

Meeting Agenda
State College Borough Council
Work Session
Tuesday, November 13, 2012
4:00 p.m.

I. Call to Order

II. Roll Call

Donald M. Hahn, Council President
Thomas E. Daubert
Catherine G. Dauler
Ronald L. Filippelli
Sarah Klinetob
Peter Morris
James R. Rosenberger

III. Public Hour - Hearing of Citizens

Anyone wishing to address Council with an item that is not on the agenda should ask to be recognized at this time. Each speaker will have four minutes to present comments to Council.

- A. State College Coalition of Neighborhood Associations – Peg Hambrick will be addressing Council on behalf of the Coalition of Neighborhood Associations.

IV. ABC Reports

- A. Report from the Transportation Commission – Duke Gastiger, Chairman of the Transportation Commission, will report on the activities of the Commission and present their proposed 2013 work program. Attached to the agenda on *Page 5* is the 2013 proposed work program. Council will be asked to review and approve the work program at a future meeting.
- B. Planning Commission Report - Planning Commission Chairman, Evan Myers, will report on the Commission's recent activities and present their 2013 proposed work program. Beginning on *Page 7* of the agenda is the Commission's proposed work program. Council will be asked to review and approve the work program at a future meeting.

V. Planning and Zoning

- A. Zoning & Existing Structures Code Amendments

An updated Centre Region Building Safety and Property Maintenance Code (PM Code) is scheduled to be enacted by Centre Region municipalities in 2013. The

Manager formed a small working group comprised of staff from Police, Planning and DOEPH to review the proposed 2013 PM Code and provide recommendations both on the amendments in the PM Code proposed by the Centre Region Code Administration (CRCA) and additions or deletions in the proposed 2013 PM Code that staff believed are in the best interest of State College.

The working group prepared a two-part recommendation on the proposed PM Code amendments. The first part is a list of proposed changes to all sections of the PM Code except for sections 805 and 806, which govern the suspension of rental housing permits for zoning violations and for criminal and ordinance violations. A list of the proposed amendments is included in the agenda on *Page 23*.

The second part of the recommendation is to remove sections 805 and 806 from the PM Code and create a stand-alone Nuisance Property Ordinance that will be codified as Chapter V, Part K, of the Codification of Ordinances.

The proposed Nuisance Property Ordinance makes several changes to the current rental housing permit suspension system. First, it decreases the threshold for initiating rental permit suspension from 10 points to 9 points in a 12-month period. Second, it adds violations of the Borough's noise control ordinance to the list of violations for which points are assigned to a rental property. Three points are assigned to a property for Noise Control Ordinance violations. Third, the proposed Nuisance Property Ordinance increases the number of points assigned for furnishing alcohol to minors from 2 points to 3 points. Next, the Nuisance Property Ordinance makes the effective date of a rental housing permit suspension immediate upon the notice of suspension instead of at the end of the existing lease. Finally, the Nuisance Property Ordinance removes violations for refuse, snow and weeds from the list of violations that are exempt from the assigning of points in cases where a property owner self-reports the violations. A copy of the proposed Nuisance Property Ordinance is included with your agenda.

In addition to its review of the proposed PM Code, this working group also considered approaches to improving the process used by the Borough to track and regulate 1- and 2-family rentals in general and student homes in particular. The first approach is to establish a licensing requirement for 1- and 2-family rentals and student homes located in R-1, R-2, and R-3 zoning districts. Since these are the zoning districts where the student home space separation requirements apply it seemed logical to staff to apply a tool to improve the tracking and regulating these categories of rentals in these zoning districts. Unlike the zoning approval that is issued for these rental categories, the license would need to be renewed on an annual basis. The licensing requirement would be tied to the Zoning Ordinance in several ways to ensure that an application for a rental license complies with zoning standards. Unlike zoning, violations of the rental housing license ordinance would be enforced using methods similar to

nuisance ordinance violations rather than the civil judgment process required for zoning violations.

The second approach considered by the working group was to incorporate these improvements for regulating 1- and 2-family dwellings and student homes in the R1, R2, and R3 zones in the permitting section of the Zoning Ordinance. The substance of the processes for the review and issuance (or denial) of an annual zoning permit would be very similar to those proposed under the rental unit licensing concept. Incorporating this process into the Zoning Ordinance would result in the process of field violations, appeals of violations, and adjudication would follow the procedures established in the Municipalities Planning Code as codified in the State College Zoning Ordinance.

Irrespective of which approach is selected, the timing process of licenses or permits and the completion of inspections would be coordinated with CRCA. Also regardless of which approach is selected, the Zoning Ordinance would be amended to state that failure to renew the rental unit license or permit is statement of intent to abandon the use that had been authorized to operate under the terms of the license or permit.

The final approach considered by the working group was integrating this annual license into the permitting requirements that apply under the PM Code. Because of the differences in the information envisioned on the license application compared to the rental housing permit application used in the PM Code, the process needed to review this information, and the direct tie to the abandonment section of the State College Zoning Ordinance, this is the most complex alternative from an operational perspective.

An alternative not considered by the working group but discussed by the Manager and Planning Director, State College Borough would assume the responsibility for issuing rental permits for all rental units within the Borough while maintaining a relationship with CRCA for the PM Code inspection components of the rental housing regulatory process. This approach would allow the Borough to tailor its permitting process to its specific needs for managing rental housing while capitalizing on the existing expertise in CRCA for field work elements of the process.

Before proceeding further with the final development of an ordinance intended to improve the tracking and regulation of 1- and 2- family dwellings and student homes, staff needs to discuss the options with Council and identify which approach is the best alternative.

Staff is preparing an ordinance concept for the rental licensing approach outlined above as a starting point for Council's consideration of this new management tool. The ordinance concept will be distributed to Council under separate cover.

- B. Memorial Field Update - Staff will provide Council with an update on the Memorial Field project. Attached to your agenda on *Page 27* is a draft Drainage System Agreement, which is subjective to revisions by both parties.

VI. General Policy and Administration

- A. Pension Amendment

The attached draft ordinance provides full-time staff of the Centre Region Council of Governments to begin participation in the State College Borough Defined Contribution Pension Plan. Effective February 1, 2013, this modification permits COG employees to join Borough employees in the Defined Contribution Pension Plan. Council will be asked to act on this Pension Amendment at their November 19, 2012 regular meeting. [*Page 33*]

- B. Pension Advisory Boards

Staff began actively reviewing investment performance and governance matters relative to the Borough's Pension Plans in 2009. That investigation revealed that formal practices should be put into place to ensure that investment performance is regularly and routinely reviewed. Pension Advisory Boards are one mechanism through which these governance practices can be implemented. Council is asked to consider two Resolutions authorizing the creation of Pension Advisory Boards. The Resolutions would authorize advisory boards for the General Government and Police Pension Plans. [*Page 35*]

Council will be asked to consider adopting resolutions appointing one employee to the General Government Pension Advisory Board and one Police Officer to the Police Pension Advisory Board.

