

**ORDINANCE NO. 1347-2011**

**CITY OF COATESVILLE,  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTER 38, ARTICLE I, "POLICE PENSION FUND", OF THE GENERAL LAWS OF THE CITY OF COATESVILLE, TO PROVIDE: 1) A 100% KILLED-IN-SERVICE SURVIVOR BENEFIT FUNDED BY THE COMMONWEALTH IN ACCORDANCE WITH ACT 51 OF 2009; AND 3) AN IMPROVED NON-SERVICE DISABILITY PENSION BENEFIT AS SET FORTH IN THE COLLECTIVE BARGAINING AGREEMENT REACHED BETWEEN THE CITY OF COATESVILLE AND THE COATESVILLE POLICE OFFICERS' BENEVOLENT ASSOCIATION FOR THE PERIOD 2011 THROUGH 2014.**

**The City of Coatesville City Council hereby enacts and ordains the following amendments to Chapter 38, Article I (Police Pension Fund):**

**SECTION 1:** In Section 38-5(A)(4)(b), subsections [1], [2], and [3] shall be deleted and replaced with the following:

[1] Any officer retired for total and permanent disability not incurred in line of duty as a police officer with less than ten (10) years of continuous service shall be entitled to receive a pension of 25% of his or her annual salary.

[2] Any officer retired for total and permanent disability not incurred in line of duty as a police officer after 10 (ten) or more years of continuous service shall be entitled to receive a pension of 50% of his or her annual salary.

**SECTION 2:** A new Section 38-8.2 shall be added as follows:

**§38-8.2 Killed-in-Service Benefit**

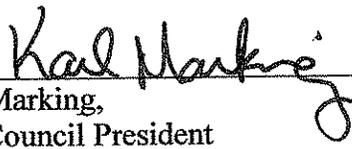
In the event any officer shall die as a result of the performance of his or her duties (which such event is specifically identified and defined in Act 51 of 2009, 53 P.S. § 891 et seq. (hereinafter the "Act")), the City of Coatesville, acting through its City Manager or other authorized representative, shall, within 90 days from the date of death, submit certification of the death to the Commonwealth for payment of a killed-in-service benefit as provided in the Act and benefits shall thereafter be provided by the Commonwealth of Pennsylvania in accordance with the terms of the Act. These benefits identified under the Act include, monthly payments to survivors equal to the monthly salary (adjusted pursuant to the Act), less any workers' compensation or pension or retirement benefits paid to such survivors until there is no eligible beneficiary to survive them. "Eligible Beneficiary" is defined under the Act to mean the surviving spouse or the child or children under the age of eighteen years or, if attending college, under the age of twenty-three

years. A single sum death benefit is also provided under the Act in the amount of \$100,000.00 (adjusted pursuant to the Act), to the parent or parents of the deceased when no spouse or minor children survive.

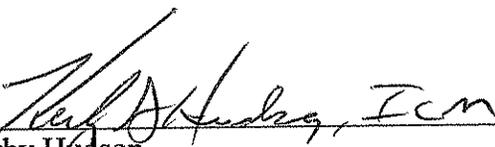
**SECTION 3:** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

**SECTION 4:** This Ordinance shall become effective thirty (30) days after publication following final adoption hereof.

ENACTED AND ORDAINED by the City of Coatesville City Council in a Public Meeting held the 28 day of March, 2011.

  
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Karl Marking,  
City Council President

ATTEST:

  
\_\_\_\_\_  
Kirby Hudson,  
Interim City Manager  
CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the 14 day of March, 2011 and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania, on the 28 day of March, 2011, that the vote upon said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.

  
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Kirby Hudson,  
Interim City Manager