

**LOWER SOUTHAMPTON TOWNSHIP**

**BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 533 - 2009**

**AN ORDINANCE OF LOWER SOUTHAMPTON TOWNSHIP, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR AMENDMENT OF ORDINANCE NO. 464 OF LOWER SOUTHAMPTON TOWNSHIP, ESTABLISHING THE POLICE PENSION PLAN, AS CODIFIED UNDER CHAPTER 1 PART 7(A) OF THE CODE OF LOWER SOUTHAMPTON TOWNSHIP; PROVIDING FOR CERTAIN AMENDMENTS TO THE POLICE EMPLOYEE PENSION PLAN, TO EXTEND THE MANDATORY RETIREMENT DATE TO SIXTY (60) MONTHS FROM THE DATE OF WRITTEN ELECTION FOR PARTICIPATION IN THE DEFERRED RETIREMENT OPTION PROGRAM; REPEALING ANY AND ALL INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES, AND ANY AND ALL PORTIONS, PARTS OR PROVISIONS OF THE CODE OF LOWER SOUTHAMPTON TOWNSHIP INCONSISTENT WITH THE TERMS, CONDITIONS AND PROVISIONS OF THE WITHIN ORDINANCE; AUTHORIZING DESIGNATED REPRESENTATIVES OF THE TOWNSHIP TO EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECT THE TERMS, CONDITIONS AND PROVISIONS OF THIS ORDINANCE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the Township of Lower Southampton, Bucks County, Commonwealth of Pennsylvania (hereinafter "Township") adopted Ordinance 464 on December 8, 1999, establishing a Police Employee Pension Plan, and amended said Ordinance on September 25, 2002, by Ordinance 481, adding the Deferred Retirement Option Program to the said Plan; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township entered into a contract (hereinafter the "Contract") with the uniformed employees of the Township, effective January 1, 2009, which Contract requires amendment of the Deferred Retirement Option Program of the Police Employee Pension Plan; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township, in order to comply with the aforesaid Contract, has determined that amendment of the Township's Police Employee Pension Plan, Ordinance No. 464 of 1999, as amended by Ordinance 481 of 2002, is necessary; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township finds it to be in the best interest of the citizens of the Township, and the police employees of the Township to extend the permissible participation period in the Deferred Retirement Option Program from thirty-six (36) months to sixty (60) months.

**NOW THEREFORE**, be it **ORDAINED** and **ENACTED** by the authority of the Board of Supervisors of the Township of Lower Southampton as follows:

**SECTION 1:**

- A. The Provisions of this Ordinance shall be deemed additions to the terms, conditions or provisions of the Police Employee Pension Plan Ordinance, as codified, unless such terms, conditions or provisions of this Ordinance conflict with the terms, conditions or provisions of Ordinance No.464 as codified by Article 1, Chapter 7 (A) of the Code, in which case, the terms of this Ordinance shall control;
- B. Ordinance No. 464 of 1999, of the Police Pension Plan Ordinance, as codified at Article 1 Chapter 7 (A) of the Code of the Township of Lower Southampton, and as amended by Ordinance No. 481 of 2002, is hereby amended as follows:

**§1.713. Deferred Retirement Option Program (DROP).**

*Definitions.*

*DROP Account*

\* \* \* \* \*

(2) *Written Election.* \* \* \* \* \*

In no event shall the resignation date be shorter than 12 months or longer than **60** months from the execution of the DROP option form.

**SECTION 2: IMPLEMENTATION**

In order to implement the terms, conditions and provisions of this Ordinance, the Board of Supervisors hereby authorizes the Chairman, the Township Secretary, the Township Manager and any other necessary official of the Township to execute such documents as may be required in order to Implement the terms, conditions and provisions of this Ordinance.

**SECTION 4: REPEALER**

The terms, conditions and provisions of this Ordinance are intended to supersede, repeal and replace any inconsistent terms, conditions or provisions of the Code of Lower Southampton Township, Article 1, Section 7(A) of the Code of Lower Southampton Township, as adopted by Ordinance 464 of 1999, and as amended by Ordinance 481 of 2002, and any term, condition or provision of the Code not in conflict of the terms, conditions and provisions of this Ordinance shall survive the enactment of this Ordinance.

**SECTION 5: SEVERABILITY**

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

**SECTION 6: EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Southampton Township.

**ORDAINED** and **ENACTED** an Ordinance of the Township of Lower Southampton this 11th day of February, 2009.

BOARD OF SUPERVISORS OF  
LOWER SOUTHAMPTON TOWNSHIP

\_\_\_\_\_  
John McMenamin, Chairman

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
, Secretary

**LOWER SOUTHAMPTON TOWNSHIP**

**BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 534-2009**

**AN ORDINANCE OF LOWER SOUTHAMPTON TOWNSHIP, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR AMENDMENT OF ORDINANCE NO. 471 OF LOWER SOUTHAMPTON TOWNSHIP, ESTABLISHING A REAL ESTATE REGISTRY, AS CODIFIED UNDER CHAPTER 1 PART 6 OF THE CODE OF LOWER SOUTHAMPTON TOWNSHIP; PROVIDING FOR CERTAIN AMENDMENTS IN ORDER TO CONFORM THE ORDINANCE TO THE UNIFORM MUNICIPAL DEED REGISTRATION ACT (ACT 110 OF 2008) BY REQUIRING REGISTRATION OF DEEDS AFTER RECORDING BY THE RECORDER OF DEEDS FOR BUCKS COUNTY, AND BY LIMITING THE FEE FOR REGISTRATION TO TEN DOLLARS; REPEALING ANY AND ALL INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES, AND ANY AND ALL PORTIONS, PARTS OR PROVISIONS OF THE CODE OF LOWER SOUTHAMPTON TOWNSHIP INCONSISTENT WITH THE TERMS, CONDITIONS AND PROVISIONS OF THE WITHIN ORDINANCE; AUTHORIZING DESIGNATED REPRESENTATIVES OF THE TOWNSHIP TO EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECT THE TERMS, CONDITIONS AND PROVISIONS OF THIS ORDINANCE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the Township of Lower Southampton, Bucks County, Commonwealth of Pennsylvania (hereinafter "Township") adopted Ordinance 471 on October 24, 2001, establishing a Real Estate Registry requiring that a Deed be registered at the Lower Southampton Township Building prior to being recorded with the Office of the Recorder of Deeds of Bucks County, requiring payment of a fee, as established by the Board of Supervisors, and declaring a violation of the Ordinance for any person to present a Deed for recording without a stamp showing registration with the Township; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township desires to insure compliance with all requirements of the Uniform Municipal Deed Registration Act (Act 110 of 2008) (hereafter the "Act"), imposing certain restrictions on municipal registration of Deeds; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township has determined that certain amendments to Ordinance No. 471 of 2001, are necessary to ensure compliance of the Township's deed registry program with the Act; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township finds it to be in the best interest of the citizens of the Township, to adopt such amendments.

**NOW THEREFORE**, be it **ORDAINED** and **ENACTED** by the authority of the Board of Supervisors of the Township of Lower Southampton as follows:

**SECTION 1:**

- A. The Provisions of this Ordinance shall be deemed additions to the terms, conditions or provisions of the Real Estate Registry Ordinance, as codified, unless such terms, conditions or provisions of this Ordinance conflict with the terms, conditions or provisions of Ordinance No. 471, as codified by Article 1, Chapter 6 of the Code of Lower Southampton Township, in which case, the terms of this Ordinance shall control.
- B. Ordinance No. 471 of 2001, the Real Estate Registry Ordinance, as codified at Chapter 1 Part 6 of the Code of Lower Southampton Township, is hereby amended as follows:

**§1-601** is amended to restate the text as follows:

The Board of Supervisors of Lower Southampton Township herein establishes a real estate registry for the Township of Lower Southampton. Said registry shall include the list of tax parcels and property owners set forth in the most recent real estate duplicate provided by the County of Bucks.

**§1-602** is amended to change the heading to read “Presentation of Deed to Township” and to restate the text as follows:

The owner or agent on behalf of the owner transferring any real property within Lower Southampton Township, within two (2) business days after recording the Deed or conveyance in the Office of the Recorder of Deeds of Bucks County, shall register the Deed or conveyance with Lower Southampton Township by delivering in person or by sending by registered or certified mail, return receipt requested, addressed to Lower Southampton Township Manager, 1500 Desire Avenue, Feasterville, PA 19053, a certified copy of the Deed or conveyance.

**§ 1-603** “Stamp Required” is deleted in its entirety.

**§1-604** “Fees” is renumbered as **§1-603** and is amended to restate the text as follows:

A fee shall be charged for the registration of each Deed and/or instrument of conveyance in the amount of Ten Dollars (\$10.00) per Deed; provided, however, that in the event the Uniform Municipal Deed Registration Act (Act 110 of 2008) (the “Act”) is amended to permit a fee greater than Ten Dollars (\$10.00), the fee for registration of each Deed and/or instrument of conveyance shall be established by Resolution of the Board of Supervisors but shall not exceed the amount of the fee permitted by the Act. The fee shall accompany the certified copy of the Deed or other instrument of conveyance registered in accordance with Section 1-602 hereof.

**§1-605** “Penalty” is renumbered as **§1-604** and is amended to change the title to “Enforcement” and to restate the text as follows:

Any person who violates this Ordinance shall be subject to a civil penalty not to exceed Six Hundred Dollars (\$600.00) per violation which may be collected in a civil enforcement proceeding initiated before a Magisterial District Court of the Commonwealth of Pennsylvania.

§1-606 is renumbered as §1-605.

**SECTION 2: REPEALER**

The terms, conditions and provisions of this Ordinance are intended to supersede, repeal and replace any inconsistent terms, conditions or provisions of Article 1, Section 6 of the Code of Lower Southampton Township, as adopted by Ordinance 471 of 2001, and any term, condition or provision of the Code not in conflict with the terms, conditions and provisions of this Ordinance shall survive the enactment of this Ordinance.

**SECTION 3: SEVERABILITY**

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

**SECTION 4: EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Southampton Township.

**ORDAINED** and **ENACTED** an Ordinance of the Township of Lower Southampton this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

BY THE BOARD OF SUPERVISORS:

\_\_\_\_\_  
Chairman

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
, Secretary

**ORDINANCE NO. 535**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF LOWER SOUTHAMPTON TOWNSHIP TO AMEND THE POLICE EMPLOYEE PENSION PLAN PROVISIONS TO PROVIDE FOR AN ADDITIONAL SERVICE INCREMENT OF \$50.00 PER MONTH FOR POLICE EMPLOYEES WHO HAVE RETIRED AND HAVE RENDERED 27 OR MORE YEARS OF SERVICE, UP TO A MAXIMUM OF 30 YEARS SERVICE; AND TO INCREASE THE SPOUSE AND DEPENDENT CHILDREN'S DEATH BENEFIT TO 75% OF THE MONTHLY PENSION THAT THE POLICE EMPLOYEE WAS RECEIVING OR WOULD HAVE RECEIVED HAD HE OR SHE BEEN RETIRED AT THE TIME OF HIS OR HER DEATH; REPEALING PRIOR INCONSISTENT ORDINANCES OR PARTS THEREOF; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Board of Supervisors of Lower Southampton Township has enacted the Code of Ordinances of Lower Southampton Township which contains, *inter alia*, the provisions of the Police Employee Pension Plan; and

**WHEREAS**, the Board of Supervisors desires to amend the Police Employee Pension Plan to provide for an additional service increment of \$50.00 per month for police employees who have retired and have rendered 27 or more years of service, up to a maximum of 30 years service, and to increase the spouse and dependent children's death benefit to 75% of the monthly pension that the police employee was receiving or would have received had he or she been retired at the time of his or her death;

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Lower Southampton Township, Bucks County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Chapter 1, Part 7 of the Code of Ordinances of Lower Southampton Township is amended as follows:

A. Section 1-704.5 is amended to add the following text to the end of the existing text:

“Effective January 1, 2009, an additional service increment of Fifty Dollars (\$50.00) per month shall be provided, in addition to the service increment heretofore provided in this section, to Police Employees who retire and have rendered twenty-seven (27) or more years of service up to a maximum of thirty (30) years of service.”

B. Sections 1-705.1 and 1-705.2 are each amended to replace reference to “65 percent” with “75 percent”.

II. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

III. All provisions of the Code of Ordinances of Lower Southampton Township unaffected by this Ordinance shall remain in full force and effect.

IV. The provisions of this Ordinance are hereby declared to be severable. If this Ordinance or any provision hereof is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Lower Southampton Township.

V. This Ordinance shall be effective five (5) days after its enactment.

**ENACTED and ORDAINED** this 7<sup>th</sup> day of April, 2009.

**ATTEST:**

**BOARD OF SUPERVISORS OF  
LOWER SOUTHAMPTON TOWNSHIP**

\_\_\_\_\_  
TED TAYLOR, MANAGER

\_\_\_\_\_  
JOHN MCMENAMIN, CHAIRMAN

\_\_\_\_\_  
MICHAEL F. CONNELLY, VICE-CHAIRMAN

\_\_\_\_\_  
MARK E. HOPKINS, SEC'Y/TREAS.

\_\_\_\_\_  
CONNIE BIRRANE

\_\_\_\_\_  
KEITH WESLEY

**LOWER SOUTHAMPTON TOWNSHIP**

**BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 536 - 2009**

**AN ORDINANCE OF LOWER SOUTHAMPTON TOWNSHIP, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR AMENDMENT OF ORDINANCE NO. 464 OF LOWER SOUTHAMPTON TOWNSHIP, AS AMENDED BY ORDINANCE 515 OF 2006, AND ORDINANCE 529 OF 2007, ESTABLISHING THE POLICE EMPLOYEE PENSION PLAN, AS CODIFIED UNDER CHAPTER 1 PART 4(B) OF THE CODE OF LOWER SOUTHAMPTON TOWNSHIP; PROVIDING FOR CERTAIN AMENDMENTS TO THE POLICE EMPLOYEE PENSION PLAN TO COMPLY WITH THE REQUIREMENTS OF ACT 600, 53 P.S. § 767, *et seq.*; PROVIDING FOR ADOPTION OF A CERTAIN POLICE EMPLOYEES' PENSION TRUST; REPEALING ANY AND ALL INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES, AND ANY AND ALL PORTIONS, PARTS OR PROVISIONS OF THE CODE OF LOWER SOUTHAMPTON TOWNSHIP INCONSISTENT WITH THE TERMS, CONDITIONS AND PROVISIONS OF THE WITHIN ORDINANCE; AUTHORIZING DESIGNATED REPRESENTATIVES OF THE TOWNSHIP TO EXECUTE SUCH DOCUMENTS AS NECESSARY TO EFFECT THE TERMS, CONDITIONS AND PROVISIONS OF THIS ORDINANCE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the Township of Lower Southampton, Bucks County, Commonwealth of Pennsylvania (hereinafter "Township") adopted Ordinance 464 on December 8, 1999, as amended by Ordinance 515 of 2006, and Ordinance 529 of 2007, codified as Chapter 1, Part 4(B) of the Code of Lower Southampton Township, which same Ordinance sets forth the terms, conditions and provisions governing the Lower Southampton Township Police Employee Pension Plan; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township desires to insure that that the terms, conditions and provisions of the Police Employee Pension Plan comply, in all respects, with all requirements of the Federal Internal Revenue Code and State Law governing the Township Police Pension Plan, including the requirements of Act 600; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township has determined that certain amendments to the Township's Police Employee Pension Plan are in order as a result of the requirements of the Internal Revenue Code; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township finds it to be in the best interest of the citizens of the Township and the police employees of the Township, to adopt such amendments;

**NOW THEREFORE**, be it **ORDAINED** and **ENACTED** by the authority of the Board of Supervisors of the Township of Lower Southampton as follows:

**SECTION I**

- A. The Provisions of this Ordinance shall be deemed additions to the terms, conditions or provisions of the Lower Southampton Township Police Employee Pension Plan, as codified, unless such terms, conditions or provisions of this Ordinance conflict with the terms, conditions or provisions of Ordinance No. 464, as amended by Ordinance 515 of 2006 and Ordinance 529 of 2007, and as codified by Article 1, Chapter 4(B) of the Code of Lower Southampton Township, in which case, the terms, conditions and provisions of this Ordinance shall control and supersede such inconsistent provisions.
  