- C. 2013 Operating Budget

Staff will distribute and present the 2013 Operating Budget. Staff will provide a brief summary of key issues and highlights of the proposed budget. Council discussion and review of the budget will begin at the November 19 work session.

VII. Adjournment

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2013 STATE COLLEGE PLANNING COMMISSION WORK PROGRAM

2013 Approved by the Planning Commission on _____

Key: = *Coordinate with the Transportation Commission IP=Initial Planning, CP=Complete Planning, IMP=Implementation, R/C=Review and Comment, BC = Council Approval

Priority	2012												2013															
	Nov		Dec		Jan		Feb		Mar		Apr		May		June		July		Aug		Sept		Oct		Nov		Dec	
	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th	1st	15th
	ROUTINE ACTIVITIES																											
	Plan Reviews																											
	Subdivision Reviews																											
	Items Referred By Council																											
	Capital Improvement Program (CIP) And State Of Planning Report																											
	Interaction With CRPC																											
	Penn State Liason																											
	<p><u>SCPC Reports to Council</u></p> <p>End of Year Report to Council on SCPC Activities & 2013 Work Program</p> <p>1st Quarter Report to Council on SCPC Activities & 2013 Work Program</p> <p>Mid Year Report to Council on SCPC Activities & 2013 Work Program</p> <p>End of Year Report to Council on SCPC Activities & 2013 Work Program</p>																											
NEIGHBORHOOD PLANNING																												
High	State College Neighborhood Plan																											
High	Neighborhood Plan SWOT Analysis																											
Med	West End Revitalization Activities																											
	Analyze West End Zoning, Implement Streetscape Enhancements, Improve Pedestrian/Bike Connections to West Campus , Identify a Pilot Project																											
DOWNTOWN PLANNING																												
High	Downtown Master Plan Update																											
High	Master Plan CIP Items																											
Low	Downtown Parking Study and parking considerations																											
COMMUNITY PLANNING																												
High	Zoning Ordinance Rewrite-- Review RFP and Updates																											
Med	Joint meeting with Borough Council and Transportation Commission																											
Low	Identify and certify redevelopment areas																											
Low	Green Planning																											
Low	Revise Lighting Ordinance																											
COOPERATIVE RESPONSIBILITY WITH OTHER AGENCIES																												
Med	Centre Region Comprehensive Plan 2010 Update (if referred by Borough Council)																											

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State College Borough Council Policy Briefing Summary

RE: Proposed amendments to the Centre Region Building Safety and Property Maintenance Code and Establishing a Rental Housing License.

Date Prepared: November 6, 2012
Prepared By: DOEPH Staff
Proposed Meeting Date: November 13, 2012
Deadline for Action: To Be Determined

I. Request/Issues Needing Council Action

Council is requested to consider several amendments to the Centre Region Building Safety and Property Maintenance Code (PM Code), to consider adding a new Part to Chapter V to the Codification of Ordinances to address nuisance properties, and to consider establishing a rental housing licensing program that would apply to 1- and 2-Family rentals and student homes.

The most substantial amendment to the PM Code is by removing the sections on rental housing permit suspension for zoning violations and for nuisance and criminal violations from the PM Code and re-codifying them as a new Part K titled the Nuisance Property Ordinance in Chapter V of the Codification.

Other changes proposed in the PM Code are outlined in section III below.

The proposed licensing program for 1- and 2-family rental dwellings and student homes is intended to improve the tracking and management of these lower density rental units in State College. The licensing program would complement rather than replace the existing rental housing permit administered by the Centre Region Code Administration department. This program, if accepted by Council, could be codified in either the zoning ordinance or in the section of the Codification that deals with rental property.

II. Current Policy and/or Practice

Currently, the Nuisance Property Suspension is built into the Centre Region Building Safety and Property Maintenance Code of 2010. No rental housing licensing program like the one proposed exists today.

III. Other Background Information

Staff believes the proposed changes will make these regulations more effective neighborhood preservation tools.

The changes related to rental housing permit suspension by making it a stand-alone ordinance rather than a part of the larger PM Code will simplify amending these regulations when they are deemed necessary.

In addition to these changes, staff has prepared the following list that summarizes the changes proposed.

- Add a requirement to the PM Code that the municipality is notified or consulted with in certain situations.
- Increase the late charge for rental housing permits that are not renewed in a timely manner from the proposed 20% of the cost of the permit to 100% of the permit fee.
- Reduce the amount of time a property owner has to renew a permit from the date of expiration to date when the permit is considered abandoned to 15 days. Once abandoned, the owner must reapply for the permit as a new permit.
- Reference to the Person-in-Charge is added in several places.
- Add a requirement that life safety violations identified in a code inspection be abated immediately.
- Require that individuals or firms that carry out pest control measure have the necessary state certification for pest control operators.
- Modify the method for assigning points for violations that occur in building common areas or outside of the building and how these points factor into decisions to suspend a rental housing permit.
- Increase the number of points assigned for furnishing alcohol to minors and for noise violations from 2 points to 3 points.
- Make the effective date of a rental housing permit suspension immediate upon the notice of suspension instead of at the end of the existing lease.
- Reduce the number of points necessary to initiate a suspension from 10 points to 9 points.
- Remove violations for refuse, snow and weeds from the list of violations that are exempt from the assigning of points in cases where a property owner self-reports the violations.

IV. Financial Impact on Budget

Staff does not believe the proposed changes to the PM Code, including the creation of a separate Nuisance Property Ordinance, will have a significant impact on budgets.

Staff does anticipate significant budgetary impacts, for both revenue and expenditures, if a rental housing license ordinance and program is enacted. Staff has not prepared an estimate on the staffing that will be needed to administer a rental housing licensing program but expects that additional staff resources will be needed.

V. Authority, Boards and Commission Review

None to date. If the rental housing license amendment is included in the zoning ordinance, it must be referred to the Planning Commissions for review and comment.

VI. Staff Recommendation and Reason

Staff recommends that Council receives the proposed amendments and refer the matters to a work session at a future date.

Attachments:

Proposed amendments and a more detailed list of the proposed changes to the PM Code.

