDINANCES, AND PROVIDING FOR THE PROPER MAINTINANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE FOR CHAPTERS THEREOF.

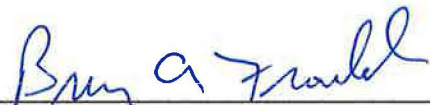
The "Code of the Borough of West View" will be in full force and effect on the 12th day of September, 2013. A copy of the Code Adoption Ordinance and the Code are on file in the office of the Borough Secretary, where they are available for use and examination during regular office hours.

CERTIFICATION

**BOROUGH OF WEST VIEW
OFFICE OF THE BOROUGH SECRETARY**

I, Bruce Fromlak, Borough Secretary of the Borough of West View, Pennsylvania, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Town Council of the Borough of West View, and that said legislation, as revised and codified, renumbered as to sections and arranged into chapters, constitutes the Code of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, as adopted by ordinance of the Town Council on September 12, 2013

Given under my hand and the Seal of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, this 12th day of September, 2013, at the municipal offices of the Borough of West View.



s/Bruce A. Fromlak, Borough Secretary

OFFICIAL BOROUGH OF WEST VIEW ORDINANCE NUMBER 1472

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS, REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ADOPTING CERTAIN CHANGES MADE TO PREVIOUSLY ADOPTED ORDINANCES, AND PROVIDING FOR THE PROPER MAINTINANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE FOR CHAPTERS THEREOF.

Be it enacted and ordained by the Town Council of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

§1-1, Approval, adoption and enactment of Code.

Pursuant to Section 3301.5(a) through (d) of the Borough Code [53 P.S. § 48301, 5(a) through(d)], the codification of a complete body legislation for the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of chapters 1 through 290, together with an Appendix, are hereby approved, adopted, ordained and enacted as a single ordinance for the Borough of West View, which shall be known and is hereby designated as the "Code of the Borough of West View", hereinafter referred to as the "Code".

§1-2. Effect of Code on previous provisions.

The provisions of this Code, insofar as they are substantively the same as those ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Town Council of the Borough of West View, and it is the intention of said Town Council that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions or former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

§ 1-3. Repeal of ordinances not contained in Code.

All ordinances or parts of ordinances of a general and permanent nature adopted by the Borough of West View and in force on the date of the adoption of this Code and not contained in the Code are hereby repealed as of the effective date given in § 1-15 below, except as hereinafter provided.

§ 1-4 Ordinances saved from repeal; matters not affected by repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall be construed so as to review any ordinance previously repealed, superseded or no longer of any effect:

A. Any ordinance adopted subsequent to 6-14-2012.

B. Any right or liability established, accrued or incurred under any legislative provision of the Borough prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Borough.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Borough or any lawful contract, obligation or agreement.

F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough or other instruments or evidence of the Borough's indebtedness.

G. Any ordinance adopting an annual budget or establishing an annual tax rate.

H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.

I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.

J. Any ordinance annexing land to the Borough.

K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.

L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.

M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.

N. Any ordinance providing for the making of public improvements.

O. Any ordinance providing for the salaries and compensation of officers and employees of the Borough or setting the bond of any officer or employee.

P. Any ordinance concerning changes and amendments to the Zoning Map.

Q. Any ordinance relating to or establishing a pension fund for municipal employees.

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R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Borough.

§ 1-5. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

§ 1-6. Changes and revisions in previously adopted ordinances.

A. Nonsubstantive grammatical changes, in compiling and preparing the ordinances and resolutions of the Borough for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances. It is the intention of the Town Council all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.

B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, and hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Borough Council that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed have been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.

C. Nomenclature. Throughout the Code, the following terms are updated as follows:

(1) "Justice of the Peace", "District Magistrate", or "Alderman" are changed to "Magisterial District Judge."

(2) "Department of Environmental Resources" is changed to "Department of Environmental Protection".

(3) "Department of Community Affairs" is changed to "Department of Community and Economic Development".

§ 1-7. Interpretation or provisions.

In interpreting and applying the provisions of the Code, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9 Filing of copy of Code.

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Borough Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Borough Secretary, as provided by law, and such certified copy or copies shall remain on file at the office of the Borough Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-10. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Town Council to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

§ 1-11. Code books to be kept up-to-date.

It shall be the duty of the Borough Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Secretary of the Borough for the use of the public. All changes in said Code and all ordinances and resolutions adopted by the Town Council subsequent to the effective date of this codification which the Town Council shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such or new ordinances or resolutions are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-12. Publications of notices.

The Borough Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction and of the adoption of the Code in a newspaper of general circulation in the Borough. The enactment and application of this ordinance, coupled with the publication of the notices of introduction and adoption, as required by law, and the availability of a copy or copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Altering or tampering with Code, penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by addition or deletions, or to alter or tamper with the Code or any part or portion thereof, in any manner whatsoever, which will cause the law of the Borough to be misrepresented thereby. Anyone violating this section of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$600, plus costs of prosecution, and, in default of payment thereof, by imprisonment for a term not exceeding 30 days.

§ 1-14. Severability.

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in it's operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Town Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

§ 1-15. Effective date.

All provisions of this ordinance and of the Code shall be in force and effect on and after this 12th day of September 2013.

**BOROUGH OF WEST VIEW
NOTICE OF INTRODUCTION OF PROPOSED CODE ADOPTION ORDINANCE**

Please take notice that a proposed Code Adoption Ordinance was introduced by the Town Council of the Borough of West View at a regular Council meeting held on the 12th day of September, 2013. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the Office of the Borough Secretary. A summary of the proposed Code Adoption Ordinance and a listing of the Table of Contents of the proposed codification are as follows:

ORDINANCE # 1472

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION AND REVISION OF THE ORDINANCES OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA; PROVIDING FOR THE CONTINUATION OF PREVIOUS PROVISIONS; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ADOPTING CERTAIN CHANGES MADE TO PREVIOUSLY ADOPTED ORDINANCES; AND PROVIDING FOR THE PROPER MAINTENANCE OF THE CODE; AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THE CODE OR CHAPTERS THEREOF.

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of legislation for the Borough of West View, as revised, codified and consolidated into chapters, articles and sections, such codification being designated as the "Code of the Borough of West View."
- (2) That the provisions of the Code are intended as the continuation of legislation in effect immediately prior to adoption of this ordinance.

- (3) For the repeal of ordinances or parts of ordinances of a general and permanent nature which are not included in the Code, except as specifically saved from repeal.
- (4) That certain ordinances, rights and obligations be expressly saved from repeal.
- (5) That ordinances of a general and permanent nature adopted subsequent to preparation of the Code but prior to its adoption are deemed part of the Code.
- (6) For the adoption and ratification of changes and revisions made during preparation of the Code to the previously adopted legislation included therein, and for the inclusion of certain new legislation. Such changes, revisions and new legislation include:
 - (a) Nonsubstantive grammatical and style changes.
 - (b) Nomenclature changes.
 - (c) General revision of penalty provisions.
 - (d) Removal of specific permit and license fee amounts and authority for such fees to be set by resolution of the Town Council.
- (7) For the interpretation of provisions.
- (8) That titles, headings and editor's notes are inserted for the convenience of persons using the Code and are not part of the legislation.
- (9) For the filing of at least one copy of the Code in the office of Borough Secretary where it shall remain for use and examination by the public.
- (10) For the incorporation of future additions, deletions, amendments or supplements into the Code.
- (11) That Code Books be kept up-to-date under the supervision of the Borough Secretary.
- (12) That notices of introductions and adoption of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of a copy or copies of the Code and publication of such notices, will be deemed due and legal publication of all provisions of the code.
- (13) For penalties for anyone convicted of altering or tampering with the Code.
- (14) That provisions of the Code and of the ordinance are severable.
- (15) That the effective date of the Code and the ordinance be September 12, 2013.
- (16) That the ordinance be included in the Code as Chapter 1, General Provisions, Article 1.

The chapters included in the codification are as follows (all chapter numbers not listed are reserved for future use).

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 - Article I Removal of Snow and Ice
 - Article II Excavation Permits on Continuations of State Highways
 - Article III Sidewalk Construction
 - Article IV Bicycles and Skates
 - Article V Street Excavations
- 250. Subdivision and Land Development
- 254. Swimming Pools
- 260. Taxation
 - Article I Earned Income Tax
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 - Article III Deed Transfer Tax
 - Article IV Parking Lot Tax
 - Article V Business Privilege Tax

Article VI	Mercantile Tax
Article VII	Occupational Privilege Tax
Article VIII	Real Estate Tax
Article IX	Senior Citizen Property Tax Relief
Article X	Tax Duplicate List Revisions
Article XI	Local Taxpayer Bill of Rights

265. Trees
271. Vehicles, Abandoned
275. Vehicles and Traffic
290. Zoning

APPENDIX

- A295. Earned Income Tax Collection Rules and Regulations
- A296. Civil Service Commission Rules and Regulations

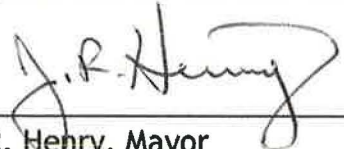
Please take further notice that the Town Council intends to adopt the proposed Code Adoption Ordinance on September 12, 2013. A copy of the Code and the Code Adoption Ordinance proposed for adoption are on file in the office of the Borough Secretary, West View, Pennsylvania, where they are available for inspection during regular office hours.

RESOLVED and ENACTED this 12th day of September 2013 **BOROUGH OF WEST VIEW**

BY: 
Chief of Police Bruce A. Fromlak
Secretary/Manager

BY: 
Barry G. Schell, President
Town Council

EXAMINED and APPROVED this 12th day of September 2013

By: 
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1473

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW,
COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA,
ADOPTING AN AMENDMENT TO THE ARTICLES OF INCORPORATION
OF THE MUNICIPAL AUTHORITY OF THE BOROUGH OF WEST VIEW.

WHEREAS, the Municipal Authority of the Borough of West View has submitted to the Town Council of the Borough of West View its Resolution amending the Articles of Incorporation of the Municipal Authority of the Borough of West View,

NOW, THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the authority of the same as follows:

SECTION ONE - The Borough of West View hereby adopts the foregoing Amendment to the Articles of Incorporation of the Municipal Authority of the Borough of West View, which Amendment shall consist of the following new provision to be added to the Articles of Incorporation:

"The term of existence of the Authority is increased for an additional Thirty-five (35) years past the date of the former expiration date of January 1, 2028 to the new expiration date of January 1, 2063, upon approval of these Articles of Amendment."

SECTION TWO - All ordinances or resolutions or parts of ordinances or resolutions not in accord with this ordinance are hereby rescinded insofar as they conflict herewith.

ORDAINED and ENACTED this 14th day of November 2013

BOROUGH OF WEST VIEW

BY: Bruce A. Fromlak
Chief of Police Bruce A. Fromlak
Secretary/Manager

BY: Barry G. Schell
President Barry G. Schell
Town Council

EXAMINED and APPROVED this 14th day of November 2013

BY: J. R. Henry
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1474

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY,
FIXING THE TAX RATE FOR THE YEAR 2014.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:


That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2014 as follows:

Tax Rate for general purposes,
the sum of 5.40 Mills
on each Dollar of assessed valuation

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.


ORDAINED and ENACTED this 12th day of December 2013

BOROUGH OF WEST VIEW

BY: 
Chief of Police Bruce A. Fromlak
Secretary/Manager

BY: 
Barry G. Schell
President of Town Council

EXAMINED and APPROVED this 12th day of December 2013

BY: 
J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1475

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY COMMONWEALTH OF PENNSYLVANIA, APPROPRIATING SPECIFIC SUMS ESTIMATED TO BE REQUIRED FOR SPECIFIC PURPOSES OF THE MUNICIPAL GOVERNMENT HEREINAFTER SET FORTH, DURING THE YEAR 2014.

Be it ORDAINED and ENACTED, and it is hereby ORDAINED and ENACTED by the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania:

SECTION 1 - That the revenues and expenditures of Fiscal Year 2014, the following amounts are hereby appropriated from the fund equities, revenues and other financing sources available for the Year 2014 for the specific purposes set forth on the following pages

Revenue Source	General Fund	Building Fund	Highway Aid Fund	Capital Projects & Proprietary Fund	Total
Taxes & Fees	2,722,900.00				2,722,900.00
Licenses/Permits	5,400.00				5,400.00
Fines/Forfeits	59,300.00				59,300.00
Interest/Rents	200.00	108,000.00			108,200.00
Entitlements	371,500.00		126,200.00	922,210.00	1,419,910.00
Dept. Earnings	106,000.00				106,000.00
Mis. Revenue	1,100.00	500.00		511,200.00	512,800.00
TOTAL	3,266,400.00	108,500.00	126,200.00	1,433,410.00	4,934,510.00

Expenditure Category	General Fund	Building Fund	Highway Aid Fund	Capital Projects & Proprietary Fund	Total
General Gov't	360,510.00	100,000.00			460,510.00
Public Safety	1,250,040.00				1,250,040.00
Health & Welfare	26,000.00			922,210.00	948,210.00
Hwy/Roads/Streets	872,450.00		126,200.00		998,650.00
Rec/Parks/Lib/Civil	30,200.00				30,200.00
Debt Service	57,000.00			511,200.00	568,200.00
Ins. Prem/Ben	670,200.00	8,500.00			678,700.00
TOTAL	3,266,400.00	108,500.00	126,200.00	1,433,410.00	4,934,510.00

SECTION 2 - That any Ordinance or part of Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ADOPTED this 12th day of December 2013


BOROUGH OF WEST VIEW

ATTEST:

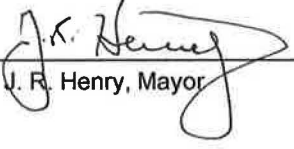
BY:


Chief of Police Bruce A. Fromlak/Manager

BY:


Barry G. Schell, President of Council

EXAMINED and APPROVED this 12th day of December 2013 BY:


J. R. Henry, Mayor

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BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1476

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, RELATIVE TO THE ESTABLISHMENT AND MAINTENANCE OF BOROUGH EMPLOYEES PENSION, ANNUITY, INSURANCE AND BENEFIT FUND OR FUNDS, TO AMEND CERTAIN PROVISIONS OF THE PENSION PLAN OR PROGRAM APPLICABLE TO THE POLICE OF SAID BOROUGH AND TO RESTATE IN ITS ENTIRETY SUCH PENSION PLAN OR PROGRAM.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View ("Borough") and it is hereby ORDAINED and ENACTED by authority of the same:

The Borough of West View Police Pension Plan ("Plan") which was established under the provisions of Pub. Law 1804, 53 Pa. Con. Stat. Ann. 767, et seq., (sometimes referred to as Act 600) for the benefit of the Borough's Police employees, and which has been amended and restated by Ordinances and Resolutions of the Borough Council thereafter, shall be, and hereby is, amended and supplemented in the following respects.

