



BOROUGH OF NORTH WALES

300 School Street, North Wales, PA 19454

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<http://northwalesborough.org>

COUNCIL MEETING

Tuesday, July 9, 2019

Salvatore Amato
James Cherry
Ronald S. Little, Jr.
Wendy McClure
Sally Neiderhiser

Eion O'Neill
Daniel H. O'Connell, Sr.
James Sando
Paula Scott
Gregory J. D'Angelo, Mayor

Call to Order, Date and Time

Roll Call

Pledge of Allegiance

1. Public Comment

2. Discussion: Volunteer Fire Service Tax Credit

3. Discussion: Spotted Lantern Fly Quarantine Information

4. Old Business/Committee & Board Reports/Zoning Applications

5. Solicitor / Mayor / Council / Chief of Police / Manager

Adjournment

Mayor's Office Hours

2 nd & 4 th Tuesdays	2:00 - 4:00 PM
2 nd & 4 th Wednesdays	7:00 - 8:30 PM

Monthly Meeting Information:

Boards and Commissions

Borough Council	2 nd & 4 th Tuesday of Month
Zoning Hearing Board	1 st Tuesday of Month as Needed
Planning Commission	1 st Wednesday of Month
HARB	3 rd Wednesday of Month
Park & Recreation Board	2 nd Thursday of Month
Shade Tree Commission	2 nd Thursday of Month
Nor-Gwyn Pool Commission	2 nd Thursday of Month – 7:30 PM
Historic Commission	3 rd Tuesday of Month

All above meetings begin at 7 P.M. in the Municipal Building, unless noted otherwise.

North Wales Water Authority	2nd & 4th Wednesday of Month 5:00 PM, 200 W. Walnut Street
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Please note: The meeting is being digitally recorded.

HEALTH AND SAFETY (35 PA.C.S.) - INCENTIVES FOR MUNICIPAL
VOLUNTEERS OF FIRE COMPANIES AND NONPROFIT EMERGENCY MEDICAL
SERVICES AGENCIES

Act of Nov. 21, 2016, P.L. 1509, No. 172
Session of 2016
No. 2016-172

Cl. 35

HB 1683

AN ACT

Amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 79A

**INCENTIVES FOR MUNICIPAL VOLUNTEERS OF FIRE COMPANIES AND
NONPROFIT EMERGENCY MEDICAL SERVICES AGENCIES**

Subchapter

- A. Preliminary Provisions**
- B. Tax Credits**
- C. Volunteer Service Credit**
- D. Miscellaneous Provisions**

**SUBCHAPTER A
PRELIMINARY PROVISIONS**

Sec.

79A01. Scope of chapter.

79A02. Purpose.

79A03. Definitions.

§ 79A01. Scope of chapter.

This chapter relates to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies.

§ 79A02. Purpose.

The purpose of this chapter is to authorize municipalities to enact a tax credit against an active volunteer's tax liability as a financial incentive to:

(1) Acknowledge the value and the absence of any public cost for volunteer fire protection and nonprofit emergency medical services provided by active volunteers.

(2) Encourage individuals to volunteer or for former volunteers to consider rejoining as active volunteers in a volunteer fire company or nonprofit emergency medical services agency.

§ 79A03. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

" Active volunteer . " A volunteer for a volunteer fire company or nonprofit emergency medical services agency who has complied with the requirements of the volunteer service credit program and who is certified under section 79A23 (relating to certification).

" Commissioner. " The State Fire Commissioner of the Commonwealth.

" Earned income tax. " A tax on earned income and net profits levied under Chapter 3 of the Local Tax Enabling Act.

" Governing body. " A city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, governing council of a home rule municipality or optional plan municipality or a governing council of any similar purpose government which may be created by statute after the effective date of this section and which has adopted a tax credit under this chapter.

"Individual." A volunteer.

" Local Tax Enabling Act. " The act of December 31, 1965 (P.L.1257, No.511) , known as The Local Tax Enabling Act.

" Municipality. " Any city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general purpose unit of government which may be created or authorized by statute.

"Nonprofit emergency medical services agency." An emergency medical services agency as defined in section 8103 (relating to definitions) and chartered as a nonprofit corporation.

" Tax credit. " The tax credit granted under section 79A11 (relating to program authorization) or 79A13 (relating to real property tax credit) .

" Volunteer. " A member of a volunteer fire company or a nonprofit emergency medical services agency.

" Volunteer fire company. " A nonprofit chartered corporation, association or organization located in this Commonwealth that provides fire protection services and may offer other voluntary emergency services within this Commonwealth.

" Volunteer service credit program. " The program established under section 79A21 (relating to volunteer service credit program) to determine the active status of a volunteer

SUBCHAPTER B TAX CREDITS

Sec.

79A11. Program authorization.

79A12. Claim.

79A13. Real property tax credit.

79A14. Limitations.

§ 79A11. Program authorization.

(a) Establishment.--A municipality that levies an earned income tax may establish by ordinance a tax credit against an individual's liability imposed under Chapter 3 of the Local Tax Enabling Act for active service as a volunteer.

(b) Amount.--A municipality shall set forth in the ordinance the total amount of the tax credit that will be offered to an individual. If an individual's earned income tax liability is less than the amount of the tax credit offered, the individual's tax credit must equal the individual's tax liability.

(c) Public notice.--At least 30 days prior to adoption of the ordinance or resolution, the governing body shall give public notice of its intent to adopt an ordinance or resolution to establish a tax credit and conduct at least one public hearing on the issue.

(d) Specific notice.--A municipality that establishes a tax credit under this chapter shall notify the commissioner in the manner prescribed by the commissioner.

§ 79A12. Claim.

(a) Eligibility.--An individual who satisfies all of the following criteria may claim a tax credit established under this chapter:

(1) The individual is subject to a tax of a municipality that has established a tax credit under this chapter.

(2) The individual is certified under section 79A23 (relating to certification).