- B. Ordinance No. 464 of 1999, the Lower Southampton Township Police Employee Pension Plan, as amended by Ordinance 515 of 2006 and Ordinance 529 of 2007, and as codified at Article 1 Chapter 4(B) of the Code of the Township of Lower Southampton, is hereby amended as follows:

§434, sub-section 6, is amended to read as follows:

- 6. Rollovers – This paragraph applies to distributions made on or after January 1, 1993. 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 Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

If the Plan makes a mandatory distribution on or after March 28, 2005, greater than \$1,000, and the participant does not elect to have such distribution paid directly to an eligible retirement plan specified by the participant in a direct rollover or to receive the distribution directly, then the plan administrator will pay the distribution in a direct rollover to an individual retirement plan designated by the plan administrator.

The following definitions shall apply with regard to this subsection.

- (a) *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 and the distributee’s designated beneficiary, or for a specified period of 10 years or more, any distribution to the extent such distribution is required under Section 401(a)(9) of the Internal

Revenue code, and the portion of any distribution that is not includable in gross income.

- (b) *Eligible retirement plan* is an individual retirement account described in Code §408(a), an individual retirement annuity described in Code §408(b), an annuity plan described in Code §403(a), a qualified plan described in Code §401(a), an annuity contract (or custodial agreement) described in Code §403(b), or an eligible deferred compensation plan described in Code §457(b) and maintained by an Employer described in Code §457(e)(1)(A), which accepts the participant's, the participant's spouse or alternate payee's eligible rollover distribution.
- (c) *Distributee*: A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Code, are distributees with regard to the interest of the spouse or former spouse.
- (d) *Direct rollover* is a payment by the plan to the eligible retirement plan specified by the distributee.

C. Section 421 (5), the definition of Earnings, is amended by adding the following thereto:

The forgoing notwithstanding, for Plan Years beginning on and after January 1, 1989, and prior to January 1, 1994, Earnings in excess of \$200,000 (as adjusted pursuant to section 401(a)(17) of the Internal Revenue Code, as amended) shall be disregarded. For Plan Years beginning on and after January 1, 1994, Earnings in excess of \$150,000 (as adjusted pursuant to section 401(a)(17) of the Code) shall be disregarded. For Plan Years beginning on and after January 1, 2002, the Earnings shall not exceed \$200,000 (as adjusted pursuant to section 401(a)(17) of the Code).

D. Section 421(18), the definition of Trustee, is amended to read as follows:

“Trustee” shall mean any person (including a corporate fiduciary) appointed by the Board to serve in that capacity under the Trust Agreement.

**SECTION II            REPEALER**

The terms, conditions and provisions of this Ordinance are intended to supercede, repeal and replace any inconsistent terms, conditions or provisions of the Code of Lower Southampton Township, Article I, Chapter 4(B), as adopted pursuant to Ordinance 464 of 1999, as amended by Ordinance 515 of 2006 and Ordinance 529 of 2007, and restated, and any other condition or provision of the Code not in conflict with the terms, conditions and provisions of this Ordinance shall survive the enactment of this Ordinance.

**SECTION III            SAVINGS CLAUSE**

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

**SECTION IV            EFFECTIVE DATE**

This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Lower Southampton Township.

**ORDAINED** and **ENACTED** an Ordinance of the Township of Lower Southampton this 15th day of July, 2009.

BOARD OF SUPERVISORS OF  
LOWER SOUTHAMPTON TOWNSHIP

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

ATTEST:

\_\_\_\_\_  
Assistant Secretary

**ORDINANCE NO. 537**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF LOWER SOUTHAMPTON TOWNSHIP TO ESTABLISH STOP INTERSECTIONS ON WESTBOUND LACEBARK STREET AT ITS INTERSECTION WITH WEST PINE STREET, AND ON NORTHBOUND WEST PINE STREET AT ITS INTERSECTION WITH LACEBARK STREET; AUTHORIZING THE ERECTION OF APPROPRIATE TRAFFIC SIGNS; REPEALING PRIOR INCONSISTENT ORDINANCES OR PARTS THEREOF; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Board of Supervisors of Lower Southampton Township has enacted the Code of Ordinances of Lower Southampton Township which contains, *inter alia*, provisions establishing stop intersections in Lower Southampton Township; and

**WHEREAS**, the Township’s Police Department has conducted a traffic study of the intersection of Lacebark Street and West Pine Street, and have recommended that stop intersections be established on westbound Lacebark Street at its intersection with West Pine Street, and on northbound West Pine Street at its intersection with Lacebark Street; and

**WHEREAS**, the Board of Supervisors of Lower Southampton Township desires to accept the recommendation of the Township’s Police Department and establish stop intersections on westbound Lacebark Street at its intersection with West Pine Street, and on northbound West Pine Street at its intersection with Lacebark Street, in conjunction with the authority vested in the Board of Supervisors by the Pennsylvania Vehicle Code;

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Lower Southampton Township, Bucks County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Section 15-213.1 of the Code of Ordinances of Lower Southampton Township is amended to add the following stop intersections in alphabetical order as follows:

**STOP STREET INTERSECTING OR THROUGH STREET DIRECTION OF TRAVEL**

Lacebark Street	West Pine Street	Westbound
West Pine Street	Lacebark Street	Northbound

II. The appropriate officials and employees of the Township are hereby authorized to erect the required signs at the above-referenced intersections to establish stop intersections in conjunction with the Pennsylvania Vehicle Code.

III. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are hereby declared to be severable. If this Ordinance or any provision hereof is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Lower Southampton Township.

V. This Ordinance shall be effective five (5) days after its enactment.

**ENACTED and ORDAINED** this 12<sup>th</sup> day of August, 2009.

**ATTEST:**

**BOARD OF SUPERVISORS OF  
LOWER SOUTHAMPTON TOWNSHIP**

\_\_\_\_\_  
TED TAYLOR, MANAGER  
Assistant Secretary

\_\_\_\_\_  
JOHN MCMENAMIN, CHAIRMAN

\_\_\_\_\_  
MICHAEL F. CONNELLY, VICE-CHAIRMAN

\_\_\_\_\_  
MARK E. HOPKINS, SEC'Y/TREAS.

\_\_\_\_\_  
CONNIE BIRRANE

\_\_\_\_\_  
KEITH WESLEY

**LOWER SOUTHAMPTON TOWNSHIP**

**BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO 538 2009**

**AN ORDINANCE OF LOWER SOUTHAMPTON TOWNSHIP, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, PROVIDING FOR THE ESTABLISHMENT OF A POLICY REGARDING THE PLACEMENT OF TRAFFIC CALMING DEVICES ON TOWNSHIP STREETS WITHIN RESIDENTIAL AREAS OF THE TOWNSHIP; PROVIDING FOR PROCEDURES REGARDING CITIZEN PETITIONS FOR PLACEMENT OF TRAFFIC CALMING DEVICES; AUTHORIZING TOWNSHIP STAFF TO ENGAGE IN TRAFFIC CALMING STUDIES TO DETERMINE THE NATURE AND PLACEMENT OF ANY TRAFFIC CALMING DEVICES; REPEALING ANY AND ALL INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Supervisors of the Township of Lower Southampton, Bucks County, Commonwealth of Pennsylvania (hereinafter "Township") is empowered by the Second Class Township Code to provide for regulation of traffic on any and all streets owned and maintained by the Township; and

**WHEREAS**, the Board finds that there is a legitimate need for the placement of traffic calming devices in various residential neighborhoods of the Township, to preserve the safety and tranquility of the residents living in such neighborhoods and to promote the general welfare of the citizens of the Township; and

**WHEREAS**, the Board has determined that it is desirable to provide for a process which permits the placement of traffic calming devices after public input and after professional review by the Township Police Department and Traffic Engineer ; and

**WHEREAS**, the Board has determined that no adequate procedure presently exists in the Township to accomplish the stated goals of this Ordinance;

**NOW THEREFORE**, be it **ORDAINED** and **ENACTED**, by the Board of Supervisors of the Township of Lower Southampton, Bucks County, Commonwealth of Pennsylvania, as follows:

**SECTION I**

The placement of traffic calming devices on Township roadways in residential neighborhoods is authorized subject to the terms and conditions provided under this Ordinance, unless the Board of Supervisors, upon certification by the Township Traffic Engineer, deems it necessary to require traffic calming devices without citizen petition or other procedure under this Ordinance.

## **SECTION II                    Traffic Calming Device Study upon Citizen Petition**

1.        The Township Manager, Township Police Department and Township Traffic Engineer are hereby authorized to commence a study of traffic safety conditions on any residential street or in any residential neighborhood upon presentation of a petition duly executed by not less than fifty (50%) percent of all of the property owners having road frontage on any particular residential street in the Township or upon presentation of a petition duly executed by not less than fifty (50%) of all property owners located within a residential subdivision or neighborhood, regardless of the road frontage of such properties.

2.        The Township Traffic Engineer, in cooperation with the Township Manager and Police Department, shall conduct a study of the traffic flow, traffic patterns, traffic count and speed limits and actual speeds maintained by vehicles traveling on the street or in the neighborhood or subdivision subject to the study, and shall review the viability of the placement of traffic calming devices to address any public safety concerns identified in the study.

3.        The Traffic Engineer shall prepare a written report to the Board of Supervisors setting forth his findings and conclusions as a result of the study, and setting forth any recommended traffic calming measures deemed to be warranted as a result of the study. If the Traffic Engineer determines that the installation of traffic calming measures is warranted, the report shall include a plan depicting the nature and location of any traffic calming devices recommended by the Traffic Engineer.

4.        The Board of Supervisors shall review the findings of the Traffic Engineer and, upon affirmative vote at a public meeting, may direct that the Township proceed with public review and comment regarding implementation of the recommendations contained in the report.

5.        In the event that the findings of the Traffic Engineer certify that the conditions on the residential street or in the neighborhood or subdivision constitute a public safety hazard, such that the Board deems the installation of the recommended calming devices necessary to preserve public safety, then the Board may direct the installation of such traffic calming devices without public review and comment.

## **SECTION III                    Public Review and Comment on Traffic Engineer's Report**

1.        Where directed by the Board of Supervisors pursuant to Section II(4), the Township Manager shall convene a public meeting of all of the residents owning property on the



SIGNATURE \_\_\_\_\_

2. Each property shall be provided one (1) ballot which shall be numbered or otherwise marked or identified for authenticity by the Township. The ballot shall be sent to the property owner, together with an explanation of the proposed installation and a summary of the report and findings of the traffic engineer, as well as a copy of the proposed plan. The Township shall also identify the location and times during which the plan and report may be inspected or reviewed at the Township building.

3. The Township shall identify a date certain by which all ballots must be returned to the Township. The return date shall be not less than fifteen (15) calendar days from the date of the mailing of the ballots.

4. Upon return of the ballots, the Township Manager shall tabulate and record the votes received. Any question regarding the validity of a ballot shall be determined by the Township Solicitor, without appeal. The Township Manager shall prepare a report of the results of the public vote and shall transmit same to the Board of Supervisors.

#### **SECTION V                      Ratification of Public Vote and Implementation of Plan**

1. Upon report of the public vote by the Township Manager, the Board of Supervisors shall ratify the results of the Manager's report if the Board finds that the balloting meets the requirements of this Section.

2. A public vote may be considered valid if the results show that not less than seventy-five (75%) of all affected property owners returned a completed and valid ballot and that not less than seventy (70%) of those ballots returned voted in favor of implementing the proposed traffic calming plan.

3. If the results of the public vote meet the requirements of Section V(2), then the Board shall approve implementation of the proposed traffic calming plan. If the results of the vote do not meet the requirements of this section, then the Board shall reject the plan.

4. Once a street, neighborhood or subdivision has been studied and a plan for implementation of traffic calming measures submitted to the process provided under this Ordinance and a proposed traffic calming plan rejected, no additional study may be conducted in the same area under this Ordinance for a period of ten (10) years, unless the Traffic Engineer certifies that traffic calming measures are required as provided under Section II(5).

5. Once approved, the Plan shall be implemented and no deviation or modification from the design of the Plan shall be permitted unless the Traffic Engineer, upon certification to the Board of Supervisors, determines that field conditions require revision to the measures proposed under the Plan. Such changes may be approved after a public hearing before the Board of Supervisors, without further public vote.

**SECTION VI Severability**

Should any section, subsection, clause, portion or part of this Ordinance be deemed to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, the Board herein states its intent that the remaining sections, subsections, clauses, portions or parts of this Ordinance shall not be effected by such holding, and that the Board shall have intended the adoption of this Ordinance without the provision deemed unconstitutional or otherwise invalid.

**SECTION VII Repealer**

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

**SECTION VIII Effective Date**

This Ordinance shall become effective five (5) days following its final adoption by the Board of Supervisors of the Township of Lower Southampton.