Any Ordinances or Resolutions or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance shall be, and hereby are repealed so far as the same affect this Ordinance; however, such repeal shall not affect any act done or any right or liability accrued under such Ordinance or Resolution herein repealed or superseded and all such rights or liabilities shall continue and may be enforced in the same manner as if such repeal or supersession had not been made but only to the extent otherwise permitted under the laws of the Commonwealth of Pennsylvania.

Effective January 1, 2014, the Plan shall be amended by entirely deleting the provisions of said Plan and substituting the following in its place:

**BOROUGH OF WEST VIEW
POLICE PENSION PLAN**

**Amended and Restated
Effective as of: January 1, 2014**

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PREAMBLE

WHEREAS, the Town Council of the Borough of West View, County of Allegheny, Commonwealth of Pennsylvania, established a retirement program effective January 1, 1958, pursuant to Ordinance No. 1009 and the provisions of Pub. Law 1804, 53 Pa. Con. Stat. Ann. 767, et seq., (commonly referred to as Act 600) (the "Plan") for the benefit of the Borough's police officers and their beneficiaries; and

WHEREAS, the Plan has been amended thereafter from time to time pursuant to various Ordinances and Resolutions, including but not limited to:

Ordinance No. 1165	January 1, 1974
Resolution No. 975	March 14, 1977
Ordinance No. 1219	April 12, 1978
Ordinance No. 1281	November 9, 1983
Ordinance No. 1286	March 14, 1984
Ordinance No. 1314	January 1, 1989
Ordinance No. 1340	January 1, 1992
Ordinance No. 1365	September 11, 1996
Ordinance No. 1378	March 11, 1998
Ordinance No. 1407	February 13, 2002
Resolution No. 1290	April 9, 2003
Ordinance No. 1459	June 8, 2011

WHEREAS, the Council retained the right to amend the Plan pursuant to section 10.01; and

WHEREAS, the Council wants to facilitate the administration of the Plan by completely amending and restating the Plan to set forth the provisions thereof in a single document for purposes of incorporating certain changes as a result of collective bargaining negotiations and, ordinance consolidation and clarity; and

WHEREAS, the Council intends that the Plan shall meet the requirements for government plans pursuant to the Internal Revenue Code of 1986, as amended, including, but not limited to, the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), the Pension Protection Act of 2006 ("PPA"), and the Heroes Earnings Assistance and Relief Tax Act of 2008 ("HEART" or "Heroes' Act"); and the applicable laws of the Commonwealth of Pennsylvania;

NOW, THEREFORE, the Plan now known as the "Borough of West View Police Pension Plan" is hereby amended and restated in its entirety, effective January 1, 2014, as follows:

ARTICLE I

DEFINITIONS

The following words and phrases as used in this Plan shall have the meaning set forth in this Article, unless a different meaning is otherwise clearly required by the context:

- 1.01 "Accrued Benefit" shall mean, as of any given date, the benefit determined under section 4.02, calculated on the basis of Final Monthly Average Salary as of the date of determination and multiplied by a fraction, the numerator of which shall be the Participant's Aggregate Service determined as of such date and the denominator of which shall be the projected Aggregate Service of the Participant as if the Participant continues in Employment until attainment of Normal Retirement Age. Notwithstanding anything contained herein to the contrary, in no event shall the fraction exceed one (1.0). The Accrued Benefit shall include any Service Increment determined pursuant to section 4.04 attributable to the Participant's Aggregate Service as of the determination date. The Accrued Benefit shall not exceed the maximum limitation, determined as of the date of computation, provided under section 4.08. All Accrued Benefits are subject to all applicable limitations, reductions, offsets, and actuarial adjustments provided pursuant to the terms of the Plan prior to the actual payment thereof.
- 1.02 "Accumulated Contributions" shall mean the total amount contributed by any Participant to this Fund or its predecessor by way of payroll deduction or otherwise, plus interest credited at two and one-half percent (2.5%) per annum. Interest shall be credited in the form of a compound interest rate from the January 1st following receipt of such contributions to the first day of the month preceding the date that a distribution of Accumulated Contributions under sections 6.04 or 7.02 shall be paid or payment of benefits shall commence.
- 1.03 "Act" shall mean the Municipal Pension Plan Funding Standard and Recovery Act which was enacted as Act 205 of 1984, as amended, 53 P.S. Sec. 895.101 et seq.
- 1.04 "Actuarial Equivalent" shall mean two forms of payment of equal actuarial present value on a specified date. The actuarial present value shall be determined by use of the UP-1984 Mortality Table and six percent (6%) interest unless otherwise specifically provided herein.
- 1.05 "Actuary" shall mean the person, partnership, association or corporation, which at any given time is serving as Actuary; provided that such Actuary must be an "Approved Actuary" as defined in the Act.
- 1.06 "Aggregate Service" shall mean the total period or periods of the Participant's Employment with the Employer whether or not interrupted. Notwithstanding the preceding sentence, should any such Participant receive a distribution of Accumulated

Contributions with respect to a period of Employment for which Employee Contributions are required, such period of Employment shall not be included in Aggregate Service thereafter unless, at the commencement of the next period of Employment, the Participant repays to the Fund the amount of such distribution with interest. For purposes of this section 1.06, interest shall accrue as of the date the Employee receives a distribution of Accumulated Contributions and shall be computed at the same rate and in the same manner as described in section 1.02. Aggregate Service shall be calculated in whole years and completed months.

- 1.07 "Attending College" shall mean the eligible children are registered at an accredited institution of higher learning and are carrying a minimum course load of seven (7) credit hours per semester.
- 1.08 "Beneficiary" shall mean the person or entity designated by the Participant to receive a distribution of the Participant's Accumulated Contributions should the Participant die prior to becoming entitled to a retirement benefit. In the event that a Participant does not designate a Beneficiary or the Beneficiary does not survive the Participant, the Beneficiary shall be the surviving spouse, or if there is no surviving spouse, the issue, per stirpes, or if there is no surviving issue, the estate; but if no personal representative has been appointed, to those persons who would be entitled to the estate under the intestacy laws of the Commonwealth of Pennsylvania if the Participant had died intestate and a resident of Pennsylvania.
- 1.09 "Chief Administrative Officer" shall mean the person designated by the Borough who has the primary responsibility for the execution of the administrative affairs for the Plan.
- 1.10 "Code" shall mean the Internal Revenue Code of 1986, as amended.
- 1.11 "Committee" shall mean the Police Pension Committee as determined pursuant to section 9.02.
- 1.12 "Commonwealth" shall mean the Commonwealth of Pennsylvania.
- 1.13 "Compensation" shall mean the total remuneration of the Employee, whether salary or hourly wages including overtime pay, holiday pay, longevity pay and any other form of compensation paid by the Employer for police services rendered. Compensation shall be limited on an annual basis to the amount specified for government plans pursuant to Code section 401(a)(17), as adjusted under Code section 415(d).
- 1.14 "Council" shall mean the Council of the Borough of West View.
- 1.15 "Disability Date" shall mean the date when a Participant is determined by the Plan Administrator to be incapacitated due to Total and Permanent Disability, or the date when the Participant's Employment terminates due to such Total and Permanent Disability, if later.

- 1.16 "Employee" shall mean any individual employed by the Employer on a regular, full-time basis as a police officer of the Employer's police force.
- 1.17 "Employer" shall mean Borough of West View, Allegheny County, Pennsylvania.
- 1.18 "Employment" shall mean for the purpose of determining Aggregate Service:
- (a) The period of time for which an Employee is directly or indirectly compensated or entitled to compensation by the Employer for the performance of duties as a police officer;
 - (b) Any period of time for which an Employee is paid, either directly by the Employer or through a program to which the Employer has made contributions on behalf of the Employee, a fixed, periodic amount in the nature of salary continuation payments for reasons other than the performance of duties (such as vacation, holidays, sickness, entitlement to benefits under workers' compensation or similar laws);
 - (c) Any period during which an Employee is entitled to disability benefits under this Plan, provided that the Employee returns to Employment within three (3) months of the date on which it is determined that the Employee is no longer Totally and Permanently Disabled if such determination occurs prior to the date a Participant attains Normal Retirement Age;
 - (d) Any period of voluntary or involuntary military service with the armed forces of the United States of America, provided that the Participant has been employed as a regular full-time member of the Employer's police force for a period of at least six (6) months immediately prior to the period of military service; and the Participant returns to Employment within six (6) months following discharge from military service or within such longer period during which employment rights are guaranteed by applicable law or under the terms of a collective bargaining agreement with the Employer;
 - (e) Any period of voluntary or involuntary military service with the armed forces of the United States of America not to exceed a total of four (4) years which occurred prior to the date on which a Participant first became employed as an Employee of the Employer, provided that the Participant shall purchase such credit and that such Participant is not entitled to receive, eligible to receive, or is receiving retirement benefits for such military service under a retirement system administered and wholly or partially paid for by any other governmental agency except military retirement pay earned by a combination of active and nonactive duty with a reserve or national guard component of the armed forces which is payable upon the attainment of a specified age and period of service under 10 U.S.C. Ch. 67 (relating to retired pay for non-regular service). The purchase price for such service shall be computed by multiplying the average normal cost rate for the Plan as certified by the Public Employee Retirement Commission and not to

exceed ten percent (10%) times the Participant's average annual rate of Compensation during the first three (3) years of Employment and multiplying the result times the number of years and fractions thereof being purchased. Interest shall be paid at a rate of four and three quarters percent (4.75%) compounded annually from the first date of Employment to the date of payment; and

- (f) Any period of qualified military service as determined under the requirements of chapter 43 of title 38, United States Code, provided that the Participant returns to Employment following such period of qualified military service, and the Participant makes payment to the Plan in an amount equal to the Participant Contributions that would otherwise have been paid to the Plan during such period of qualified military service. The amount of Participant Contributions shall be based upon an estimate of the Compensation that would have been paid to the Participant during such period of qualified military service as determined by the average Compensation paid to the Participant during the twelve (12) months immediately preceding the period of qualified military service. The amount of Participant Contributions calculated must be paid into the Plan before the end of the period that begins on the date of reemployment and ends on the earlier of the date that ends the period that has a duration of three (3) times the period of qualified military service or the date that is five (5) years after the date of reemployment.

"Employment" shall not include for the purpose of determining Aggregate Service any period of disability for a Participant who was disabled as a result of a non-service related disability.

- 1.19 "Final Monthly Average Salary" shall mean the average monthly salary earned by the Participant and paid by the Employer during the final thirty-six (36) months immediately preceding termination of active Employment. Salary shall include the regular gross pay of the Employee, whether salary or hourly wages including, overtime pay, holiday pay, longevity pay and any other types of additions to compensation by the Employer for police services rendered. Salary shall exclude for this purpose any single sum or extraordinary payments made which are not directly attributable to active Employment during the averaging period, including but not limited to payment for accumulated sick leave, payment of a longevity bonus, or payment of a back pay damage award.

Final Monthly Average Salary shall be calculated by taking into account only those periods during which an Employee receives salary, as that term is defined in this section 1.19. Therefore, for example, the Final Monthly Average Salary for a Participant who receives disability benefits from this Plan or who is voluntarily or involuntarily serving in the United States armed forces during the final thirty-six (36) months of Aggregate Service shall be based on the period during which the Employee last received salary (as defined in the preceding paragraph) from the Employer.

Salary used to determine Final Monthly Average Salary shall be limited on an annual basis to the amount specified for government plans in accordance with Code section 401(a)(17), as adjusted under Code section 415(d).

- 1.20 "Member's Salary at the Time the Disability was Incurred" shall mean the Participant's base rate of pay in effect at the time the disability occurred, determined as a monthly amount, to the extent such definition is consistent with state law.
- 1.21 "Minimum Municipal Obligation" shall mean the minimum obligation of the municipality as determined by the Actuary pursuant to the provisions of the Act.
- 1.22 "Normal Retirement Age" shall mean the date on which the Participant has completed twenty-five (25) years of Aggregate Service with the Employer and has attained age fifty (50).
- 1.23 "Normal Retirement Date" shall mean the first day of the month coincident with or next following the date on which the Participant attains Normal Retirement Age.
- 1.24 "Notice" or "Election" shall mean a written document prepared in the form specified by the Plan Administrator. If such notice or election is to be provided by the Employer or the Plan Administrator, it shall be mailed in a properly addressed envelope, postage prepaid, to the last known address of the person entitled thereto, on or before the last day of the specified notice or election period. If such notice or election is to be provided to the Employer or the Plan Administrator, it must be received by the intended recipient on or before the last day of the specified notice or election period.
- 1.25 "Participant" shall mean an Employee who has met the eligibility requirements to participate in the Plan as provided in section 2.01 and who has not for any reason ceased to be a Participant hereunder.
- 1.26 "Pension Fund" shall mean the police Pension Fund administered under the terms of this Plan and which shall include all money, property, investments, Policies and Contracts standing in the name of the Plan.
- 1.27 "Plan" shall mean the Plan set forth herein, as amended from time to time and designated as the Borough of West View Police Pension Plan.
- 1.28 "Plan Administrator" shall mean the Committee or the individual appointed for the purpose of supervising and administering the provisions of the Plan. In the event that no such appointment is made, the Plan Administrator shall be the Council.
- 1.29 "Plan Year" shall mean the 12-month period beginning on January 1 and ending on December 31 of each year.