(b) Return.--An active volunteer may claim a tax credit provided for under this chapter when filing a joint return. The tax return form shall provide a mechanism for separating the liability of an individual for any earned income tax imposed by the school district of residence from the liability of an individual for any earned income tax imposed by the municipality.

§ 79A13. Real property tax credit.

The governing body of a municipality may provide, by ordinance, for a tax credit against real property tax to be granted to an active volunteer. The tax credit shall apply to tax levied on residential real property owned and occupied by an active volunteer who is certified under section 79A23 (relating to certification). The amount of the tax credit authorized by an ordinance shall not exceed 20% of the tax liability of the active volunteer.

§ 79A14. Limitations.

A tax credit established under this chapter may be used against the active volunteer's tax liability for the current taxable year and every year thereafter. The tax credit established under this chapter shall remain in effect until the governing body of the municipality repeals the tax credit.

SUBCHAPTER C

VOLUNTEER SERVICE CREDIT

Sec.

79A21. Volunteer service credit program.

79A22. Service record.

79A23. Certification.

79A24. Rejection and appeal.

§ 79A21. Volunteer service credit program.

(a) Establishment.--The governing body may establish a volunteer service credit program that establishes the annual requirements for the certification of a volunteer in active service at a volunteer fire company or a nonprofit emergency medical services agency.

(b) Activities.--The volunteer service credit program shall consider the following activities in determining credit toward a certification of active service:

(1) The number of emergency calls to which a volunteer responds.

(2) The level of training and participation in formal training and drills for a volunteer.

(3) The total amount of time expended by a volunteer on administrative and other support services, including fundraising and facility or equipment maintenance.

(4) The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of a volunteer fire company or a nonprofit emergency medical services agency.

(c) Guidelines.--The governing body shall, with the advice of the chief of a volunteer fire company and the supervisor or chief of a nonprofit emergency medical services agency or their designees, adopt guidelines, including forms and applications, necessary to implement this section.

(d) Eligibility list.--A notarized list of eligible active volunteers shall be submitted to the governing body, no later than 45 days before tax notices are to be distributed, by the following:

(1) The chief of a volunteer fire company, where applicable.

(2) The supervisor or chief of a nonprofit emergency medical services agency, where applicable.

§ 79A22. Service record.

(a) Log.--The chief of a volunteer fire company or the supervisor or chief of a nonprofit emergency medical services agency or their designees shall establish and maintain a service log that documents the activities of each volunteer that qualify for credit toward active service under the volunteer service credit program and the calculation of the total credits earned for each volunteer in the volunteer fire company or nonprofit emergency medical services agency.

(b) Review.--Service logs established and maintained by volunteer fire companies or nonprofit emergency medical services agencies shall be subject to periodic review by the commissioner, the Auditor General, the governing body where the volunteer fire company or nonprofit emergency medical services agency is located and the governing body where the volunteer fire company or nonprofit emergency medical services agency provides services.

§ 79A23. Certification.

(a) Self-certification.--The active volunteer shall sign and submit an application for certification to the chief of the volunteer fire company or the supervisor or chief of the nonprofit emergency medical services agency where the volunteer serves.

(b) Injured volunteer.--An active volunteer who was injured during a response to an emergency call and can no longer serve as an active volunteer because of the injury and who would otherwise be eligible for a tax credit shall be eligible for the tax credit for the succeeding five tax years.

(c) Local sign-off.--The chief and another officer of the volunteer fire company and the supervisor or chief and another officer of the nonprofit emergency medical services agency shall sign the application attesting to the individual's status as an active volunteer or that the individual can no longer serve as an active volunteer due to injury. The application shall then be forwarded to the municipality, as appropriate, for final review and processing.

§ 79A24. Rejection and appeal.

(a) General rule.--A governing body that establishes a tax credit under this chapter shall adopt, by ordinance, a process for rejecting a claim by an active volunteer who does not satisfy all of the criteria established under this chapter for each type of tax credit provided under this chapter.

(b) Appeal.--An active volunteer shall have the right to appeal a claim that has been rejected by a governing body. The governing body shall establish, by ordinance, the procedure by which a rejected claim can be appealed.

SUBCHAPTER D

MISCELLANEOUS PROVISIONS

Sec.

79A31. Penalties for false reporting.

§ 79A31. Penalties for false reporting.

The following shall apply:

(1) Any person who knowingly makes or conspires to make a false service record report under this chapter commits a

misdemeanor of the first degree punishable by a fine of \$2,500.

(2) Any person who knowingly provides or conspires to provide false information that is used to compile a service record report under this chapter commits a misdemeanor of the first degree punishable by a fine of \$2,500.

Section 2. This act shall take effect in 60 days.

APPROVED--The 21st day of November, A.D. 2016.

TOM WOLF



VOLUNTEER FIREFIGHTER TAX CREDIT GUIDANCE

ACT 172-2016 | JULY 2017



Shrewsbury, PA

GUIDANCE ON ACT 172-2016



The Pennsylvania Municipal League, the Pennsylvania State Association of Boroughs, the Pennsylvania State Association of Township Commissioners, and the Pennsylvania State Association of Township Supervisors prepared this guidance in consultation with the Pennsylvania State Fire Commissioner and the Department of Community and Economic Development.

Act 172 of 2016 provides municipalities with the option to offer a real estate or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies through a volunteer service credit program. Active volunteers who meet the service credit criteria established by the municipality in consultation with the fire chief or supervisor of the EMS agency would be eligible for the tax credit. Each municipality may choose whether to offer the earned income tax credit, the real estate tax credit, or both.



REAL ESTATE TAX CREDIT

The real estate tax credit is limited to 20 percent of the municipal real estate tax liability for residential real property owned and occupied as the domicile of an active volunteer.

