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## CHAPTER 1

### ADMINISTRATION AND GOVERNMENT

#### Part 1

#### Elected Officials

**§101. Compensation of Supervisors.** Each Supervisor of Buffalo Township elected or appointed to office, the term of which begins after the effective date of this Ordinance shall receive compensation, as a Supervisor, annually in the amount allowed by law, currently One Thousand Eight Hundred Seventy-Five and 00/100 Dollars (\$1,875.00), as the same may be established by the legislature of the Commonwealth of Pennsylvania from time to time.

(Ordinance No. 09-61, adopted August 3, 2009)

**§102. Payment.** Such compensation shall be paid in monthly installments.

(Ordinance No. 09-61, adopted August 3, 2009)

**§103. Other Compensation.** The compensation of Supervisors, when acting as superintendents, roadmasters or laborers, shall be fixed by the Township auditors either per hour, per day, per week, semi-monthly, or monthly, which compensation shall not exceed compensation paid in the locality for similar services and such other reasonable compensation for the use of a passenger car, or a two-axled four-wheel motor truck having a chassis weight of less than 2,000 pounds and a maximum gross weight of 5,000 pounds, or a class two truck, having a maximum gross weight of 7,000 pounds when required and actually used for the transportation of road and bridge laborers and their hand tools and for the distribution of cinders and patching material from a stockpile, as the auditors shall determine and approve; but no Supervisor shall receive compensation as a superintendent or roadmaster for any time he spends attending a meeting of Supervisors.

(Ordinance No. 1-1989, adopted April 3, 1989)

## CHAPTER 1

### ADMINISTRATION AND GOVERNMENT

#### Part 2

#### Authorities, Boards and Commissions

##### **A. Planning Commission.**

**§201. Creation.** Pursuant to the provisions contained in the Code of Laws relating to Second Class Townships and in order to carry the said provisions into effect, there is hereby created a Township Planning Commission which shall have all the powers and duties conferred upon it by law and any other powers vested in it by law or ordinance.

**§202. Initial Members.** The Township Planning Commission shall consist of nine (9) members who shall be appointed by the Board of Supervisors and who shall, at the time of their appointment and during the term of said appointment, be residents of the Township and shall serve without compensation, except that they shall be reimbursed for expenses incurred in carrying out their Commission duties. The members shall hold no other Township office, except that of member of the Township Zoning Commission and the Township Zoning Board of Adjustment.

**§203. Appropriations.** The Board of Township Supervisors shall appropriate from the general Township fund in the same manner as other appropriations are made such monies as, in its opinion, are necessary and available for the work of the Planning Commission for the year in which the appropriation is made. The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with planners and other consultants for said technical services as it may require. The Commission may also receive and expend for the purposes of its planning work any gifts, grants and appropriations of money from other sources, including Commonwealth, Federal or local funds, and may contract with the government or private agencies or individuals with respect thereto.

**§204. Joint Agreements.** As an aid to coordination of municipal planning and with the consent of the Township Supervisors, the Planning Commission may enter into joint agreements with county, regional or other planning agencies covering cooperative financing of planning studies and such other cooperative relations as are necessary to attain the objectives of this Part.

**§205. Expenditures.** All expenditures made by the Planning Commission which may be necessary and proper for the conduct of the Commission's business shall be within the amount appropriated for the purpose by the Board of Township Supervisors or placed at the commission's disposal by other sources.

**§206. Comprehensive Plan.** The Planning Commission shall have the power and duty to make, adopt and maintain a comprehensive plan for the physical development of the Township and the surrounding area. Said comprehensive plan shall include, among other things, a land use plan, a thoroughfare plan, a community facilities plan and a public improvements program. In the preparation of the comprehensive plan, the Commission should study population trends, existing land use, the economic base, traffic, existing thoroughfare system and other factors related to the development of the Township. The purpose of the comprehensive plan should be to accomplish a coordinated and harmonious development of the community and its environs in accordance with present and future needs. The Commission would have the continuing responsibility for maintaining the comprehensive plan in an up-to-date condition and in so doing would review and make recommendations to the Board of Township Supervisors on all ordinances which pertain to the physical development of the Township.