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Proposed Changes to the Centre Region Building Safety and Property Maintenance Code November 2012
Italics are Changes Proposed by Centre Region Codes
Bold are Borough changes

Section 102.8, entitled “Requirements not covered by code.”, is amended to read as follows:

~~No structure, the construction and use of which complied with all code and other such requirements in effect at the time of construction, shall be required to be altered in use or structure by the provisions of this code, except in the case of a clear public safety hazard. In the case of a clear public safety hazard, the code official shall be authorized to enforce a provision of this code, or other recognized relative codes, retroactively. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure, or equipment, or for the public safety, health, general welfare, not specifically covered by this code, shall be determined by the code official in consultation with the Municipality.~~

Section 103.5.1, entitled “Housing Permits.”, is amended to read as follows:

Rental housing permits shall be renewed annually on or before the expiration date of ~~each year the permit~~. A housing permit shall become null and void upon permittee’s failure to submit the required or proper annual rental housing fee. No reduction shall be made for fractional yearly permits. A late charge of ~~20%~~ **100%** of the permit fee per unpaid unit shall be imposed after the date of the permit payment due, ~~and with each additional notice every 30 days thereafter until paid~~. Housing permits shall be transferable upon change of ownership, providing the permitted use has not changed. The new owner or designated operator is required to notify the Code Administration office within 30 days after the change of ownership. ~~After 15 calendar days of lapsation or non-payment the permit is considered willfully abandoned.~~

Section 103.5.1.1, entitled “Rental permit abandonment.”, is amended to read as follows:

Fifteen (15) calendar days following either a lapse or non-payment, the permit is considered willfully abandoned. The Code Official shall be required to notify the Municipality in writing of any rental permits that are deemed to have been abandoned. Once a permit has been willfully abandoned a rental housing permit must be obtained prior to renting or offering the unit or structure for rent in accordance with this code. This unit or structure must comply with all provisions of this code in accordance with a first-time rental permit application.

Section 103.5.1.2, entitled “Rental permit abandonment violation.”, is added to read as follows:

Any property occupied following the willful abandonment shall be subject to the provisions of Section 106.3.

Section 104.1.1, entitled “Municipal manager.” is deleted.

Section 106.3.1.1, entitled “Identification of violation responsibility.”, is amended to read as follows:

When an Unsafe Condition Violation is issued within a dwelling unit, every attempt will be made to identify the person(s) responsible for the violations. The OWNER or PERSON-IN-CHARGE shall provide the tenant information to the code official within 24-hours when the tenants are not present. When the violation occurs within a bedroom within the dwelling unit, the tenant(s) within that bedroom as identified by the **OWNER or PERSON-IN-CHARGE** shall be cited. When the violation occurs

within a common area within the dwelling unit, the tenant(s) of the dwelling unit as identified by the **OWNER or PERSON-IN-CHARGE** will be issued the violation and the fine. **When an Unsafe Condition Violation is issued, the Centre Region Code Administration shall notify the Municipality in writing.**

Section 107.2, entitled “Form.”, is amended to read as follows:

4. Include a correction order allowing a reasonable **date and time, which shall be noted on the correction order**, to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.

Section 108.1.5, entitled “Dangerous structure or premises.”, is amended to read as follows:

For the purpose of this code, any *structure or premises* that has any or all of the conditions or defects described below shall be considered dangerous. **The Municipality shall be notified in writing of any structure or premises that has been deemed dangerous.**

Section 108.3, entitled “Notice.”, is amended to read as follows:

Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2. **Notice of any such condemnation shall also be submitted in writing to the Municipality.**

Section 109.3, entitled “Closing streets.”, is amended to read as follows:

When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized. **Notice of any such closure shall be submitted in writing to the Municipality immediately upon closure.**

Section 202, entitled “General Definitions.”, is amended add the following definitions:

Flexible Cords: to be provided by Centre Region Codes

Health Officer: The Officer duly appointed by the municipality to administer and enforce applicable public health codes a duly authorized representative.

Lawful Order: to be provided by Centre Region Codes

Satisfactory Rental Housing Inspection: Defined as two or fewer (less than three) life safety violations or five or fewer (less than 6) property maintenance violations per permit. **Life safety violations shall be abated immediately in order to receive this status.**

Section 202, entitled “General Definitions.”, is amended to revise the following definitions:

Pest Elimination: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or

water; by other *approved pest elimination* methods. **Pest elimination and materials shall be undertaken by a pest control operator holding a certification from the Pennsylvania Department of Agriculture.**

Section 302.5.1, entitled “Insect and rodent elimination.”, is amended to read as follows:

When ordered by the ~~code official or~~ health officer, insect or rodent control measures shall be done by a Certified Pest Control Operator, with a current certification issued by the Pennsylvania Department of Agriculture to perform this work.

Section 302.22, entitled “Gates.”, is amended to read as follows:

All exterior gates, gate assemblies, operator systems, if provided, and hardware shall be maintained in good condition. Latches, where required, ~~at all entrances~~ shall tightly secure the gates.

Section 309.1.1, entitled “Insect and rodent elimination”, is amended to read as follows:

When ordered by the ~~code official or~~ health officer, insect or rodent control measures shall be done by a Certified Pest Control Operator, with a current certification issued by the Pennsylvania Department of Agriculture to perform this work.

Section 609, entitled “Moisture Control”, is amended to read as follows:

*609.1 Dehumidifiers. In rental housing units that are located below grade or partially below grade as part of an overall moisture control system the code official **or health officer** may require the owner to provide dehumidification equipment for use in the effected rental housing unit if in the opinion of the code official **or health officer** that the ambient moisture is contributing to mold or mildew growth. The owner shall supply the equipment for use to the tenant at no cost to the tenant.*

Removal of Sections. The provisions of Sections 805, Rental Housing Permit Suspension for Zoning Violations and 806, Rental Housing Permit Suspension for Nuisance and Criminal Violations including any and all subsections which provide for Permit Suspension are hereby removed from the Centre Region Building Safety and Property Maintenance Code, 2010 edition, in entirety.

Adding Chapter V, Part K, Nuisance Property Ordinance to the codification of ordinances.

Additions –

Definitions for Borough, Code Official, Manager, Nuisance Property, Ordinance Enforcement Officer and Person In Charge.

Points for all offenses that occur within common areas or outside areas on the property are assigned to the tenant’s rental unit when the tenant or guest can be identified. When the tenant or guest cannot be identified for refuse, property maintenance, snow, vegetation or fire code then points will assign to the property in general. The effective suspension – when a suspension is against the property in general then every residential unit on the property shall be secured and vacated.

Furnishing Alcohol under the crimes code 6310.1 as a three point violation.

The noise control ordinance as a three point violation – Ch. V, part A.

Under zoning – one or two family dwellings with either one or two rooming units to the list of zoning violations for occupancy and student homes.

Self reported complaints by the property owner, manager, person in charge or tenant cannot be used as an expectation or opportunity to avoid nuisance property points from being assigned to the property.

Zoning - Self reported complaints by the property owner, manager or person in charge excluding tenant cannot be used as an expectation or opportunity to avoid nuisance property points from being assigned to the property.

Effective date of suspension commences immediately when the last tenant vacates the property or at the expiration of the lease whichever is sooner. The property owner is responsible for providing alternative housing to any tenant affected in vacating the property. The Code Official shall issue a citation to the property owner every 24 hours in which the property remains occupied while the property is under suspension and without a valid permit.

Changes –

Lowering threshold of points for suspension from 10 points to 9 points.

Excluding refuse, snow and weeds from self-reported complaints.