**ORDAINED** and **ENACTED** an ordinance of the Township of Lower Southampton this 9th day of September, 2009.

BOARD OF SUPERVISORS OF  
LOWER SOUTHAMPTON TOWNSHIP

\_\_\_\_\_  
John McMenamin, Chairman

ATTEST:

\_\_\_\_\_  
Ted Taylor, Assistant Secretary

**LOWER SOUTHAMPTON TOWNSHIP,  
BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 539**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF LOWER SOUTHAMPTON TOWNSHIP TO AMEND THE POLICE EMPLOYEE PENSION PLAN PROVISIONS TO PROVIDE FOR THE DIVISION OF A BENEFIT PURSUANT TO A QUALIFIED DOMESTIC RELATIONS ORDER AS DEFINED IN SECTION 414(P) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND THE PAYMENT OF SUCH BENEFIT TO AN ALTERNATE PAYEE; TO REQUIRE THAT THE BOARD OF SUPERVISORS ESTABLISH PROCEDURES TO DETERMINE WHETHER AN ORDER IS A QUALIFIED DOMESTIC RELATIONS ORDER, TO NOTIFY THE MEMBER AND ALTERNATE PAYEE OF SUCH DETERMINATION, AND TO ADMINISTER BENEFIT DISTRIBUTIONS PURSUANT TO A QUALIFIED ORDER; TO DEFINE "ALTERNATE PAYEE"; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Board of Supervisors of Lower Southampton Township has enacted the Code of Ordinances of Lower Southampton Township which contains, *inter alia*, the provisions of the Police Employee Pension Plan; and

**WHEREAS**, the Board of Supervisors desires to amend the Police Employee Pension Plan to provide for the division of a benefit pursuant to a qualified domestic relations order as defined in section 414(p) of the Internal Revenue Code of 1986, as amended, and the payment of such benefit to an alternate payee; to require that the Board of Supervisors establish procedures to determine whether an order is a qualified domestic relations order, to notify the member and alternate payee of such determination, and to administer benefit distributions pursuant to a qualified order; and to define "alternate payee";

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Lower Southampton Township, Bucks County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Section 1-712.1 of the Code of Ordinances of Lower Southampton Township is amended to read as follows:

1. No benefit under this Plan shall be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge or encumbrance, nor to seizure, attachment or other legal process for the debts of any Member or his beneficiary, except as follows:

A. All or a portion of the benefit payable to a Member may be divided pursuant to a domestic relations order determined to be a Qualified

Domestic Relations Order (QDRO), as defined in Section 414(p) of the Internal Revenue Code of 1986, as amended, and paid to an alternate payee. The benefit awarded to the alternate payee pursuant to the QDRO shall be paid at the same time and in the same manner as the Member's benefit from which it was derived.

B. The Board shall establish procedures to determine whether an order is a QDRO, to notify the Member and alternate payee of such determination and to administer benefit distributions pursuant to a qualified order.

C. For purposes of this Section, the term "alternate payee" means those individuals described in Section 414(p) (8) of the Internal Revenue Code of 1986, as amended.

II. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

III. All provisions of the Code of Ordinances of Lower Southampton Township unaffected by this Ordinance shall remain in full force and effect.

IV. The provisions of this Ordinance are hereby declared to be severable. If this Ordinance or any provision hereof is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Lower Southampton Township.

V. This Ordinance shall be effective October 1, 2009.

**ENACTED and ORDAINED** this 4th day of January, 2010.

**BOARD OF SUPERVISORS OF  
LOWER SOUTHAMPTON TOWNSHIP**

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

ATTEST:

\_\_\_\_\_  
Ted Taylor, Assistant Secretary



**ORDINANCE 540**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON,  
COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, TO AMEND  
THE CODE OF ORDINANCES KNOWN AS ORDINANCE NO. 356  
REPLACING THE INTERNATIONAL FIRE CODE OF 2003 WITH 2009**

**WHEREAS**, the Board of Supervisors of the Township of Lower Southampton, County of Bucks, Commonwealth of Pennsylvania, having adopted an Ordinance enacting the Code of Ordinances of the Township of Lower Southampton on December 17, 1986, and known as Ordinance No. 356; and

**WHEREAS**, said enacting Ordinance does prescribe a procedure for amendments to the Code; and

**WHEREAS**, the Board of Supervisors is desirous of amending the Code of Ordinances of the Township of Lower Southampton;

**BE IT ORDAINED BY THE** Board of Supervisors of the Township of Lower Southampton as follows:

*INTERNATIONAL FIRE CODE*

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the Fire Marshal's Office of Township of Lower Southampton, being marked and designated as the *International Fire Code*, 2009 edition, including Appendix chapters being adopted A, B, C, D, F, H, I, J as published by the International Code Council, be and is hereby adopted as the Fire Code of the Township of Lower Southampton, in the State of Pennsylvania regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Fire Marshal of the Township of Lower Southampton are hereby referred to, adopted, and made a part hereof, as of fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

**Section 2.** That the following sections are hereby revised:

Section 101.1 – Township of Lower Southampton

Section 109.3 – Five Hundred Dollars (\$600.00)

Section 111.4 – Five Hundred Dollars (\$600.00)

**Section 3.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each Section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phases be declared unconstitutional.

**Section 4.** That nothing in this Ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 4 of this Ordinance,; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 5.** That the Fire Marshal's Office is hereby ordered and directed to cause this Ordinance to be published.

**Section 6.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effective 5 days from and after the date of its final passage and adoption.

**DULY ENACTED AND ORDAINED** into an Ordinance, by a vote of at least a majority of the Board of Supervisors at a duly advertised public meeting of the Township on the 24<sup>th</sup> of March, 2010 which a quorum was present.

**BOARD OF SUPERVISORS  
LOWER SOUTHAMPTON TOWNSHIP**

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

ATTEST:

\_\_\_\_\_  
Assistant Secretary

**ORDINANCE NO. 541**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER SOUTHAMPTON, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES KNOWN AS ORDINANCE NO. 356 REPLACING THE PROPERTY MAINTENANCE CODE OF 2000 WITH 2009**

**WHEREAS**, the Board of Supervisors of the Township of Lower Southampton, County of Bucks, Commonwealth of Pennsylvania, having adopted an Ordinance enacting the Code of Ordinances of the Township of Lower Southampton on December 17, 1986, and known as Ordinance No. 356; and

**WHEREAS**, said enacting Ordinance does prescribe a procedure for amendments to the Code; and

**WHEREAS**, the Board of Supervisors is desirous of amending the Code of Ordinances of the Township of Lower Southampton;

An Ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the *Property Maintenance Code 2009*.

**BE IT ORDAINED BY THE** Board of Supervisors of the Township of Lower Southampton as follows:

*§5-103 PROPERTY MAINTENANCE CODE*

**Section 1. ADOPTION** - That a certain document, three (3) copies of which are on file in the office of the License & Inspections of Lower Southampton, being marked and designated as the *International Property Maintenance Code* as published by the International Code Council, Inc., be and is hereby adopted as the *Property Maintenance Code* of the Township of Lower Southampton, in the state of Pennsylvania; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *Property Maintenance Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

**Section 2. AMENDMENTS** - The following sections are hereby revised:

Section 101.1 Lower Southampton Township

Section 103.5 Fee Schedule as may be changed by Resolution and adopted by Board of Supervisors from time to time

Section 112.4 Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 dollars or more than \$600.00.

Section 304.14 April 1<sup>st</sup> to October 30<sup>th</sup>

Section 602.3 October 30<sup>th</sup> to April 30<sup>th</sup>

Section 602.4 October 30<sup>th</sup> to April 30<sup>th</sup>

**Section 3.** That Ordinance No. 499 of Lower Southampton Township entitled The International Property Maintenance Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed. (Where the provisions of this Code impose greater restrictions than those of any statute, other Ordinance or regulation, the provisions of this Chapter shall be controlling. Where the provisions of any statute other Ordinance or regulations impose greater restrictions than this code, the provisions of such statute, other ordinance or regulation shall be controlling.)

**Section 4.** That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (That the Township of Lower Southampton shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.)

**Section 5.** That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suite or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**DULY ENACTED AND ORDAINED** into an Ordinance, by a vote of at least a majority of the Board of Supervisors at a duly advertised public meeting of the Township on the 24<sup>th</sup> day of March 2010 which a quorum was present.

**BOARD OF SUPERVISORS  
LOWER SOUTHAMPTON TOWNSHIP**

\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Secretary

**TOWNSHIP OF LOWER SOUTHAMPTON  
ORDINANCE NO. 542**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER  
SOUTHAMPTON, COUNTY OF BUCKS,  
COMMONWEALTH OF PENNSYLVANIA,  
AUTHORIZING THE APPROPRIATE OFFICERS  
OF THE TOWNSHIP OF LOWER SOUTHAMPTON  
TO ENTER INTO AN INTERGOVERNMENTAL  
AGREEMENT WITH UPPER SOUTHAMPTON  
TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA  
FOR THE REPAIR AND REPAVING OF STUMP  
ROAD.**

**WHEREAS**, the Pennsylvania Intergovernmental Cooperation Law, 53 Pa. C.S.A. §2301, *et seq.*, as well as Section 1507 of the Pennsylvania Second Class Township Code authorizes townships to enter into agreements with other municipalities in order to cooperate in performing governmental powers, duties and functions and in carrying into effect provisions of law relating to said subjects which are common to such political subdivisions; and

**WHEREAS**, the Township of Lower Southampton and the Township of Upper Southampton have determined that it is in the best interest of their residents to cooperate in repairing and repaving of Stump Road, a portion of which is located in the Township of Lower Southampton and a portion of which is located in the Township of Upper Southampton; and

**WHEREAS**, the Pennsylvania Intergovernmental Cooperation Act requires that each municipality cooperating with other municipalities enact an ordinance authorizing its officers to enter into an Intergovernmental Agreement that sets forth the terms and conditions of cooperation with other municipalities; and

**WHEREAS**, the Township of Lower Southampton and the Township of Upper Southampton have agreed upon certain terms to govern the repair and repaving of Stump Road, which same Agreement the Township desires to approve as an Intergovernmental Agreement with the Township of Upper Southampton, consistent with 53 Pa.C.S.A. § 2301, *et seq.*

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

Section 1. The Intergovernmental Reimbursement Agreement, which same Agreement was approved by appropriate officers of the Board of Supervisors of the Township of Lower Southampton on December 9, 2009, is hereby adopted as an Intergovernmental Agreement with the Township of Upper Southampton for the repair

and repaving of Stump Road. A copy of the Agreement is not attached hereto but is fully incorporated herein by reference and available for inspection at the Lower Southampton Township Offices.

Section 2. This Ordinance shall be effective five (5) days after its legal enactment.

**ENACTED** and **ORDAINED** this 12th day of May , 2010.

**ATTEST:**

**BOARD OF SUPERVISORS OF  
LOWER SOUTHAMPTON TOWNSHIP**

\_\_\_\_\_  
TED TAYLOR, Township Manager

\_\_\_\_\_  
John McMenamin, Chairman

\_\_\_\_\_  
Keith Wesley, Vice-Chairman

\_\_\_\_\_  
Ed Shannon, Secretary/Treasurer

\_\_\_\_\_  
Mark Hopkins, Supervisors

\_\_\_\_\_  
Julia Newman, Supervisor

**TOWNSHIP OF LOWER SOUTHAMPTON  
BUCKS COUNTY, PENNSYLVANIA  
ORDINANCE NO. 543**

**AN ORDINANCE OF LOWER SOUTHAMPTON  
TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA,  
AMENDING THE LOWER SOUTHAMPTON  
ZONING ORDINANCE (ORDINANCE NO. 532), BY  
ADDING A NEW SECTION 2021 TO PERMIT  
SOLAR ENERGY SYSTEMS IN RESIDENTIAL AND  
COMMERCIAL ZONING DISTRICTS.**

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Southampton, Bucks County, Pennsylvania, as follows:

Section 1. The Zoning Ordinance of Lower Southampton Township, Part 1, Section 104, Definitions of Items, shall be amended to include the following definitions:

Solar Energy System. An energy conversion system including appurtenances which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site residential user.

Section 2. The Zoning Ordinance of Lower Southampton Township, Part 20, General Regulations, shall be amended by adding Section 2021 as follows:

Section 2021. SOLAR ENERGY SYSTEMS

It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a resident/commercial accessory use while protecting health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory to a residential/commercial use herein and specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

1. The installation and construction of a solar energy system shall be subject to the following development and design standards:

A. A solar energy system is permitted in all zoning districts as an accessory to a residential/commercial use.

B. A solar energy system shall provide power for the principal residential/commercial use and/or residential/commercial accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.

C. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

D. A solar energy system may be roof mounted or ground mounted.

E. A roof mounted system may be mounted on a principal building or accessory building. A roof mounted system whether mounted on the principal building or accessory building, may not exceed the maximum building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.

F. A ground mounted system shall not exceed the maximum building height for accessory buildings.

G. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage. Of the allowable lot coverage, the surface area of a ground mounted system shall not constitute more than two (2) percent of the allowable lot coverage or 360 square feet, whichever is less.

H. A ground mounted system or roof mounted system attached to an accessory building shall not be located within the front yard. If the property does not have a front yard, the system shall not be located in the side yard which would be considered the front yard.

I. The minimum solar energy system setback distance must comply with the rear yard and side yard building setbacks for the respective zoning district in which it is located.

J. The number of solar panels and supporting equipment shall be considered as one solar energy system.

K. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:

1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.

2. Mechanical equipment shall not be located in the front yard of any residential/commercial property.

3. Mechanical equipment shall be setback at least ten (10) feet from the rear and side property lines.

L. Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

M. All power transmission lines from a ground mounted solar energy system to any building or other structure are to be located underground whenever possible.

N. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturer's or installer's identification and any appropriate warning signs and placards may be displayed on the solar energy system provided they comply with the prevailing sign regulations.

O. A solar energy system shall not be constructed until a building permit has been approved and issued.

P. The design of the solar system shall conform to applicable industry standards. A building permit shall be obtained for a solar energy system per the PA Uniform Construct Code (UCC). All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider (PECO or PPL) shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from a certifying organization and any such design shall be certified by an Engineer registered in the Commonwealth of PA.

Q. The solar energy system shall comply with all applicable Township Ordinances and Codes so as to ensure the structural integrity of such solar energy system. A review may be needed as determined by the BCO and will be the responsibility of owner.

R. Before any construction can commence on any solar energy system, the property owner must acknowledge that he/she is the responsible party for owning and maintaining the solar energy system. If the solar energy system is abandoned or is in a state of disrepair, it shall be the responsibility of the property owner to remove or maintain the solar energy system.

2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.

Section 3. All other portions, parts and provisions of the Zoning Ordinance of Lower Southampton Township, as heretofore enacted and amended, shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force after its enactment by the Board of Supervisors of the Township of Lower Southampton as provided by law.

ORDAINED AND ENACTED this 11<sup>th</sup>, day of August, 2010, by the Board of Supervisors of Lower Southampton Township, Bucks County, Pennsylvania.

LOWER SOUTHAMPTON TOWNSHIP

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

**TOWNSHIP OF LOWER SOUTHAMPTON  
BUCKS COUNTY, PENNSYLVANIA  
ORDINANCE NO. 544**

**AN ORDINANCE OF LOWER SOUTHAMPTON  
TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA,  
AMENDING THE LOWER SOUTHAMPTON  
ZONING ORDINANCE (ORDINANCE NO. 532), BY  
ADDING A NEW SECTION 2022 TO PERMIT WIND  
ENERGY GENERATION IN THE FORM OF  
WINDMILLS IN RESIDENTIAL AND  
COMMERCIAL ZONING DISTRICTS.**

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Southampton, Bucks County, Pennsylvania, as follows:

**Section 1.**

PART 20, General Regulations of the Lower Southampton Township Zoning Ordinance, is amended by adding a new Section 2022, to read in its entirety as follows:

**SECTION 2022. WINDMILLS FOR RESIDENTIAL AND COMMERCIAL WIND ENERGY GENERATION**

A. Windmills for residential/commercial wind energy generation shall be permitted in accordance with this section.

B. Except as otherwise provided in the Township Zoning Ordinance, windmills shall be considered accessory structures and the generation of energy as an accessory use only in residential and commercial districts and only in accordance with this Section. Power generated by a windmill under this Section shall not exceed 10 KW (for commercial 20 KW). There shall be no commercial use of the windmills for the generation of energy, except for that energy generated in excess of the requirements of the property and purchased by a public utility in accordance with the law or other government regulations.