- 1.30 "Policy" or "Contract" shall mean a retirement annuity or retirement income endowment Policy (or a combination of both) or any other form of insurance Contract or Policy which shall be deemed appropriate in accordance with the provisions of applicable law.
- 1.31 "Restatement Date" shall mean January 1, 2014, the date upon which this amendment and restatement of the Plan becomes effective.
- 1.32 "Retirement Date" shall mean the first day of the month coincident with or next following the date on which the Participant retires from Employment or the first day of any month thereafter on which the payment of retirement benefits pursuant to this Plan shall commence.
- 1.33 "Service Increment" shall mean the amount calculated pursuant to section 4.04 on behalf of a Participant for each completed year of Aggregate Service accumulated in excess of twenty-five (25) years.
- 1.34 "Total and Permanent Disability" shall mean a condition of physical or mental impairment due to which a Participant is unable to perform the usual and customary duties of Employment and which is reasonably expected to continue to be permanent for the remainder of the Participant's lifetime. For purposes of this section 1.34 and Article V, a condition shall not be treated as a Total and Permanent Disability unless such condition is a direct result of and occurs in the line of duty of Employment. Therefore, an Employee whose physical or mental impairment does not occur in the line of duty or which is the result of alcoholism, addiction to narcotics, perpetration of a felonious criminal activity or is willfully self-inflicted, is not entitled to receive disability benefits under the Plan.

ARTICLE II

PARTICIPATION IN THE PLAN

- 2.01 Eligibility Requirements - Each Employee who is employed as a regular, full-time permanent member of the police department of the Employer shall participate herein as of the date on which such Employee's Employment first commences or recommences provided all prerequisites to participation under this Plan shall have been fulfilled, including but not limited to, completion of all forms required by the Plan Administrator. Each Employee who was a Participant in the Plan on the day prior to the Restatement Date shall continue to be a Participant on and after the Restatement Date subject to the terms and conditions of the Plan as set forth herein.
- 2.02 Notification of Plan Administrator - The Council shall furnish the Plan Administrator with written notification of the appointment of any new full-time permanent Employee who is eligible for participation hereunder. Each Participant hereunder shall be required

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to make contributions to the Plan, as provided in section 3.01 hereof, and shall execute and complete any enrollment or application forms as required by the Plan Administrator.

- 2.03 Designation of Beneficiary - Any new, full-time Employee who becomes a Participant hereunder shall provide a written notice in the manner prescribed by the Plan Administrator which designates a Beneficiary at the time participation commences. The Participant's election of any such Beneficiary may be rescinded or changed, without the consent of the Beneficiary, at any time provided the Participant provides the written notice of the changed designation to the Plan Administrator in the manner prescribed by the Plan Administrator. Any designation of a Beneficiary made in any manner other than one acceptable to the Plan Administrator shall be null and void and have no effect under the terms of this Plan.
- 2.04 Change in Status - A Participant who remains in the service of the Employer but ceases to be an Employee eligible for participation hereunder, or ceases or fails to make any contributions which are required as a condition of participation hereunder, shall have no further benefit accruals until the individual again qualifies as a Participant hereunder eligible to resume such accrual of benefits.
- 2.05 Recordkeeping - The Employer shall furnish the Plan Administrator with such information as will aid the Plan Administrator in the administration of the Plan. Such information shall include all pertinent data on Employees for purposes of determining their eligibility to participate in this Plan.

ARTICLE III

CONTRIBUTIONS

- 3.01 Participant Contributions - Each Participant shall as a requirement of participation pay regular contributions to the Pension Fund in an amount equal to five percent (5%) of the Participant's Compensation. Each Participant shall complete the necessary forms to authorize the payment of Participant contributions by way of payroll deduction.

Effective January 1, 2014, the Employer shall "pick-up" the required Participant contributions hereunder pursuant to the provisions of Code section 414(h)(2) which shall cause the Participant contributions to be reclassified from Employee contributions to Employer contributions and shall not cause any increase in the amount of an Employee's Compensation.

- 3.02 Reduction of Participant Contributions - Notwithstanding the preceding section 3.01, payments into the Pension Fund by Participants may be reduced below the minimum percentage prescribed in section 3.01, or may be eliminated, and that if such payments are reduced or eliminated, contributions by the Employer will not be required to keep the Pension Fund actuarially sound, the Employer may, by Ordinance or Resolution, reduce

or eliminate payments into the Pension Fund by Participants on an annual basis. As of the Restatement Date, contributions have been eliminated and shall only be resumed upon adoption by the Council of an Ordinance or Resolution requiring the resumption of Participant Contributions.

- 3.03 Employer Contributions - The Chief Administrative Officer, in accordance with the Act, shall determine the Minimum Municipal Obligation of the Employer. The Employer shall pay into the Pension Fund, by annual appropriations or otherwise, the contributions necessary to satisfy the Minimum Municipal Obligation. Notwithstanding the foregoing, nothing contained herein shall preclude the Employer from contributing an amount in excess of the Minimum Municipal Obligation.
- 3.04 State Aid - General Municipal Pension System State Aid, or any other amount of State Aid received by the Employer in accordance with the Act from the Commonwealth may be deposited into the Pension Fund governed by this Plan in amounts determined by the Council, and shall be used to reduce the amount of the Minimum Municipal Obligation of the Employer.
- 3.05 Gifts - The Council is authorized to take by gift, grant, devise or otherwise any money or property, real or personal, for the benefit of the Plan and cause the same to be held as a part of the Pension Fund. The care, management, investment and disposal of such amounts shall be vested in the Council or its delegate, the Plan Administrator, subject to the direction of the donor and not inconsistent with applicable laws and the terms of the Plan.
- 3.06 Employer Reversion - At no time shall it be possible for the Plan assets to be used for, or diverted to, any purpose other than for the exclusive benefit of the Participants and their Beneficiaries, including payment of any reasonable Plan expenses. Notwithstanding the foregoing, any contributions made by the Employer may be returned to the Employer if the contribution was made due to a mistake and the contribution is returned within one (1) year of the date on which the discovery of the mistaken payment of the contribution was made or reasonably should have been made or the Plan is terminated, as provided in Article XI.

ARTICLE IV

RETIREMENT BENEFITS

- 4.01 Normal Retirement - Each Participant shall be entitled to a Normal Retirement Benefit after retirement on or after the Participant has attained Normal Retirement Age.
- 4.02 Normal Retirement Benefit - Each Participant who shall become entitled to a benefit pursuant to section 4.01 shall receive a benefit paid monthly in an amount equal to fifty percent (50%) of the Participant's Final Monthly Average Salary as determined herein.

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- 4.03 Late Retirement - A Participant may continue in Employment beyond the attainment of Normal Retirement Age subject to the Employer's rules and regulations regarding retirement age. If a Participant who has met the requirements of section 4.01 continues in Employment beyond Normal Retirement Age, there shall be no retirement benefits paid until Employment ceases and the Participant's retirement actually begins. The retirement benefit of a Participant who continues Employment after attainment of Normal Retirement Age shall be calculated in accordance with section 4.02 on the basis of the Final Monthly Average Salary as of such Participant's actual retirement.
- 4.04 Service Increment - A Participant who shall retire after completion of at least twenty-six (26) years of Aggregate Service may be eligible to receive a Service Increment in addition to the Normal Retirement Benefit under section 4.02. Such Service Increment shall only be available to a Participant who shall retire after attainment of Normal Retirement Age and whose Aggregate Service for purposes of this section 4.04 shall only include periods of time when the Participant actively renders service in Employment and shall not include any period of time during which the Participant received a Disability Benefit under the terms of this Plan or was not otherwise in active Employment. Such Service Increment shall be an amount equal to one hundred dollars (\$100.00), and shall be paid monthly in addition to the amount of Normal Retirement Benefit calculated pursuant to section 4.02.
- 4.05 Normal Form - The Normal Form for payment of retirement benefits shall be a monthly annuity payable for the life of the Participant.
- 4.06 Payment of Benefits - Retirement benefits shall be payable as of the first day following the Participant's Retirement Date. In the case of a Participant who retires on a day of the month other than the first day of the month, he or she shall be entitled to receive a partial monthly benefit for the first calendar month of retirement. Such partial payment shall be determined by multiplying the sum of the Normal Retirement Benefit and the Service Increment by a fraction, the numerator of which is the number of days remaining in the retirement month after the Participant's last day of work, and the denominator of which is the total number of days in the calendar month of retirement. A Participant must complete an application for benefits in the manner prescribed by the Plan Administrator and deliver such application to the Plan Administrator at least thirty (30) days prior to the date on which benefit payments shall commence.
- 4.07 Cost-of-Living Adjustments - Each retired Participant receiving a monthly retirement benefit hereunder shall be entitled to receive a cost-of-living adjustment to the amount of retirement benefit payable under section 4.02 equal to the one-year percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) from the preceding October. Such cost-of-living adjustment shall be granted effective as of January 1 each year. Participants who were retired more than one year as of January 1, 1998 shall receive a one-time adjustment to their monthly benefit effective January 1, 1998 equal to the percentage increase in the CPI-W from the month of their retirement to October 1997. Such cost-of-living adjustment shall not exceed the following limits: (1)

the percentage increase in the Consumer Price Index from the year in which the Participant was last employed as an Employee of the Employer; (2) the total retirement benefits payable under this Plan shall not exceed seventy-five percent (75%) of the Participant's Final Monthly Average Salary; (3) the total cost-of-living increase shall not exceed thirty percent (30%) of the Participant's retirement benefit under this Plan; and (4) the cost-of-living increases shall not impair the actuarial soundness of the Pension Fund.

- 4.08 Defined Benefit Dollar Limitation - Incorporation of Code section 415 by Reference. Notwithstanding anything contained in this Section 4.08 to the contrary, the limitations, adjustments, and other requirements prescribed in Section 4.08 shall at all times comply with the provisions of Code Section 415 and the Regulations thereunder (as such apply to governmental plans), the terms of which are specifically incorporated herein by reference. Effective for limitation years beginning on and after July 1, 2007, the Plan shall comply with the final regulations issued under Code Section 415.

Maximum Benefit Limitations - Notwithstanding any provision of this Plan to the contrary, no benefit provided under this Plan attributable to contributions of the Employer shall exceed, as an annual amount, the amount specified in Code section 415(b)(1)(A) as adjusted pursuant to Code section 415(d), assuming the form of benefit shall be a straight life annuity (with no ancillary benefits). The limitations described in this Section 4.08 shall be governed by the following conditions and definitions:

- (a) benefits paid or payable in a form other than a straight life annuity (with no ancillary benefits) or where the Employee contributes to the Plan or makes rollover contributions shall be adjusted on an actuarially equivalent basis in accordance with applicable regulations to determine the limitation contained herein;
- (b) in the case of a benefit which commences prior to the attainment of age sixty-two (62) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis in accordance with applicable regulations to the amount determined pursuant to this section commencing at age sixty-two (62); however, in the case of a qualified Participant (a Participant with respect to whom a period of at least fifteen (15) years of service, as a full-time employee of a police or fire department or as a member of the Armed Forces of the United States is taken into account in determining the amount of benefit), the limitation contained herein shall not apply;
- (c) in the case of a benefit which commences after attainment of age sixty-five (65) by the Participant, the limitation herein shall be adjusted on an actuarially equivalent basis in accordance with applicable regulations to the amount determined commencing at age sixty-five (65);
- (d) benefits paid to a Participant which total less than ten thousand dollars (\$10,000.00) from all defined benefit plans maintained by the Employer

expressed as an annual benefit shall be deemed not to exceed the limitation of this section provided that the Employer has not at any time maintained a defined contribution plan in which the Participant has participated; however, in the case of a Participant who is not receiving a Disability Retirement Benefit pursuant to section 5.02 or a Survivor Benefit pursuant to section 6.02, with fewer than ten (10) years of participation the limitation expressed in this subsection (d) shall be reduced by one-tenth (1/10) for each year of participation less than ten (10) but in no event shall this limitation be less than one thousand dollars (\$1,000.00);

- (e) the limitations expressed herein shall be based upon Plan Years for calculation purposes, shall be applied to all defined benefit plans maintained by the Employer as one (1) defined benefit plan and to all defined contribution plans maintained by the Employer as one (1) defined contribution plan, and shall be applied and interpreted consistent with Code section 415 and regulations thereunder as applicable to government plans in general and this Plan in particular;
- (f) in the case of a Survivor Benefit under section 6.02 or a Disability Retirement Benefit under section 5.02, the adjustment under subsection (b) hereof shall not apply and the applicable limitation shall be the limitation contained herein without regard to the age of the benefit recipient;
- (g) for mandatory employee contributions, the rules set forth in Treasury Regulation 1.415(b)-1(b)(2)(iii) shall apply; and
- (h) effective for distributions with annuity starting dates beginning on or after December 31, 2008, notwithstanding any other Plan provisions to the contrary, the applicable mortality table used solely for purposes of adjusting any benefit or limitation under 415(b)(2)(B), (C), or (D) of the Internal Revenue Code as set forth in the applicable Maximum Benefit Limitations section of the Plan is the applicable mortality table under Code Section 417(e)(3)(B).

4.09 Required Distributions

- (a) Notwithstanding any other provision of this Plan, the entire benefit of any Participant who becomes entitled to benefits prior to death shall be distributed either:
 - (1) not later than the Required Beginning Date, or
 - (2) over a period beginning not later than the Required Beginning Date and extending over the life of such Participant or over the lives of such Participant and a designated Beneficiary (or over a period not extending beyond the life expectancy of such Participant, or the joint life expectancies of such Participant and a designated Beneficiary).

If a Participant who is entitled to benefits under this Plan dies prior to the date when the entire interest has been distributed after distribution of the benefits has begun in accordance with paragraph (2) above, the remaining portion of such benefit shall be distributed at least as rapidly as under the method of distribution being used under paragraph (2) as of the date of the death.