- The real estate tax credit will work as follows: active volunteers would pay their municipal real estate tax bill and then file an application for the real estate tax credit with the municipality. If approved, the municipality would issue a check to the active volunteer as a real estate tax credit rebate. The municipality would need to approve the application if it was for residential real property owned and occupied by the applicant and they met the criteria required by the municipality to be considered an active volunteer for the prior year.
- The credit will not be printed on real estate tax bills.
- The municipality should verify with the county that an active volunteer is an owner-occupant of property within its jurisdiction by verifying that the property is registered for the Homestead Exemption. The tax bill that is submitted with the application may contain this documentation.

EARNED INCOME TAX CREDIT

The municipal earned income tax credit must be set at a flat amount.

- If the volunteers' tax liability is less than the flat amount, their credit is limited to their total tax liability.
- The credit only applies to an earned income tax levied by the municipality under the Local Tax Enabling Act.
- It does not apply to an earned income tax levied for open space purposes or to replace the occupational assessment tax.
- Only residents of the municipality who are active volunteers could apply for the tax credit. A nonresident option is not available.
- The active volunteers would apply for the credit when they file their earned income taxes for 2017 in 2018 and in later years and will provide documentation from the municipality that they are entitled to the tax credit.

ORDINANCE ADOPTION PROCESS

At least 30 days prior to adoption of the ordinance, the municipality must place a legal advertisement of its intent to adopt an ordinance implementing the tax credit and then must conduct at least one public hearing on the issue. Once adopted, the ordinance would need to be sent to the Office of the State Fire Commissioner, as well as the county law library.

WHO WOULD QUALIFY FOR THE TAX CREDIT?

A member of a volunteer fire company or a nonprofit emergency medical services agency identified by the municipality that meets service criteria established by the municipality in consultation with the VFC and EMS companies. Members who are volunteer emergency responders would qualify, as well as volunteers who are members, but serve in other roles, such as ladies auxiliary. The municipality should set criteria or participation levels for the different classes of membership.

WHAT HAPPENS IF MANY OF OUR VOLUNTEERS LIVE OUTSIDE OF OUR MUNICIPALITY?

Since each municipality can only offer the credits to volunteers who are residents, we recommend working with the neighboring municipalities that are also served by the same VFC or EMS agency to see if they would be willing to implement the program and consider using the same tax credit levels and requirements for all municipalities served.

ELIGIBILITY PERIOD

If implementing the tax credit, it may be set up so that the service is earned in 2017 and the credit would apply toward the 2018 real estate tax or the 2017 earned income tax liability when filing tax forms in 2018. These timeframes could be adjusted for future years.

HOW WILL THE VOLUNTEERS EARN CREDIT?

While the tax credit program must be established by ordinance, program criteria for earning the credit should be set by the municipality by resolution. Act 172 states that the municipality must consider the following activities when creating its tax credit program:

- the number of emergency calls to which a volunteer responds;
- the level of training and participation in formal training and drills for a volunteer;
- the total amount of time expended by a volunteer on administrative and other support services, including, but not limited to: fundraising, providing facility or equipment maintenance, financial bookkeeping; and
- the involvement in other events or projects that aid the financial viability, emergency response, or operational readiness of a volunteer fire company or a nonprofit emergency medical services agency.

Other considerations for earning credit:

- Municipalities should also consider the total number of years the volunteer has served.
- If the fire company has a Length of Service Award Program (LOSAP) in place, the municipality should consider using the criteria for that program for consistency and to limit recordkeeping for the fire chief.
 - For existing LOSAP programs, most require a participation level of 20 to 35 percent of activities for volunteer firefighters to qualify for the program benefits. This could include participation in emergency calls, meetings, training, certifications earned, work detail, time spent on standby, and holding an elected or appointed position within the organization.
 - Non-firefighter members are usually required to have a higher participation level, often at 30-35 percent participation. This could include meetings, fundraisers, administrative support, equipment maintenance, and holding an elected or appointed position within the organization.
- The municipality will determine the guidelines and criteria for participation in its program in consultation with the chief of a volunteer fire company and the supervisor of a nonprofit emergency medical services agency. The required criteria should be adopted by resolution and reference or include forms and applications necessary to implement the program.
- Social members should not be eligible for the tax credit.

INJURED VOLUNTEER

If a volunteer who is an emergency responder is injured during a response to an emergency response call and can no longer serve as an active volunteer because of the injury, he or she is entitled to receive the tax credit under Act 172. The injured volunteer must submit self-certification and an application with documentation from a licensed physician. An injured emergency responder may receive the credit for up to five consecutive tax years.

TRACKING SERVICE ACTIVITIES

The chief of a volunteer fire company and the supervisor of a nonprofit emergency medical services agency are responsible for logging service records of active volunteers to document the activities of each qualified volunteer for credit and the calculation of total credits earned for each volunteer in their organization. These records are subject to periodic review by the Fire Commissioner, the Auditor General, and the municipality enacting the ordinance.

NOTARIZED LIST

The chief and supervisor must provide a notarized list of volunteers that qualify for the tax credit each year no later than 45 days before the tax notices are distributed. Note that tax notices are distributed between January 15 and March 1 of each year. In order to comply with the 45-day notice timeframe, the annual credit period may need to end as early as November 30.

APPLICATION PROCESS

An active volunteer who wants to take advantage of the credit must sign and submit an application for certification to their chief or supervisor, who will sign and attest that the active volunteer meets the qualifications of the program or can no longer serve due to an injury. The application is then forwarded to the municipality for review.

REVIEW PROCESS

The municipality cross-references the application with the notarized eligibility list. If the active volunteer is on the notarized list, they should be approved by the governing body at a public meeting and the municipality then issues a tax credit certificate to the active volunteer. The municipality maintains an official tax credit register of all active volunteers that were issued tax credit certificates for a particular year, and provides the list and any updates to the fire chief, EMS supervisor, and the tax officer for the tax collection district (if applicable).

APPEALS

The municipality must provide a process for appealing a denial of an earned income tax credit and/or real property tax credit. Appeals of the earned income tax credit denials should be made under the municipality's procedure in its Local Taxpayer Bill of Rights ordinance. Appeals of real estate tax credit denials should be made under the Local Agency Law.