**§207. Recommendations to Board of Supervisors.** The Planning Commission may prepare and present to the Board land subdivision regulations, proposed zoning ordinances and other ordinances which it deems necessary for the orderly growth and development of the Township. The Commission shall assist the Board in administering said regulations by reviewing and recommending to the Board action to be taken on matters submitted to it for approval, according to established procedures.

**§208. Annual Report.** The Planning Commission shall make an annual report to the Board of Township Supervisors showing their transactions and recommendations. This report shall be presented to the Board within thirty (30) days after the end of the calendar year.

(Ordinance No. 66-1, adopted September 12, 1966)

**B. Union County Joint Solid Waste Authority.**

**§209. Intention to Establish an Authority.** The Board of Supervisors of Buffalo being the municipal authorities of said Township, hereby signifies its intention and desire to organize, together with the municipal authorities of other municipal authorities in Union County, Pennsylvania, an authority under the provisions of the Municipality Authorities Act of 1945, as amended.

**§210. Execution of Articles of Incorporation.** The Chairman of the Board of Supervisors of this Township and the Township Secretary are hereby authorized and directed to execute on behalf of the Township of Buffalo Articles of Incorporation for said Authority in the form required by said Act, which said Articles of Incorporation shall set forth, among other things:

(1) That the name of said Authority is the UNION COUNTY JOINT SOLID WASTE AUTHORITY.

(2) That said Authority is formed under the Municipality Authorities Act of 1945, approved May 2, 1945, P. L. 382 as amended;

(3) That no other Authority organized under said Act or under the Act of June 28, 1937, P. L. 463 is in existence in and for the Township of Buffalo except Western Area School Authority.

(4) That there shall be one member of the Board of the Authority for, and appointed by, each municipality joining in the Authority. The said Articles of Incorporation shall set forth the names and addresses of the municipal authorities of the Township and the names, addresses, appointing municipality and terms of office (which shall commence on the date of appointment) of the first members of the Board of the Authority.

**§211. Appointment of Member.** Robert Webster, a citizen and a resident of the Township of Buffalo is hereby appointed by the Township of Buffalo as a member of the Authority for the term expiring January 1, 1974.

**§212. Advertisement.** The proper officers of the Township are hereby directed, as required by the Municipality Authorities Act of 1945, as amended, to publish notice of this Ordinance and of the day upon which said Articles of Incorporation will be filed with the Secretary of the Commonwealth of Pennsylvania, to file said Articles, together with a certified copy of this Ordinance and the necessary proofs of publication with the Secretary of the Commonwealth; and to do all other things necessary or appropriate to effect the incorporation of Union County Joint Solid Waste Authority.

(Ordinance No. 71-A-1, adopted April 5, 1971)

**C. Buffalo Township Municipal Sewer Authority.**

**§213. Intention to Establish an Authority.** It is the intent and desire of the Supervisors of Buffalo Township (hereafter Supervisors), Union County, Commonwealth of Pennsylvania, to organize a Municipal Sewer Authority for Buffalo Township under the Municipal Authorities Act of 1945, as amended.

**§214. Creation of Authority.** In pursuance of their intention to establish a Municipal Sewer Authority, and in compliance with the terms and conditions of the Municipality Authorities Act, and its amendments, the Supervisors propose and intend to file with the Secretary of the Commonwealth of Pennsylvania Articles of Incorporation which will establish and incorporate a Municipal Sewer Authority in Buffalo Township, which proposed Articles of Incorporation are hereby set forth in full as follows:

ARTICLES OF INCORPORATION OF BUFFALO TOWNSHIP  
MUNICIPAL SEWER AUTHORITY

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with the requirements of the Municipality Authorities Act of 1945, as amended and supplemented, 53 P.S. Section 301, et. seq., and pursuant to an Ordinance adopted by the Supervisors of Buffalo Township, Union County, Pennsylvania, which Ordinance expresses the intention and desire of the Supervisors of Buffalo Township to establish and organize a Municipal Sewer Authority under the Municipality Authorities Act of 1945 as amended and supplemented, the Supervisors of Buffalo Township do hereby certify and file the following Articles of Incorporation:

(a) The name of the Authority is: BUFFALO TOWNSHIP MUNICIPAL SEWER AUTHORITY.

(b) The Authority is formed under and pursuant to the Municipality Authorities Act of 1945, as amended and supplemented.