C. Wind energy generation shall be limited to one (1) windmill per lot or tract of land in both residential and commercial zoning districts.

D. The applicant shall demonstrate that the proposed site has sufficient wind for the continued and proper operation of the windmill.

E. The maximum height of any windmill, measured from the average approved finished grade at the perimeter of the windmill foundation to the highest vertical point of a blade at its maximum vertical position, shall not exceed twenty-five (25) feet in residential and commercial zoning districts.

- F. No windmill shall be placed in a front yard.
- G. Only single pole (monopole) windmill structures shall be permitted. A windmill pole shall be self-supporting upon its foundation (i.e., no guy wires).
- H. No windmill shall be placed closer to a property line, occupied structure, utility, utility line, structure or fuel source than the distance measured by its height plus twenty-five (25%) percent of its height (measured in feet).
- I. No windmill blade, at its lowest point, shall be closer to the surface of the ground than fifteen (15) feet.
- J. The location of the windmill shall protect and maintain existing view sheds of the subject property and those of surrounding properties. In addition, the design color and other visual features of the windmill shall be designed and installed in such a manner so as to create the least visual impact practicable. The Township's zoning officer shall determine compliance with this section.
- K. The location and operation of the windmill shall not to interfere with any broadcast, radio, wireless or other telecommunication signals or facilities. In all cases, the location of a windmill shall be clear of and shall not interfere with any existing trees, structures, wires and the like.
- L. All utilities, lines, cables, wires and other connections to or from the windmill and any other structure associated with the windmill shall be at or below grade, except as otherwise permitted by the Board of Supervisors.
- M. Noise emitted from the operation of the windmill shall be in accordance with Township Ordinances, including, but not limited to those of Chapter 10, Health and Safety, Subsection 308.12(4) "Noise Limitations" of seventy decibels (70 db).
- N. Windmills shall not be lighted except as otherwise required by law.
- O. There shall be no antennae, advertising or other items or material affixed to or otherwise placed on the Windmill, except those required for safety or otherwise permitted by the Township.
- P. Access to a windmill shall not be provided any lower than fifteen (15) feet at the highest point of the windmill base.
- Q. Caution signs shall be placed at the setback limit warning of ice and blade throws. Signs shall be placed at 100' intervals, no lower than three (3') feet high and a minimum of one (1) square foot, maximum of two (2) square feet reading CAUTION: FALLING OBJECTS. Each sign shall also contain the name and address of the property owner.

R. No windmills shall be permitted which lack an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and/or excessive pressure on the windmill or any of its component parts.

S. Removal of Windmills

1. Any windmill which has not been in active and continuous service for a period of one (1) year shall be removed from the property to a place of safe and legal disposal.

2. All structures, enclosures and accessories to the windmill shall also be completely removed from the property to a place of safe and legal disposal.

3. The former windmill site shall be restored to as natural condition as possible within six (6) months of the cessation of active and continuous use.

T. Certifications and Inspections

1. National and State Standards. The windmill must meet all applicable manufacturer's, the Commonwealth of Pennsylvania and U.S. standards for the construction, operation and maintenance, including without limitation, back feed prevention and lightning grounding. Windmills shall be built, operated and maintained to be applicable industry standards of the Institution of Electrical and Electronic Engineers (IEEE) and the American National Standards Institute (ANSI). The Township's zoning officer may require documentation that such windmill is in compliance with such standards.

2. Annual Inspection Report. The Township's zoning officer has the discretion to determine whether an annual inspection report is required on a windmill. An annual inspection report prepared by an independent professional engineer licensed in the Commonwealth of Pennsylvania shall be obtained by the property owner and submitted to the Township not later than thirty (30) days following the written request of the Township's zoning officer. The inspection report shall certify the structure soundness and proper operation of the windmill.

U. No windmill shall commence operation unless it complies with all applicable Township Ordinances and Codes.

Section 2. All other portions, parts and provisions of the Zoning Ordinance of Lower Southampton Township, as heretofore enacted and amended, shall remain in full force and effect.

Section 3. This Ordinance shall take effect and be in force after its enactment by the Board of Supervisors of the Township of Lower Southampton as provided by law.

**ORDAINED AND ENACTED** this 11th day of August, 2010, by the Board of Supervisors of Lower Southampton Township, Bucks County, Pennsylvania.

LOWER SOUTHAMPTON TOWNSHIP

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

\\Server\c\KPI\Lower Southampton Twp\Duplicate Originals\Ordinance No. 544 Wind Energy Generation.DOC

**TOWNSHIP OF LOWER SOUTHAMPTON  
BUCKS COUNTY, PENNSYLVANIA  
ORDINANCE NO. 545**

**AN ORDINANCE OF LOWER SOUTHAMPTON  
TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA  
AMENDING THE LOWER SOUTHAMPTON  
ORDINANCE NO. 532, BY ADDING NEW SECTION  
PRECIOUS METALS TO PROMOTE THE SAFETY,  
MORALS AND GENERAL WELFARE OF THE  
INHABITANTS OF THE TOWNSHIP OF  
LOWER SOUTHAMPTON BY HOLDING PRECIOUS  
METAL DEALERS ACCOUNTABLE FOR THE  
PROPERTY REPORTING PROCEDURES DEEMED  
NECESSARY BY THE POLICE DEPARTMENT TO  
ASSIST IN RECOVERING THE STOLEN PROPERTY  
OF ITS INHABITANTS**

**WHEREAS**, this Ordinance is enacted for the following purposes: to promote the safety, morals and general welfare of the inhabitants of the Township of Lower Southampton by holding precious metal dealers accountable for the property reporting procedures deemed necessary by the Police Department to assist in recovering the stolen property of its inhabitants.

**NOW, THEREFORE**, be it **ORDAINED** and **ENACTED** by the Board of Supervisors of the Township of Lower Southampton, that Ordinance 532 is as hereafter provided:

**SECTION 1 - Definitions**

The following definitions shall be applicable:

**DEALER IN PRECIOUS METALS** - An individual, partnership, association, corporation or other business entity including an itinerant merchant doing business in the Township of Lower Southampton which purchases or makes appraisals of precious metals and their alloys for resale to refiners, brokers or the public.

**PRECIOUS METALS** - Items of gold, silver, platinum and their alloys, including but not limited to jewelry, but excluding coins and bullion.

**SECTION 2 - Licenses**

A. A dealer in precious metals shall obtain a license from Lower Southampton Township to deal precious metals in Lower Southampton Township subject to the conditions of this Ordinance.

B. No license shall be issued unless the Applicant furnishes the Township with an application setting forth the following:

- (1) The name, home and business address and telephone number of the dealer in precious metals.
  - (2) The exact location(s), if other than the business address of the dealer, where transactions in precious metals are to be conducted.
  - (3) A copy of a valid license from the Bucks County Sheriff's Department as mandated by the Precious Metals Act of Pennsylvania.
  - (4) Such other information as the Township may require.
- C. The licensee shall notify the Township, in writing, within seventy-two (72) hours of any change in the information supplied to the Township.
- D. The Applicant for a license hereunder shall pay an annual license fee of \$\_\_\_\_\_.
- E. The license shall be prominently displayed on the premises.
- F. Each license shall be valid for one (1) place of business only. A dealer with more than one (1) place of business must secure a license for each location.
- G. All licenses shall be conditioned upon continued compliance with the provisions contained herein. Any licensed dealer who violated any provision contained herein in addition to the fine prescribed shall have his license revoked by the Township.

### **SECTION 3 - Scales**

All scales or other devices used by dealers to weigh precious metals must be of the type approved for commercial use in the Commonwealth of Pennsylvania and must be inspected and sealed by the Bureau of Weights and Measures.

- A. The dealer of precious metals must notify the Bucks County Bureau of Weights and Measures whenever a weighing device is moved from one (1) location to another.
- B. All weighing devices shall be so positioned that their indications may be accurately read and the weighing operation observed by the seller.

### **SECTION 4 - Posting of Prices**

The dealer shall post a conspicuous sign in proximity to the place where weighings are made quoting the prices offered for the various units and fineness of precious metals.

### **SECTION 5 - Records Required**

All dealers in precious metals shall maintain records of each transaction in which they purchase precious metals from the public or give a statement of appraisal. Such information will be kept in a bound book and shall include, at least, the following information:

- A. The name, current address and telephone number of the person making the transaction as evidenced by two (2) documents of identification, which will be photocopied and retained, one (1) of which must prove the individual is at least eighteen (18) years of age.
- B. The date and time of transaction.
- C. An accurate description of each, including any serial number or other identifying marks or symbols, such as engravings, types of gemstones and style of the property.
- D. The source of acquisition.
- E. The name, current address and telephone number of the purchaser of such property.
- F. A digital photo of each item.
- G. Such other information as the Chief of Police shall require.

**SECTION 6 - Inspection of Records**

The book required by § 5 shall be subject to the periodical inspection and approval of the Lower Southampton Township Police Department and maintained for a period of at least one (1) year.

- A. Each item and supporting records are to be reported to the Lower Southampton Police Department.
- B. The dealer shall return to the office of the Chief of Police a sheet, to be furnished by the Police Department, showing all business transacted the previous week and giving the information required by § 5.
- C. The information given to the Police Department shall be made under penalty of prosecution pursuant to 18 Pa.C.S.A. § 4904(b) (relating to unsworn falsification to authorities).
- D. A search warrant shall not be required unless the inspection is made during hours other than those when the dealer in precious metals is open for business.

**SECTION 7 - Retention of Articles**

The dealer shall retain articles purchased for a period of fifteen (15) days in their original condition, and such articles shall be subject to examination by the Police Department.

**SECTION 8 - Prohibited Transactions**

No dealer, or his clerk or employee, shall purchase any article from any person under eighteen (18) years of age, anyone intoxicated, any habitual drunkard or any person known to be a thief, an associate of thieves or receiver of stolen property, or any person he has reason to suspect to be such, and must require that valid identification be represented to the dealer prior to the transaction of any business.

**SECTION 9 - Applicability**

The provisions contained herein shall not apply to the purchase by a retailer of merchandise from an established wholesaler located within or outside the boundaries of Lower Southampton Township.

**SECTION 10 - Violations and Penalties**

Any person, firm or corporation who shall violate, fail, neglect or refuse to comply with any provision contained herein, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this provision continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

**ORDAINED AND ENACTED** by a vote of at least a majority of the Board of Supervisors of Lower Southampton Township, Bucks County, Pennsylvania, at a duly advertised public meeting of the Township on the 11th day of August, 2010, which a quorum was present.

LOWER SOUTHAMPTON TOWNSHIP  
BOARD OF SUPERVISORS

By: \_\_\_\_\_  
John McMenamin, Chairman

By: \_\_\_\_\_  
Keith Wesley, Vice-Chairman

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

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

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

ATTEST:

\_\_\_\_\_  
Ted Taylor, Assistant Secretary

**TOWNSHIP OF LOWER SOUTHAMPTON**  
**Bucks County, Pennsylvania**

**ORDINANCE 546**

AUTHORIZING THE INCURRENCE OF NONELECTORAL DEBT OF THE TOWNSHIP OF LOWER SOUTHAMPTON BY THE ISSUANCE, OF \$13,355,000 GENERAL OBLIGATION BONDS, SERIES OF 2010 FOR THE PURPOSE OF PROVIDING FUNDS FOR AND TOWARDS FINANCING A REFINANCING PROGRAM AND PAYING THE COSTS OF ISSUING THE BONDS; AUTHORIZING THE PREPARATION AND FILING OF A DEBT STATEMENT AND OTHER DOCUMENTATION; PROVIDING FOR THE CURRENT OR ADVANCE REFUNDING OF THE IDENTIFIED REFUNDED BONDS AND AUTHORIZING AN ESCROW AGREEMENT FOR SUCH PURPOSE; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE BONDS; SETTING FORTH THE SUBSTANTIAL FORM OF BONDS; SETTING FORTH THE STATED PRINCIPAL MATURITY AMOUNTS AND DATES, INTEREST RATES AND INTEREST PAYMENT DATES, PLACE OF PAYMENT, SINKING FUND PROVISIONS AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION OF A PAYING AGENT AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT; FINDING THAT A PRIVATE INVITED SALE OF THE BONDS IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP AND ACCEPTING A PROPOSAL FOR THE PURCHASE OF THE BONDS; APPOINTING A PAYING AGENT AND SINKING FUND DEPOSITORY; AND AUTHORIZING OTHER NECESSARY ACTION.

WHEREAS, the Township of Lower Southampton (the "**Township**") is granted the power by the Local Government Unit Debt Act, 53 Pa. Cons. Stat. §3001 et seq., as amended (the "**Act**"), to incur indebtedness and to issue bonds for the purposes of funding capital improvement projects and refunding outstanding indebtedness; and

WHEREAS, the Township previously issued its General Obligation Bonds, Series of 2002 (the "**2002 Bonds**") in the original principal amount of \$14,570,000 of which \$10,695,000 remains outstanding; and

WHEREAS, the portion of the 2002 Bonds remaining outstanding was issued to (a) currently refund the Township's General Obligation Note, Series of 1999 (the "**1999 Note**"), which was issued to finance the acquisition of a library, and (b) finance the costs of various Township improvement projects; and

WHEREAS, the Township previously issued its General Obligation Bonds, Series A of 2002 (the "**2002A Bonds**") in the original principal amount of \$4,210,000, of which \$1,650,000 remains outstanding; and

WHEREAS, the 2002A Bonds were issued to advance refund the Township's General Obligation Bonds, Series 1994 (the "1994 Bonds"); and

WHEREAS, that portion of the 1994 Bonds, which is represented by the outstanding 2002A Bonds, was issued to (a) finance the purchase of land by the Township, and (b) finance the costs of various Township improvement projects; and

WHEREAS, the Township has determined to undertake a refinancing program to achieve debt service savings (the "Refinancing Program") consisting of (a) the advance refunding of the outstanding 2002 Bonds; and (b) the current refunding of the outstanding 2002A Bonds (the 2002 Bonds and the 2002A Bonds are referred to herein collectively as the "Refunded Debt") and

WHEREAS, the Township now proposes to issue \$13,355,000 aggregate principal amount of its General Obligation Bonds, Series of 2010 (the "Bonds") to finance the Refinancing Program and the costs and expenses of issuing the Bonds; and

WHEREAS, the Township has retained VALCO Capital, Ltd., Ligonier, Pennsylvania, as financial consultant in connection with the issuance of the Bonds (the "Financial Consultant"); and

WHEREAS, pursuant to an Invitation to Bid for the Bonds (the "Invitation to Bid") prepared by the Financial Consultant, the Township competitively solicited, received and publicly opened bids for the Bonds, the results of which are summarized on Exhibit A attached hereto and made a part hereof; and

WHEREAS, upon the advice of its Financial Consultant, the Township has determined that the proposal for the purchase of the Bonds received from Roosevelt & Cross, Incorporated offers the lowest net interest cost to the Township, and the Board of Supervisors now desires to authorize the issuance of the Bonds for the purpose of undertaking the Refinancing Program and paying the costs and expenses of issuing the Bonds and to accept the proposal of such firm for the purchase of the Bonds.