Please keep in mind that this guidance document is intended to be an informational resource only. DCED does not guarantee its legal effectiveness nor its appropriateness to any particular situation. DCED encourages township officials to review and discuss all proposed ordinances and resolutions with their solicitor.

NOTICE Order of Quarantine And Treatment

DEPARTMENT OF AGRICULTURE

ORDER OF QUARANTINE AND TREATMENT: SPOTTED LANTERNFLY

RECITALS

- A. This order rescinds and replaces all previous orders and addendums thereto.
- B. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and is not native to the Commonwealth or the United States. It is not yet widely prevalent or distributed within or throughout the Commonwealth but it has been found in numerous counties since its first appearance in the Commonwealth.
- C. The plant pest *Lycorma delicatula* (Spotted lanternfly) has been determined by the Department to be dangerous and destructive to the agriculture, horticulture and forests of this Commonwealth and is hereby declared a "public nuisance."
- D. The Plant Pest Act (Act)(act of December 16, 1992, P.L. 1228, No. 162)(3 P. S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth, to make surveys to determine the existence, distribution and damage caused by the plant pest, to collect samples and to prescribe treatment for control of the plant pest (act of December 16, 1992, P.L. 1228, No. 162, §§ 18, 19 and 21) (3 P.S. §§ 258.18, 258.19 and 258.21)
- E. Under the authority of section 258.20 of the Act (related to pests declared public nuisance)(act of December 16, 1992, P.L. 1228, No. 162, § 20) (3 P.S. § 258.20) the Department may declare a plant pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraphs B and C above, the Department declared and continues to declare *Lycorma delicatula* (Spotted lanternfly) to be a public nuisance.
- F. Once a plant pest is declared a nuisance, "It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises or to sell, offer for sale, give away or move any plants, plant products or other material capable of harboring the pest." (act of December 16, 1992, P.L. 1228, No. 162, § 20)(3 P.S. § 258.20)
- G. When a pest or pests that have the potential to cause serious damage to agriculture are

found in any geographic area, the area and any adjacent areas as the Department deems necessary shall be quarantined. (act of December 16, 1992, P.L. 1228, No. 162, § 20)(3 P.S. § 258.21(a))

- H. The areas or zone of the Commonwealth in which the plant pest, *Lycorma delicatula* (Spotted lanternfly), has been detected or confirmed and adjacent areas that are quarantined are set forth in Article 1, Paragraph 1 (related to Establishment of Quarantine) of this Order of Quarantine. Any new place or area of the Commonwealth in which the plant pest, *Lycorma delicatula* (Spotted lanternfly), is later detected or confirmed and adjacent areas shall be added to this Order of Quarantine through an addendum delineating the areas or zone to be added to this Order of Quarantine. As is this Order, such an addendum shall be published in the *Pennsylvania Bulletin* and enforcement of this Order of Quarantine with regard to that area or zone shall become effective immediately upon such publication in the *Pennsylvania Bulletin*.

ORDER

ARTICLE I

General Provisions

Under authority of section 21 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 21) (3 P. S. § 258.21), and with the Recitals previously listed incorporated into this Order of Quarantine and Treatment by reference, the Department hereby Orders the following:

- 1) ***Establishment of Quarantine.*** A quarantine is hereby established for the plant pest *Lycorma delicatula* (Spotted lanternfly), which has been declared a public nuisance. The areas or zone of the Commonwealth covered by this Order of Quarantine are the following: Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill Counties and any other area or zone delineated in an addendum to this Order of Quarantine as set forth in Paragraph H. of the "*Recitals*" to this Order of Quarantine.
- 2) ***Purpose of Quarantine.*** The purpose of this Order of Quarantine and Treatment is as follows:
 - a) To establish provisions to control and eradicate the plant pest *Lycorma delicatula* (Spotted lanternfly).
 - b) To establish requirements and parameters under which individuals and persons may move regulated articles within and from the areas and zone covered by this Order of Quarantine, and any future addendum hereto.
 - c) To establish treatment provisions for all properties within the areas and zone subject to this Order of Quarantine and any future addendum hereto.
- 3) ***Definitions.***
 - a) *Agent, inspector or deputy.* A representative of the Department of Agriculture duly appointed by the Secretary of Agriculture to carry out the provisions of the Plant Pest Act.
 - b) *Control.* The reduction of the population of a plant pest to an acceptable level as determined by the Secretary of Agriculture or his agents.
 - c) *Department.* The Department of Agriculture of the Commonwealth.