ORDINANCE _____

AN ORDINANCE OF THE BOROUGH OF STATE COLLEGE, COUNTY OF CENTRE, COMMONWEALTH OF PENNSYLVANIA ADOPTING THE CENTRE REGION BUILDING SAFETY AND PROPERTY MAINTENANCE CODE, 2010 EDITION, SECTION 805, RENTAL HOUSING PERMIT SUSPENSION FOR ZONING VIOLATIONS AND SECTION 806, RENTAL HOUSING PERMIT SUSPENSION FOR NUISANCE AND CRIMINAL VIOLATIONS INCLUDING ALL SUBSECTIONS WHICH PROVIDE FOR RENTAL HOUSING PERMIT SUSPENSION INTO THE CODIFICATION OF ORDINANCES, CHAPTER V, PART K, ENTITLED NUISANCE PROPERTY ORDINANCE, INCLUDING UPDATING EXISTING LANGUAGE, TERMS AND PROCEDURES

Be it ENACTED AND ORDAINED by the Borough Council of the Borough of State College, and it is hereby enacted and ordained by authority of same, as follows:

Section 1101. Definitions. The following terms, as used in this ordinance, shall be defined as follows:

- a. **Borough.** The Borough of State College, a Home Rule Municipality, Centre County, Pennsylvania.
- b. **Code Official.** The Director of the Centre Region Code Administration, or designee, authorized to enforce provisions of the Centre Region Building Safety and Property Maintenance Code, current edition, as adopted by Chapter IV, State College Borough Codification of Ordinances including future amendments, alterations, deletions and appendices.
- c. **Manager.** The Borough Manager as appointed by the State College Borough Council pursuant to Section 502.1 of the Home Rule Charter of the Borough of State College.
- d. **Nuisance Property.** A property within the Borough which holds a rental housing permit and has created a detrimental effect on the peace, safety, tranquility and appearance of the neighborhood by violating provisions of the Borough zoning ordinances related to over occupancy or student home twice within a (4) four year period or has accumulated (9) nine assigned points for violation of the laws of this Commonwealth or ordinances of the Borough.
- e. **Ordinance Enforcement Officer.** An authorized agent or representative of the Borough appointed by the Manager to enforce the provisions of the Borough's Codification of Ordinances and the Centre Region Building Safety and Property Maintenance Code, current edition.
- f. **Person-In-Charge.** A person, with the exception of the property owner, who is a responsible adult, 25 years of age or older who has charge, care, control or management of a residential rental property and lives within 25 air miles of the property and who resides within the required radius the majority of the year and not leaving the region for more than 45 continuous calendar days.

Section 1102. Rental Housing Permit Suspension for Nuisance and Criminal Violations. The rental housing permit for any property within the Borough shall be suspended whenever ~~10~~ (9) nine or more

points for offenses have accumulated individually or collectively at the property within a 1-year period and the property owner has received required notice. The 1-year (12-month) period is a rolling year, and shall be counted as the 12-month period that immediately precedes the date of the most recent offense.

Section 1103. Assignment of points. Points Schedule. Points for offenses shall be assigned as follows:

- a. **1 Point Offenses.** 1 point shall be assigned for each offense of the following ordinances as set forth in **Section 1111**: property maintenance, refuse, sidewalk obstruction, grass and weeds, and dogs. These points shall accumulate against a property at the time of issuance of a violation notice or citation.
- b. **2 Point Offenses.** 2 points shall be assigned for each offense of the following ordinances or statutes as set forth in **Section 1111**: disorderly conduct, alcohol possession or consumption by a minor, drugs, simple assault, harassment, open lewdness, indecent exposure, and fire prevention code offenses. Points for fire code offenses listed in Chapter 7 or 9 of the **Centre Region Building Safety and Property Maintenance Code, current edition** shall accumulate against a property at the time of issuance of a violation notice or citation. Points for the other offenses shall accumulate against a property at the time of adjudication, unless the defendant is acquitted, found not guilty, or the case is withdrawn. Points shall also accumulate if, after being charged, a defendant ignores a citation or criminal complaint and a warrant is issued for the defendant's arrest.
- c. **3 Point Offenses.** 3 points shall be assigned for each offense of the following statutes as set forth in **Section 1111**: furnishing alcohol to a minor, aggravated assault, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, ~~and~~ possession with intent to deliver controlled substances or look-alike substances **and for violation of the noise control ordinance**. Points for these offenses shall count against a property at the time of adjudication unless the defendant is acquitted, found not guilty or the case is withdrawn. The points shall also accumulate if after being charged, the defendant ignores the citation or criminal complaint and a warrant is issued for the defendant's arrest.
- d. **Multiple Violations.** Upon discovery of multiple violations at a property, the maximum number of points that can accumulate in a 24-hour period is 3.
- e. **Self Reported Complaints.** **With the exception of violations of ordinances; Municipal Waste, Chapter VIII, Part A, Grass and Weeds, Chapter IX, Part C and Obstructions on Sidewalks, Chapter XVI, Part G of the Borough Codification of Ordinances, Self self** reported complaints filed by the property owner, property manager, person-in-charge, or a tenant of the premises that result in a prosecution that would otherwise cause points to be assigned to the property shall not count towards suspension provided the Borough or Code Official or a 3rd party has not already discovered the violation. **Self reported complaints for offenses as described in Section 1111 shall not be used as an expectation or opportunity to avoid nuisance property points from being assigned to a property.**

Section 1104. Assignment of Points for Offenses. Points shall be assigned whenever an offense is caused by a tenant or guest at the property or by the property owner or by the property owner's failure to correct the violation when such correction is prescribed by law. The assignment of points for offenses, as set forth in **Section 1111** of this ordinance, shall apply towards suspension of the rental housing permit for any 1-family house, duplex, multiple-family dwelling unit, rooming unit, or fraternity, as the case may be, **whenever a property requires a rental housing permit pursuant to this ordinance** in accordance with the following schedule:

- a. **1-Family House or Fraternity House.** Points shall be assigned to the property whenever an offense occurs anywhere on the property, including sidewalks within or along the boundary of the property, provided such offense is caused by a tenant or a guest at the property. Points for offenses committed by the property owner shall be assigned to the property.
- b. **2-Family (Duplex), Multiple-Family or Rooming Unit House.** Points for **all** offenses that occur within an individual dwelling or rooming unit **rental unit** shall **apply be assigned** to that **rental unit**. ~~Points for offenses committed by a tenant or guest shall apply to the tenant's dwelling or rooming unit. Points for offenses committed by the property owner shall be assigned to the property in general.~~ **When offenses occur within common areas or outside areas on the property, points shall be assigned to the tenant's rental unit when such tenant or his or her guest can be identified. When the offender's identity is unknown and the offense occurs within common areas or outside areas, points for Refuse, Property Maintenance, Sidewalk Obstruction, Vegetation, and Fire Code, as listed in Section 1111 shall be assigned to the property in general.**

Section 1105. Notices Required. Within any 1-year (12-month) period, written notices shall be issued as required below.

