

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025-03

**AMENDMENTS TO THE CODE OF THE TOWNSHIP
OF LOWER SAUCON**

AN ORDINANCE TO PROVIDE FOR FIRE SERVICE COST RECOVERY

WHEREAS, Lower Saucon Township is a Township of the Second Class, Option Plan of Government, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, §66506 of the Second Class Township Code empowers the Township Council to make and adopt ordinances necessary for the proper management, care and control of the township and its finances and for the health and welfare of the township and its citizens; and

WHEREAS, §66527 of the Second Class Township Code empowers the Township Council to make and adopt ordinances to secure the safety of persons or property within the Township; and

WHEREAS, §66803 of the Second Class Township Code empowers the Township Council to make and adopt ordinances enacting rules and regulations related to fire companies located within the Township and their officers; and

WHEREAS, Lower Saucon Township and Township Council (“Township”) recognizes that the duties of the Lower Saucon Township Fire Rescue (“LSFR”) require the use of specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment, and hazardous abatement materials during their emergency responses; and

WHEREAS, the Township further recognizes that the costs of the maintenance and replacement costs of damaged or expended materials places an increasing financial burden on the Township; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Commonwealth

of Pennsylvania, that the provisions of the Code of the Township of Lower Saucon are hereby amended to add "Fire Service Cost Recovery" as follows:

SECTION 1. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed in them in this section, except where the context or language clearly indicates or requires a different meaning. Words used in the present tense include the future; the singular includes the plural; the plural includes the singular.

EMERGENCY - An incident that requires responsive, coordinated action to protect an individual, the environment, critical infrastructure or property.

PERSON – Every natural person, association, partnership or corporation.

INDIVIDUAL – Natural person

REASONABLE COSTS - The reasonable costs incurred for the services of LSFR, pursuant to the current rate schedule as adopted by resolution.

SECTION 2. Purpose.

The purpose of this Ordinance is to enable the Township and/or LSFR to recover all reasonable costs arising from emergency incident response as permitted by law.

SECTION 3. Recovery of Costs.

- A. The Township and/or LSFR may recover reasonable costs for the use of emergency rescue tools, equipment and materials and hazardous materials abatement tools and equipment in emergency response.
- B. The Township and/or LSFR may further recover reasonable costs for personnel hours incurred in response to any hazardous material, environmental, fire safety, and/or rescue incident or operation, which shall specifically include motor vehicle accidents.
- C. A Rate Schedule for such reasonable costs is adopted from time to time by resolution of the Township Council. A copy of said rate schedule shall be available for review at the Township Office, located at 3700 Old Philadelphia Pike, Bethlehem, Pennsylvania, 18015-5426.

SECTION 4. Payment and Collection.

- A. The reasonable costs authorized by this Ordinance may be recovered from any identified insurance carrier, person, or persons, directly by the Township and/or the LSFR by their attorney, or through a third-party billing service acting as an authorized agent for the collection of such costs (all individually "Authorized Collector"). In addition to recovery of reasonable costs, the Authorized Collector shall hereby be authorized to collect, in addition to the reasonable costs, reasonable administrative fees for collection of said costs and fees.
- B. In the event that any insurance carrier or person should fail to pay any invoice within ninety (90) days of the mailing or delivery of such notice of charges, the Authorized Collector or their designee may enforce the provisions of this Ordinance by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due and owing, together with a penalty of ten percent (10%), statutory interest, court costs, collection fees, and associated reasonable attorney's fees only for non-taxpayers.
- C. An insurance carrier or person shall be liable for the reimbursement of reasonable costs incurred as outlined in this Ordinance, unless that person is an individual is a current Lower Saucon Resident who has paid to the Township of Lower Saucon a tax for the time period where the emergency took place, which funds, at least in part, the services which the LSFR provides. In such an limited instance, said individual shall not be liable for reimbursement.
- D. The Authorized Collector or their designee may file an action in a court of competent jurisdiction to recover the amount of Actual and Reasonable Response Costs if the person fails to pay the amount of the bill, which may include reasonable interest, reasonable administrative fees, reasonable attorney fees, and court fees for the collection of the bill. However, the Authorized Collector or their designee shall not be obligated to pursue collection efforts against any insurance company or person if the Township reasonably determines that collection efforts will not be successful or that the costs of collection will exceed the amount due hereunder.
- E. Nothing in this article shall authorize the LSFR, any Township Department, staff member, or personnel to refuse or delay rescue service to any person due to the lack of insurance coverage or ability to pay for said rescue services.

SECTION 6. Severability.

The provisions of this ordinance are severable. If any section, clause, sentence, part or provision of this ordinance shall be deemed illegal or invalid by any court of competent jurisdiction, the rest of the ordinance shall remain in full force and effect as though the stricken section, clause, sentence, part or provision had not been included.


SECTION 7. Effective Date. This ordinance shall be effective upon full execution.

SECTION 8. Repealer. All ordinances or parts of ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistencies. This repeal shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this ordinance. All ordinances or parts of ordinances that are not inconsistent herewith shall remain in full force and effect.

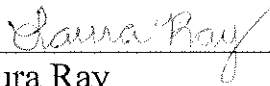
ENACTED and **ORDAINED** this 21st day of May, 2025, by the Lower Saucon Township Council in lawful session duly assembled.

ATTEST:

**LOWER SAUCON TOWNSHIP,
NORTHAMPTON COUNTY**



John J. Finnigan, Jr.
Acting Township Manager



Laura Ray
Council President