- d) *Eradication*. The elimination or removal of a pest from a defined geographic area.
 - e) *Person*. An individual, partnership, association, firm, corporation, limited liability corporation, state agency, municipality or other governmental unit or agency or any other legal entity.
 - f) *Plant pest*. An organism, including other plants, causing or capable of causing injury or damage to plants or plant products. In this case, specifically *Lycorma delicatula* (Spotted lanternfly).
 - g) *Secretary*. The Secretary of Agriculture of the Commonwealth.
 - h) *Treatment order*. A written document specifying certain measures to be taken to control or eradicate a plant pest, including destruction of appropriate plants or plants products.
- 4) ***Regulated Articles and Limitations Imposed***. The plant pest established by this Order of Quarantine - *Lycorma delicatula* (Spotted lanternfly) - along with any material or object that may carry or spread the plant pest (the plant pest and its eggs and nymphs can exist on and be spread through conveyance of any object to which it may attach) are considered regulated articles under this Order of Quarantine and may not be moved out of or within the quarantined area unless done in accordance with Articles II through IV of this Order of Quarantine. The following list provides examples of regulated articles but is not an all-inclusive list. Any object capable of carrying the plant pest - *Lycorma delicatula* (Spotted lanternfly) - shall be considered a regulated article under this Order of Quarantine.
- a) Any living life stage of the Spotted lanternfly, *Lycorma delicatula*.
 - b) All plants and plant parts. This shall include, but is not limited to, all live or dead trees, nursery stock, budwood, green lumber, firewood, logs, perennial plants, garden plants and produce, stumps, roots, branches, mulch, and composted and uncomposted chips, bark, and yard waste.
 - c) Outdoor industrial and construction materials and equipment, concrete barriers or structures, stone, quarry material, ornamental stone or concrete, construction, landscaping and remodeling waste.
 - d) Packing materials, such as wood crates or boxes.
 - e) Outdoor household articles including recreational vehicles, lawn tractors and mowers, mower decks, grills, grill and furniture covers, tarps, mobile homes, tile, stone, deck boards, mobile fire pits, any equipment, trucks or vehicles not stored indoors.
 - f) Conveyances of any type, whether utilized for movement of the materials previously listed or personal use, and any trailers, wagons or other equipment attached thereto.
 - g) Any other article, materials or means of conveyance when it is determined by an inspector to present a risk of spread of any life stage of Spotted lanternfly, *Lycorma delicatula*.
- 5) ***Authority of Department***. As authorized by sections 18 and 19 of the Plant Pest Act, (act of December 16, 1992, P. L. 1228, No. 162, §§ 18, 19(a)) (3 P. S. §§ 258.18 and 258.19(a)) the Department of Agriculture or its agents may enter onto any premises within the areas or zone established in this Order of Quarantine and Treatment, or any subsequent addendums hereto, to survey, collect samples, investigate, determine compliance and carry out eradication or control measures where necessary.

ARTICLE II

Requirements for Movement of Regulated Articles Within or From a Quarantined Area

- 1) ***Compliance Checklist required for individuals not conducting business.*** A regulated article, including any vehicle or conveyance, delineated in Article I Paragraph 4 of this Order of Quarantine, may only be moved within or from the Quarantine Zone with a valid checklist certificate issued by the Department. The valid signed checklist certificate shall move with the regulated article(s). The checklist certificate is a form available in blank from the Department's website and is to be completed by the individual.
- 2) ***Compliance Agreements Required.*** Compliance Agreements are only required under the following conditions:
 - a. ***Required by Other States or Countries.*** To the extent required by another State or Country for the shipment of goods, the Department will require such persons to enter into a Compliance Agreement.
 - b. ***Compliance Agreement in Place.*** Any person having a Compliance Agreement in place with the Department at the time of issuance of this Quarantine Order shall continue to operate under the parameters of that Compliance Agreement until such time as that person has been issued a Permit under the conditions of this Quarantine Order.
- 3) ***Permit required for persons conducting business requiring the movement of any regulated article within or from the Quarantine Zone.***
 - a. ***Permit Required.*** Any person conducting business requiring the movement of any regulated article within or from the Quarantine Zone, shall be required to obtain a Permit from the Department in the manner set forth herein.
 - b. ***Movement of Regulated Articles Without a Permit Prohibited.*** A person conducting business may not move any regulated article within or from the Quarantine Zone without a permit.
 - c. ***Permit Process and Requirements.*** A Person required to obtain a Permit for movement of regulated articles within or from the Quarantine Zone shall comply with the following:
 - i. The owner, manager, supervisor or other person(s) with authority to bind the entity and train other employees (hereinafter "designated employee(s)") shall take training provided by the Department, Penn State Cooperative Extension or others, who have participated in a *Train the Trainer* course approved by the Department and shall have passed an examination, administered by an employee or agent of the Department, demonstrating they have an understanding and knowledge of the pest and of the procedures necessary to prevent the spread of the pest.
 - ii. Upon successful completion of the training and passing the required test, the designated employee(s) shall be responsible for training other employees of

- that entity and documenting such training.
- iii. In conjunction with taking the examination, the designated employee(s) shall record, preserve, maintain and provide to the Department as needed, at a minimum, the following information:
 1. The name, telephone number, and e-mail address of the designated employee taking the required test.
 2. The legal name, address, business telephone number and e-mail address of the primary business location of the permit holder.
 3. The number of vehicles and conveyances utilized and for which a Permit certificate is needed.
 4. An attestation that the permit holder shall comply with all requirements of this Order of Quarantine and of the permit.
 - iv. *Additional Information.* The Secretary may request, in writing, additional information, if necessary, from the permit holder, for the purpose of evaluating the potential risk to the Commonwealth.
 - v. Any employee responsible for driving any vehicle or conveyance, or handling, shipping, packaging or loading any regulated article shall be trained by a designated employee who has taken the training, passed the permit exam and been issued a permit. Multiple employees in a business may take the permit training and examination if the business deems that necessary to build sufficient training capacity within their organization.
 - vi. All regulated articles, including conveyances and vehicles, shall be inspected and all egg masses and other life stages of the Spotted lanternfly shall be removed and destroyed prior to being moved within or out of the Quarantine Zone. A record of such inspection shall be kept and recorded as set forth in Article IV of this Quarantine Order.
 - vii. Regulated articles, other than the vehicles and conveyances themselves, shall be packaged and safeguarded sufficiently, such as within a closed container, shrink wrap, tight tarp or similar covering, to maintain isolation from the domestic environment during storage or transportation.
- d. ***Issuance of Permit.*** Upon receipt of all required information as outlined in section c.(iii) above, and the successful completion of the training and testing requirements of this Quarantine Order, the Department will:
- i. Issue Permits to the person that has successfully completed the testing and training, with sufficient copies to display in each business location and vehicle.
 - ii. Authorize any designated employee compliant with section c.(i), and issued a permit in accordance with the provisions of this Quarantine Order, to train other employees of the business or entity.
- e. ***Maintenance of Permit***
- i. *Term of Permit.* Permits shall be valid for one year from the date of issuance, with extensions permissible upon notice by the Department. A Permit shall be required until such time as the Quarantine Order is rescinded by the Department.
 - ii. *Change of Information.* A Permit holder shall, prior to or immediately upon a change of information, provide the Department with notice of and describe any change to Permit information previously submitted.
- f. ***Display of Permit and Certificate.*** The Permit issued to the person, business or

other entity, shall be displayed, in a visible and conspicuous place, at each business, entity or individual location to which it was issued and a permit issued by the Department shall be placed in each vehicle or conveyance when being operated.