NOW, THEREFORE, BE IT ENACTED by the Board of Supervisors of the Township of the Lower Southampton and IT IS HEREBY ENACTED, as follows:

**Section 1. Authorization of the Refinancing Program and Incurrence of Indebtedness; and Statement of Purpose of the Refinancing Program.** The Township hereby authorizes and shall undertake the Refinancing Program, as described in the preambles to this Ordinance. The Township shall incur indebtedness pursuant to the Act in the aggregate principal amount of \$13,355,000 to finance the costs of the Refinancing Program and the costs and expenses of issuing the Bonds.

It is hereby determined and set forth that the purpose of the Refinancing Program is to reduce the total debt service that would otherwise have been payable on the 2002 Bonds and 2002A Bonds over the life of the issue as authorized by Section 8241(b)(1) of the Act. Attached hereto as Exhibit C and made a part hereof is the schedule of debt service savings in connection with the Refinancing Program.

It is hereby determined and stated that the useful lives of the projects financed or refinanced with the proceeds of the Refunded Debt are in excess of the term of the Bonds related to the Refinancing Program. The 2002 Bonds financed the costs of various capital improvement projects with useful lives ranging from at least 10 years to at least 30 years (Ordinance enacted December 19, 2001). The 2002 Bonds also currently refunded the 1999 Note to permanently finance the acquisition of a library with a useful life of in excess of 27 years (Ordinance enacted December 19, 2001). The 2002A Bonds financed the costs of various capital improvement projects with useful lives in excess of 25 years (Ordinance enacted March 30, 1994).

**Section 2. Authorization of Issuance of Bonds.** The Township shall issue, pursuant to the Act and this Ordinance, \$13,355,000 aggregate principal amount of its General Obligation Bonds, Series of 2010 to provide funds for and toward the costs of the Refinancing Program and paying the costs of issuing the Bonds as provided in Section 1 hereof. The proceeds of the Bonds will be applied to the Refinancing Program and the costs of issuing the Bonds.

**Section 3. Type of Indebtedness.** The indebtedness authorized by this Ordinance is nonelectoral debt.

**Section 4. Execution of Debt Statement, Bonds and Other Documents.** The Chairman or Vice Chairman of the Board of Supervisors and the Secretary or Assistant Secretary of the Township and their successors are hereby authorized and directed to file the debt statement required by Section 8110 of the Act, to execute and deliver the Bonds in the name and on behalf of the Township and to take all other action required by the Act or this Ordinance in connection with the issuance of the Bonds. Said officers or any of them are further authorized to apply to the Department of Community and Economic Development for approval of the debt herein authorized and to file with such application a transcript of the proceedings including a certified copy of this Ordinance, the Debt Statement, a Borrowing Base Certificate signed by the appropriate officials of the Township or by the accountants of the Township responsible for auditing its financial affairs, and to take any and all such further action and to execute and deliver such other documents as may be necessary or proper to comply with all requirements of the Act or to carry out the intent and purpose of this Ordinance. Said officers and their successors are further hereby authorized if, in their opinion, it is advisable to do so, to prepare and file such statements and documents as may be required by Section 8024 of the Act in order to qualify all or any portion of the existing indebtedness of the Township or of the above authorized indebtedness as subsidized debt or self-liquidating debt.

**Section 5. Type of Bonds.** The Bonds when issued will be general obligation bonds.

**Section 6. Covenant to Pay Debt Service - Pledge of Taxing Power.** The Township hereby covenants with the registered owners of the Bonds outstanding pursuant to this Ordinance as follows: that the Township will include in its budget for each fiscal year during the life of the Bonds, the amount of the debt service on the Bonds issued hereunder which will be payable in each such fiscal year so long as any of the Bonds shall remain outstanding; that the Township shall appropriate from its general revenues such amounts to the payment of such debt service; that the Township shall duly and punctually pay or cause to be paid the principal of every Bond and the interest thereon at the dates and 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 Township hereby pledges its full faith, credit and taxing power. The covenant contained in this Section 6 shall be specifically enforceable. The amounts to be budgeted, appropriated and paid pursuant to the foregoing covenant are those set forth in **Exhibit B** attached hereto and made a part hereof which are hereby incorporated in the foregoing covenant with the same effect as if the same were specified in the text of such covenant.

**Section 7. Form of Bonds.** The Bonds shall be substantially in the following form with appropriate omissions, insertions and variations:

[FORM OF BONDS]

No. R-

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
COMMONWEALTH OF PENNSYLVANIA

TOWNSHIP OF LOWER SOUTHAMPTON  
Bucks County, Pennsylvania

GENERAL OBLIGATION BOND,  
SERIES OF 2010

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
%	May 15, _____	September 14, 2010	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: \_\_\_\_\_ DOLLARS

Township of Lower Southampton, Bucks County, Pennsylvania (the “Township”), for value received, hereby promises to pay to the registered owner hereof on the maturity date set forth above the principal sum set forth above, and to pay interest thereon from September 14, 2010 or the most recent Interest Payment Date to which interest has been paid or duly provided for, semiannually on May 15 and November 15 of each year commencing November 15, 2010 (each, an “Interest Payment Date”), at the annual rate specified above, calculated on the basis of a 360-day year of twelve 30-day months until the principal sum is paid or has been provided for. The principal of this Bond is payable upon presentation and-surrender hereof at the corporate trust office of U.S. Bank, National Association (the “Paying Agent”) in Philadelphia, Pennsylvania. Interest on this Bond will be paid on each Interest Payment Date by check mailed to the person in whose name this Bond is registered on the registration books of the Township maintained by the Paying Agent, as registrar, at the address appearing thereon at the close of business on the fifteenth day (whether or not a day on which the paying agent is open for business) next preceding such Interest Payment Date (the “Regular Record Date”). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof as of the Regular Record Date, and shall be payable to the person who is the registered owner hereof at the close of business on a Special Record Date (the “Special Record Date”) for the payment of such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever monies become available for payment of the defaulted

interest, and notice of the Special Record Date and of the payment date for such interest shall be given to registered owners of the Bonds not less than ten (10) days prior to the Special Record Date. The principal of and interest on this Bond are payable in lawful money of the United States of America.

This Bond is one of a duly authorized issue of General Obligation Bonds, Series of 2010, of the Township in the aggregate principal amount of \$13,355,000 (the “**Bonds**”). The Bonds are issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, all of like date and tenor, except as to dates of maturity, rates of interest and provisions for redemption, and all issued in accordance with the Local Government Unit Debt Act, 53 Pa. Cons. Stat. § 8001, et seq., as amended (the “**Act**”), and pursuant to an ordinance of the Township Board of Supervisors duly enacted on August 11, 2010 (the “**Ordinance**”). The Bonds are issued for the purpose of financing a refinancing program described in the Ordinance and paying the costs of issuing the Bonds.

Under the laws of the Commonwealth, this Bond and the interest thereon shall at all times be free from taxation within the Commonwealth of Pennsylvania, but this exemption does not extend to gift, estate, succession or inheritance taxes or to any other taxes not levied or assessed directly on this Bond or the interest thereon. Profits, gains or income derived from the sale, exchange or other disposition of this Bond are subject to state and local taxation.

The Bonds maturing on or after May 15, 2016 are subject to redemption prior to maturity at the option of the Township as a whole or from time to time in part, in any order of maturity or portion of a maturity as selected by the Township, on November 15, 2015 or any date thereafter, upon payment of a redemption price of 100% of principal amount plus interest accrued to the redemption date. If less than an entire year’s maturity of Bonds are to be redeemed at any particular time, such Bonds so to be called for redemption shall be chosen by lot by the Paying Agent.

On the date designated for redemption and upon deposit with the Paying Agent of funds’ sufficient for payment of the principal and accrued interest on the Bonds called for redemption, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and the Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security under the Ordinance, and registered owners of the Bonds so called for redemption shall have no rights with respect to the Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first class mail, postage prepaid, mailed by the Paying Agent not less than thirty (30) days nor more than sixty (60) days before the redemption date to the registered owners of the Bonds at their addresses as they appear on the Bond register maintained by the Paying Agent. Such notice shall also be mailed to The Bond Buyer, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the

corporate trust office of the Paying Agent in Philadelphia, Pennsylvania and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any Bond shall not affect the validity of any proceeding for redemption of other Bonds so called for redemption.

With respect to any optional redemption of Bonds, if at the time of mailing such notice of redemption, the Township shall not have deposited with the Paying Agent monies sufficient to redeem all the Bonds called for redemption, such, notice may state that it is conditional, that is, subject to the deposit of the redemption monies with the Paying Agent not later than the redemption date, and such notice shall be of no effect unless such monies are so deposited.

The Bonds are transferable by the registered owners thereof, subject to payment of any required tax, fee or other governmental charge, upon presentation and surrender thereof at the designated corporate trust office of the Paying Agent, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent. The Paying Agent shall not be required: (i) to issue, transfer or exchange any of the Bonds during a period beginning at the close of business on the fifth (5<sup>th</sup>) day next preceding the day 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 given; or (ii) to transfer or exchange any Bond selected for redemption in whole or in part.

The Township and the Paying Agent may treat the person in whose name this Bond is registered on the Bond register maintained by the Paying Agent as the absolute owner of this Bond for all purposes and neither the Township 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, against any member of the Board of Supervisors, officer or employee, past, present or future, of the Township or of any successor body, as such, either directly or through the Township 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 execution and issuance of this Bond.

Whenever the due date for payment of interest on or principal of this Bond shall be a Saturday, Sunday or a day on which banking institutions in the Commonwealth of Pennsylvania are authorized by law to close (a "Holiday"), then the payment of such interest or principal need not be made on such date, but may be made on the succeeding day which is not a Holiday, with the same force and effect as if made on the due date for payment of principal or interest.

It is hereby certified that the approval of the Department of Community and Economic Development of the Commonwealth of Pennsylvania for the Township 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 Township, is within every debt and other limit prescribed by the Constitution and the statutes of the Commonwealth of Pennsylvania; that the Township has established a sinking fund for the Bonds and shall deposit therein amounts sufficient to pay the principal of and interest on the Bonds as the same shall become due and payable; and that for the prompt and full payment of all obligations of this Bond, the full faith, credit and taxing power of the Township are hereby irrevocably pledged.

This Bond shall not be entitled to any benefit under the within mentioned Ordinance or be valid or become obligatory for any purpose until this Bond shall have been authenticated by the Paying Agent by execution of the certificate endorsed hereon.

IN WITNESS WHEREOF, Township of Lower Southampton, Bucks County, Pennsylvania, has caused this Bond to be signed in its name and on its behalf by the signature of the Chairman of its Board of Supervisors and its corporate seal to be hereunto impressed and duly attested by the signature of the Township Secretary.

(SEAL)

TOWNSHIP OF LOWER SOUTHAMPTON

Attest: Edward M. Shannan Secretary  
By: John J. McKeown Chairman, Board of Supervisors

**AUTHENTICATION CERTIFICATE**

This Bond is one of the Township of Lower Southampton General Obligation Bonds, Series of 2010, described in the within mentioned Ordinance.

U.S. BANK, NATIONAL ASSOCIATION,  
Paying Agent

Date of  
Authentication: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signer

**ASSIGNMENT AND TRANSFER**

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

PLEASE INSERT SOCIAL SECURITY OR EMPLOYER  
IDENTIFICATION NUMBER OF ASSIGNEE

\_\_\_\_\_

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

\_\_\_\_\_ attorney to  
transfer said Bond on the books of the within named Paying Agent, with full power of substitution  
in the premises.

Dated:

Signature Guaranteed by:

\_\_\_\_\_  
NOTICE: Signature(s) must be  
guaranteed by an eligible guarantor  
institution, an institution which is a  
participant in a Securities Transfer  
Association recognized signature  
guaranteed program.

\_\_\_\_\_  
NOTICE: The signature to this Assignment  
must correspond with the name as it appears  
upon the face of the within Bond in every  
particular, without alteration or enlargement  
or any change whatever.

\_\_\_\_\_  
(Authorized Signature)

**[END OF BOND FORM]**

**Section 8. Terms of Bonds.** The Bonds shall be issued in fully registered form, in the denomination of \$5,000 or any integral multiple thereof, shall be dated the date of the issuance thereof (anticipated to be September 14, 2010), shall be issued in the aggregate principal amount of \$13,355,000, shall bear interest from the date of issuance, payable on May 15 and November 15 of each year commencing November 15, 2010, at the rates and shall mature on May 15 of the years as set forth in the Bond Amortization Schedule attached hereto as **Exhibit B** and made a part hereof.

The principal of the Bonds shall be payable in lawful money of the United States of America at the corporate trust office of U.S. Bank, National Association, in Philadelphia, Pennsylvania, which is hereby appointed paying agent and registrar for the Bonds and the sinking fund depository. Interest on the Bonds shall be payable in the manner provided in the Form of Bonds set forth herein.

**Section 9. Redemption of Bonds.** The Bonds maturing on or after May 15, 2016 shall be subject to redemption prior to maturity, at the option of the Township, as a whole or in part from time to time, in any order of maturity or portion of a maturity as selected by the Township, on November 15, 2015 or any date thereafter upon payment of a redemption price of 100% of principal amount plus interest accrued to the redemption date.

If less than an entire year's maturity of Bonds are to be redeemed at any particular time, such Bonds so to be called for redemption shall be chosen by lot by the Paying Agent.

For the purpose of selection of Bonds for redemption, any Bond of a denomination greater than \$5,000 shall be treated as representing such number of separate Bonds, each of the denomination of \$5,000, as is obtained by dividing the actual principal amount of such Bond by \$5,000. Any Bond which is to be redeemed only in part shall be surrendered at the designated corporate trust office of the Paying Agent in Philadelphia, Pennsylvania, together with a duly executed instrument of transfer in form satisfactory to the Paying Agent, and the registered owner of such Bond shall receive, without service charge, a new Bond or Bonds, of any authorized denomination as requested by such registered owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

On the date designated for redemption and upon deposit with the Paying Agent of funds sufficient for payment of the principal of and accrued interest on the Bonds called for redemption, interest on the Bonds or portions thereof so called for redemption shall cease to accrue and the Bonds or portions thereof so called for redemption shall cease to be entitled to any benefit or security hereunder, and registered owners of the Bonds so called for redemption shall have no rights with respect to the Bonds or portions thereof so called for redemption, except to receive payment of the principal of and accrued interest on the Bonds so called for redemption to the date fixed for redemption.

