

ORDINANCE NO. 4 of 2014

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH AMENDING CHAPTER 22, ARTICLE I, POLICE PENSION PLAN, SECTION 22-1, DEFINITIONS, PARTICIPANT/BENEFICIARY/SPOUSE(3)

WHEREAS, the Borough in order to comply with certain changes in the law the Borough hereinafter amends the specific section of the Police Pension Plan;

WHEREAS, the Defense of Marriage Act, 110 Statute 2419, section 3 was declared unconstitutional by the United State Supreme Court in the case of the United States v. Windsor and in accord was a ruling by the United States District Court for the Middle District of Pennsylvania in the case of Deb Whitewood v. Wolf, in his official capacity as Secretary of the Pennsylvania Department of Health;

WHEREAS, based upon the aforementioned Court rulings the Council is required by law to comply with the same and do hereby move to amend the Police pension Plan as follows:

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Plymouth Borough Council that Article I, Section 1.8(c) of Ordinance 1 of 2014, Police Pension Plan, shall be amended to read as follows:

(3) Spouse means the person married to the participant at the time of determination as evidenced by a marriage license valid under the laws of the place of issuance of said license.

This amendment shall replace any definitions that are inconsistent herewith and be effective and retroactive to May 20, 2014. In all other respects, except for this amendment, the Plan remains unchanged and in full force and effect.

This Ordinance shall become effective upon adoption.

ENACTED AND ORDAINED the 30th day of December, 2014 at a special meeting of the Plymouth Borough Council.

PLYMOUTH BOROUGH

BY: *William Dixon*
William Dixon, President of Council

Attest:

Holly Spece
Holly Spece, Secretary

Approved by the Mayor

Dorothy E. Petrosky
Dorothy E. Petrosky, Mayor

Date: 1/5/2015