(c) No other Authority has been organized under this Municipality Authorities Act of 1945, as amended and supplemented or under the Act approved June 28, 1935, P.L. 463, as amended and supplemented, and no other Authority is in existence or operating in Buffalo Township.

(d) The name of the incorporating municipality is: Buffalo Township, Union County, Pennsylvania.

(e) The names and addresses of the Supervisors of Buffalo Township are:

(f) The names and addresses and terms of office of the first members of the Board of the Buffalo Township Municipal Sewer Authority, each of whom is a taxpayer in, or a resident and citizen of Buffalo Township, is as follows:

(g) The Buffalo Township Municipal Authority is created and shall exist for the purpose of financing working capital for and acquiring, holding, constructing, financing, improving, maintaining and operating owning, leasing (either in the capacity of lessor or lessee) projects of the kind and character described as follows: sewers, sewer systems or parts thereof, sewer treatment works, including works for treating and disposal of sewage, and any other acts related to providing sewer treatment and sewer facilities for the collection and disposal of sewage.

(h) The Supervisors of Buffalo Township retain the right, under the Municipality Authorities Act to approve any plan of the Buffalo Township Municipal Authority which plan may be considered to be a plan for the construction of any "business improvement", as that term is defined in the Municipality Authorities Act of 1945, as amended.



IN WITNESS HEREOF, Buffalo Township, Union County, Pennsylvania has caused these Articles of Incorporation to be executed by its Chairman of the Supervisors of Buffalo Township, and to be attested to by the Secretary of the Supervisors of Buffalo Township, and the official seal of the Township is affixed hereto, this \_\_\_\_ day of \_\_\_\_\_, 1991.

Buffalo Township Supervisor

\_\_\_\_\_  
Russell E. Weiser, Chairman

Attest:

\_\_\_\_\_  
Charles F. Dock, Secretary

**§215. Execution.** The proposed Articles of Incorporation of the Buffalo Township Municipal Sewer Authority shall be executed on behalf of Buffalo Township by the Chairman of the Board of Supervisors, and his signature shall be attested to by the Secretary of the Supervisors of Buffalo Township.

**§216. Notification.** The Secretary of the Supervisors of Buffalo Township is hereby authorized and directed to cause notice of the adoption of this Ordinance to be published in accord with the provisions of the Municipality Authorities Act of 1945 as amended and supplemented.

**§217. Filing.** The Township Solicitor is hereby authorized and directed to file with the Secretary of the Commonwealth of Pennsylvania the properly executed Articles of Incorporation along with any other supporting documentation as may be required.

**§218. Severability.** The provisions of this Ordinance shall be severable and, if any of the provisions of this Ordinance shall be held unconstitutional, invalid, void, or otherwise unenforceable, such shall not effect the validity of any other provisions of this Ordinance.

**§219. Repealer.** All ordinances or parts of ordinances in conflict or inconsistent with any of the provisions of this Ordinance are hereby repealed in so far as such conflicting or inconsistent ordinances or parts of ordinances effect this Ordinance.

**§220. Effective Date.** This Ordinance shall become effective immediately upon final passage by the Supervisors of Buffalo Township, Union County, Commonwealth of Pennsylvania.

(Ordinance No. 29, adopted June 1, 1992)

**D. Planning Department.**

**§221. Creation of Planning Department.** A Township Planning Department is hereby created in and for the Township of Buffalo, Union County, Pennsylvania, which shall have the following duties and responsibilities:

(1) Make recommendations to the Board of Supervisors with regard to the Township's Comprehensive Plan, the Zoning Map, the Zoning Ordinance and the Subdivision and Land Development Ordinance and Amendments thereto, including long term planning for the Township.

(2) Administer the provisions of the Subdivision and Land Development Ordinance including but not limited to the acceptance of all plans, review of plans prior to review by the Township Planning Commission, oversight of the review of plans by other required entities, notification to appropriate persons or bodies of action taken by the Planning Commission.

(3) Make reports and recommendations to the Township Planning Commission and Township Board of Supervisors concerning growth and development within the Township and the impact of the same on the Township.

(4) Represent the Township before Boards, Agencies and Commissions dealing with/or involved in development affecting the Township and work in cooperation with the same.