- g. **Subcontractors and Agents.** A person required to have a Permit shall assure any subcontractor or agent of that person has also obtained the proper Permit(s) as applicable, prior to subcontracting with that person or allowing that person to act as a subcontractor or an agent, for activity within the Quarantine Zone.

ARTICLE III

Other Movement Provisions for Business

- 1) **Movement of a regulated article through a Quarantine Zone without a Permit.** A regulated article, including any vehicle or conveyance, may be shipped through the Quarantine Zone without a Permit or compliance agreement if the regulated article and the vehicle and conveyance originates outside the Quarantine Zone and all of the following criteria are met:
 - a. The points of origin and destination are outside of the Quarantine Zone established by this Order of Quarantine and Treatment and are indicated on a waybill accompanying the regulated article.
 - b. No point of origin is within an area of the Commonwealth or other State, Commonwealth or District where the presence of the plant pest Spotted Lanternfly, *Lycorma delicatula*, has been confirmed by a federal, state or other regulatory agency.
 - c. If moving during the period of April through December, the regulated article is moved into the Quarantine Zone in an enclosed vehicle or conveyance or is completely covered, such as by a tarp or full shrink wrapping, to prevent exposure to the plant pest Spotted lanternfly, *Lycorma delicatula*. The covering must be kept on the regulated article until leaving the Quarantine Zone and thereafter be inspected, decontaminated, or destroyed.
 - d. The regulated article, including the vehicle and conveyance, is moved directly through the Quarantine Zone without stopping (except for refueling or for traffic control devices or conditions) and has been stored, packed or handled only at locations outside the Quarantine Zone.
- 2) **Federal Requirements for Interstate Movement of Articles.** This Order of Quarantine is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the movement of articles from the quarantined area or this Commonwealth.
- 3) **Movement of Articles from other areas where Spotted lanternfly is known to be established.** If any other area inside or outside of this Commonwealth is determined by a federal, state or other regulatory agency to have the plant pest Spotted lanternfly, *Lycorma delicatula*, present, movement from that area into the Commonwealth shall require a Permit issued under the provisions of this Order of Quarantine and Treatment or a Department approved Permitting process or other Program carried out by the State, Commonwealth or District of origin.

ARTICLE IV

Recordkeeping

- 1) **General Documentation and Recordkeeping.** Documentation of proper and required inspections, such as those set forth at Article II, paragraph 3.c.vi. of this Order of Quarantine and Treatment and compliance measures taken when shipping regulated articles, including vehicles and conveyances within or from the Quarantine Zone, shall be kept by each permitted individual, employee or person conducting activity within the Quarantine Zone. These inspection records shall include recording of any living life stage finds and method utilized for destruction of the pest.
- 2) **Specific Documentation and Recordkeeping for Business.**
 - a. The Permittee shall allow the Department during normal business hours to inspect records and protocols relevant to Permittee's adherence to the Permit requirements and this Quarantine Order.
 - b. Documentation shall be kept listing each individual trained by the Permit holder's designated employee(s) as per Article II, section 3).c.
 - c. Incoming and outgoing shipment records are to detail the kind and quantity of regulated article shipped, shipper name, date of shipment, source or destination information, and corresponding inspection treatment and mitigation records.
 - d. Inspection, treatment and mitigation records, including dates and outcomes, shall be kept in accordance with applicable state and federal requirements.
 - e. Records required under the Permit and this Quarantine Order are to be maintained for a minimum of two (2) years with copies provided to the Department upon request.

ARTICLE V

No Preclusion of Powers

- 1) This Quarantine Order does not affect, preclude or prevent the Department from enforcement of all statutory and regulatory authority.
- 2) This Quarantine Order shall not preclude the routine inspection, sampling, and testing of regulated articles by the Department or by the proper authorities in other States and Commonwealths, such as State Departments of Agriculture or similar authority, where the regulated articles may be shipped, nor does it preclude rejection, stop-sale or other regulatory action as a result of any positive samplings, tests or findings.
- 3) A person holding a Permit or subject to a Compliance Agreement shall allow the Department to enter Participant's premises during normal business hours for the purpose of: conducting inspections and collecting samples to test for the presence of Spotted lanternfly; inspecting records related to this Quarantine Order; and interviewing employees to inquire about training on Spotted lanternfly practices or compliance with this Order or any part thereof.
- 4) In cooperation with the Department, a person holding a Permit or subject to a Compliance

Agreement shall undertake treatment and mitigation procedures, as the Department determines to be necessary based on available science and research, in order to slow the spread or eradicate Spotted lanternfly from the Participant's premises in a manner which minimizes the risk of spreading Spotted lanternfly in accordance with the standards established below.