Notice of any redemption shall be given by first class mail, postage prepaid, mailed by the Paying Agent not less than thirty (30) days nor more than sixty (60) days before the redemption date to the registered owners of the Bonds at their addresses as they appear on the

Bond register maintained by the Paying Agent. Such notice shall also be mailed to The Bond Buyer, or if no longer published, to such substitute financial journal as shall be acceptable to the Paying Agent. Such notice shall be given in the name of the Township, shall identify the Bonds to be redeemed (and, in the case of a partial redemption of any Bonds, the respective principal amounts thereof to be redeemed), shall specify the redemption date and the redemption price, and shall state that on the redemption date the Bonds called for redemption will be payable at the corporate trust office of the Paying Agent in Philadelphia, Pennsylvania, and that from the date of redemption interest will cease to accrue. The Paying Agent shall use "CUSIP" numbers (if then generally in use) in notices of redemption as a convenience to Bond owners, provided that any such redemption notice shall state that no representation is made as to the correctness of such numbers either as printed on the Bonds or as contained in any notice of redemption and that reliance may be placed only on the identification numbers prefixed "R-" printed on the Bonds. Failure to mail any notice of redemption, or any defect therein, or in the mailing thereof, with respect to any Bond shall not affect the validity of any proceeding for redemption of other Bonds so called for redemption.

**Section 10. Appointment of Securities Depository.** The Depository Trust Company, New York, New York ("**DTC**"), shall act as securities depository for the Bonds on behalf of the firms which participate in the DTC book-entry system ("**DTC participants**"). The ownership of one fully registered Bond for each maturity of Bonds will be registered in the name of Cede & Co., as nominee for DTC. Each bond certificate will be in the aggregate principal amount of such maturity as shown on **Exhibit B** attached hereto. The Township shall cause the Bonds to be delivered to DTC or the Paying Agent, as custodian for DTC, on or before the date of issuance of the Bonds.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "**Beneficial Owner**") will not receive bond certificates and will not be the registered owner thereof. Ownership interest in the Bonds may be purchased by or through DTC Participants. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC Participants and such DTC Participants making payment to Beneficial Owners. Neither the Township nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The Township is authorized to execute such documents as may be necessary or desirable in connection with DTC's services as securities depository including a blanket letter of representation obligating the Township to give certain notices to DTC and to meet certain requirements relating to Bond payments.

If DTC determines to discontinue providing its services as securities depository with respect to the Bonds at any time, the Township officials then holding the offices set forth in Section 4 of this Ordinance are hereby authorized to designate a successor securities depository or to deliver certificates to or upon the order of the registered owners of the Bonds.

**Section 11. Sale of Bonds.** The Bonds shall be sold competitively at invited private sale as hereinafter set forth in Section 14. After due consideration, the Board of Supervisors hereby finds and determines, on the basis of the advice and recommendation of its Financial Consultant and all available information, that such an invited private sale of the Bonds is in the best financial interest of the Township. The form and use of various materials utilized in connection with such private sale, including the Invitation to Bid, are hereby approved and ratified.

**Section 12. Creation of and Deposits in Sinking Fund.** The Township covenants that there shall be and there is hereby established and that it shall hereafter maintain a sinking fund (the "**Sinking Fund**") designated as the "Sinking Fund - General Obligation Bonds, Series of 2010" for the Bonds to be held by the Paying Agent (or such substitute or successor Paying Agent which shall hereafter be appointed in accordance with the provisions of the Act) in the name of the Township, but subject to withdrawal only by the Paying Agent.

The Township covenants and agrees to deposit in the Sinking Fund not later than May 15 and November 15 of each year beginning November 15, 2010 the debt service payable on the Bonds on such dates, all as set forth in **Exhibit B** attached hereto, or such greater or lesser amount as at the time shall be sufficient to pay principal of and interest on the Bonds becoming due on each such date.

Pending application to the purposes for which the Sinking Fund is established, the Chairman or Vice Chairman of the Township Board of Supervisors or the Treasurer or Director of Finance of the Township is hereby authorized and directed to cause the monies therein to be invested or deposited and insured or secured as permitted and required by Section 8224 of the Act. All income received on such deposits or investments of monies in the Sinking Fund during each applicable period shall be added to the Sinking Fund and shall be credited against the deposit next required to be made in the Sinking Fund.

The Paying Agent is hereby authorized and directed, without further action by the Township, to pay from the Sinking Fund the principal of and interest on the Bonds as the same shall become due and payable in accordance with the terms hereof, and the Township hereby covenants that such monies, to the extent required, will be applied to such purposes.

All monies deposited in the Sinking Fund for the payment of the Bonds which have not been claimed by the registered owners thereof after two years from the date payment is due, except where such monies are held for the payment of outstanding checks, drafts or other instruments of the Paying Agent, shall be returned to the Township. Nothing contained herein shall relieve the Township of its liability to the registered owners of unrepresented Bonds.

**Section 13. No Taxes Assumed.** The Township shall not assume the payment of any tax or taxes in consideration of the purchase of the Bonds.

**Section 14. Award and Sale of Bonds.** The Township hereby awards and sells the Bonds to Roosevelt & Cross, Incorporated (the "**Underwriter**"); at a price of \$13,431,180.55 (representing the face amount of the Bonds plus net original issue premium of \$126,796.00 and less the underwriter's discount of \$50,615.45) plus accrued interest and in

accordance with the terms and conditions contained or incorporated in the proposal of the Underwriter dated August 11, 2010, which is hereby approved and accepted. A copy of said proposal shall be attached to this Ordinance and lodged with the official minutes of this meeting and is hereby incorporated herein by reference. The proper officers of the Township are hereby authorized and directed to endorse the acceptance of the Township on said proposal and to deliver a copy thereof to the Underwriter. Delivery of the accepted proposal to the Underwriter shall constitute conclusive evidence that the award and sale of the Bonds under this Ordinance have become final.

**Section 15. Contract with Paying Agent.** The proper officers of the Township are authorized to contract with U.S. Bank, National Association, Philadelphia, Pennsylvania in connection with the performance of its duties as the Paying Agent and Sinking Fund Depository on usual and customary terms, including an agreement to observe and comply with the provisions of this Ordinance and of the Act.

**Section 16. Redemption of Refunded Bonds and Deposit of Funds.** For the 2002 Bonds the Township shall enter into a Pledge and Escrow Agreement (the “**Pledge Agreement**”) with the escrow agent for the bonds to be refunded, U.S. Bank National Association (the “**Escrow Agent**”), providing, among other things for: (a) the certification to such Escrow Agent of the amounts required to pay the principal and interest on the bonds to be refunded to the date of maturity or redemption; (b) the deposit with said Escrow Agent of amounts which, together with the interest thereon, will meet such requirements; (c) the investment of the amounts deposited under the Pledge Agreement in accordance with the applicable regulations under Sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the “**Code**”); and (d) the irrevocable pledge of all amounts and investments held under the Pledge Agreement for the payment of the bond to be refunded to the date of maturity or redemption and the application of the principal of and interest on the investments to such purposes. The Pledge Agreement shall be in form and substance as approved by the signing officers of the Township. The Chairman or Vice Chairman and Secretary or Assistant Secretary of the Township are hereby authorized and directed to execute each Pledge Agreement and to deliver the same to the Escrow Agent on behalf of the Township.

The Township hereby calls the 2002 Bonds for redemption on May 15, 2012, subject to the issuance of the Bonds.

The Township hereby calls for redemption on September 14, 2010 (or such other date as the Township Manager or Director of Finance shall designate), the 2002A Bonds. The Township shall (a) certify to U.S. Bank National Association, as the Paying Agent the amounts required to pay the principal of and interest on the 2002A Bonds to the date of redemption; (b) deposit with said Paying Agent amounts sufficient to meet such requirements; and (c) irrevocably pledge all amounts held for the payment of the 2002A Bonds to such purposes. The Chairman or Vice Chairman and Secretary or Assistant Secretary of the Township are hereby authorized and directed to execute all documents necessary to effect such redemption. Upon redemption of the 2002A Bonds, any excess moneys shall be transferred by the Paying Agent to the Paying Agent, and the Paying Agent shall deposit the same in the Sinking Fund for the Bonds.

The Paying Agent and the Escrow Agent are referred to herein collectively as the “**Refunded Debt Paying Agent.**”

**Section 17. Federal Tax Covenants.** The Township hereby covenants not to take or omit to take any action so as to cause interest on the Bonds to be no longer excluded from gross income for the purposes of federal income taxation and to otherwise comply with the requirements of Sections 103 and 141 through 150 of the Code, and all applicable regulations promulgated with respect thereto throughout the term of the Bonds. The Township further covenants that it will make no investments or other use of the proceeds of the Bonds which would cause the Bonds to be “arbitrage bonds” as defined in Section 148 of the Code. The Township further covenants to comply with the rebate requirements (including the prohibited payment provisions) contained in Section 148(f) of the Code and any regulations promulgated thereunder, to the extent applicable, and to pay any interest or penalty imposed by the United States for failure to comply with said rebate requirements, to the extent applicable.

The Township hereby represents and warrants, after due investigation and to the best of its knowledge, that (i) the Bonds are not “private activity bonds” within the meaning of Section 141 of the Code and (ii) the aggregate face amount of “qualified tax-exempt obligations” within the meaning of Section 265(b)(3)(B) of the code (which includes qualified 501(c)(3) bonds but not any other private activity bonds) issued or to be issued by the Township (and all “subordinate entities” thereof) during the 2010 calendar year, including the Bonds, is not reasonably expected to exceed \$30,000,000. The Township hereby designates the Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3)(B) of the Code. The Township hereby authorizes the proper officers of the Township to execute a certificate to that effect at the time of the closing.

**Section 18. Execution and Authentication of Bonds.** As provided in Section 4, the Bonds shall be executed by the Chairman or Vice Chairman of the Board of Supervisors of the Township and the Secretary or Assistant Secretary of the Township and each such execution may be by manual signature. If any officer whose signature appears on the Bonds shall cease to hold such office before the actual delivery date of the Bonds, such signature shall nevertheless be valid and sufficient for all purposes as if such person had remained in such office until the actual delivery date of the Bonds. The Bonds shall be authenticated by the manual signature of the Paying Agent.

**Section 19. Application of Bond Proceeds.** The balance of the purchase price for the Bonds, and any accrued interest payable by the Underwriter, shall be paid by the Underwriter to the Paying Agent on behalf of the Township. Upon receipt of the balance of such purchase price for the Bonds, including interest thereon accrued to the date of delivery, if any, the Paying Agent shall deposit the same in a settlement account. From the settlement account, the Paying Agent shall pay, or establish reserves for payment of, the costs and expenses of the financing in the amounts presented to the Board of Supervisors by the Financial Consultant which are hereby approved, and the proper officers of the Township are authorized to direct the Paying Agent to pay the issuance costs on behalf of the Township as set forth in written directions to the Paying Agent. The portion of the proceeds of the Bonds issued to finance the refinancing of the Refunded Debt shall be deposited with U.S. Bank, National Association, as

Refunded Debt Paying Agent, as provided in Section 16 hereof. The moneys in such account will be invested in accordance with Section 8224 of the Act.

Any reserves in the above-described account shall be disbursed from time to time by the Paying Agent pursuant to written instructions from the Chairman or Vice Chairman of the Township Board of Supervisors and any balance ultimately remaining in any such reserve shall, upon written instructions of the Chairman or Vice Chairman of the Township Board of Supervisors, be deposited in the general fund of the Township.

**Section 20. Officers Authorized to Act.** For the purpose of expediting the closing and the issuance and delivery of the Bonds, or in the event that the Chairman or the Secretary of the Township shall be absent or otherwise unavailable for the purpose of executing documents, or for the purpose of taking any other action which they or either of them may be authorized to take pursuant to this Ordinance, the Vice Chairman or the Assistant Secretary of the Township, respectively, are hereby authorized and directed to execute documents, or otherwise to act on behalf of the Township in their stead.

**Section 21. Approval of Official Statement.** The Preliminary Official Statement for the Bonds dated August 3, 2010, is hereby approved and “deemed final” by the Township as of its date for purposes of United States Securities and Exchange Commission Rule 15c2-12. A final Official Statement to be dated August 11, 2010, substantially in the form of the Preliminary Official Statement presented to this meeting, and also containing the final terms of the Bonds, shall be prepared and delivered to the Underwriter within seven (7) business days from the date hereof, and the Township hereby approves the use thereof in-connection with the public offering and sale of the Bonds.

**Section 22. Covenant to Pledge Sufficient Funds.** The Township hereby covenants and agrees that, concurrently with the issuance of and payment for the Bonds:

1. The Township will have irrevocably pledged with the applicable Refunded Debt Paying Agent, amounts sufficient, together with interest, if any, to be earned thereon, to pay: (i) all interest on the applicable Refunded Debt to the date of redemption thereof; and (ii) the principal of the applicable Refunded Debt at the dates of redemption thereof so that the applicable Refunded Debt will no longer be outstanding under the Act; and

2. Such Refunded Debt Paying Agent will have invested the monies required by any escrow agreement or directions in accordance with the terms thereof

**Section 23. Continuing Disclosure.** The Township hereby authorizes and directs the appropriate officers to execute and deliver a Continuing Disclosure Agreement or a supplement to an existing Continuing Disclosure Agreement of the Township (the “**Continuing Disclosure Agreement**”) if and to the extent required by law. The Township further covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Ordinance, failure of the Township to comply with the Continuing Disclosure Agreement shall not be considered an event of default hereunder; however, the Paying Agent, any Participating Underwriters (as defined in the Continuing Disclosure Agreement), or any Bondholder may take such actions as may be

necessary and appropriate, including seeking specific performance by court order, to cause the Township to comply with its obligations under this Section.

**Section 24. Further Action.** The proper officers of the Township are hereby authorized and directed to take all such action, execute, deliver, file and/or record all such documents, publish all notices and otherwise comply with the provisions of this Ordinance and the Act in the name and on behalf of the Township. The proper officers of the Township are hereby specifically authorized to make all necessary submissions to the various Departments of the Commonwealth of Pennsylvania in order to obtain the maximum state reimbursements, if any, in connection with the Capital Improvement Program being financed with the proceeds of the Bonds.

**Section 25. Compliance Policies and Procedures.** The policies and procedures set forth in **Exhibit D** hereto are intended to address post-issuance compliance matters. The Township hereby approves and adopts the policies and procedures set forth in **Exhibit D**. These policies and procedures may be amended from time to time by resolution of the Board of Supervisors.

**Section 26. Act Applicable to Bonds.** This Ordinance is enacted pursuant to, and the Bonds issued hereunder shall be subject to, the provisions of the Act and all of the mandatory provisions thereof shall apply hereunder whether or not explicitly stated herein.

**Section 27. Contract with Bondholders.** This Ordinance constitutes a contract with the registered owners of the Bonds from time to time outstanding hereunder and shall be enforceable in accordance with the provisions of the laws of the Commonwealth of Pennsylvania.