(5) Maintain an office with appropriate staff to perform the duties imposed herein as well as maintaining records of all action taken by the Township, its Planning Commission, Zoning Hearing Board or Board of Supervisors.

(6) Prepare an annual budget for the Planning Department.

(7) Utilize the services of such professionals, consultants or others as is necessary to administer the duties of the Department after approval of the same by the Township Supervisors.

(8) Do all things necessary and appropriate to implement the duties and responsibilities imposed herein.

**§222. Planning Director.** The position of Planning Director of Buffalo Township, Union County, Pennsylvania, Planning Department is hereby created. The Planning Director shall be in charge of the administration of the Planning Department and shall exercise the powers and be subject to the duties granted the Planning Department. The Planning Director shall be appointed by the Buffalo Township Board of Supervisors by resolution and shall serve at the pleasure of the Buffalo Township Board of Supervisors.

(Ordinance No. 11-01, adopted April 4, 2011)

**E. Central Keystone Council of Governments.**

**§223. Intention.** The Board of Supervisors hereby consents to joining the Central Keystone Council of Governments, a council of governments formed under the provisions of Act 180 for the purpose of providing various services, including, but not limited to, sewage and building code enforcement.

**§224. Agreement.** The Board of Supervisors of Buffalo Township do hereby direct the officers of \_\_\_\_\_ to execute an agreement with such other municipalities as desire to enter into an agreement to accomplish the purposes as set forth herein. The agreement shall provide, inter alia, for the following:

(1) The Council of Governments shall provide, initially, for a building codes program and an on-lot sewer program and may provide for such other services and programs as it deems appropriate in the future.

(2) The term of the Council of Governments and the agreement shall be perpetual subject to the right to terminate upon at least 12 months notice.

(3) The Council of Governments shall have all powers necessary to accomplish the intent of the agreement.

(4) The Council of Governments shall be supported by contributions from its members, grants and fees for services.

(5) The Council of Governments shall be governed by a Board of Directors, Officers and an Executive Committee.

(6) Real and personal property may be purchased, sold or leased by the Council of Governments, in accordance with applicable law.

(7) The Council of Governments shall have the power and authority to enter into contracts for group insurance and employee benefits.

The Board of Supervisors of Buffalo Township is hereby authorized to enter into contracts with the Central Keystone Council of Governments to provide such services, programs and joint purchases as the Board of Supervisors shall, by resolution, determine from time to time.

(Ordinance No. 2002-45, adopted December 9, 2002)

## CHAPTER 1

### ADMINISTRATION AND GOVERNMENT

#### Part 3

#### Attorney Fees for the Collection of Delinquent Accounts

**§301. Authority and Purpose.** Under the provisions of the Municipal Claims Act, municipalities, as defined in the Act, are required to enact an Ordinance setting attorney's fees for the collection of municipal claims. The Board of Supervisors of Buffalo Township, Union County, Pennsylvania, have determined that it is in the best interest of Buffalo Township and the Buffalo Township Municipal Authority to establish a schedule of said attorney fees.

**§302. Schedule of Fees.** The following attorney fee schedule is hereby adopted for purposes of establishing attorney fees for the collection of municipal claims for and on behalf of Buffalo Township and the Buffalo Township Municipal Authority.

(1) \$25.00 fee for a letter of delinquency.

(2) \$25.00 fee for filing a Complaint before the District Judge or a lien with the Prothonotary.

(3) \$150.00 fee for attending a hearing that does not exceed 1 hour.

(4) \$125.00 per hour fee for all other work.

(Ordinance No. 09-60, adopted March 2, 2009)

## CHAPTER 1

### ADMINISTRATION AND GOVERNMENT

#### Part 4

#### PSATS Unemployment Compensation Group Trust

**§401. Authority.** The Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to adopt the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust. The Restated Trust Agreement is on file for inspection and review at the Township's offices at 2115 Strickler Road, Mifflinburg, Pennsylvania. The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

**§402. Purpose.** The participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.

**§403. Participation in the Trust.** As set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

- (1) Each Participating Employer must meet the admission and eligibility requirements set forth therein;
- (2) Each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and
- (3) Each Participating Employer complies with all other conditions of the Restated Trust Agreement.

**§404. Withdrawal from the Trust.** The Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

**§405. Effective Date.** The effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be the effective date of this Part.