- (b) If a Participant who is entitled to benefits under this Plan dies before distribution of the benefit has begun, the entire interest of such Employee shall be distributed within five (5) years of the death of such Employee, unless the following sentence is applicable. If any portion of the Employee's interest is payable to (or for the benefit of) a designated Beneficiary, such portion shall be distributed over the life of such designated Beneficiary (or over a period not extending beyond the life expectancy of such Beneficiary), and such distributions begin not later than one (1) year after the date of the Employee's death or such later date as provided by regulations issued by the Secretary of the Treasury, then for purposes of the five-year rule set forth in the preceding sentence, the benefit payable to the Beneficiary shall be treated as distributed on the date on which such distributions begin. Provided, however, that notwithstanding the preceding sentence, if the designated Beneficiary is the surviving spouse of the Participant, then the date on which distributions are required to begin shall not be earlier than the date upon which the Employee would have attained age seventy and one-half (70½) and, further provided, if the surviving spouse dies before the distributions to such spouse begin, this subparagraph shall be applied as if the surviving spouse were the Employee.
- (c) For purposes of this section, the following definitions and procedures shall apply:
 - (1) "Required Beginning Date" shall mean April 1 of the calendar year following the later of the calendar year in which the Employee attains age seventy and one-half (70½), or the calendar year in which the Employee retires.
 - (2) The phrase "designated Beneficiary" shall mean any individual designated by the Employee under this Plan according to its rules.
 - (3) Any amount paid to a child shall be treated as if it had been paid to the surviving spouse if such amount will become payable to the surviving spouse upon such child's reaching majority (or other designated event permitted under regulations issued by the Secretary of the Treasury).
 - (4) For purposes of this section, the life expectancy of an Employee and/or the Employee's spouse (other than in the case of a life annuity) may be redetermined but not more frequently than annually.
- (d) General Rules. The requirements of this section 4.09 will take precedence over any inconsistent provisions of the Plan. All distributions required under this

section 4.09 will be determined and made in accordance with Section 401(a)(9) of the Internal Revenue Code and the Treasury regulations thereunder, and the Employer's good faith interpretation of such Code and regulations.

- 4.10 Assignment - The pension benefit payments prescribed herein shall not be subject to attachment, execution, levy, garnishment or other legal process and shall be payable only to the Participant or designated Beneficiary and shall not be subject to assignment or transfer unless the subject of a domestic relations order, mandated by a court of competent jurisdiction, that clearly provides for proper distribution of a portion of the pension benefit payments to an alternate payee (former spouse of the Participant) and does not require any benefit to be paid in excess of the available earned and accrued under the Plan.
- 4.11 Retired Participants - Any Participant who shall have retired prior to the Restatement Date shall not have the benefit altered in any way by the provisions of this amended and restated Plan, except where otherwise expressly provided herein. Such retired Participants shall continue to have their benefits governed by the terms of the Plan in effect on the day preceding the Restatement Date. Any Participant who shall have terminated Employment and elected to receive a deferred retirement benefit under section 7.03 shall have such benefit determined based upon the provisions of the Plan in effect as of the date of such termination of Employment and shall not have the benefit altered by the provisions of this amended and restated Plan.
- 4.12 Limitation of Liability - Nothing contained herein shall obligate the Employer, the Plan Administrator, any fiduciary or any agent or representative of any of the foregoing, to provide any retirement or other benefit to any Participant or Beneficiary which cannot be provided from the assets available in the Pension Fund, whether such benefits are in pay status or otherwise payable under the terms of the Plan. The Council retains the right to amend or terminate this Plan consistent with applicable law at any time, with or without cause and whether or not such action directly or indirectly results in the suspension, reduction or termination of any benefit payable under the Plan or in pay status, and without liability to any person for any such action.
- 4.13 Personal Right of Participant - The right to receive any benefits under this Plan is a personal right of the Participant and shall expire upon the death of the Participant. No heir, legatee, devisee, Beneficiary, assignee or other person claiming by or through a Participant shall have any interest in any benefits hereunder unless clearly and expressly so provided by the terms of this Plan or the provisions of applicable law. A Participant's Election, failure to make an Election or revocation of an Election hereunder shall be final and binding on all persons.
- 4.14 Nonduplication of Benefit - To avoid any duplication of benefits, a Participant who is receiving a retirement benefit under the Plan and who shall resume Employment shall have benefit payments suspended until the first day of the month coincident with or next following the date such Employment shall cease. Upon resumption of benefit payments, such Participant shall receive the greater of the amount of the suspended benefit or the

amount of benefit based upon Final Monthly Average Salary and Aggregate Service as of the date that such period of resumed Employment shall cease.

4.15 Direct Rollovers

- (a) Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Plan Administrator to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- (b) This section 4.15(b) shall apply to distributions made on or after January 1, 2006. Notwithstanding any provisions of the Plan to the contrary that would otherwise limit a distributee's election under this section, if a distribution in excess of one-thousand dollars (\$1,000.00) is made and the distributee does not make an election under section 4.15(a) and does not elect to receive the distribution directly, the Plan Administrator shall make such transfer to an individual retirement plan of a designated trustee or issuer pursuant to section 9.03(i). The Plan Administrator shall notify the distributee in writing, within a reasonable period of time and as otherwise prescribed by law, that the distribution may be transferred to another individual retirement plan.
- (c) For purposes of this section, the following definitions shall apply:
 - (1) "Eligible Rollover Distribution" is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; any distribution to the extent such distribution is required under Code section 401(a)(9); and the portion of any distribution that is not includible in gross income (determined without regard to the exclusion for net unrealized appreciation with respect to employer securities).

For purposes of the direct rollover provisions in this section of the Plan, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includible in gross income. However, such portion may be paid only to an individual retirement account or annuity described in section 408(a) or (b) of the Code, or to a qualified defined contribution plan described in section 401(a) or 403(a) of the Code (effective for distributions on or after January 1, 2007, any qualified trust or Code Section 403(b) plan) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such

distribution which is includible in gross income and the portion of such distribution which is not so includible.

- (2) "Eligible Retirement Plan" is a qualified trust described in Code section 401(a), an individual retirement account described in Code section 408(a), an individual retirement annuity described in Code section 408(b), an annuity plan described in Code section 403(a), an annuity contract described in Code section 403(b), an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state and which agrees to separately account for amounts transferred into such plan from this plan.
- (3) "Distributee" includes a Participant or former Participant. In addition, the Participant's or former Participant's surviving spouse and the Participant's or former Participant's spouse or former spouse who is the alternate payee under a Qualified Domestic Relations Order, as defined in Code section 414(p), are distributees with regard to the interest of the spouse or former spouse.
- (4) "Direct Rollover" is a payment by the Plan to the eligible retirement plan specified by the distributee or the Plan Administrator, if the distributee does not make an election.
- (5) Effective January 1, 2008, direct rollovers may be made to a Roth IRA described in Section 408A of the Internal Revenue Code to the extent that the applicable requirements of Code Section 408A are satisfied with respect to any direct rollover to such Roth IRA.
- (d) This Section applies to distributions made on or after January 1, 2010. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a Nonspouse Beneficiary's election under this Section, a Nonspouse Beneficiary may elect to have any portion of a Plan distribution (that is payable to such Nonspouse Beneficiary due to a Participant's death) paid in a direct trustee-to-trustee transfer to an individual retirement account described in Code Section 408(a) or to an individual retirement annuity described in Section 408(b) (other than an endowment contract) that has been established for the purposes of receiving the distribution on behalf of such Nonspouse Beneficiary. For these purposes, a "Nonspouse Beneficiary" is an individual who is a designated beneficiary (as defined by Section 401(a)(9)(E) of the Internal Revenue Code) of a Participant and who is not the surviving spouse of such Participant.

4.16 Retirement Window/Enhanced Service Increment - A Participant who is eligible for a Normal Retirement Benefit and who elects to retire between January 1, 2011 and July 1, 2011 will be eligible for a Service Increment benefit as described in this section 4.16 instead of the amount described in section 4.04. The Service Increment payable to a

Participant who retires pursuant to this section shall be equal to one hundred dollars (\$100) for each completed full year of Aggregate Service in excess of twenty-five (25) years, up to a maximum monthly benefit of five hundred dollars (\$500). Any Participant who does not retire hereunder prior to July 1, 2011, shall have forever waived any opportunity to do so and shall have their Service Increment (if eligible) determined in accordance with section 4.04.

ARTICLE V

DISABILITY RETIREMENT

- 5.01 Disability Retirement - A Participant who shall incur a Total and Permanent Disability before attaining Normal Retirement Age shall be entitled to a Disability Retirement Benefit as of the Disability Date.
- 5.02 Disability Retirement Benefit - A Participant who retires due to a Total and Permanent Disability, pursuant to section 5.01 shall be eligible for a disability retirement benefit in an amount equal to the Participant's Accrued Benefit as of the Disability Date, however the benefit shall be no less than fifty percent (50%) of the Member's Salary at the Time the Disability was Incurred as defined pursuant to section 1.20 determined as of the Disability Date. Any member who receives benefits for the same injuries under social security disability shall have the Participant's disability benefits offset or reduced by the amount of such benefits.
- 5.03 Payment of Disability Benefits - Disability payments shall be made monthly as of the first day of each month, commencing as of the first day of the month coincident with or immediately following the Participant's Disability Date and continuing until the earliest of the death of the Participant, cessation of Total and Permanent Disability, or attainment of Normal Retirement Age (such a Participant who attains Normal Retirement Age shall thereafter receive a Normal Retirement Benefit pursuant to section 4.02).
- A Participant who shall fail to return within three (3) months to Employment as an Employee of the Employer upon cessation of Total and Permanent Disability prior to attainment of Normal Retirement Age shall be deemed to have terminated Employment as of the Disability Date, shall not be entitled to any distribution of Accumulated Contributions pursuant to section 7.02 to the extent that the total amount of disability payments exceeds the value of the Participant's Accumulated Contributions as of the Disability Date, and shall not be entitled to any other benefits under the Plan on account of any Aggregate Service as of the Disability Date.
- 5.04 Verification of Disability - The Plan Administrator shall in its sole discretion determine whether a Participant shall have incurred a Total and Permanent Disability. The Plan Administrator shall rely on the report of a physician acceptable to the Plan Administrator. If the Plan Administrator shall determine that a Participant who is Totally and

Permanently Disabled has recovered sufficiently to resume active Employment as a police officer or if a Participant refuses to undergo a medical examination as directed by the Plan Administrator (such a medical examination may not be required more frequently than once in any given twelve (12) month period), the payment of Disability Retirement Benefits shall cease.

- 5.05 Cessation of Disability - A Participant who is receiving payment of Disability Retirement Benefits under this Plan must notify the Plan Administrator of any change which may cause a cessation of entitlement to receipt of such benefits hereunder. If a Participant fails to provide immediate notice to the Plan Administrator of any such change in status and continues to receive payment of benefits hereunder to which the Participant is not entitled, then the Plan may take whatever action is necessary to recover any amount of improperly paid amounts, including legal action or offsetting such amounts against any future payments of retirement or other benefits under the Plan, including the costs of such actions.

ARTICLE VI

DEATH BENEFITS

- 6.01 Death of Participant - Upon the occurrence of the death of a Participant, there shall be benefits payable in accord with the following sections of this Article VI.
- 6.02 Survivor Benefit - If a Participant shall die after commencement of retirement or disability benefit payments or after becoming eligible to receive retirement benefit payments under section 4.01 and before retirement benefit payments commence, a Survivor Benefit shall be paid to the surviving spouse or dependent child(ren), if any, of the Participant pursuant to section 6.03 in an amount equal to fifty percent (50%) of the benefit the Participant was receiving or was eligible to receive as of the date of death.
- 6.03 Payment of Survivor Benefit - The Survivor Benefit commences as of the first day of the month coincident with or immediately following the date of death of the Participant. The Survivor Benefit shall be paid monthly to the surviving spouse of the Participant, if any, until the date of death of the surviving spouse. Upon the death of the surviving spouse or if there is no surviving spouse, the Survivor Benefit shall be paid monthly in equal shares to the surviving dependent child(ren) of the deceased Participant under the age of eighteen (18) or if Attending College, under or attaining the age of twenty-three (23). The shares payable to the surviving dependent children shall be adjusted as each child ceases to be eligible to receive a share of the benefit hereunder.
- 6.04 Death of Participant Prior to Retirement - If a Participant shall die before payment of a benefit has commenced and without eligibility for payment of a Survivor Benefit under section 6.02, the Beneficiary shall be eligible to receive a distribution in an amount equal to the Accumulated Contributions of the Participant as of the date of death of the

Participant. If the Participant has received Disability Retirement Benefits hereunder, the amount of distribution of Accumulated Contributions shall be reduced by the amount of Disability Retirement Benefits, which have been paid hereunder.

- 6.05 Veterans' Survivor Benefits – Notwithstanding any other provision of the Plan to the contrary, in the case of the death of a Participant who dies on or after January 1, 2007 while performing qualified military service (as defined in Code Section 414(u)), the survivors of the Participant are entitled to any additional benefits under the Plan (if any) had the Participant resumed and then terminated employment on account of death.

ARTICLE VII

TERMINATION OF EMPLOYMENT

- 7.01 Rights of Terminated Employees - A Participant who shall cease to be an Employee except as otherwise hereinbefore provided shall have all interest and rights under this Plan limited to those contained in the following sections of this Article.
- 7.02 Distribution of Accumulated Contributions - A Participant whose Employment with the Employer shall terminate for any reason other than death or Total and Permanent Disability prior to attainment of Normal Retirement Age shall be entitled to receive a distribution of Accumulated Contributions. Upon receipt of such Accumulated Contributions, said Participant and Beneficiary shall not be entitled to any further payments from the Plan.
- 7.03 Deferred Retirement Benefit - A Participant who shall have completed at least twelve (12) years of Aggregate Service and whose Employment shall terminate for any reason other than due to death or Total and Permanent Disability prior to attainment of Normal Retirement Age shall be entitled to elect to receive a deferred retirement benefit in lieu of a distribution of Accumulated Contributions under section 7.02. Such a deferred retirement benefit shall be equal to the Participant's Accrued Benefit as of the date Employment terminates and shall commence after application pursuant to section 4.06 and not earlier than the date which would be the Participant's Normal Retirement Date under the Plan if the Participant remained in Employment until such date.
- 7.04 Pennsylvania Pension Forfeiture Act - Rights under this Plan shall be subject to forfeiture as provided by the Act of July 8, 1978 (P.L. 752, No. 140), known as the Public Employee Pension Forfeiture Act.

ARTICLE VIII

DEFERRED RETIREMENT OPTION PLAN (Effective January 1, 2014)

- 8.01 Definitions - The following words and phrases when used in this Article VIII shall have the meaning given to them in this section only, unless the context clearly indicated otherwise:
- (a) "DROP" - A deferred retirement option plan established as an optional form of benefit under the Plan and being operated by the Borough of West View.
 - (b) "DROP Participant" - A Participant of the Borough of West View Police Pension Plan who is eligible to participate in a DROP under section 8.02 and who has elected to participate in a DROP under section 8.03.
 - (c) "DROP Participant Account" - The separate, interest bearing, subsidiary DROP Participant Account established for a DROP Participant under section 8.18.
 - (d) "Normal Retirement Benefit" - The retirement benefit payable to a Participant of a defined benefit pension plan at the point in time when the Participant satisfies the age and service requirements for full, unreduced retirement benefits.