- a. Prior to suspension of a rental housing permit, the Borough shall provide the owner of the subject rental property with a written notice entitled "Problem Property Notice" whenever offenses totaling 5 or more points accumulate at the rental property within any 1-year period. The Problem Property Notice shall list the offenses and state that should ~~40~~ **9 (nine)** or more points accumulate at the rental property, the property shall be deemed a "Nuisance Property" and the rental housing permit shall be suspended. The offenses subject to points are listed in **Section 1111** and the corresponding points are listed in **Section 1103**.
- b. The Problem Property Notice shall inform landowners that a written correction plan is required to be submitted to the Borough within 30 calendar days after receipt of the Problem Property Notice. The written correction plan shall indicate the ways the landowner intends to take control of the property so that it does not become a Nuisance Property.
- c. The Problem Property Notice shall inform landowners that they may request an informal meeting with the appropriate Borough Official, as designated in the notice, to discuss the violations and corrective actions intended to prevent the problem property from becoming a Nuisance Property. Owners requesting a meeting may appoint someone to represent them so long as their representative is authorized to act on their behalf, including but not limited to entering into agreements.
- d. Whenever ~~40~~ **9 (nine)** or more points accrue at a rental property, a permit suspension notice shall be sent to the property owner advising that the rental property is now designated a Nuisance Property and the rental permit is suspended.

Section 1106. Suspension Procedures.

- a. **Notification.** The Borough shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension and appeal rights and procedures.

- b. **Term of Suspension and Effective Date.** The effective date of a suspension shall commence **immediately when the last tenant has vacated the property** ~~on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period~~ **whether or not a lease or leases are in force or at the expiration of the lease or leases, whichever occurs sooner. Should a lease be in force, the property owner shall be responsible for providing alternative housing to any tenant affected in vacating the property.** ~~When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date.~~ **The Code Official or designee shall issue a citation to the property owner every 24 hours in which the property remains occupied while under suspension and without a valid permit.** The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.
- c. **Effect of Additional Points.** During the time a rental housing permit is suspended, should any additional points accumulate against the property, the permit suspension shall be extended by 6 months.
- d. **Effect of Suspension.** While under suspension, the residential unit **or property** subject to suspension shall be secured and vacated. **When suspension is against the property in general, every residential unit in the building shall be secured and vacated.**
- e. **Defense.** When tenants are culpable for violations resulting in a suspension notice, the property owner may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable tenants. If tenants are evicted, the property owner may request termination of the suspension proceedings. If suspension has been stayed, but the tenants are not evicted, suspension proceedings can be reinstated by the Borough.

Section 1107. Appeal Procedure for Suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the Borough Manager. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The Borough Manager shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the Borough Manager is empowered to take any of the following actions:

1. Sustain the suspension.
2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.
3. Stay or terminate the suspension pursuant to Section ~~806.6~~ **1106, e, Defense. for Eviction Proceedings.**
4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section ~~806.8.~~ **1108, Consent Agreement and Stay of Suspension.**

Section 1108. Consent Agreement and Stay of Suspension. The Borough Manager is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with Borough Ordinances and to maintain the property in

a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the Borough Manager may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a violation of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

Section 1109. Appeal to the Rental Housing Revocation Appeals Board (RHRAB). An affected property owner may appeal any adverse decisions or determinations made by the Borough Manager to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the Borough Manager's decision. The RHRAB shall notify the appellant of the date, time and location of the hearing which shall be held within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the Borough Manager's decision. A fee for an appeal will be set by resolution of Borough Council from time to time.

Section 1110. Appeal to the Court of Common Pleas. Appeals by the property owner or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

Section 1111. Offenses. For purposes of this ordinance, offenses **listed in Section 1103** are those as set forth **and defined** in the following ordinances or statutes:

a. **Criminal Violations.**

1. **Aggravated Assault.** Refers to enforcement by Law Enforcement of Section 2702, Crimes Code, Act 132 (3).
2. **Alcohol.** Refers to Possession or Consumption by a Minor pursuant to Section 6308, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, **or Furnishing Liquor or Malt or Brewed Beverages to Minors pursuant to Section 6310.1, Crimes Code, Act of March 25, 1988, P.L. 262, No. 31,** or furnishing to a minor, Section 493, Liquor Laws, Act of April 12, 1951, P.L. No. 90, as amended.
3. **Disorderly Conduct.** Refers to enforcement by Law Enforcement of Section 5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334.
4. **Drugs and Possession With Intent to Deliver.** Refers to enforcement by Law Enforcement of *The Controlled Substance, Drug, Device and Cosmetic Act*, of April 14, 1972, P.L. 233, No. 64, as amended.
5. **Harassment.** Refers to enforcement by Law Enforcement of Section 2709, Crimes Code, Act 218 (1).
6. **Open Lewdness.** Refers to enforcement by Law Enforcement of Section 5901, Crimes Code.
7. **Sexual Assault.** As enumerated in the Crimes Code referring to enforcement by Law Enforcement of Sections: 3121, Rape, Act 226 (1.1); 3122.1, Statutory Sexual Assault; 3123, Involuntary Deviate Sexual Intercourse, Act 226 (1.1); 3124.1, Sexual Assault; 3125, Aggravated Indecent Assault, Act 226 (1.1); 3126, Indecent Assault; 3127, Indecent Exposure.

8. **Simple Assault.** Refers to enforcement by the Law Enforcement of Section 2701, Crimes Code, Act 172 (1).

b. **Borough Ordinance and Centre Region Building Safety and Property Maintenance Code Violations.**

1. **Dogs.** Refers to enforcement of dog offenses pursuant to Chapter II, State College Borough's Codification of Ordinances, Part A, Dogs, Section 101, et seq, as amended.
2. **Fire Code.** Refers to regulations for the prevention of fires at rental properties as adopted in Chapter 9 (Fire Code) of ~~this code~~ **the Centre Region Building Safety and Property Maintenance Code, current edition** as adopted by Chapter IV, State College's Borough's Codification of Ordinances.
3. **Noise.** Refers to the enforcement of the Noise Control Ordinance, Chapter V, State College Borough's Codification of Ordinances, Part A, Section 101, et seq, as amended **by Ordinance 1987.**
4. **Property Maintenance (Interior and Exterior).** Refers to regulations for the maintenance of residential property as generally enforced by the Centre Region Code Administration, pursuant to ~~this code~~ **The Centre Region Building Safety and Property Maintenance Code, current edition** with the exception of Chapter 9 (Fire Code) as adopted by Chapter IV, State College Borough's Codification of Ordinances, **as amended.**
5. **Refuse.** Refers to garbage, refuse, and Municipal solid waste regulations enforced by the Health Department pursuant to Chapter VIII, State College Borough's Codification of Ordinances, Part A, Section 101, et seq. as amended.
6. **Sidewalk Obstruction.** Refers to regulations for clearing snow, ice, and other Obstructions from sidewalks pursuant to Chapter XVI, State College Borough's Codification of Ordinances, Part G, Section 701, et seq, as amended.
7. **Vegetation.** Refers to enforcement of Grass and Weeds pursuant to Chapter IX, State College Borough's Codification of Ordinances, Part C, Section 301, et seq, as amended.