**§406. Delegation of Powers to Trustees.** Each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

**§407. Powers of Trustees.** The organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

**§408. Appropriations to Trust.** The funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

**§409. Power to Enter into Contracts.** The Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

**§410. Compliance with Restated Trust Agreement.** As a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

**§411. Copy of Enactment.** The Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

**§412. Compliance with Agreement.** The Board of Supervisors of the Township is hereby authorized to take any and all such other actions as may be necessary or appropriate to carry out the purposes of this Part and comply with the requirements of the attached Restated Trust Agreement and any duly adopted amendments thereto.

**§413. Duration.** The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

**§414. Specific Determinations.** The Board of Supervisors hereby specifically finds and determines as follows:

(1) The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein;

(2) The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement;

(3) The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement;

(4) The manner and extent of financing of the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required;

(5) The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement;

(6) All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement; and

(7) The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for policies of group insurance and employee welfare benefits to be offered to Participating Employers for their eligible employees and dependents.

**§415. Severability.** The provisions of this Part are severable, and in the event that any provision is held invalid, void, illegal, or unconstitutional by any Court, it is the intent of the Governing Body that such determination by the Court shall not affect or render void the remaining provisions of this Part. It is the declared intent of the Governing Body that this Part would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

**§416. Saving Clause.** Nothing in this Part shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action existing prior to the enactment of this Part.

(Ordinance No. 14-15, adopted January 5, 2015)

## CHAPTER 1

### ADMINISTRATION AND GOVERNMENT

#### Part 5

#### Pennsylvania Municipalities Pension Trust

**§501. Authority.** The Chairman of the Board of Supervisors and Secretary of the Township are hereby authorized to adopt the Restated Trust Agreement and any other agreements necessary for the Township's participation in the Trust. The Restated Trust Agreement is on file for inspection and review at the Township's offices at 2115 Strickler Road, Mifflinburg, Pennsylvania. The Restated Trust Agreement may be subsequently modified or amended in accordance with its terms, but in no event shall such modifications or amendments divert any of the trust funds from the purposes of the Trust. The Township may withdraw from the Trust in accordance with the Restated Trust Agreement, including if the Board of Supervisors determines the modifications or amendments are not in the best interests of the Township.

**§502. Purpose.** The participation of the Township in the Trust is authorized for the purpose of pooling resources for the purpose of providing unemployment compensation insurance for Participating Employers at reasonable cost.

**§503. Participation in the Trust.** As set forth in greater detail in the Restated Trust Agreement and as otherwise stated herein, the following conditions apply to the participation of the Township in the Trust:

(1) Each Participating Employer must meet the admission and eligibility requirements set forth therein;

(2) Each Participating Employer agrees to pay all contributions when due as provided in the Restated Trust Agreement or as otherwise established by the Board of Trustees; and

(3) Each Participating Employer complies with all other conditions of the Restated Trust Agreement.

**§504. Withdrawal from the Trust.** The Township agrees to participate in the Trust and may withdraw for any reason and in accordance with the Restated Trust Agreement provided that it has fulfilled all its financial obligations to the Trust upon withdrawal.

**§505. Effective Date.** The effective date of the Township's agreement to and joinder in the Restated Trust Agreement and the participation of the Township in the Trust pursuant to the terms of the Restated Trust Agreement will be January 5, 2015.



**§506. Delegation of Powers to Trustees.** Each Participating Employer delegates to the Board of Trustees the powers enumerated in the Restated Trust Agreement.

**§507. Powers of Trustees.** The organizational structure of the Trust shall consist of a Board of Trustees. Under the Restated Trust Agreement, the Board of Trustees is authorized to, among other things, enter into contracts with third parties to perform various services necessary for the administration of the Trust.

**§508. Appropriations to Trust.** The funds required for the operation of the Trust shall be provided by the Participating Employers through scheduled appropriations as determined by the Board of Trustees.

**§509. Power to Enter into Contracts.** The Trust is empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for employees of the Trust, if any.

**§510. Compliance with Restated Trust Agreement.** As a condition of participating in the Trust, the Township agrees to comply with all of the terms and conditions in the Restated Trust Agreement.

**§511. Copy of Enactment.** The Secretary of the Township shall provide a certified copy of this Ordinance upon its enactment to the Board of Trustees of the Trust.