ELIGIBILITY AND PARTICIPATION

- 8.02 Eligibility of Employee to Participate in DROP - An Employee who is eligible for a Normal Retirement Benefit under the pension Plan or will be eligible for a Normal Retirement Benefit under the pension Plan prior to participation in the DROP is eligible to participate in the DROP by filing a written application the retirement Plan Administrator at least thirty (30) days before the Employee's effective date of retirement.
- 8.03 Participation in DROP - An eligible Participant may elect to participate in this DROP for a period not to exceed three (3) years. Upon deciding to participate in a DROP, a Participant must submit, on forms provided by the Plan Administrator, all of the following:
- (a) A binding and irrevocable letter of resignation from regular Employment with the Employer which discloses the Participant's intent to retire and specifies the Participant's DROP Retirement Date.
 - (b) An irrevocable written Election to participate in the DROP which must specify the effective date of DROP participation that shall be one (1) day after the Participant's specified DROP Retirement Date, specify the DROP termination date which satisfies the limitation in this section 8.03, detail a DROP Participant's rights and obligations under the DROP and include an agreement to forgo:

- (i) active membership in the Plan;
- (ii) any growth in the salary base used for calculating the retirement benefit;
- (iii) any additional benefit accrual for retirement purposes, including length-of-service increments;

The DROP Participant shall be required to provide any other information required by the Plan Administrator including, but not limited to, a Beneficiary designation.

- 8.04 Eligibility for Disability - If a DROP Participant becomes eligible for a Disability Benefit under section 5.01 and terminates Employment the monthly Normal Retirement Benefit of the DROP Participant shall terminate.
- 8.05 Effective Dates of DROP Participation - A retired Participant's effective date of participation in a DROP shall begin on the day following the effective date of the Participant's regular retirement and a retired Participant's participation in a DROP shall end on the last day of the participation period specified in the ordinance establishing the DROP based on the effective date of the retired Participant's participation in the DROP.
- 8.06 DROP Participation Termination - A DROP Participant may change the DROP termination date to an earlier date within the limitation of section 8.03, but may not change it to a later date than elected at the time of initial DROP participation. No penalty shall be imposed for early termination of DROP participation. Upon either early or regular termination of DROP participation, the DROP Participant shall be separated from Employment with the Employer and the Plan shall pay the balance in the DROP Participant's subsidiary DROP Participant Account to the terminating Participant as provided in section 8.10. The DROP Participant shall be ineligible to re-enroll in the DROP thereafter even if the former DROP Participant is re-employed by the Employer with renewed active membership in the Plan.
- 8.07 DROP Participant Contributions - DROP Participants shall neither be required nor permitted to pay contributions into the Plan during the DROP participation period.

DROP BENEFITS

- 8.08 Fixed Retirement Benefits, Retirement Date and DROP Dates - Effective with the DROP Retirement Date, the Participant's monthly Normal Retirement Benefit as calculated under section 4.02 of the Plan, including Service Increment Benefit pursuant to section 4.04 if applicable, the Participant's effective date of retirement and the Participant's effective dates of beginning and terminating participation in the DROP shall be fixed. There shall be no further retirement benefit accruals after the Participant's DROP Retirement Date.

- 8.09 Normal Retirement Benefit Payment and Accruals - The retired Participant's monthly retirement benefit, including Cost-of-Living adjustments pursuant to section 4.07 as they become due, shall be credited monthly to the DROP Participant's DROP Participant Account in the Pension Fund Interest shall be compounded and credited monthly at the actual rate earned by the DROP Participant Account, which shall not be less than 0% nor more than 4.5%, on the existing account balance in the DROP Participant's DROP Participant Account as of the first day of the month coincident with or following the Participant's Retirement Date. The Participant's monthly retirement benefit shall be credited to the account after the interest has been credited to the existing account balance in the DROP Participant's DROP Participants Account. The Participant's retirement benefit and interest on that benefit shall continue to accrue in this matter on the first day of each month thereafter during the Participant's DROP participation. A separate accounting of the DROP Participant's DROP Participant Account shall be calculated annually and provided to the Participant.
- 8.10 Payment of DROP Benefits - On the effective date of a DROP Participant's termination of Employment with the Employer, participation in the DROP shall cease and the Plan shall calculate and pay to the Participant the total accumulated value of the DROP Participant Account subject to the following provisions:
- (a) The terminating DROP Participant or, if the Participant is deceased, the Participant's named Beneficiary shall elect on a form provided by the Plan Administrator to receive payment of the DROP benefits in accordance with one of the following options:
 - (i) The balance in the DROP Participant's DROP Participant Account less withholding taxes, if any, remitted to the Internal Revenue Service shall be paid by the Plan within forty-five (45) days of the DROP Participant's termination of Employment from the account to the DROP Participant or surviving Beneficiary; or
 - (ii) The balance in the DROP Participant's DROP Participant Account shall be paid by the Plan within forty-five (45) days of the DROP Participant's termination of Employment from the account directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(B) of the Internal Revenue Code of 1986 or, in the case of an eligible rollover distribution to the surviving spouse of a deceased Participant to an eligible retirement plan which is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the Internal Revenue Code of 1986.
 - (b) If the DROP Participant or Beneficiary fails to elect a method of payment within sixty (60) days after the Participant's termination date, the Plan shall pay the balance as a lump sum as provided in subparagraph (i).

- (c) The form of payment, rollover provisions, and notification requirements shall at all times comply with the applicable requirements of the Internal Revenue Code of 1986.
 - (d) The terminating DROP Participant shall commence receipt of the monthly retirement benefit directly starting with the first day of the month coincident with or next following termination of Employment with the Borough.
- 8.11 Pre-retirement Benefits - Except for those benefits specified in section 8.03(b) as forgone by the member, a DROP Participant shall be eligible for any employee benefits provided to active employees before retirement by Borough of West View and those otherwise provided by law, including but not limited to, benefits under the act of June 2, 1915 (P.L. 736, No. 338), known as the Worker's Compensation Act; the act of June 28, 1935 (P.L. 477, No. 193), referred to as the Enforcement Officer Disability Benefit Law; the act of December 5, 1936 (2nd Sp.Sess, 1937 P.L. 2897, No. 1), known as the Unemployment Compensation Law; the act of June 24, 1976 (P.L. 424, No. 101), referred to as the Emergency and Law Enforcement Personnel death Benefits Act; and the Public Safety Officers' Benefit Act of 1976 (Public Law 94-430, 42 U.S.C. § 90 stat. 1347).

DROP DEATH BENEFITS

- 8.12 DROP Benefits for Designated Beneficiary - If a DROP Participant dies, the Participant's designated Beneficiary shall be entitled to apply for and receive the benefits accrued in the DROP Participant's DROP Participant Account as provided in section 8.10.
- 8.13 Final Credit Monthly Retirement Benefit - The monthly retirement benefit accrued in the DROP Participant's DROP Participant Account during the month of a DROP Participant's death shall be the final monthly retirement benefits credited for DROP participation.
- 8.14 DROP Eligibility Terminates upon Participant's Death - A DROP Participant's eligibility to participate in the DROP terminates upon the death of the DROP Participant. If a DROP Participant dies on or after the effective date of participation in the DROP but before the initial monthly retirement benefit of the Participant accruable for the month has accrued in the DROP Participant's subsidiary DROP Participant Account, the Plan Administrator shall pay the monthly retirement benefit payable from the Plan, if any, to the Beneficiary as though the Participant had not elected DROP participation and had died after the Employee's effective date of retirement, but before receipt of the retired Participant's first Normal Retirement Benefit.
- 8.15 Survivors Ineligible for Active Employee's Death Benefit - Except for those benefits specifically payable as a result of death incurred in the course of a hazardous public duty, the survivor of a DROP Participant who dies shall not be eligible to receive retirement death benefits payable in the event of the death of an active Employee.

- 8.16 Survivors Eligible for Retired Member's Death Benefit - The survivor of a DROP Participant who dies shall be eligible to receive retirement death benefits normally payable in the event of the death of retired Employee.

ADMINISTRATIVE PROVISIONS

- 8.17 Subsequent Employment and Renewal of Active Membership - After both the termination of the Participant's Employment as a DROP Participant with the Employer and the expiration of the DROP participation period, a former DROP Participant shall be subject to such re-employment limitations as other retired Employees and shall be eligible for renewed membership as an active Participant in the Plan and the DROP Participant shall be ineligible to re-enroll in the DROP pursuant to Section 8.06.
- 8.18 DROP Participant Account - As the Employer establishes a DROP, it shall establish a DROP Participant Account as a separate interest-bearing, ledger account in its pension trust fund for each DROP Participant. The account balance shall be accounted for separately but need not be physically segregated from other pension trust fund assets. A separate, interest-bearing, subsidiary DROP Participant Account shall be established for each DROP Participant and held in trust for the exclusive benefit of the DROP Participant and Beneficiaries of the DROP Participant.

In preparing the actuarial valuation reports of the Plan, the Employer shall exclude the compensation of all DROP Participants from the active member payroll and all DROP Participants from active member data. The DROP Participant's Account shall be held for the exclusive benefit of DROP retired Participants who are or were DROP Participants and for the Beneficiaries of these Participants or an alternate payee pursuant to section 8.10.

ARTICLE IX

ADMINISTRATION

- 9.01 Plan Administrator - The Plan Administrator shall be the Committee or the individual appointed by the Council who shall have the power and authority to do all acts and to execute, acknowledge and deliver all instruments necessary to implement and effectuate the purpose of this Plan. The Plan Administrator may delegate authority to act on its behalf to any persons it deems appropriate. If a Plan Administrator is not appointed, the Council shall be the Plan Administrator.
- 9.02 Police Pension Committee - If the Council shall appoint a Police Pension Committee to administer the affairs of the Plan, the Council shall delegate such authority as it shall deem appropriate to the Committee. The Committee shall consist of not more than five (5) members appointed by the Council. Each member of the Committee shall serve in that capacity until the earliest of resignation, death, removal or otherwise. Each member

may be removed at any time, with or without cause, by the Council. Each member may resign by delivering written notice to the Council and other members of the Committee. Vacancies on the Committee shall be filled by the Council.

9.03 Authority and Duties of the Plan Administrator - The Plan Administrator shall have full power and authority to do whatever shall, in its judgment, be reasonably necessary for the proper administration and operation of the Plan. The interpretation or construction placed upon any term or provision of the Plan by the Plan Administrator or any action of the Plan Administrator taken in good faith shall, upon the Council's review and approval thereof, be final and conclusive upon all parties hereto, whether Employees, Participants or other persons concerned. By way of specification and not limitation and except as specifically limited hereafter, the Plan Administrator is authorized:

- (a) to construe this Plan;
- (b) to determine all questions affecting the eligibility of any Employee to participate herein;
- (c) to compute the amount and source of any benefit payable hereunder to any Participant or Beneficiary;
- (d) to authorize any and all disbursements;
- (e) to prescribe any procedure to be followed by any Participant or other person in filing any application or Election;
- (f) to prepare and distribute, in such manner as may be required by law or as the Plan Administrator deems appropriate, information explaining the Plan;
- (g) to require from the Employer or any Participant such information as shall be necessary for the proper administration of the Plan;
- (h) to appoint and retain any individual to assist in the administration of the Plan, including such legal, clerical, accounting and actuarial services as may be required by any applicable law or laws; and
- (i) to select an individual retirement plan provider (either the state or a federally regulated financial institution) and invest funds in connection with the rollover of mandatory distributions as described in section 4.15(b).

The Plan Administrator shall have no power to add to, subtract from or modify the terms of the Plan or change or add to any benefits provided by the Plan, or to waive or fail to apply any requirements of eligibility for benefits under the Plan. Further, the Plan Administrator shall have no power to adopt, amend, or terminate the Plan, to select or appoint any Trustee or to determine or require any contributions to the Plan, said powers being exclusively reserved to the Council.

- 9.04 Police Pension Committee Organization** - If the Council appoints a Committee, it may organize itself in any manner deemed appropriate to effectuate its purposes hereunder, subject to the following:
- (a) The Committee shall act by a majority of its members at the time in office and such action may be taken either by vote at a meeting or in writing without a meeting.
 - (b) The Committee shall, from time to time, appoint such agents as it may deem advisable.
 - (c) The Committee may, from time to time, authorize any one or more of its members to execute any document or documents including any application, request, certificate, notice, consent, waiver or direction and shall notify the Council, in writing, of the name or names of the member or members so authorized. In the absence of a designation, the President shall be deemed to be so authorized. Any Trustee or other fiduciary appointed hereunder shall accept and be fully protected in relying upon any document executed by the designated member or members (or the President in the absence of a designation) as representing a valid action by the Committee until the Committee shall file with such fiduciary a written revocation of such designation.
 - (d) The Committee or its delegate, shall maintain and keep such records as are necessary for the efficient operation of the Plan or as may be required by any applicable law, regulation or ruling and shall provide for the preparation and filing of such forms or reports as may be required to be filed with any governmental agency or department and with the Participants and/or other persons entitled to benefits under the Plan but only to the extent that the Council shall delegate such duties and responsibilities to the Committee.
- 9.05 Plan Administrator Costs** - The Plan Administrator shall serve without compensation for services unless otherwise agreed by the Council in writing. All reasonable expenses incident to the functioning of the Plan Administrator, including, but not limited to, fees of accountants, counsel, actuaries and other specialists, and other costs of administering the Plan, may be paid from the Pension Fund upon approval by the Council to the extent permitted under applicable law and not otherwise paid by the Employer.
- 9.06 Hold Harmless** - No member of the Council, the Plan Administrator, the Enrolled Actuary, nor any other person involved in the administration of the Plan shall be liable to any person on account of any act or failure to act which is taken or omitted to be taken in good faith in performing their respective duties under the terms of this Plan. To the extent permitted by law, the Employer shall, and hereby does agree to, indemnify and hold harmless the Plan Administrator and each successor and each of any such individual's heirs, executors and administrators, and the delegates and appointees (other than any person, bank, firm or corporation which is independent of the Employer and

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within one hundred and twenty (120) days of receipt of such Notice), submit its decision in writing to the person or persons whose claim has been denied. The decision shall be final, conclusive and binding on all parties, shall be written in a manner calculated to be understood by the Claimant and shall contain specific references to the pertinent Plan provisions on which the decision is based.