**Section 28. Severability.** In case any one or more of the provisions contained in this Ordinance or in any Bond issued pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Ordinance or of said Bonds and this Ordinance or said Bonds shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained therein.

**Section 29. Repealer.** All ordinances and parts of ordinances heretofore enacted to the extent that the same are inconsistent herewith are hereby repealed.

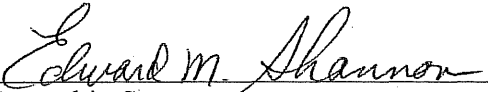
**Section 30. Effective Date.** This Ordinance shall take effect on the earliest date permitted by the Act.

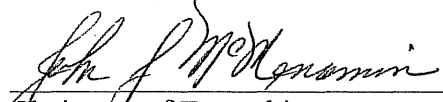
ORDAINED AND ENACTED this 11<sup>th</sup> day of August, 2010.

(TOWNSHIP SEAL)

BOARD OF SUPERVISORS  
TOWNSHIP OF LOWER SOUTHAMPTON

ATTEST:

  
\_\_\_\_\_  
Township Secretary

  
\_\_\_\_\_  
Chairman of Township  
Board of Supervisors

**EXHIBIT A**

**TOWNSHIP OF LOWER SOUTHAMPTON  
Bucks County, Pennsylvania  
\$13,355,000 GENERAL OBLIGATION BONDS, SERIES OF 2010**

**Results of the Competitive Bid Opening On August 11, 2010**

# m Observation

MuniAuction®

**Auction Date**    **Type**    **Start**    **End**    **Time Now**    **Status**  
 Wed., Aug 11, 2010    AON    11:00:00 am    11:17:11 am    3:26:21 pm EDT    Over  
 Connected to server

Reoffering Information is now available on the **Best Bid** Page

\$13,290,000\*

Township of Lower Southampton, Bucks County, Pennsylvania  
 General Obligation Bonds, Series of 2010

	Bidder	Firm	TIC	Time	Gross Interest	+ Discount/ (Premium)	Total Interest	Bid No.	Cumulative Improvement
1st	ROOS-ST	Roosevelt	2.277188%	11:15:11 am	\$2,087,323.65	(73,301.10)	\$2,014,022.55	6	0.150024%
2nd	RWBA-TJ	Robert Baird	2.278689%	11:17:11 am	\$2,135,255.50	(113,412.84)	\$2,021,842.66	4	0.004715%
3rd	MUNI-SM	JP Morgan	2.365690%	11:16:46 am	\$2,109,414.61	(21,579.75)	\$2,087,834.86	3	0.075682%
4th	BNYM-AD	BNY Mellon	2.465309%	11:15:55 am	\$2,367,385.74	(180,000.00)	\$2,187,385.74	16	0.407449%
5th	JANN-LA	Janney	2.677028%	11:16:02 am	\$2,420,658.53	(52,436.05)	\$2,368,222.48	3	0.014190%
6th	BOEN-CB	Boenning	2.896691%	11:14:12 am	\$2,449,349.49	95,709.20	\$2,545,058.69	2	0.082397%

\*Preliminary, subject to change

**EXHIBIT B**

**TOWNSHIP OF LOWER SOUTHAMPTON  
Bucks County, Pennsylvania  
\$13,355,000 GENERAL OBLIGATION BONDS, SERIES OF 2010**

**Bond Amortization Schedule**

**LOWER SOUTHAMPTON**  
**SERIES OF 2010 callable 11/15/15**  
**CURR REFUND 2002A**  
**ADV REFUND 2002 / AA+**

**Debt Service Schedule**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>	<b>Fiscal Total</b>
09/14/2010	-	-	-	-	-
11/15/2010	-	-	50,834.40	50,834.40	-
12/31/2010	-	-	-	-	50,834.40
05/15/2011	350,000.00	2.000%	50,003.13	500,003.13	-
11/15/2011	-	-	46,503.13	146,503.13	-
12/31/2011	-	-	-	-	646,506.26
05/15/2012	955,000.00	2.000%	46,503.13	1,101,503.13	-
11/15/2012	-	-	36,953.13	136,953.13	-
12/31/2012	-	-	-	-	1,238,456.26
05/15/2013	1,140,000.00	2.000%	36,953.13	1,276,953.13	-
11/15/2013	-	-	25,553.13	125,553.13	-
12/31/2013	-	-	-	-	1,402,506.26
05/15/2014	1,165,000.00	2.000%	25,553.13	1,290,553.13	-
11/15/2014	-	-	113,903.13	113,903.13	-
12/31/2014	-	-	-	-	1,404,456.26
05/15/2015	1,165,000.00	2.000%	113,903.13	1,278,903.13	-
11/15/2015	-	-	102,253.13	102,253.13	-
12/31/2015	-	-	-	-	1,381,156.26
05/15/2016	1,175,000.00	2.000%	102,253.13	1,277,253.13	-
11/15/2016	-	-	90,503.13	90,503.13	-
12/31/2016	-	-	-	-	1,367,756.26
05/15/2017	1,190,000.00	2.000%	90,503.13	1,280,503.13	-
11/15/2017	-	-	78,603.13	78,603.13	-
12/31/2017	-	-	-	-	1,359,106.26
05/15/2018	1,205,000.00	2.200%	78,603.13	1,283,603.13	-
11/15/2018	-	-	65,348.13	65,348.13	-
12/31/2018	-	-	-	-	1,348,951.26
05/15/2019	1,215,000.00	2.450%	65,348.13	1,280,348.13	-
11/15/2019	-	-	50,464.38	50,464.38	-
12/31/2019	-	-	-	-	1,330,812.51
05/15/2020	1,235,000.00	2.600%	50,464.38	1,285,464.38	-
11/15/2020	-	-	34,409.38	34,409.38	-
12/31/2020	-	-	-	-	1,319,873.76
05/15/2021	1,265,000.00	2.625%	34,409.38	1,299,409.38	-
11/15/2021	-	-	17,806.25	17,806.25	-
12/31/2021	-	-	-	-	1,317,215.63
05/15/2022	1,295,000.00	2.750%	17,806.25	1,312,806.25	-
12/31/2022	-	-	-	-	1,312,806.25
<b>Total</b>	<b>\$13,355,000.00</b>	<b>-</b>	<b>\$2,125,437.63</b>	<b>\$15,480,437.63</b>	

EXHIBIT C

TOWNSHIP OF LOWER SOUTHAMPTON  
Bucks County, Pennsylvania  
\$13,355,000 GENERAL OBLIGATION BONDS, SERIES OF 2010

Schedule of Debt Service Savings For Refunding of  
2002 Bonds and 2002A Bonds

LOWER SOUTHAMPTON  
SERIES OF 2010 callable 11/15/15  
CURR REFUND 2002A  
ADV REFUND 2002 / AA+

Gross Debt Service Comparison

Date	Principal	Coupon	Interest	New D/S	OLD D/S	Savings
12/31/2010	-	-	50,834.40	50,834.40	301,372.50	250,538.10
12/31/2011	350,000.00	-	296,506.26	646,506.26	1,404,487.50	757,981.24
12/31/2012	955,000.00	-	283,456.26	1,238,456.26	1,397,542.50	159,086.24
12/31/2013	1,140,000.00	-	262,506.26	1,402,506.26	1,398,965.00	(3,541.26)
12/31/2014	1,165,000.00	-	239,456.26	1,404,456.26	1,402,350.00	(2,106.26)
12/31/2015	1,165,000.00	-	216,156.26	1,381,156.26	1,381,625.00	468.74
12/31/2016	1,175,000.00	-	192,756.26	1,367,756.26	1,367,750.00	(6.26)
12/31/2017	1,190,000.00	-	169,106.26	1,359,106.26	1,357,000.00	(2,106.26)
12/31/2018	1,205,000.00	-	143,951.26	1,348,951.26	1,349,125.00	173.74
12/31/2019	1,215,000.00	-	115,812.51	1,330,812.51	1,329,250.00	(1,562.51)
12/31/2020	1,235,000.00	-	84,873.76	1,319,873.76	1,322,250.00	2,376.24
12/31/2021	1,265,000.00	-	52,215.63	1,317,215.63	1,316,862.50	(353.13)
12/31/2022	1,295,000.00	-	17,806.25	1,312,806.25	1,312,800.00	(6.25)
<b>Total</b>	<b>\$13,355,000.00</b>	<b>-</b>	<b>\$2,125,437.63</b>	<b>\$15,480,437.63</b>	<b>\$16,641,380.00</b>	<b>\$1,160,942.37</b>

**EXHIBIT D**

**TOWNSHIP OF LOWER SOUTHAMPTON**

**COMPLIANCE POLICIES AND PROCEDURES**  
**FOR TAX-EXEMPT BONDS AND BUILD AMERICA BONDS**

1. Purpose. The purpose of these compliance policies and procedures (“Compliance Policy”) is to ensure compliance with (a) requirements of the Internal Revenue Code of 1986, as amended (the “Code”), that must be satisfied to maintain the tax-exempt status of any tax-exempt bonds (the “tax-exempt bonds”) issued by the Township of Lower Southampton (the “Issuer”) and/or to maintain the eligibility for subsidy payments with respect to any Build America Bonds (“BABs,” and together with tax-exempt bonds, “bonds”) issued by Issuer, and (b) requirements of the Securities and Exchange Commission (the “SEC”) and the Municipal Securities Rulemaking Board (the “MSRB”) under SEC Rule 15c2-12 (the “Rule”) regarding secondary market disclosure filings relating to the Issuer’s bonds. In connection with the issuance of each series of bonds, the Issuer will also execute a tax certificate, a continuing disclosure agreement and other documentation as advised by bond or tax counsel (“collectively, the “Issuance Documentation”) which will require it to take certain actions with respect to the requirements under the Code and the Rule for such bonds.

2. Responsibility for Monitoring Compliance. The Board of Supervisors of Issuer (the “Governing Body”) has the overall, final responsibility for monitoring ongoing compliance with the requirements of the Code, the Rule, this Compliance Policy and the Issuance Documentation. The Governing Body assigns to the Director of Finance (the “Compliance Officer”) the primary operating responsibility to monitor such compliance. The Compliance Officer may delegate aspects of such responsibility to other employees or contractors of Issuer, but shall retain overall responsibility for ensuring compliance and coordinating compliance when more than one individual or contractor is given responsibility. The Compliance Officer shall update Exhibit A hereto to the extent that any such responsibility is delegated.

*This Compliance Policy shall be used in conjunction with the Issuance Documentation. This Compliance Policy is not a substitute for the specific compliance requirements related to each bond issue contained in the applicable Issuance Documentation, and the Compliance Officer shall review the Issuance Documentation in connection with each bond issue and consult with bond counsel and other professionals as to monitoring ongoing compliance with the requirements contained in the applicable Issuance Documentation.*

3. Arbitrage Yield Restriction and Rebate Requirements. The Compliance Officer shall maintain or cause to be maintained records of:

(a) purchases and sales of investments made with proceeds of bonds (including amounts treated as “gross proceeds” of bonds under section 148 of the Code), any documentation required to establish the fair market value of investments upon purchase and receipts of earnings on those investments;

(b) expenditures made with proceeds of bonds (including investment earnings on bond proceeds) for the governmental purposes of the bonds, such as for the costs of purchasing, constructing and/or renovating property and facilities;

(c) calculations that will be sufficient to demonstrate that the expenditure of proceeds has complied with an available spending exception to the arbitrage rebate requirement in respect of that bond issue;

(d) calculations that will be sufficient to demonstrate that the rebate amount, if any, that was payable to the United States of America in respect of investments made with gross proceeds of that bond issue and records showing that such rebate amount, if any, was paid and a Form 8038-T filed with the IRS on a timely basis;

(e) for any issue of BABs:

1. calculation of the "available project proceeds," as defined under the Code, and records sufficient to that the expenditure of "available project proceeds" has complied with the restrictions with respect thereto under the Code;
2. calculations and records showing that proceeds of the BABs applied for costs of issuance did not exceed the limitations of the Code; and
3. copies of the Form 8038-CP submitted for each interest payment date for which a subsidy payment is requested, proof of timely filing with the IRS and calculations showing the interest payable on the BABs on each such interest payment date;

(f) information and records showing that investments held in yield-restricted advance refunding or defeasance escrows for refunded bonds, investments made with unspent bond proceeds after the expiration of the applicable temporary period and any other bond proceeds subject to yield restriction were not invested in higher-yielding investments; and

(g) such other information and records as required by the Issuance Documentation.

4. Restrictions on Private Business Use and Private Loans. The Compliance Officer shall enforce the restrictions on private business use that apply to land, buildings, facilities and equipment ("property") which are financed with proceeds of bonds, and of the restriction on the use of proceeds of bonds to make or finance any loan to any person other than a state or local government unit., including:

(a) under section 141 of the Code, no more than generally 10% of the proceeds (5% in certain cases) of any bond issue (including the property financed with the bonds) may be used for private business use, and no more than the lesser of \$5,000,000 or 5% of the proceeds of a bond issue may be used to make or finance a loan to any person other than a state or local government unit;

(b) “private business use” means use by any person other than a state or local government unit, including business corporations, partnerships, limited liability companies, associations, nonprofit corporations, natural persons engaged in trade or business activity, and the United States of America and any federal agency, as a result of ownership of the property or use of the property under a lease, management or service contract (except for certain “qualified” management or service contracts), output contract for the purchase of electricity or water, privately sponsored research contract (except for certain “qualified” research contracts), “naming rights” contract, “public-private partnership” arrangement, or any similar use arrangement that provides special legal entitlements for the use of the bond-financed property;

(c) before entering into any use arrangement with a nongovernmental person that involves the use of bond-financed property, the Compliance Officer will evaluate whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond-financed property; and

(d) in connection with the evaluation of any proposed nongovernmental use arrangement under paragraph (c), the Compliance Officer shall determine whether to engage nationally recognized bond counsel to obtain advice on whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond-financed property, and, if not, whether any “remedial action” permitted under section 141 of the Code may be taken as a means of enabling that use arrangement to be put into effect without adversely affecting the tax-exempt status of any tax-exempt bonds or the eligibility for receipt of the subsidy for any BABs, as applicable; and

(e) records shall be maintained of such nongovernmental uses, if any, of bond-financed property, including copies of the pertinent leases, contracts or other documentation, and the related determination that those nongovernmental uses are not inconsistent with the status of the bonds that financed the property, including any advice received from bond counsel.

5. Determination of the Issue Price of Bonds. In connection with the issuance of any bonds, the Compliance Officer will consult with bond counsel, any financial consultant to the Issuer and any underwriter or placement agent of the bonds to determine the proper method for evaluating whether the issue price of the bonds is in compliance with any restrictions under the Code and the regulations promulgated thereunder at the time of such issuance.

6. Form 8038-CP. The Compliance Officer shall review each Form 8038-CP filed for an issue of BABs including whether the proper interest payment is listed, the Form 8038-CP will be timely filed and the payment of the subsidy is directed to the proper person, consistent with the Issuance Documentation.