Section 1112. Rental Housing Permit Suspension for Zoning Violations. The rental housing permit of any 1-family dwelling, 1-family dwelling with an apartment unit, ~~or~~ 2-family dwelling, **or 1 and 2-family dwellings with either one or 2 rooming units** within the Borough shall be suspended whenever two or more zoning offenses, as described in Section ~~805.2,~~ **1113** occur within any 4-year period. The 4-year period shall commence upon the date of the first enforcement notice or, in the event such notice is appealed, upon the date that a final determination in favor of the Municipality is made by either the Zoning Hearing Board or court of competent jurisdiction. For the purposes of this section, 1- family dwelling, 1-family dwelling with a single apartment unit, 2-family dwelling **or 1 and 2-family dwellings with either 1 or 2 rooming units** refer to housing classifications described and used in the State College Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559 as amended.

Section 1113. Notification Requirements and Applicable Offenses. An offense shall count towards suspension whenever a violation has been determined to have occurred at the property by a zoning officer and the landowner was sent a violation notice pursuant to Section 616.1, *Enforcement Notice*, as provided for in the Pennsylvania Municipalities Planning Code. In the event such notice is appealed, the violation shall count towards suspension whenever the Zoning Hearing Board or court of competent jurisdiction

rules in favor of the Municipality. In addition to the requirements contained in the Pennsylvania Municipalities Planning Code, the enforcement notice shall inform the landowner that any subsequent violation of the zoning regulations for occupancy or student home use that occurs within 4 years of the date of the current notice will result in suspension of the rental housing permit for the subject property with the consequence that the rental unit cannot be occupied during the term of the suspension.

- a. **Offenses.** For the purpose of this suspension provision, offenses are violations of the following two sections of the Borough's Zoning Ordinance, Chapter XIX, Borough's Codification of Ordinances, Ordinance 559, as amended:
 1. **Occupancy.** Refers to regulations for use of 1- and 2-family homes under Section 501.1(3).
 2. **Student Home.** Refers to regulations for use of 1- and 2-family homes under Section 501.1(6).

Section 1114. Effect of Concurrent Violations. When an over occupancy violation and student home violation occur concurrently, the two violations shall count as only one offense towards suspension. Another violation of either or both that occurs within any 4-year period following the first preceding violation shall constitute a basis for suspension.

Section 1115. Self Reported Complaints. Self reported complaints filed by the property owner, property manager, or person-in-charge that result in an enforcement notice being sent by the Borough shall not count towards the suspension of the rental housing permit provided the Borough **has not already initiated an investigation, or a 3rd party has not made a complaint about the property prior to the self reported complaint, or the Borough** has not already discovered the violation. **Self reported zoning complaints as described in Section 1113 shall not be used as an expectation or opportunity to avoid a violation.**

Section 1116. Suspension Procedures.

- a. **Notification.** The Borough shall notify the property owner of a suspension by written notice sent certified mail or delivered in person. The notice shall advise the property owner of the property address, the effective dates of the suspension, the reason for the suspension, the effect of the suspension on the property, penalties that can be imposed for violation of the suspension, and appeal rights and procedures.
- b. **Term of Suspension and Effective Date.** The effective date of a suspension shall commence **immediately when the last tenant has vacated the property** ~~on the first day following expiration of the lease or leases in force provided such lease or leases are not for more than a 1-year period whether or not a lease or leases are in force or at the expiration of the lease or leases, whichever occurs sooner.~~ **Should a lease be in force, the property owner shall be responsible for providing alternative housing to any tenant affected in vacating the property.** ~~When there is no lease in force or when the lease or leases are for periods greater than one year, suspension shall commence upon the first day following the annual permit renewal date.~~ **The Code Official or designee shall issue a citation to the property owner every 24 hours in which the property remains occupied while under suspension and without a valid permit.** The initial length of a suspension shall be for 6 months. The term of any subsequent suspension occurring within 5 years following the effective date of the first suspension shall be 12 months.

- c. **Effect of Additional Points.** During the time a rental housing permit is suspended, should any additional points accumulate against the property, the permit suspension shall be extended by 6 months.
- d. **Effect of Suspension.** While under suspension, the residential unit subject to suspension shall be secured and vacated.
- e. **Defense.** When tenants are culpable for violations resulting in a suspension notice, the property owner may request a stay of suspension proceedings by providing written evidence of the initiation of eviction proceedings against culpable tenants. If tenants are evicted, the property owner may request termination of the suspension proceedings. If suspension has been stayed, but the tenants are not evicted, suspension proceedings can be reinstated by the Borough.

Section 1117. Appeal Procedure for Suspension. Any affected landowner may appeal a suspension notice by first filing an appeal to the Borough Manager. All appeals must be filed in writing within 15 calendar days of receipt of the suspension notice. The Borough Manager shall hold an administrative inquiry within 30 calendar days of receiving the landowner's appeal, and shall notify the landowner of the date, time, and location of the administrative inquiry. Following the conclusion of the inquiry, the Borough Manager is empowered to take any of the following actions:

1. Sustain the suspension.
2. Overturn the suspension upon a finding that proper procedure was not followed or that the available evidence does not support suspension.
3. Stay or terminate the suspension pursuant to Section ~~805-11~~, **1116, e, Defense. for Eviction Proceedings.**
4. Enter into a consent agreement with the landowner and stay the effective dates of the suspension pursuant to Section ~~805-12~~ **1118 Consent Agreement and Stay of Suspension.**

Section 1118. Consent Agreement and Stay of Suspension. The Borough Manager is empowered during the course of an administrative inquiry on suspension of a rental housing permit to enter into a consent agreement with the landowner. The consent agreement may set forth steps and conditions designed to bring the property into compliance with Borough Ordinances and to maintain the property in a proper manner so that it ceases to be a Nuisance Property. In conjunction with the consent agreement, the Borough Manager may stay the effective date of the suspension to afford the landowner an opportunity to complete the steps as set forth in the agreement and to comply with any further conditions outlined in the agreement. If during the stay, a violation of the consent agreement occurs or additional points accrue, the stay shall be immediately lifted and the suspension reinstated.

Section 1119. Appeals to the Rental Housing Revocation Appeals Board (RHRAB). An affected property owner may appeal any adverse decisions or determinations made by the Borough Manager to the RHRAB. The appeal shall be filed, in writing, within 15 calendar days of receipt of the Borough Manager's decision. The RHRAB shall notify the appellant of the date, time, and location of the hearing, which shall be held within 30 calendar days of receipt of the request for hearing. The RHRAB is empowered to void, suspend or sustain the Borough Manager's decision. A fee for an appeal will be set by resolution of Borough Council from time to time.

Section 1120. Appeals to the Court of Common Pleas. Appeals by the property owner or Borough of the RHRAB's decision shall be made to the Court of Common Pleas.