ARTICLE VI

Surveys, Order of Treatment and Monitoring

- 1) **Surveys.** The Plant Pest Act (Act)(act of December 16, 1992, P. L. 1228, No. 162) (3 P. S. §§ 258.1-258.27) empowers the Department to take various measures to detect, contain and eradicate plant pests. These powers include the authority, under section 18 of the Act, to conduct surveys to determine the existence, distribution and severity of damage caused by a plant pest. (act of December 16, 1992, P. L. 1228, No. 162, § 18)(3 P. S. § 258.18). Pursuant to that authority the Department has been conducting and will continue to conduct surveys within the Commonwealth for the plant pest, Spotted lanternfly, *Lycorma delicatula*.
- 2) **Treatment Requirements.** As set forth in the Recitals to this Order of Quarantine and Treatment the plant pest Spotted Lanternfly, *Lycorma delicatula* has been declared a public nuisance. Once a plant pest is declared a nuisance, "It shall be unlawful for any person knowingly to permit any plant pest so declared to exist on his premises...." (act of December 16, 1992, P.L. 1228, No. 162, § 20)(3 P.S. § 258.20) Furthermore, under section 19 of the Plant Pest Act, "If the secretary determines that a serious pest situation exists in any part of this Commonwealth, any necessary eradication or control measures may be taken. Prior to carrying out any treatment procedure, the department shall notify the property owner in writing. Any agent of the department is authorized to enter the premises during reasonable hours to carry out the eradication or control measures." (act of December 16, 1992, P. L. 1228, No. 162, § 19(a)) (3 P. S. § 258.19(a)) Pursuant thereto, the Department issues this Order of Treatment as written notice of the Department's requirement that property owners, within the areas and zone established in this Order of Quarantine and Treatment and any future addendums hereto, are required to take the following treatment actions.
 - a) **Property Owner Responsibilities and Requirements:**
 - i) The property owner shall be responsible for controlling or eliminating any life stage of the plant pest *Lycorma delicatula* (Spotted lanternfly) on the property.
 - ii) Control procedures may include tree banding, pesticide application, or removal of *Ailanthus altissima* trees, or any combination thereof, to reduce the available host of the Spotted lanternfly and to decrease the population of Spotted lanternfly. All control procedures will conform with methods approved by the Department, in addition to all applicable federal, state, and municipal laws and ordinances.
 - iii) Control work may be done by the property owner or by a contractor hired by the property owner. Where a contractor is hired, the contractor shall be fully insured and properly licensed, including pesticide applicator licensing.
 - iv) At the discretion of the Department and subject to availability of the necessary resources, the Department may request and the property owner may consent to the Department carrying out the necessary control measures on the owner's property.

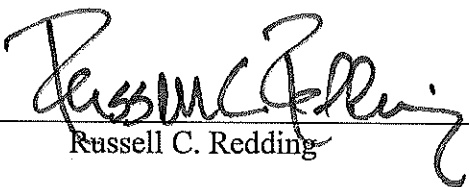
- b) **Continuing Obligation:** The obligation of the property owner to control the plant pest Spotted lanternfly, *Lycorma delicatula*, shall continue so long as the plant pest Spotted lanternfly, *Lycorma delicatula*, exists on the property and such obligation shall continue until the Department has rescinded this or any subsequent Order of Quarantine and Treatment.
- 3) **Monitoring by the Department.** The Department will continue to survey and monitor all properties within the areas and zone of Quarantine or areas identified as having Spotted lanternfly, including any added hereto by Addendum, until such time as the Order of Quarantine and Treatment for an area or zone is rescinded. During such time, as authorized by sections 18 and 19 of the Plant Pest Act, (act of December 16, 1992, P. L. 1228, No. 162, §§ 18, 19(a)) (3 P. S. §§ 258.18 and 258.19(a)) the Department of Agriculture or its agents may enter onto any premises within the areas or zone established in this Order of Quarantine and Treatment, or any subsequent addendums hereto, to survey, collect samples, investigate, determine compliance and carry out eradication or control measures where necessary.
- 4) **Noncompliance.** If the property owner or person in charge does not comply with the treatment provisions of this Order, the Department may carry out the control measures, and all expenses associated with the treatment shall be paid to the Department by the person failing to comply. (act of December 16, 1992, P. L. 1228, No. 162, §19) (3 P. S. §258.19)

ARTICLE VII

Penalties, Cooperation, Effective Date

- 1) **Violations.** In accordance with the provisions of section 258.22 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 22)(3 P.S. § 258.22) it shall be unlawful to violate or fail to comply with any provision of the Act, regulations or this Order of Quarantine.
- 2) **Criminal and Civil Penalties.** In accordance with the provisions of the Act, at sections 258.23 and 258.24 (act of December 16, 1992, P.L. 1228, No. 162, §§ 258.23, 258.24)(3 P.S. §§258.23 and 258.24), a person who violates this Order of Quarantine may face summary criminal citation, which may carry a fine of up to \$300 per violation. In addition, a person who violates this Order of Quarantine may be assessed a civil penalty of up to \$20,000 with respect to each violation.
- 3) **Revocation.** Revocation of a Permit or Compliance Agreement. Any Permit or any Compliance Agreement may be canceled orally or in writing by the Department whenever the Department determines that the holder of the Permit or Compliance Agreement has not complied with a provision of the Act, regulations, Permit, Compliance Agreement or this Order of Quarantine. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances allow.