7. Secondary Market Disclosure. The Compliance Officer shall be responsible for the filing of annual reports and notices of material events as required by the Rule and the Issuer’s continuing disclosure agreements. Such filings shall be made by the Compliance Officer using the MSRB’s electronic filing system (currently referred to as the Electronic Municipal Market Access system or EMMA) in accordance with the applicable continuing disclosure agreement. The Compliance Officer shall retain copies of each filing together with a receipt of filing or other acknowledgement from the MSRB.

8. Records to be Maintained for Bonds. It is the policy of the Issuer that, unless otherwise permitted by future IRS regulations or other guidance, written records (which may be in electronic form) will be maintained with respect to each issue of bonds for as long as those bonds remain outstanding plus six (6) years. For this purpose, bonds include refunding bonds that refinance the property that was financed by the original bonds.

The records to be maintained are to include:

1. the official Transcript of Proceedings (including the Issuance Documentation) for the original issuance of the bonds;
2. the records showing compliance with the requirements of paragraph 3 above;
3. the records described in paragraph 4(e) above;
4. the filings described in paragraph 6 above; and
5. the filings and receipts/acknowledgments described in paragraph 7 above.

The basic purpose of the foregoing record retention policy is to enable the Issuer to readily demonstrate to the IRS upon an audit of any bond issue that the Issuer has complied with all applicable requirements that it must satisfy after the issue date of the bonds under the Code and to demonstrate compliance with the Rule.

9. Remedial Action.

(a) Internal Revenue Code. If the applicable requirements of the Code have been violated with respect to any issue of bonds, the Compliance Officer shall determine whether to pursue any remedial actions available under the Code or through the IRS to maintain the tax-exempt status of any tax-exempt bonds or the eligibility for subsidy payments with respect to any BABs.

(b) Secondary Market Disclosure. If any required filings described in paragraph 7 or any of the Issuance Documentation have not been timely made or are inaccurate or incomplete, the Compliance Officer shall determine if and to what extent remedial action is required.

Date Compliance Policy

Adopted by Governing Body: August 11, 2010

Exhibit A

Delegation of Compliance

<u>Specific Responsibility Delegated</u>	<u>Person to whom Responsibility Delegated</u>	<u>Date</u>
--	--	-------------

**CERTIFICATE OF SECRETARY**

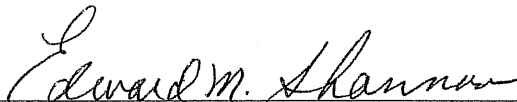
The undersigned, Secretary of the Board of Supervisors of the Township of Lower Southampton, HEREBY CERTIFIES that:

The foregoing Ordinance authorizing the issuance of General Obligation Bonds, Series of 2010 of the Township was duly moved and seconded and enacted by a majority vote of all the Board of Supervisors of said Township at a duly called and convened public meeting of said Board held on August 11, 2010; that public notice of said meeting was given as required by law; and that the roll of the Township Board of Supervisors was called and such members voted or were absent as follows:

<u>Name</u>	<u>Vote</u>
John McMenamin, Chairman	yes
Keith Wesley, Vice Chairman	yes
Ed Shannon, Secretary/Treasurer	yes
Mark Hopkins	yes
Julia Newman	yes

and that such Ordinance and the votes thereon have been duly recorded in the minutes.

**WITNESS** my hand and seal of the Township this 11<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Ed Shannon, Secretary

(TOWNSHIP SEAL)

**1 ORDINANCE NO. 2010-547**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE TOWNSHIP OF LOWER SOUTHAMPTON, BUCKS COUNTY,  
PENNSYLVANIA, , AMENDING THE SOLID WASTE ORDINANCE TO  
ESTABLISH A PROGRAM FOR MANDATORY RECYCLING AND  
PENALTIES FOR VIOLATIONS THEREOF; PROVIDING FOR SEPARATE  
LEAF WASTE COLLECTION; PROHIBITING BURNING; AND REPEALING  
SECTIONS 203 AND 204.**

**WHEREAS**, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (“Act 101”) requires mandated municipalities, including Lower Southampton Township, to develop a program for the collection, storage, and transportation of recyclable materials at residential properties;

**WHEREAS**, commercial, municipal and institutional entities must properly dispose of recyclable materials and all participants at community activities are required to properly dispose of recyclable materials;

**WHEREAS**, the Township has determined to establish recycling program consistent with the provisions of Act 101.

**NOW, THEREFORE**, be it resolved by the Board of Supervisors of Lower Southampton Township as follows:

A. Lower Southampton Township Recycling Ordinance

1. The short title of this Part shall be cited “Lower Southampton Township Recycling Ordinance” and the same may be cited in that manner.

2. Definitions

ALUMINUM CANS - empty all aluminum beverage and food containers.

COMMERCIAL ESTABLISHMENT - any establishment engaged in non-manufacturing or non-processing business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

COMMUNITY ACTIVITY – events sponsored in whole or in part by a municipality, or conducted within a municipality and sponsored privately, which include, but are not limited to, fairs, bazaars, socials, picnics and organized sporting events that will be attended by 200 or more individuals per day.

**CORRUGATED** - cardboard containers, including old corrugated containers used to ship merchandise and other Kraft papers such as grocery bags.

**GLASS CONTAINERS** - bottles and jars made of clear, green or brown glass. Expressly excluded from recycling are non-container glass, plate glass, and porcelain and ceramic products.

**HIGH GRADE OFFICE PAPER** - waste paper composed primarily of bleached (white) papers, that have gone through a printing operation of some type, including, but not limited to, computer printout paper and copier paper.

**INSTITUTIONAL ESTABLISHMENT** - any establishment or facility engaged in services, including, but not limited to, hospitals, nursing homes, schools and universities.

**LEAF WASTE** - leaves, garden residue, shrubbery and tree trimmings, and similar material, but not including grass clippings.

**MIXED PAPER** - all types of paper discarded from offices and homes such as colored papers, envelopes, magazines and catalogs.

**NEWSPAPERS** - paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded from recycling are newspapers that have been soiled.

**PERSON** - any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, Federal government or agency, State institution or agency or other legal entity recognized by law as the subject of rights and duties. In any provisions of this Part prescribing a fine, imprisonment, or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

**PLASTIC CONTAINERS** - empty plastic containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which shall be recycled or be excluded from recycling.

**RECYCLABLE MATERIALS / RECYCLABLES** - those materials specified by Lower Southampton Township to be recycled. This list of materials is specified in the recycling regulations resulting from this Part and may be revised from time to time as deemed necessary by Lower Southampton Township.

**RESIDENCE** - any occupied single or multi-family dwelling from which the private hauler collects solid waste.

**SOLID WASTE** - all refuse (garbage and rubbish) and other discarded solid material normally collected by a private hauler.

STEEL CONTAINERS - empty food or beverage containers consisting of ferrous sides and bottom, including tin-plated and bi-metal cans.

3. Establishment of Program. There is hereby established a program for the mandatory separation of recyclable materials and leaf waste from solid waste by all persons within the Township of Lower Southampton.

4. Separation of Recyclables and Placement for Disposal. Recyclable materials shall be placed at the curb or other designated collection point separate from solid waste for collection at such times and dates as may be hereinafter established by regulation. Failure to properly separate recyclable materials and leaf waste from solid waste may result in the non-collection of solid waste. Failure to properly separate recyclable materials may result in the non-collection of recyclable materials.

## RESIDENTIAL

### A. Preparation for Collection

(i) Newspapers. Newspapers will be bundled and tied securely with string or placed in paper bags prior to collection and removal. Newspapers shall be bundled separately, and may include magazines, telephone books. The total weight of such bundles or bags shall not exceed 50 pounds per collection.

(ii) Commingled materials, i.e., brown/amber/green/clear glass food or beverage containers, steel, bi-metal and aluminum food or beverage containers, HDPE and PET plastic food or beverage container. Commingled materials shall be clean and all contents removed therefrom. Materials shall be placed in special containers designated for the aforementioned provided by the Township and not mixed with other forms of solid waste for collection, removal or disposal.

(iii) Recyclables/Containers. It shall be unlawful to place any recyclables for the recycling collection service in unauthorized or defective disposal containers, plastic bags or bundles not securely tied.

B. Collection Location. Recyclables shall be placed for collection at ground level on the property, within 5 feet of the roadway prior to the time of collection on the appropriate collection day in a location at least 10 feet separate from which the household refuse collection is made.

C. Collection Schedule. Recyclable materials shall be collected on a weekly basis according to the following schedule:

(i) For scheduling of recyclable material pickup, the Township of Lower Southampton shall be divided into two districts (East/West using Bustleton Pike and Bridgetown Road as the dividing line). The boundary lines shall be in accordance with the street map of Lower Southampton Township attached to these regulations.

D. COMPOSTABLE MATERIAL (From April 1 to December 15)

(i) Preparation for Collection.

(a) Compostable materials shall be placed either loose in approved hard plastic or metal containers, or in biodegradable paper bags, not to exceed 50 pounds in weight and set out at curbside in similar fashion as normal household solid waste.

(b) Trees and brush must be tied in bundles not to exceed 36 inches in length or 18 inches in diameter. Each bundle shall not exceed 50 pounds in total weight.

(ii) Collection Location. Compostable materials shall be placed for collection at ground level on the property, within 5 feet of the roadway prior to the time of collection on the appropriate collection day in the same location from which the household refuse collection is made.

(iii) Quantity. Each residential unit or household shall be entitled to set out for collection on each collection day an unlimited amount of yardwaste, unlimited containers, receptacles, bundles, bags or combination thereof consisting of compostable materials.

(iv) Collection Schedule. Compostable materials shall be collected between the hours of 6 a.m. and 6 p.m. on a weekly basis on the day following the residential units designated recycling collection day.

E. COMPOSTABLE MATERIAL (From December 16-March 31)

The Township shall contract with a composting facility in order to permit Resident's yard waste to be accepted at such composting facility from December 16<sup>th</sup> through March 31<sup>st</sup>. The Township shall notify residents of the name of the composting facility, address, telephone number and hours of operation of said facility via the Township's internet website and by one other approved method of notification.

COMMERCIAL

A. Recyclable materials shall mean

(i) Required Recyclable materials: high grade office paper; aluminum; corrugated paper; and, leaf waste.

(ii) Optional Recyclable materials; steel and/or bi-metal cans; plastics; clear and/or colored glass; and, ferrous materials.

B. Collection Schedule and Disposal

(i) Recyclable materials shall be collected on a scheduled day, at least once per month, as arranged with a private collector licensed to collect solid waste in Lower Southampton Township.

(ii) Every commercial, institutional, and property owner shall ensure that their recyclable materials are separated from solid waste and provided to a licensed or otherwise bona fide recycling facility for recycling; or, if provided in mixed waste, to a private collector that agrees to separate and recycle these materials.

C. Reporting Requirements

(i) Each licensed hauler shall be required to complete and submit to the Township or an agency designated by the Township on an annual basis, a source separation and recycling report on the form prescribed (see attached form) and provided by the Township. The report shall contain the following information:

(a) Type and total amount of recyclable material collected and recycled within that calendar year (to be provided by private collector).

(b) Type and total amount of compostable material collected with the reporting period (if any).

(c) Type and total amount of all recyclable, compostable, and solid waste material that is collected within the reporting period (to be provided by private collector).

(ii) Every hauler shall submit to the Township or its designated agency, the source separation and recycling report on or prior to the previous calendar year.

5. Collection by Unauthorized Person(s). It shall be a violation of this Part for any person(s), unauthorized by Lower Southampton Township, to collect or pick up or cause to be collected or picked up any such recyclable material. Each such violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

6. Enforcement and Administration. Lower Southampton Township is authorized and directed to enforce this Part. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to manner, days and times for the collection of recyclable materials to implement this Part. Lower Southampton Township may change, modify, repeal or amend any portion of said rules and regulations at any

time. All licensed haulers are authorized to enforce the provisions of Section 4 of this Part concerning the improper separation of recyclable materials by means of non-collection or said materials. In addition, all licensed haulers are authorized to tag improperly separated materials and to report such improper separation to Lower Southampton Township.

7. Violation and Penalty. Any action by any person, firm, corporation or other entity which violates or does not comply with a provision of this Part or any regulation thereof shall be punishable by a fine to be established by resolution of the Board of Supervisors which in no event shall exceed One Thousand (\$1,000.00) Dollars per violation. No enforcement of Section 3 and Section 4 of this Part shall be made for three (3) months from the effective date of regulations authorized to be promulgated hereunder.

8. License. Lower Southampton Township shall have the power to license haulers of solid waste and recyclable materials in Lower Southampton Township. Only those haulers which are licensed by Lower Southampton Township shall be permitted to collect recyclable materials in Lower Southampton Township. Any hauler licensed to collect solid waste in Lower Southampton Township shall also collect recyclable materials. All licensed haulers shall provide recycling collection services to all customers served by the hauler.

9. Alternative Collection of Recyclable Material. Any persons may donate or sell recyclable materials to individuals or organizations authorized by Lower Southampton Township in its recycling regulations. These materials must either be delivered to the individual's or organization's site, or they may be placed at curbside or other designated collection point for collection by said individual or organization on days not indicated as recyclable material collection days by Lower Southampton Township.

10. Burning. No person shall ignite, cause, feed, permit or maintain any open fire for the destruction of solid waste, recyclables or leaf waste.

#### B. Leaves and Other Yard Waste Disposal.

1. Leaf waste shall be defined as set forth in Act 101 and its regulations which provides that leaf waste includes leaves, garden residue, shrubbery and tree trimmings, and similar material, but not grass clippings.

2. Leaf waste must be collected for composting and deposited at a Pennsylvania Department of Environmental Protection ("PADEP") approved leaf composting facility. Leaf waste shall not be collected for disposal in the municipal trash.

3. Haulers operating in Lower Southampton Township shall collect leaf waste the months of October, November and May. The actual day of collection shall be determined by the haulers. Collection schedules shall be distributed to the customers of Lower Southampton Township in advance.

4. Haulers may use any collection vehicle, system and manpower combination that they deem appropriate.

5. Haulers must report tonnage collection from each collection to Lower Southampton Township. Haulers must also provide Lower Southampton Township with receipts (weight slips) from a PADEP approved composting facility to certify that leaf waste was received.

6. Leaf waste shall be separated, prepared and bundled as directed by the Haulers. Haulers may reject leaf waste in plastic bags or bags contaminated by non-leaf waste.

7. In any month other than a month of collection of leaf waste by haulers, Lower Southampton Township residents may deposit leaf waste at a facility the Township contracts with for such purpose. The Township shall advise residents of the facility via the Township website and by one other approved method of notification. Commercial, industrial and professional entities may dispose of waste at the same facility in accordance with a separate agreement reached between such facility and the Commercial, industrial or professional property owner.

8. To the extent this Ordinance differs from any prior Ordinance, the terms and conditions of this Ordinance shall prevail.

This Ordinance was duly approved at a public meeting on the 22<sup>nd</sup> day of September, 2010.

**LOWER SOUTHAMPTON TOWNSHIP  
BOARD OF SUPERVISORS**

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

ATTEST:

\_\_\_\_\_  
Assistant Secretary