- (d) Any Notice of a claim questioning the amount of a benefit in pay status shall be filed within ninety (90) days following the date of the first payment which would be adjusted if the claim is granted unless the Plan Administrator allows a later filing for good cause shown.
- (e) A Claimant who does not submit a Notice of a claim or a Notice requesting a review of a denial of a claim within the time limitations specified above shall be deemed to have waived such claim or right to review.
- (f) Nothing contained herein is intended to abridge any right of a Claimant to appeal any final decision hereunder to a court of competent jurisdiction under 2 Pa. C.S.A. section 752. No decision hereunder is a final decision from which such an appeal may be taken until the entire appeal procedure of this section 9.08 of the Plan has been exhausted.

ARTICLE X

THE PENSION FUND

- 10.01 Operation of the Pension Fund - The Council is hereby authorized to hold and supervise the investment of the assets of the Pension Fund, subject to the provisions of the laws of the Commonwealth and of this Plan and any amendment thereto.

The Pension Fund shall be used to pay benefits as provided in the Plan and, to the extent not paid directly by the Employer, to pay the expenses of administering the Plan pursuant to authorization by the Employer.

The Employer intends the Plan to be permanent and for the exclusive benefit of its Employees. It expects to make the contributions to the Pension Fund required under the Plan. The Employer shall not be liable in any manner for any insufficiency in the Pension Fund; benefits are payable only from the Pension Fund, and only to the extent that there are monies available therein. The Pension Fund will consist of all funds held by the Employer under the Plan, including contributions made pursuant to the provisions hereof and the investments, reinvestments and proceeds thereof. The Pension Fund shall be held, managed, and administered pursuant to the terms of the Plan. Except as otherwise expressly provided in the Plan, the Employer has exclusive authority and discretion to manage and control the Pension Fund assets. The Employer may, however, appoint a trustee, custodian or investment manager, at its sole discretion.

10.02 Powers and Duties of Employer - With respect to the Pension Fund, the Employer shall have the following powers, rights and duties, in addition to those vested in it elsewhere in the Plan or by law, unless such duties are delegated.

- (a) To retain in cash so much of the Pension Fund as it deems advisable and to deposit any cash so retained in any bank or similar financial institution (including any such institution which may be appointed to serve as trustee hereunder), without liability for interest thereon.
- (b) To invest and reinvest the principal and income of the fund and keep said fund invested, without distinction between principal and income, in securities which are at the time legal investments for fiduciaries under the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended.
- (c) To sell property held in the fund at either public or private sale for cash or on credit at such times as it may deem appropriate; to exchange such property; to grant options for the purchase or exchange thereof.
- (d) To consent to and participate in any plan of reorganization, consolidation, merger, extension or other similar plan affecting property held in the fund; to consent to any contract, lease, mortgage, purchase, sale or other action by any corporation pursuant to any such plan.
- (e) To exercise all conversion and subscription rights pertaining to property held in the fund.
- (f) To exercise all voting rights with respect to property held in the fund and in connection therewith to grant proxies, discretionary or otherwise.
- (g) To place money at any time in a deposit bank deemed to be appropriate for the purposes of this Plan no matter where situated, including in those cases where a bank has been appointed to serve as trustee hereunder, the savings department of its own commercial bank.
- (h) In addition to the foregoing powers, the Employer shall also have all of the powers, rights, and privileges conferred upon trustees by the Pennsylvania Fiduciaries Investment Act, or as the same may be subsequently modified or amended, and the power to do all acts, take all proceedings and execute all rights and privileges, although not specifically mentioned herein, as the Employer may deem necessary to administer the Pension Fund.
- (i) To maintain and invest the assets of this Plan on a collective and commingled basis with the assets of other pension plans maintained by the Employer, provided

that the assets of each respective plan shall be accounted for and administered separately.

- (j) To invest the assets of the Pension Fund in any collective commingled trust fund maintained by a bank or trust company, including any bank or trust company which may act as a trustee hereunder. In this connection, the commingling of the assets of this Plan with assets of other eligible, participating plans through such a medium is hereby specifically authorized. Any assets of the Plan which may be so added to such collective trusts shall be subject to all of the provisions of the applicable declaration of trust, as amended from time to time, which declaration, if required by its terms or by applicable law, is hereby adopted as part of the Plan, to the extent of the participation in such collective or commingled trust fund by the Plan.
- (k) To make any payment or distribution required or advisable to carry out the provisions of the Plan, provided that if a trustee is appointed by the Employer, such trustee shall make such distribution only at the direction of the Employer.
- (l) To compromise, contest, arbitrate, enforce or abandon claims and demands with respect to the Plan.
- (m) To retain any funds or property subject to any dispute without liability for the payment of interest thereon, and to decline to make payment or delivery thereof until final adjudication is made by a court of competent jurisdiction.
- (n) To pay, and to deduct from and charge against the Pension Fund, any taxes which may be imposed thereon, whether with respect to the income, property or transfer thereof, or upon or with respect to the interest of any person therein, which the Fund is required to pay; to contest, in its discretion, the validity or amount of any tax, assessment, claim or demand which may be levied or made against or in respect of the Pension Fund, the income, property or transfer thereof, or in any matter or thing connected therewith.
- (o) To appoint any persons or firms (including but not limited to, accountants, investment advisors, counsel, actuaries, physicians, appraisers, consultants, professional plan administrators and other specialists), or otherwise act to secure specialized advice or assistance, as it deems necessary or desirable in connection with the management of the Fund; to the extent not prohibited by applicable law, the Employer shall be entitled to rely conclusively upon and shall be fully protected in any action or omission taken by it in good faith reliance upon, the advice or opinion of such persons or firms, provided such persons or firms were prudently chosen by the Employer, taking into account the interests of the Participants and Beneficiaries and with due regard to the ability of the persons or firms to perform their assigned functions.

- (p) To retain the services of one or more persons or firms for the management of (including the power to acquire and dispose of) all or any part of the Fund assets, provided that each of such persons or firms is registered as an investment advisor under the Investment Advisors Act of 1940, is a bank (as defined in that act), or is an insurance company qualified to manage, acquire or dispose of pension trust assets under the laws of more than one state; in such event, the Employer shall follow the directions of such Investment Manager or Managers with respect to the acquisition and disposition of fund assets, but shall not be liable for the acts or omissions of such Investment Manager or Managers, nor shall it be under any obligation to review or otherwise manage any Fund assets which are subject to the management of such Investment Manager or Managers. If the Employer appoints a trustee, the trustee shall not be permitted to retain such an Investment Manager except with the express written consent of the Employer.
- 10.03 Common Investments - The Employer shall not be required to make separate investments for individual Participants or to maintain separate investments for each Participant's account, but may invest contributions and any profits or gains therefrom in common investments.
- 10.04 Compensation and Expenses of Appointed Trustee - If a trustee is appointed, the trustee shall be entitled to such reasonable compensation as shall from time to time be agreed upon by the Employer and the trustee, unless such compensation is prohibited by law. Such compensation, and all expenses reasonably incurred by the trustee in carrying out its functions, shall constitute a charge upon the Employer or the Pension Fund, which may be executed at any time after thirty (30) days written notice to the Employer. The Employer shall be under no obligation to pay such costs and expenses, and, in the event of its failure to do so, the trustee shall be entitled to pay the same, or to be reimbursed for the payment thereof, from the Pension Fund.
- 10.05 Periodic Accounting - If a trustee is appointed, the Pension Fund shall be evaluated annually, or at more frequent intervals, by the trustee and a written accounting rendered as of each fiscal year end of the Fund, and as of the effective date of any removal or resignation of the trustee, and such additional dates as requested by the Employer, showing the condition of the Fund and all receipts, disbursements and other transactions effected by the trustee during the period covered by the accounting, based on fair market values prevailing as of such date.
- 10.06 Value of the Pension Fund - All determinations as to the value of the assets of the Pension Fund, and as to the amount of the liabilities thereof, shall be made by the Employer or its appointed trustee, whose decisions shall be final and conclusive and binding on all parties hereto, the Participants and Beneficiaries and their estates. In making any such determination, the Employer or trustee shall be entitled to seek and rely upon the opinion of or any information furnished by brokers, appraisers and other experts, and shall also be entitled to rely upon reports as to sales and quotations, both on security exchanges and otherwise as contained in newspapers and in financial publications.

ARTICLE XI

AMENDMENT AND TERMINATION

- 11.01 Amendment of the Plan - The Employer may amend this Plan at any time or from time to time by an instrument in writing executed in the name of the Employer under its municipal seal by officers duly authorized to execute such instrument and delivered to the Council provided, however:
- (a) that no amendment shall deprive any Participant or any Beneficiary of a deceased Participant of any of the benefits to which each is entitled under this Plan with respect to contributions previously made;
 - (b) that no amendment shall provide for the use of funds or assets held under this Plan other than for the benefit of Employees and no funds contributed to this Plan or assets of this Plan shall, except as provided in section 11.05, ever revert to or be used or enjoyed by the Employer; and
 - (c) that no amendment to the Plan which provides for a benefit modification shall be made unless the cost estimate described in section 12.03 has been prepared and presented to the Council in accordance with the Act.
- 11.02 Termination of the Plan - The Employer shall have the power to terminate this Plan in its entirety at any time by an instrument in writing executed in the name of the Employer.
- 11.03 Automatic Termination of Contributions - Subject to the provisions of the Act governing financially distressed municipalities, the liability of the Employer to make contributions to the Pension Fund shall automatically terminate upon liquidation or dissolution of the Employer, upon its adjudication as a bankrupt or upon the making of a general assignment for the benefit of its creditors.
- 11.04 Distribution Upon Termination - In the event of the termination of the Plan, all amounts of vested benefits accrued by the affected Participants as of the date of such termination, to the extent funded on such date, shall be non-forfeitable hereunder. In the event of termination of the Plan, the Employer shall direct either (a) that the Plan Administrator continue to hold the vested Accrued Benefits of Participants in the Pension Fund in accordance with the provisions of the Plan (other than those provisions related to forfeitures) without regard to such termination until all funds have been distributed in accordance with the provisions; or (b) that the Plan Administrator immediately distribute to each Participant an amount equal to the vested Accrued Benefit to the date.

If there are insufficient assets in the Pension Fund to provide for all vested Accrued Benefits as of the date of Plan termination, priority shall first be given to the distribution of any amounts attributable to mandatory or voluntary Employee contributions before assets are applied to the distribution of any vested benefits attributable to other sources hereunder.

All other assets attributable to the terminated Plan shall be distributed and disposed of in accordance with the provisions of applicable law and the terms of any instrument adopted by the Employer which affects such termination.

- 11.05 Residual Assets - If all liabilities to vested Participants and any others entitled to receive a benefit under the terms of the Plan have been satisfied and there remain any residual assets in the Pension Fund, such residual assets remaining shall be returned to the Employer insofar as such return does not contravene any provision of law, and any remaining balance, in excess of Employer contributions, shall be returned to the Commonwealth.
- 11.06 Exclusive Benefit Rule - In the event of the discontinuance and termination of the Plan as provided herein, the Employer shall dispose of the Pension Fund in accordance with the terms of the Plan and applicable law; at no time prior to the satisfaction of all liabilities under the Plan shall any part of the corpus or income of the Pension Fund, after deducting any administrative or other expenses properly chargeable to the Pension Fund, be used for or diverted to purposes other than for the exclusive benefit of the Participants in the Plan, their Beneficiaries or their estates.

ARTICLE XII

FUNDING STANDARD REQUIREMENTS

- 12.01 Actuarial Valuations - The Plan's Actuary shall perform an actuarial valuation at least biennially. Such biennial actuarial valuation report shall be made as of the beginning of each Plan Year occurring in an odd-numbered calendar year, beginning with the year 1985. Such actuarial valuation shall be prepared and certified by an approved Actuary, as such term is defined in the Act.

The expenses attributable to the preparation of any actuarial valuation report or investigation required by the Act or any other expense which is permissible under the terms of the Act and which are directly associated with administering the Plan shall be an allowable administrative expense payable from the assets of the Pension Fund. Such allowable expenses shall include but not be limited to the following:

- (a) investment costs associated with obtaining authorized investments and investment management fees;

- (b) accounting expenses;
- (c) premiums for insurance coverage on Fund assets;
- (d) reasonable and necessary counsel fees incurred for advice or to defend the Fund; and
- (e) legitimate travel and education expenses for Plan officials; provided, however, that the municipal officials of the Employer, in their fiduciary role, shall monitor the services provided to the Plan to ensure that the expenses are necessary, reasonable and benefit the Plan; and further provided, that the Plan Administrator shall document all such expenses item by item, and where necessary, hour by hour.

12.02 Duties of Chief Administrative Officer - Such actuarial reports shall be prepared and filed under the supervision of the Chief Administrative Officer.

The Chief Administrative Officer of the Plan shall determine the financial requirements of the Plan on the basis of the most recent actuarial report and shall determine the Minimum Municipal Obligation of the Employer with respect to funding the Plan for any given Plan Year. The Chief Administrative Officer shall submit the financial requirements of the Plan and the Minimum Municipal Obligation of the Employer to the Council annually and shall certify the accuracy of such calculations and their conformance with the Act.

12.03 Benefit Plan Modifications - Prior to the adoption of any benefit plan modification by the Employer, the Chief Administrative Officer of the Plan shall provide to the Council a cost estimate of the proposed benefit plan modification. Such estimate shall be prepared by an approved Actuary, which estimate shall disclose to the Council the impact of the proposed benefit plan modification on the future financial requirements of the Plan and the future Minimum Municipal Obligation of the Employer with respect to the Plan.

ARTICLE XIII

MISCELLANEOUS PROVISIONS


13.01 Plan Not a Contract of Employment - No Employee of the Employer nor anyone else shall have any rights whatsoever against the Employer or the Plan Administrator as a result of this Plan except those expressly granted hereunder. Participation in this Plan shall not give any right to any Employee to be retained in the employ of the Employer, nor shall interfere with the right of the Employer to discharge any Employee and to deal with such Employee without regard to the effect such treatment might have upon participation in this Plan.