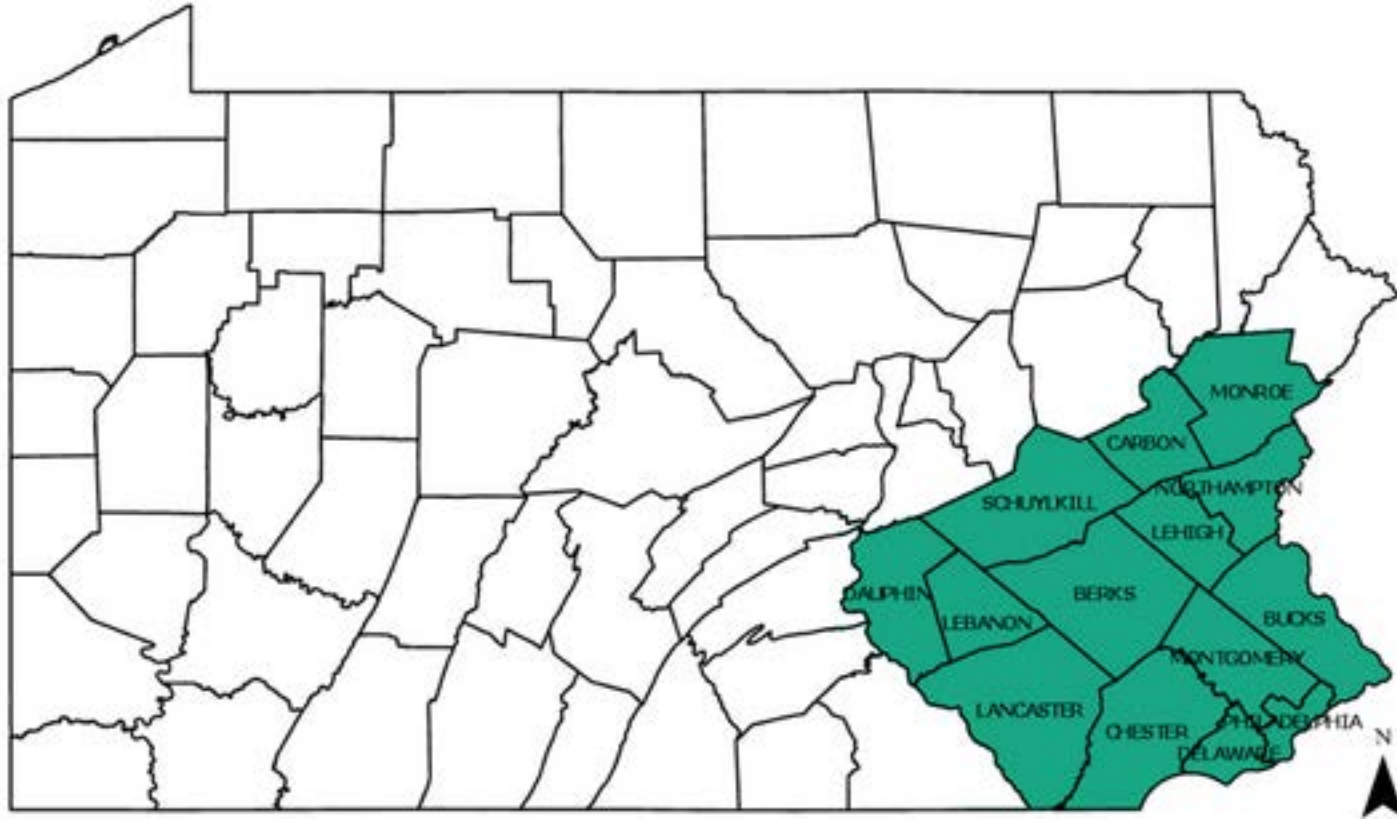
- 4) **Unauthorized duplication/production of Permit or Compliance Agreement.** Any duplication or reproduction of any Permit or Compliance Agreement issued by the Department or of a Department approved Permit or other program document issued by another State, Commonwealth or District, is a violation of this Order of Quarantine and will be subject to the penalties established in this Article VII.
- 5) **Cooperation with other agencies.** As authorized by section 258.26 of the Act (act of December 16, 1992, P.L. 1228, No. 162, § 258.26)(3 P.S. § 258.26), the Department will consult with other State agencies, Federal agencies, The Pennsylvania State University, and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect Spotted lanternfly, *Lycorma delicatula* to slow the spread or eradicate these plant pests.
- 6) **Effective Date.** This quarantine is effective upon signature and shall be published in the *Pennsylvania Bulletin* and shall remain in effect until rescinded by subsequent order.



Russell C. Redding

5/16/18

Date





Don't Let This Bug Stop Your Business!

Spotted Lanternfly Permit Requirements and Guidance

On May 26, 2018, a new Spotted Lanternfly Order of Quarantine and Treatment was published in the PA Bulletin. The quarantine is in place to stop the movement of Spotted Lanternfly to new areas within or out of the current quarantine zone and to slow its spread within the quarantine. The quarantine affects a variety of vehicles and other conveyances, plant, wood, and stone products.

The following counties are currently under quarantine: Berks, Bucks, Carbon, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Philadelphia, and Schuylkill

For businesses, agencies, and organizations, a Spotted Lanternfly permit is required for those working within the quarantine, who move vehicles, products or other conveyances within or out of the quarantine.

The permit process:

- There is no cost to businesses to obtain a permit.
- The permit process requires managers and/or supervisors to complete the online permit course to demonstrate a working knowledge and understanding of the pest and quarantine requirements.
- The online course and exam are located on the Penn State Extension website: <https://extension.psu.edu/spotted-lanternfly-permit-training>
- The course may be completed in one session or in increments as the participant's schedule permits.
- During registration, each manager/supervisor taking the course enters the number of permits he/she is responsible for overseeing.
- The course includes educational materials and other resources that may be used or adapted for employee training and documentation purposes.
- After successful completion of the permit course, that person is considered a trainer and will be responsible for training all employees on what to look for and how to safeguard against moving spotted lanternfly on products, vehicles and other conveyances.

Individual employees should not take the online permit course.

- Print the certificate of completion; copy and use as a temporary permit(s). Official permit(s) will be mailed in 2-3 weeks.
- Recordkeeping of training, inspection of vehicles, and control measures taken (such as vehicle washes, destruction of living lanternfly, etc.) must be maintained for a minimum of two years.
- Direct additional questions to SLFPERMIT@pa.gov.

Spotted Lanternfly: **Can We Stop The Spread?**

Monday, July 22

6 p.m. – 8 p.m.

Dock Mennonite Academy EC – Grade 8 Campus
420 Godshall Road • Souderton, PA

Rep. Steve Malagari, Rep. Liz Hanbidge and Sen. Maria Collett invite you to hear an update on the state's response to the spotted lanternfly.

Experts, including Pennsylvania
Agriculture Secretary Russell Redding
and representatives from the Penn State College of Agricultural Sciences will discuss how to prevent the spread of this invasive pest.



State Representative
Steve Malagari
100 W. Main St., Suite 110
Lansdale, PA 19446
(267) 768-367



State Representative
Liz Hanbidge
1098 W. Skippack Pike
Blue Bell, PA 19422
(610) 277-3230



State Senator
Maria Collett
1180 Welsh Rd., Suite 130
North Wales, PA 19454
(215) 368-1429



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Location: Weingartner Park
Date: July 18, 2019
Time: 8:30 P.M.



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