**§512. Compliance with Agreement.** The Board of Supervisors of the Township is hereby authorized to take any and all other actions as may be necessary or appropriate to carry out the purposes of this Part and comply with the requirements of the Restated Trust Agreement and any duly adopted amendments thereto.

**§513. Duration.** The duration of the term of the Township's participation in the Trust and obligations under the Restated Trust Agreement shall continue until withdrawal from the Trust by the Township in accordance with the terms of the Restated Trust Agreement.

**§514. Specific Determinations.** The Board of Supervisors hereby specifically finds and determines as follows:

(1) The conditions of the intergovernmental cooperative agreement are set forth in the Restated Trust Agreement incorporated by reference herein;

(2) The Township shall participate in the Trust in accordance with the Restated Trust Agreement until it withdraws by giving notice to the Board of Trustees in accordance with the terms of the Restated Trust Agreement;

(3) The purpose and objectives of the intergovernmental cooperative arrangement, including powers and scope of authority delegated to the Board of Trustees, are set forth in the incorporated Restated Trust Agreement;

(4) The manner and extent of financing the agreement are that (i) funds to implement the Township's obligations under the agreement shall come from the normal and usual budgeted amounts for Township employee compensation and employee benefits and (ii) no borrowing is anticipated to be required;

(5) The Trust shall be managed by the Board of Trustees pursuant to the terms of the Restated Trust Agreement;

(6) All assets and property, real or personal, of the Trust shall be titled to, acquired, managed, licensed or disposed of by the Trust, and its Board of Trustees, in accordance with the terms of the Restated Trust Agreement; and

(7) The Trust in accordance with the Restated Trust Agreement shall be empowered to enter into contracts for the creation and administration of group and/or individual pension and retirement plans to be offered to Participating Employers for the eligible employee and dependents.

**§515. Severability.** The provisions of this Part are severable, and in the event that any provision is held invalid, void, illegal, or unconstitutional by any court, it is the intent of the Board of Supervisors that such determination by the court shall not affect or render void the remaining provisions of this Part. It is the declared intent of the Board of Supervisors that this Part would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

**§516. Saving Clause.** Nothing in this Part shall be interpreted to affect any rights or liabilities of the Township, or to affect any cause of action, existing prior to the enactment of this Part.

(Ordinance No. 14-13, adopted January 5, 2015)

**CHAPTER 1**  
**ADMINISTRATION AND GOVERNMENT**  
**Part 6**  
**Second Amendment Sanctuary Ordinance**

**§601. Title.** The title of this Part shall be known as the “Second Amendment Sanctuary Ordinance,” or “SASO.”

**§602. Findings.** The people of Buffalo Township, Union County, Pennsylvania, find and declare:

(1) Acting through the United States Constitution, the people created government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs.

(2) The Second Amendment to the Constitution of the United States of America states, “A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed.”

(3) Article I, Section 21 of the Constitution of the Commonwealth of Pennsylvania states, “The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”

(4) The right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America.

(5) The Supreme Court of the United States of America in *District of Columbia v. Heller* recognized the individual’s right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia’s prevailing opinion in that case stated that the Second Amendment protects an individual’s right to possess a firearm unconnected with service in a militia, and the right to use that firearm for traditionally lawful purposes, such as self-defense within the home.

(6) Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

(7) The Supreme Court of the United States recognized in *McDonald v. City of Chicago* that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States.

(8) Justice Thomas M. Cooley in the *People v. Hurlbut*, 24 Mich. 44, page 108 (1871), states: “The State may mould local institutions according to its views of policy or expediency; but local government is a matter of absolute right; and the state cannot take it away.”

(9) The right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in *Printz v. United States*. The Court held: “The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.” The anti-commandeering principles recognized by the U.S. Supreme Court in *Printz v. United States* are predicated upon the advice of James Madison, who in Federalist #46 advised “a refusal to cooperate with officers of the Union” in response to either unconstitutional federal measures or constitutional but unpopular federal measures.

(10) Therefore, the right to keep and bear arms is a fundamental individual right that shall not be infringed; and all local, state, and federal acts, laws, orders, rules or regulations regarding firearms, firearms accessories, and ammunition are a violation of the Second Amendment.