- 13.02 Meaning of Certain Words - For purposes of this Plan, the masculine gender shall include the feminine gender and the singular shall include the plural, and vice versa, in all cases wherever the person or context shall plainly so require. Headings of Articles and Sections are inserted only for convenience of reference and are not to be considered in the construction of the Plan.
- 13.03 Information to be Furnished by the Employer - The Employer shall furnish to the Plan Administrator (and where applicable, the trustee) information in the Employer's possession as the Plan Administrator and the trustee shall require from time to time to perform their duties under the Plan.
- 13.04 Severability of Provisions - Should any provisions of this Plan be held illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining parts of this Plan, and the Plan shall be construed and enforced as if said illegal and invalid provisions had never been inserted herein.
- 13.05 Incapacity of Participant - If any Participant shall be physically or mentally incapable of receiving or acknowledging receipt of any payment of pension benefits hereunder, the Plan Administrator, upon the receipt of satisfactory evidence that such Participant is so incapacitated and that another person or institution is maintaining the Participant and that no guardian or committee has been appointed for the Participant, may provide for such payment of pension benefits hereunder to such person or institution so maintaining the Participant, and any such payments so made shall be deemed for every purpose to have been made to such Participant.
- 13.06 Pension Fund for Sole Benefit of Participants - The income and principal of the Pension Fund are for the sole use and benefit of the Participants covered hereunder, and to the extent permitted by law, shall be free, clear and discharged from and are not to be in any way liable for debts, contracts or agreements, now contracted or which may hereafter be contracted, and from all claims and liabilities now or hereafter incurred by any Participant or Beneficiary.
- 13.07 Benefits for a Deceased Participant - If any benefit shall be payable under the Plan to or on behalf of a Participant who has died, if the Plan provides that the payment of such benefits shall be made to the Participant's estate, and if no administration of such Participant's estate is pending in the court of proper jurisdiction, then the Plan Administrator, at its sole option, may pay such benefits to the surviving spouse of such deceased Participant, or, if there is no surviving spouse, to such Participant's then living issue, per stirpes; provided, however, that nothing contained herein shall prevent the Plan Administrator from insisting upon the commencement of estate administration proceedings and the delivery of any such benefits to a duly appointed executor or administrator.
- 13.08 Assets of the Fund - Nothing contained herein shall be deemed to give any Participant or Beneficiary any interest in any specific property of the Pension Fund or any right except to receive such distributions as are expressly provided for under the Plan.

- 13.09 Personal Liability – Subject to the provisions of the Act and unless otherwise specifically required by other applicable laws, no past, present or future Officer or agent of the employer or Plan Administrator shall be personally liable to any Participant, Beneficiary or other person under the provision of the Plan.
- 13.10 Construction of Document – This Plan may be executed and/or conformed in any number of counterparts, each of which shall be deemed an original and shall be construed and enforced according to the laws of the Commonwealth, excepting such Commonwealth's choice of law rules.

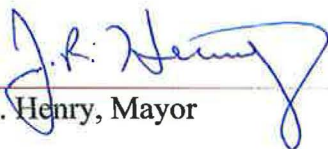
ORDAINED and ENACTED this 12th day of December, 2013

BOROUGH OF WEST VIEW

BY: 
Chief of Police Bruce A. Fromlak
Secretary/Manger

BY: 
President Barry G. Schell
Town Council

EXAMINED and APPROVED this 12th day of December, 2013

BY: 
J. R. Henry, Mayor

OFFICIAL BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1477

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY,
COMMONWEALTH OF PENNSYLVANIA, JOINING WITH OTHER LOCAL GOVERNMENTS UNITS
AS A SETTLOR OF THE PENNSYLVANIA LOCAL GOVERNMENT INVESTMENT TRUST
FOR THE PURPOSE OF PURCHASING SHARES OF THE TRUST.

WHEREAS, the Pennsylvania Local Government Investment Trust was formed in accordance with the authorization contained in the Intergovernmental Cooperation Act, as amended, initially by the Boroughs of Chambersburg and Emmaus, to provide a vehicle for Pennsylvania municipal entities to pool their funds for investment purposes; and

WHEREAS, the Municipality Authorities Act, as amended, authorizes municipal authorities to join with other political subdivisions and municipal authorities in accordance with the Intergovernmental Cooperation Act for the purpose of purchasing investments; and

WHEREAS, the Intergovernmental Cooperation Act provides that any joint cooperation agreement shall be governmental units;

NOW, THEREFORE be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by an with the authority of the same:

SECTION ONE – This Borough of West View (herein referred to as this “Governmental Unit”) shall join with other local governmental units in accordance with the Intergovernmental Cooperation Act and other similar acts by becoming a settler of the Pennsylvania Local Government Investment Trust (the “Trust”) and entering into the Declaration of Trust, which is adopted by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance was adopted.

SECTION TWO – This Governmental Unit is authorized to purchase shares in the Trust from time to time with available funds, and to redeem some or all of those shares from time to time as funds are needed for other purposes, subject to the terms and restrictions of the Declaration of Trust referred to in Section One. These actions are to be taken by the officers designated for this purpose, pursuant to general or specific instructions by the governing body of this Governmental Unit.

SECTION THREE – The Trustees of the Trust are designated as having official custody of this Governmental Unit’s funds which are invested by the purchase of shares in the Trust.

SECTION FOUR – As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined:

- (a) The conditions of the agreement are set forth in the Declaration of Trust referred to in Section One;
- (b) This Governmental Unit’s participation in the Trust shall be terminable at any time by Ordinance/Resolution, subject to the terms and restrictions of the Declaration of Trust referred to in Section One;

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- (c) The Declaration of Trust and the purchase of its shares are for the purpose of investing this Governmental Unit's funds in obligations which are otherwise legal investments, as part of a pooled arrangement with other local governmental units, thereby achieving economic and other advantages of pooled investments; and the powers and scope of authority delegated are set forth in the Declaration of Trust referred to in Section One;
 - (d) It is not necessary to finance the agreement authorized herein from funds of this Governmental Unit except through the purchase of shares in the Trust;
 - (e) The Trust shall be managed by a Board of Trustees as set forth in the Declaration of Trust and the By-Laws provided for therein;
 - (f) Shares may be repurchased and redeemed from time to time as this Governmental Unit may determine to be necessary or appropriate to meet its cash investment requirements in accordance with the terms and restrictions of the Declaration of Trust referred to in Section One and;
 - (g) The Trust shall be empowered to enter into contracts for policies of group insurance and employee benefits, including social security, for its employees.

SECTION FIVE – This Ordinance shall become effective at the earliest date permitted by law.

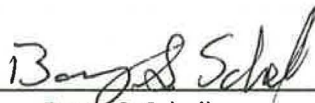
ORDAINED and ENACTED this 6th day of January 2014

BOROUGH OF WEST VIEW

BY:

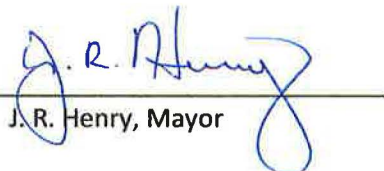

Chief of Police Bruce A. Fromlak
Secretary/Manager

BY:


Barry G. Schell
President of Town Council

EXAMINED and APPROVED this 6th day of January 2014

BY:


J. R. Henry, Mayor

OFFICIAL BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1478

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NUMBER 1476 OF DECEMBER 12, 2013, AMENDING THE BOROUGH OF WEST VIEW POLICE PENSION PLAN.

WHEREAS, the Town Council of the Borough of West View enacted Ordinance #1476 at its regularly advertised meeting of December 12, 2013; and

WHEREAS, it appears the language of Section 3.02 of Ordinance #1476 is incorrect and needs amended according to law;

NOW, THEREFORE, be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the authority of the same;

SECTION 1. Section 3.02 "Reduction of Participant Contributions" is hereby amended to read as follows:

"Notwithstanding the preceding Section 3.01, payments into the Pension Fund by Participants may be reduced below the minimum percentage prescribed in Section 3.01, or may be eliminated, and that if such payments are reduced or eliminated, contributions by the Employer will not be required to keep the Pension Fund actuarially sound, and the Employer may, by Ordinance or Resolution, reduce or eliminate payments to the Pension Fund by Participants on an annual basis."

The remaining language in Section 3.02 is hereby deleted and eliminated, to wit: "As of the Retirement Date, contributions have been eliminated and shall only be resumed upon adoption by the Council by an Ordinance or Resolution requiring the resumption of Participant Contributions."

SECTION 2. Any Ordinance or parts of an Ordinance, Plan or regulations in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 13th day of March, 2014

BOROUGH OF WEST VIEW

BY: Bruce A. Fromlak
Chief of Police Bruce A. Fromlak, Sec./Mgr.

BY: Barry G. Schell
Barry G. Schell, President of Town Council

EXAMINED and APPROVED this 13th day of March, 2014

BY: J. R. Henry
J. R. Henry, Mayor

BOROUGH OF WEST VIEW ORDINANCE # 1479

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING IN ITS ENTIRETY ORDINANCE NUMBER 190 OF JULY 7, 1915 (Ch. 129 of the 1977 Code) CHAPTER 265 OF THE CODE OF THE BOROUGH OF WEST VIEW AND ESTABLISHING A COMMISSION TO BE KNOWN AS THE "WEST VIEW SHADE TREE COMMISSION"

WHEREAS, Section XXVII of the Borough Code of Pennsylvania authorizes the regulation of trees by means of a WEST VIEW SHADE TREE COMMISSION; and

WHEREAS, the Borough of West View desires to establish a WEST VIEW SHADE TREE COMMISSION, which said Commission shall have all the powers and duties as conferred by said Borough as the same is now in effect or may hereafter amended and supplemented; and

NOW, THEREFORE, be it ORDAINED and it is hereby ORDAINED and ENACTED by the authority of the Town Council of the Borough of West View as follows:

SECTION 1 – Membership; terms of office; compensation; qualifications - The three person Commission shall be appointed by the Town Council of the Borough of West View, comprised of three Borough residents, serving without compensation, and the Town Council directs that two residents shall be appointed for a term of three years and the third resident shall be appointed for a term of two years. Subsequent appointments shall be for a four year term. Vacancies shall be filled by Town Council to any unexpired term and the appointment of a Shade Tree Commissioner from the Commission members shall be of Council's desire and discretion.

SECTION 2 – Custody and Control of trees – The West View Shade Tree Commission shall have full custody and control of the shade trees and other plan materials (grass excepted) within the right-of-way of public streets and highways and in all public areas within the corporate limits of the Borough of West View, with the exemption of the "Green Infrastructure" portion of Center Avenue between Hawthorne and Norwich Avenues.

SECTION 3 – Rules and Regulations – The WEST VIEW SHADE TREE COMMISSION shall prepare and recommend to Town Council rules and regulations necessary to manage shade trees and to institute proper arbor cultural practices. Such regulations shall be adopted by Ordinance.

SECTION 4 – Policy of Commission – It shall be the policy of said Commission to cooperate with the public and property owners insofar as possible at all times, and no planting or removal of any plant materials of a public nature shall be undertaken without notifying the property owner or owners in advance. This shall not include such minor items of work as pruning, bracing, bolting or spraying which may be of a seasonal nature or which may be done by reason of immediate danger to the safety of the public or for proper protection of the trees or shrubs.

SECTION 5 – Prohibited Conduct – No person, firm or corporation shall, without a permit duly issued by the Borough Manager, prune, bolt, spray, brace or paint or remove any tree, shrub or evergreen from within the limits of any public right-of-way, street, highway, park, parkway or public playground within the corporate limits of the Borough of West View nor shall they interfere with the main roots in any way nor place or affix any poster or any other fixture on any tree or tree guard, shrub or evergreen so located, nor remove any device placed to protect the same, nor shall they park a vehicle nor pile any harsh or heavy materials against, nor shall they hang anything from any tree, shrub or evergreen within the limits of any public right-of-way, street, highway, park, parkway or public playground within the corporate limits of the Borough of West View.

SECTION 6 – Interference with passage of air and water to roots – No person, firm or corporation shall place or hereafter maintain upon the ground within the right-of-way of any public street, lane, alley, park or public playground any stone, concrete, brick, mastic paving, gravel or any other substance which might impede the free passage of air and water to the roots of any tree, shrub or evergreen, without leaving a clear space of at least eight square feet surrounding the trunk of the tree or evergreen or the base of any shrub.

SECTION 7 – Protection of trees during building construction – Any person, firm or corporation or his, her, their or its agents or representatives in charge of the erection, repair or demolition of any structure or the excavation for the same, where trees, shrubs or evergreens within the public rights-of-ways, streets, highways, parks, parkways or public playgrounds within the corporate limits of the Borough of West View might be affected, shall not proceed with said work until they have placed adequate guards around all of said trees, shrubs or evergreens that may be so affected.

SECTION 8 – Liability for injuries to trees or shrubs – Any person, firm or employee of any corporation who shall injure in any manner any living tree, shrub or evergreen or ground cover (grass excepted) within the public rights-of-ways, streets, highways or any public property within the corporate limits of the Borough of West View shall be liable for damages and penalties as set forth in Section 21 of this Ordinance.

SECTION 9 – Trees overhanging streets – No person, firm or corporation or his, her, their or its agents or representatives shall maintain any trees, shrubs or evergreens overhanging the traveled or used portion of any public rights-of-ways, streets or highways, unless the same shall have an adequate clearance, wet or dry, to permit pedestrian and/or vehicular traffic. The WEST VIEW SHADE TREE COMMISSION shall have the right to designate, from time to time, what shall constitute an adequate clearance wherever the condition of the site shall warrant a specific clearance for public safety or convenience.

SECTION 10 – Abatement of nuisances – The Mayor or Borough Manager, when so authorized by the Council may, upon receipt of complaint from the WEST VIEW SHADE TREE COMMISSION, require of any owner or occupier of property having any shade trees, shrubs or evergreens within or overhanging the limits of any public right-of-way, street, highway, park, parkway or public playground within the corporate limits of the Borough, which may appear or threaten to be a public nuisance or dangerous to children, traffic or the public, or threaten or appear so to be, to remove or prune the same so as to abate the actual or threatened nuisance or dangerous condition, and on failure of the property owner or owners or occupiers so to do, after reasonable notice, the Mayor or Borough Manager may cause the same to be done, with percentage and costs added as hereinafter provided.

SECTION 11 – Removal of trees restricted – Only such trees or other items of plant material shall be removed from the public rights-of-ways, streets, highways or from public property as shall be considered by the WEST VIEW SHADE TREE COMMISSION to constitute a definite hazard to life or property, a public nuisance or a definite threat to the uninterrupted service of the public utilities within the Borough or because of a change or revision in the planting plans for the Borough trees.