ENACTED AND ORDAINED this _____ day of _____, 2012

ATTEST:

BOROUGH of STATE COLLEGE

By: _____

Sharon K. Ergler
Assistant Borough Secretary

Donald M. Hahn
President of Council

EXAMINED AND APPROVED as an Ordinance this _____ day of _____, 2012.

Elizabeth A. Goreham
Mayor

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MEMORIAL FIELD DRAINAGE SYSTEM AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2012, by and between:

STATE COLLEGE AREA SCHOOL DISTRICT, a school district of the second class organized and existing under the laws of the Commonwealth of Pennsylvania, with administrative offices located at 131 West Nittany Avenue, State College, Centre County, Pennsylvania 16801, party of the first part, and hereinafter referred to as “the **District**,”

- A N D -

BOROUGH OF STATE COLLEGE, a Home Rule Municipality, organized under the laws of the Commonwealth of Pennsylvania, having offices at 243 South Allen Street, State College, Centre County, Pennsylvania 16801, party of the second part, hereinafter referred to as “the **Borough**.”

RECITALS:

District is the owner of certain premises situate in the Borough of State College, Centre County, Pennsylvania, identified as Tax Parcel _____ and known commonly as “Memorial Field” and hereinafter referred to as “**Memorial Field**.” On the site the District has constructed an outdoor competition venue, including athletic field, stands, press box, concession stands, restrooms and lighting facilities.

The property in question is part of a subdivision that was laid out by William Foster known as the “Highland Addition” as recorded in Centre County Plat Bk. 1, Page 88. Ordinance No. 32 of 1909 annexed Highland Addition into the Borough of State College. In 1914 John Noll deeded the land in question to the School District of State College Borough including the lots on which the Nittany Avenue school building and Memorial Field were subsequently constructed. Ordinance 98 adopted in 1929 vacated Foster Avenue from Frazier Street to “D” Alley, reserving right-of-ways for utilities, storm and sanitary sewer. A map was prepared under date of September 1930 which depicted the storm sewer lines located in the area draining to “the hollow” at the grade school. A copy of the map is marked Exhibit “A” attached hereto and made a part hereof. In 1935 a grading plan and storm sewer locations were identified although the precise purpose for the creation of the drawing are unclear. In 1936 an agreement was reached between the School Board and the Borough with respect to sanitary sewers and sidewalks on Foster Avenue between Frazier Street and “D” Alley, and in the within agreement permission was granted by the School District to construct a storm water sewer at School Board expense from South Frazier Street over School District lands to a “sump or sinkhole” located thereon.

District and Borough recognize and acknowledge that the District, the Borough and other diverse property owners have contributed to storm water which drains into Memorial Field, eventually finding its way into the closed depression.

The District’s engineering study has indicated that remediation and repair of the closed depression is necessary in order to maintain its integrity and that of the improvements constructed as a part of Memorial Field.

The District and the Borough acknowledge that it is in their best interest to preserve the closed depression as a part of the storm water system for the District and the Borough and to protect to the benefit of all the integrity of Memorial Field.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the parties hereunto do hereby agree as follows:

1. Incorporation. The recitals set forth above are incorporated herein by reference as if they had been set forth at length herein.

2. District Obligations. The District will, at the District's expense:

- a. Provide the Borough with access to Memorial Field and other work areas within the facility;
- b. Provide the Borough with access to a geo-technical engineer to advise and oversee the remediation;
- c. Provide the Borough will all existing geo-technical reports or data in the District's possession concerning Memorial Field and the related drainage area;
- d. Provide the Borough with geo-technical drilling investigations as may be needed during the remediation process upon request of the Borough or as the District may deem necessary;
- e. Remove, rebuild, construct and/or repair any stands, retaining walls, bleachers, light standards, press box, artificial turf (and turf amenities), field electrical service (for lighting, press box, concessions), concession stands, and the foundations thereof as the Borough may deem necessary to remove or alter for the completion of the closed depression remediation work; and
- f. Secure all required permits for the remediation.

3. Borough Obligations. The Borough will, at the Borough's expense:

- a. Excavate and examine the existing closed depression;
- b. Install an inverse filter to correct and preserve the closed depression;

- c. Repair disturbed piping that conveys storm water to the closed depression;
- d. Restore the disturbed area to level grade;
- e. Restore the existing closed depression inlet structure;
- f. Provide all equipment, materials and manpower necessary to complete the remediation;
- g. Begin remediation process within two (2) weeks of the receipt of the geo-technical drilling investigation report (completed by the District), with final completion no later than April 1, 2013, subject to extensions of the completion date caused by matters or factors not within the Borough's control;
- h. As may be directed by independent structural engineering opinion, shore the limestone stadium wall against potential undermining while remediation is taken;
- i. Provide aide to the District in obtaining all required permits annually; and
- j. clean the closed depression inlet and clear surrounding interceptors semi-annually or more frequently as conditions may require.

4. Insurance. The District and the Borough represent to the other that it has and will maintain appropriate policies of insurance pertaining to the work contemplated herein. The parties further warrant that they shall indemnify and hold harmless the other to include the payment of reasonable attorneys' fees from and against any loss or claim due to the actions or failure to act of its employees, agents or assigns.

5. No Joint Undertaking. Nothing contained in this Agreement shall constitute or be construed to create a partnership or joint venture between the District and the Borough, and neither party shall have any liability or responsibility for any debts, liabilities or obligations properly incurred or approved by the other except as may be specifically set forth herein.

6. Recognition of Storm Water Contribution. The District and the Borough acknowledge the existence of the storm water drainage system and further ratify and affirm that the closed

depression located on Memorial Field shall continue to serve as a receptacle for storm water created by the District, the Borough and various private property owners in the area.

7. Amendment. The within Agreement may be amended or modified only by written agreement executed by the parties.

8. Severability. If any term, covenant or condition of this Agreement, or the application thereof, to any person or circumstances be determined to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby and each term, covenant and condition of this Agreement shall remain valid and enforceable to the fullest extent permitted by law.

9. Successors and Assigns. The within Agreement shall inure to the benefit of the parties hereunto, as well as their respective successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first written above.