(11) Local governments have the legal authority to refuse to cooperate with state and federal firearm laws that violate those rights and to proclaim a Second Amendment Sanctuary for law-abiding citizens in their cities and counties.

(12) Therefore, through the enactment of this document, Buffalo Township, Union County, Pennsylvania, is hereby a Second Amendment Sanctuary.

### **§603. Prohibitions.**

(1) Notwithstanding any other law, regulation, rule or order to the contrary, no agent, department, employee or official of Buffalo Township, Union County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, while acting in their official capacity, shall:

(a) Knowingly and willingly, participate in any way in the enforcement of any Unlawful Act, as defined herein, regarding personal firearms, firearm accessories, or ammunition.

(b) Utilize any assets, Buffalo Township funds, or funds allocated by any entity to the Township, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an Unlawful Act in connection with personal firearms, firearm accessories, or ammunition.

(2) This Part does not regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components. On the contrary, this Part prohibits the enforcement of Unlawful Acts or use of assets, Township funds, or funds allocated by any entity to the Township, in whole or in part, to engage in any activity that aids in the enforcement or investigation relating to an Unlawful Act.

**§604. Penalties.**

(1) An “Unlawful Act” shall consist of any federal or state act, law, order, rule, or regulation, which restricts an individual’s constitutional right to keep and bear arms, including any federal or state act, law, order, rule or regulation which bans or effectively bans, registers or effectively registers, or limits the lawful use of firearms, firearm accessories or ammunition (other than a fully automatic firearm manufactured on or after May 19, 1986, possession of which is generally prohibited under federal law). Any such “Unlawful Act” is invalid in Buffalo Township and shall not be recognized by Buffalo Township, is specifically rejected by the voters of Buffalo Township, and shall be considered null, void and of no effect in Buffalo Township, and this includes, but shall not be limited to the following:

(a) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services on the purchase or ownership of those items by citizens;

(b) Any registration or tracking of firearms, firearm accessories, or ammunition;

(c) Any registration or tracking of the owners of firearms, firearm accessories, or ammunition;

(d) Any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by citizens of the legal age of eighteen and over, other than pursuant to federal law background check requirements for transfers or purchases through FFL dealers;

(e) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from citizens;

(f) Any prohibition, regulation and/or use restriction related to ownership or the constitutionally guaranteed lawful use or carry of non-fully automatic firearms; and

(g) Any prohibition, regulation, and/or use restriction limiting hand grips, stocks, flash suppressors, bayonet mounts, magazine capacity, clip capacity, internal capacity, bump stocks, suppressors, or types of ammunition available for sale, possession or use by citizens.

(2) Anyone within the jurisdiction of Buffalo Township, Union County, Pennsylvania, accused to be in violation of this Part may be sued in the Court of Common Pleas of Union County, Pennsylvania for declaratory and injunctive relief, damages, and attorney's fees. Neither sovereign nor official or qualified immunity shall be an affirmative defense in cases pursuant to this Part.

(3) Any peace officer may enforce this Part.

(4) An offense against this Part is punishable pursuant to 16 P.S. §509 (c-d) with a maximum fine of six hundred (\$600.00) dollars, imprisonment for not more than ten (10) days, or both.

(5) Exceptions:

(a) The protections provided to citizens by this Part do not apply to persons who are prohibited from possessing firearms under federal law; or permanently prohibited from possessing firearms under the laws of this Commonwealth pursuant to conviction in a criminal court.

(b) This Part is not intended to prohibit or affect in any way the prosecution of any crime for which the use of, or possession of, a firearm is an aggregating factor or enhancement to an otherwise independent crime.

(c) This Part does not permit or otherwise allow the possession of firearms in locations where possession of firearms is prohibited under federal law or the laws of this Commonwealth.

(d) This Part does not prohibit individuals in Buffalo Township from voluntarily participating in assisting in permitting, licensing, registration or other processing of applications for a License to Carry Firearms, a PICS check, or other firearm, firearm accessory, or ammunition licensing or registration processes that may be required by law.

**§605. Severability.** The provisions of this Part shall be severable and, if any of the provisions of this Part shall be held unconstitutional, invalid, void or otherwise unenforceable, such shall not affect the validity of any other provisions of this Part.

(Ordinance No. 20-1, adopted February 3, 2020)