SECTION 12 – Planting of trees restrictions and prohibited – All trees to be planted shall meet with the approval of the WEST VIEW SHADE TREE COMMISSION from the standpoints of a good appearance, longevity, freedom from insect and other diseases or trees of exceptional value in particular locations within the Borough. No tree shall be planted or removed without a written permit. The application for the permit will include information designating the type of tree and the place to be planted or removed. The Commission shall have the authority to approve or disapprove all actions. Prohibited trees along streets, lanes or highways of the Borough of West View or within 50 feet of any public sewer shall hereafter be unlawful. It is prohibited to plant or maintain any Carolina Poplar Tree or Callery Pear Tree within the Borough and the placing, planting or maintenance of the same is hereby declared to be a nuisance.

SECTION 13 – Specifications for trees to be planted –

- A. All trees to be planted within the public rights-of-ways, streets, highways or upon public property within the Borough shall not be less than 1 ½ inches in diameter, six inches above the ground and at least 10 feet in height, unless specifically specified otherwise by the WEST VIEW SHADE TREE COMMISSION for use in some particular location where smaller or balled type of tree may be advisable.
- B. All such trees shall have straight trunks, well developed leaders, tops and roots characteristic of the species or variety to be planted; free from all diseases and insect pests or mechanical injuries and any other objectionable features. Bottom branches shall be 7 feet above the ground, unless otherwise specified by the Commission.

SECTION 14 – Placement and spacing of trees – All trees in public streets and highways of the Borough shall be planted in the center of the strip between the curb and the sidewalk unless otherwise specified or allowed by the Commission and shall be spaced at least 30 feet apart for such trees as hawthorns, dogwoods, flowering apples or cherries or other trees which do not grow to a normal height of over 30 feet. All trees growing to a normal height of 40 feet or over shall have a minimum spacing of at least 40 feet and preferably 60 feet if conditions will allow.

SECTION 15 – Planting and bracing – All trees (unless directed otherwise by the Commission) shall be planted in holes at least 4 feet in diameter whenever space will allow, and the holes shall have a minimum depth of 3 feet with extra side drainage from the bottom in the case of poorly drained or very hard soil areas. At least ½ new topsoil shall be provided, together with 3 shovelfuls of peat moss. Trees shall be triple guyed, unless otherwise ordered by the Commission, with upright stakes at least 2 ½ inches in diameter set 4 feet in the ground and secured to tree with rubber hose and wire at least 5 feet above the ground.

SECTION 16 – Work standards – All work in connection with planting, pruning, spraying, bolting or painting shall be done and performed in accordance with best accepted arboricultural or horticultural practice, including sterilization of shears, pruning saws, etc., after being used on diseased trees.

SECTION 17 – Method of tree removal – When trees are removed, they shall be cut as close to the ground as conditions will permit with a power saw, and all stumps shall be treated immediately with an approved root and stump destroyer.

SECTION 18 – Exceptions to application of ordinance – The foregoing provisions of this article shall not apply where they materially interfere with lawful and public improvements, maintenance or repair of public streets and highways, public parks and public playgrounds, by the Borough of West View, its duly authorized agents and employees or by the county, state or federal governments.

SECTION 19 – Insurance required for employees – No person, firm or corporation nor employee thereof shall be employed by the Borough of West View or its WEST VIEW SHADE TREE COMMISSION in connection with any of the work covered or contemplated under the provisions of this article unless and until he, she, it or they have furnished to the Borough Manager proof of satisfactory workers compensation insurance so as to afford proper protection to the Borough and the Commission.

SECTION 20 – Bond or liability insurance required for work; waiver –

- A. Any person, firm or corporation or employee thereof granted a permit to remove, spray, bolt, brace or prune any tree, shrub, evergreen or ground cover, with the exception of grass, within the public rights-of-way or on public property within the Borough shall post a bond or furnish evidence of the same to the Borough Manager in an amount and form to be approved by the Manager or the Mayor or shall have taken out or take out and maintain satisfactory public liability and property damage insurance in the amount of \$100,000.00 combined CSL.
- B. This provision of this article may be waived by the Borough Manager as far as the bond and insurance are concerned, if and when the Borough Manager shall decide that the work to be performed is not likely to be of an 7y foreseeable injury of a bodily nature to the public or to public or private property, but any person operating under such waiver must furnish evidence to the Borough Manager that he or she carries full public and comprehensive liability of a reasonable nature, as well as workers compensation, and he or she shall waive all rights for compensation or damages by the Borough of West View and to include naming the Borough of West View as an additional insured.

SECTION 21 – Violations and penalties –

- A. Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$1,000.00, plus costs of prosecution, and in default of payment of such fine and costs, by imprisonment for not more than 30 days for any single violation of this article, or the Borough may elect to collect such judgments and costs by execution or other process as provided by law. Such fine shall be recoverable as like penalties are by law recoverable. Each succeeding 24 hours that said tree or trees are maintained after the time fixed by this chapter for removal shall be deemed and taken as a new offense.
- B. In lieu of or in addition to the penalty hereinabove provided, the Borough of West View, at its option, may require the person, firm or corporation so injuring or removing any trees, shrubs or evergreens in violation of this article to cause the same to be replaced or the damage caused thereby corrected and, in default thereof, may cause the replacement or correction to be made or done and all costs thereof to be collected by suit which assumes it or the filing of a lien with a record of costs and percentages added as provided by law.
- C. Permit fees shall be set by resolution of the Borough Council and may be adjusted from time to time by resolution adopted by Borough Council.

SECTION 22 – Municipal trees and vegetation / Municipal streets and sidewalks –

- A. Any vegetation abutting any street, alley, cart-way or right-of-way or on an owner's real property which poses an imminent and clear and present danger to persons, real property, personalty or the likelihood of same, violates this article.
- B. Any vegetation abutting any street, alley, cart-way or right-of-way or on an owner's real property that interferes with or is likely to interfere with electricity lines or communication lines violates this article.
- C. Any vegetation abutting any street alley, cart-way or right-of-way or on an owner's real property that interferes with pedestrian or vehicle traffic or which is causing damage to sidewalks, streets, alleys and/or Borough cart-way or right-of-way violates this article.

SECTION 23 – Violations and abatement –

- A. Emergency – whenever any vegetation abutting any street, alley, right-of-way or situate on an owner's real property which has caused a dangerous condition; the property owner must take immediate, safe and proper abatement measures. Upon

failure of the owner to act, or where an owner cannot be contacted, the Borough may cause the abatement to be done and to levy a charge against the property for any cost incurred.

- B. Imminent danger – whenever any vegetation abutting any Borough street, alley, cart-way or right-of-way or on an owner's real property presents an imminent and clear and present danger of causing damage to persons, real property or personalty, the real property owner will have 48 hours to remove or abate the hazard in a manner acceptable to the Borough of West View. Upon failure of the owner to comply with such notice, the Borough may cause the removal of the hazard and levy a charge against the property for costs incurred.
- C. Obvious Danger – whenever any vegetation abutting any Borough street, alley, cart-way or right-of-way or an owner's real property presents an obvious or potential danger of causing damage to persons, real property or personalty, the real property owner shall have 45 days to remove or abate the potential hazard in a manner acceptable to the Borough of West View.

SECTION 24 – Notice of violation; failure to respond, issuance if citations –

A. Notice of violation –

- 1. The West View Borough Police Department, West View Volunteer Fire Department or designated Code Enforcement Officer will attempt to notify the property owner of any violation of the above.
- 2. Upon observation or having received an opinion from an arborist or upon information received from the Code Enforcement Officer, shall notify the offending property owner by first class mail of any violation of the above.

B. Failure of owner to respond –

- 1. When the property owner does not immediately respond or timely response is not available under a violation of this ordinance, the Borough may take appropriate abatement measures, including pruning, removal and cleaning using West View Borough Employees or a contracted service.
- 2. If the property owner does not comply with any requirement of this ordinance and any time frame required by the appropriate section, the Borough's Code Enforcement Officer or any West View Police Department Officer shall issue a non-traffic citation to the real property owner.
- 3. Any person convicted of violating any section of this article shall pay a fine not exceeding \$1,000.00 and costs of abatement including wages, costs and contracts to third parties, shall be a lien on the owner's real property as well as collectable jointly and severally against owners by civil suit in addition to actions for collections by the judicial system.

SECTION 24 – Any ordinance or part of ordinance in conflict with the provisions of this ordinance are hereby repealed to the extent of said conflict.

ORDAINED and ENACTED this 10th day of April 2014

BOROUGH OF WEST VIEW

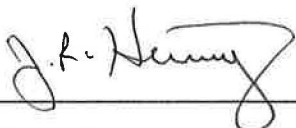
BY: 

Chief of Police Bruce A. Fromlak, Sec./Mgr.

BY: 

Barry G. Schell, President of Town Council

EXAMINED and APPROVED this 10th day of April 2014

BY: 

J. R. Henry, Mayor

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA REQUIRING A PERMIT FOR CURB CUTS OR OTHER MEANS OF ACCESS TO BOROUGH STREETS LOCATED IN THE R-1 AND R-3 ZONING DISTRICTS, PROVIDING THE CRITERIA FOR THE ISSUANCE OF SAID PERMITS AND ESTABLISHING FINES FOR THE VIOLATION THEREOF.

WHEREAS, in order to maintain the health, safety and welfare of the residents of the Borough of West View, Council deems it in the Borough's best interests to control curb cuts and other forms of access onto public streets of the Borough in the R-1 and R-3 Zoning Districts; and

WHEREAS, said unregulated curb cuts or other access allow not only uncontrolled access to public streets, but also aid and assist in front yard parking creating an unsightly appearance to property in the Borough; and

WHEREAS, front yard parking, and unregulated access to public streets in the R-1 and R-3 zoned districts of the Borough constitute a danger to the public welfare.

NOW, THEREFORE, be it ORDAINED and ENACTED, by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the authority of the same.

Section 1 – No driveway or curb cut or other means of accessing a public street in a front or side yard within the Borough of West View R-1 and R-3 residential zoning shall be permitted unless it constitutes an access driveway leading to a garage or paved rear lot parking area. Further, said curb cut or access path shall maintain an approved line of sight regarding the street. No front yard parking shall be permitted in R-1 zoned areas. Driveways must remain at least five (5) feet from the abutting property. Parking and access driveways shall be set back at least forty (40) feet from the property line. Driveways must be no more than six (6) feet in width. Parking areas must be at least 150 square feet in area and sufficiently buffered from surrounding property.

Section 2 – A curb cut shall mean any access to public streets of the Borough. In order to obtain a curb cut, the owner of the property must obtain a permit from the Borough and meet the criteria set forth in Section 1 herein, and said access shall only be lawful if the curb cut or access leads to a garage, or paved rear parking area.

Section 3 – This Ordinance shall also govern access to property from the Borough alleyways, under the same terms and conditions set forth herein.


Section 4 – Anyone violating the provisions of this Ordinance shall be subject to a daily fine not to exceed two hundred dollars (\$200.00) and shall take the necessary actions to bring their property into compliance with this Ordinance.

Section 5 – Any Ordinance or parts of an Ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

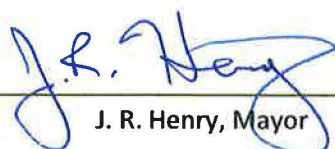
ORDAINED and ENACTED this 14th day of August 2014

BOROUGH OF WEST VIEW

By: 
Chief of Police Bruce A. Fromlak
Secretary/Manager

By: 
President Barry G. Schell
Town Council

EXAMINED and APPROVED this 14th day of August 2014

By: 
J. R. Henry, Mayor

OFFICIAL BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1481

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW
AMENDING SECTION 2 – PENALTY FOR VIOLATION - OF THE STREET CLEANING
ORDINANCE #1429 OF SEPTEMBER 14, 2005.

WHEREAS; the Borough of West View adheres and enforces Ordinance #1429 regarding street cleaning and sweeping; and

WHEREAS; the Town Council desires to amend Section 2 – Penalty for Violation; and

NOW, THEREFORE, be it ORDAINED and ENACTED, by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the authority of the same that the following Section be deleted from the Code of the Borough of West View:

Section Two – Penalty for Violation – “be sentenced to pay a fine of five dollars (\$5.00) for first violation, ten dollars (\$10.00) for second violation and fifteen dollars (\$15.00) for three or more violations”

HEREBY be amended and replaced and be enforced within the Code of the Borough of West View as:


Section Two – Penalty for Violation – “be sentenced to pay a fine of ten dollars (\$10.00) per each violation”

Any Ordinance or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.


ORDAINED and ENACTED this 14th day of August 2014

BOROUGH OF WEST VIEW

By:

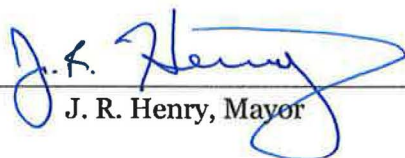

Chief of Police Bruce A. Fromlak
Secretary/Manager

By:


President Barry G. Schell
Town Council

EXAMINED and APPROVED this 14th day of August 2014

By:


J. R. Henry, Mayor

OFFICIAL
BOROUGH OF WEST VIEW
ORDINANCE NUMBER 1482

AN ORDINANCE OF THE BOROUGH OF WEST VIEW, COUNTY OF ALLEGHENY,
FIXING THE TAX RATE FOR THE YEAR 2015.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View and it is hereby ORDAINED and ENACTED by and with the Authority of the same:

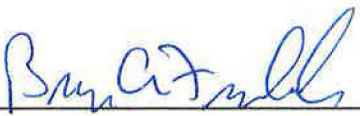
That a tax be and the same is hereby levied on all real property within the Borough of West View subject to taxation for the Fiscal Year 2015 as follows:

Tax Rate for general purposes,
the sum of 5.40 Mills
on each Dollar of assessed valuation

That any Ordinance, or part of Ordinance, in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

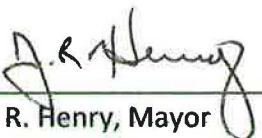
ORDAINED and ENACTED this 11th day of December 2014

BOROUGH OF WEST VIEW

BY: 
Chief of Police Bruce A. Fromlak
Secretary/Manager

BY: 
Barry G. Schell
President of Town Council

EXAMINED and APPROVED this 11th day of December 2014

BY: 
J. R. Henry, Mayor