ATTEST:

STATE COLLEGE AREA SCHOOL DISTRICT

By: _____

ATTEST:

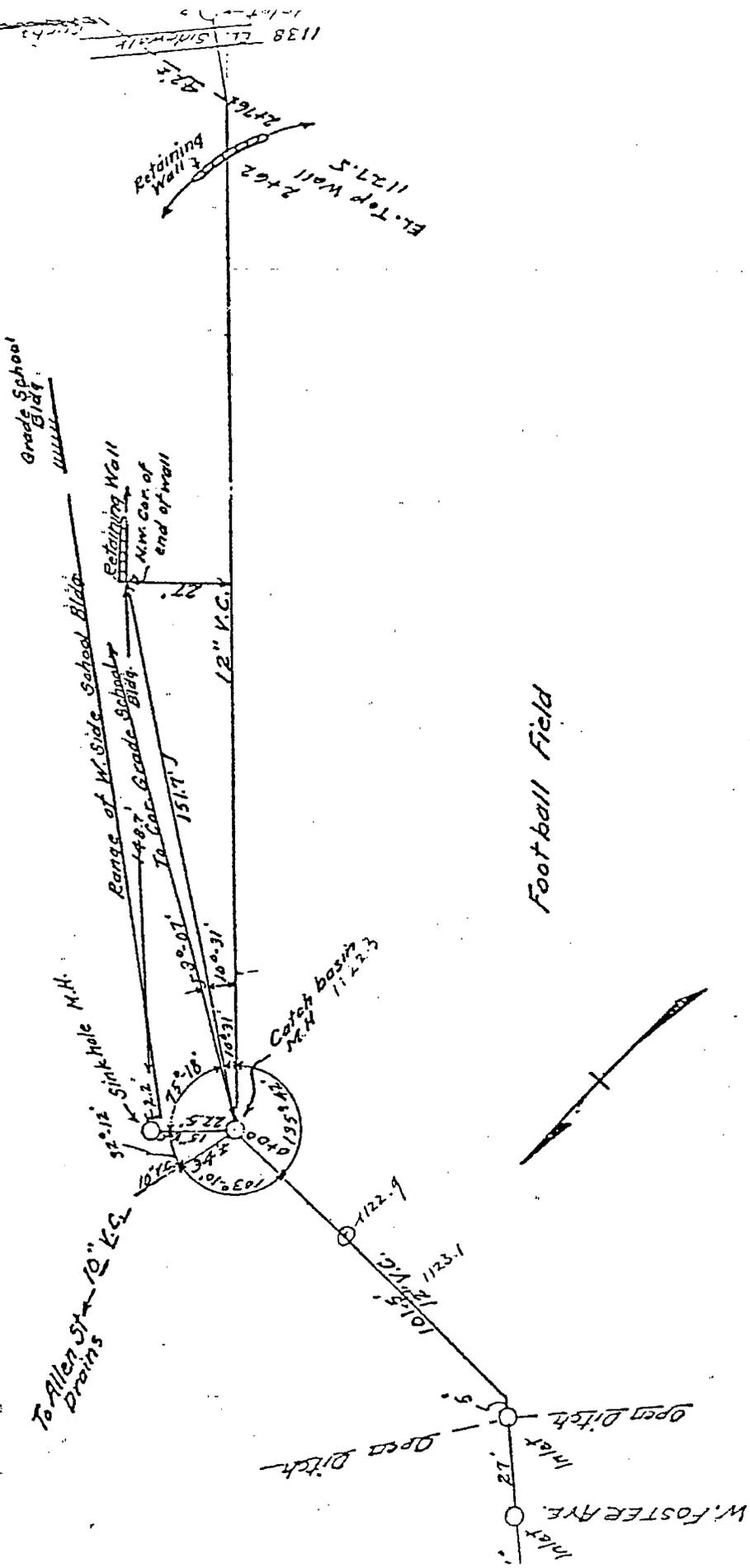
BOROUGH OF STATE COLLEGE

By: _____

To Inlet of School Building
 1138 E.L. SINKHOLE

135-11V 228-55
 123-110 211-4
 112-11 206-22
 101-18 376-24
 90-7 249-24
 80-10 210-24

31
 27
 16
 88-56
 3012
 121-00



Football Field

Borough of State College
 Centre Co., Pa.
 Map showing location of Storm Sewer
 "The Hollow" at Grade School
 Scale 1"=40'
 Sept. 1930

EXHIBIT
 "A"

ORDINANCE _____

Be it ENACTED AND ORDAINED by the Council of the Borough of State College, and it is hereby Enacted and Ordained by authority of same, as follows:

WHEREAS, the Borough of State College previously established the Borough of State College General Government Pension Plan; and

WHEREAS, the Borough of State College, in order to provide a Defined Contribution Pension Plan, enacted an amendment to the Administrative Code to establish a Defined Contribution 401 Governmental Money Purchase Plan for Borough's Pension Plan through Ordinance ____;

WHEREAS, all employees hired by the Centre Region Council of Governments on or after February 1, 2013, shall participate in the 401 Purchase Pension Plan established through Ordinance ____;

WHEREAS, be it ordained and enacted that Part L is hereby amended as follows:

Section 1. Chapter I, Part L, Section 1201 of the Codification of Ordinances is hereby amended, by adding the following text to the end of the Section:

The General Government Pension Plan shall not apply to individuals hired by the Centre Region Council of Governments on or after February 1, 2013, who shall be eligible to participate in a 401 Governmental Money Purchase Plan. The applicable terms of the 401 Governmental Money Purchase Plan are contained in separate documents, including but not limited to an Administrative Services Agreement, 401 Governmental Money Purchase Plan & Trust Basic Documents and any amendments thereto, as well as any related Ordinances or Resolutions.

Section 2. Chapter I, Part L, Section 1202.e.(1) of the Codification of Ordinances is hereby amended, by adding the following sentence to the end of the Section:

As set forth in section 1201, an employee hired full-time by the Centre Region Council of Governments on or after February 1, 2013, shall be eligible to participate in the 401 Governmental Money Purchase Plan established by the Borough of State College and shall not be eligible to participate in the General Government Pension Plan.

Section 3. Chapter I, Part L, Section 1203.b.(2) of the Codification of Ordinances is hereby amended, by adding the following:

Individuals who are hired full-time by the Centre Region Council of Governments on or after February 1, 2013.

ENACTED AND ORDAINED this _____ day of _____, 2012.

ATTEST:

BOROUGH OF STATE COLLEGE

Sharon K. Ergler
Assistant Borough Secretary

By: _____
Donald M. Hahn
President of Council

EXAMINED AND APPROVED as an Ordinance this _____ day of _____, 2012.

Elizabeth A. Goreham,
Mayor

**State College Borough Council
Policy Briefing Summary**

**RE: Resolutions creating the General Government and
Police Pension Advisory Boards**

Date Prepared: November 8, 2012
Prepared By: Roger A. Dunlap, Jr.
Meeting Date: November 13, 2012
Action Requested: November 19, 2012

Request/Issue Needing Council Action

Council is asked to consider two Resolutions authorizing the creation of pension advisory boards. The Resolutions advisory boards for the General Government and Police Pension Plans.

Background Information

Staff began actively reviewed investment performance and governance matters in 2009 and recommends that formal practices be put into place to ensure that investment performance is regularly and routinely reviewed. The Pension Advisory Boards are the mechanism through which these governance practices can be implemented.

Financial Impact on Budget

None.

Authority, Boards and Commission Review

None.

Staff Recommendation and Reason

Staff recommends Council adopt the Resolutions and appoint one employee to the General Government Pension Advisory Board and one Police Officer to the Police Pension Advisory Board.

Attachments

Resolutions

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