

COPY

**TOWNSHIP OF UPPER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2012-3
(Duly Adopted May 23, 2012)**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES OF UPPER MACUNGIE, PART 4, SECTIONS 402; 404 and 405 MODIFYING LIMITATIONS OF CERTAIN RECOVERABLE COSTS AND MODIFYING CERTAIN TERMS AS MORE FULLY SET FORTH IN THE BODY OF THIS ORDINANCE.

SECTION 1. INSERTIONS, ADDITIONS, AMENDMENTS AND CHANGES

AMENDMENTS/CHANGES

The following Sections denoted by Section numbers are amended, with such amendments being denoted by underlining. (_____)

The following Sections denoted by Section Numbers are deleted, with such deletions being denoted by striking through words to be deleted. (~~Striking through~~).

SECTION 2. BODY OF THE ORDINANCE

Section 1-402. Definitions.

3. Specifically Defined Terms.

EMERGENCY SERVICE COSTS

In no event shall the emergency services cost assessed and collected for any single emergency response agency as a result of any individual incident exceed Two Thousand Five Hundred (\$2,500.00) Dollars under the terms and provisions of this Ordinance, except in the case of Emergency Incidents involving hazardous materials and/or those occurrences which are Nuisance Incidents, in which cases the full Emergency Service Cost shall be assessed and collected without limitation.

Section 1-404. All Other Emergency Incidents.

1. Designation of Nuisance Incidents. ~~The occurrence of unfriendly fires; hazardous material, petroleum and chemical type spills and releases; vehicular accidents involving fire, personal injury or loss of life; and the unexpected collapse of wells, trenches, buildings, and sinkholes requiring rescues of otherwise threatening life, property or the environment, are each declared to be public nuisance and are hereby declared to be Emergency Incidents. Should any property be subject to more than one (1) Emergency Incident within any twelve (12) month period; any Emergency Incidents occurring subsequent to the initial Emergency Incident shall be declared to be public nuisances and are hereby declared to be Nuisance Incidents with the Responsible Party fully responsible for all Emergency Service Costs, without limitation.~~

3. Cost Billing and Collection Procedure.

B. Upon compilation of a complete bill of costs, the Township Treasurer shall, within 45 days of the emergency incident, or as soon thereafter as possible, render an itemized billing statement to the responsible party/parties for the total amount of all submitted bills of costs plus 15% for administrative expense. ~~In no event, however, shall the submitted bills of costs exceed \$500 for any single emergency response agency in connection with any single emergency incident.~~

Section 1-405. Alarm Registration and False Alarms.

6. Registration and User Fees.

B. Each property owner or lessee utilizing any alarm (~~excepting public institutions~~) shall be charged a user fee for service by the Township for each False Alarm that results in action by an Emergency Response Agency. The user fee shall be Five Hundred Dollars (\$500.00) for each False Alarm or any other fee as set by the Township from time to time by resolution or ordinance. ~~the fourth and each subsequent false alarm which occurs in any consecutive six (6) month period and results in action by an emergency response agency. Public institutions utilizing any alarm shall be charged a fee for service for the sixth and each subsequent false alarm which occurs in any consecutive six (6) month period. The user fees shall be assessed as follows:~~

- ~~(1) The base fee for service shall be Seventy-Five Dollars (\$75.00).~~
- ~~(2) The fee for service required for each false alarm which results in a fire company call out shall be Three Hundred Dollars.~~

7. Penalty and Remedies for Violation.

A. Any Responsible Party/Parties who violate any provision of Section 1-405 of this Ordinance shall, upon conviction, be fined:

- a. For the first offense, One Hundred Dollars (\$100.00)
- b. For the second offense, Two Hundred Dollars (\$200.00)
- c. For the third offense and all thereafter, Three Hundred Dollars (\$300.00).

~~In the event that more than three(3) False Alarms resulting in action by Emergency Response Agencies are received within any six (6) consecutive months from any Alarm, the owner, lessee or user of such Alarm shall, upon determination thereof by a District Justice or other judicial officer, be assessed a civil penalty One Hundred Dollars (\$100.00) for the first offense; Two Hundred Dollars (\$200.00) for the second offense; Three Hundred for the third and each subsequent offense, plus costs of suit. Each False Alarm in excess of three (3) within six(6) months, or, in the case of a public institution, each False alarm in excess of five (5) within six (6) months, shall constitute a separate violation and shall be deemed a separate offense.~~

SECTION 3. EFFECTIVE DATE

This Ordinance shall become effective five (5) days from its passage.

SECTION 4. SEVERABILITY

In the event that any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder shall be and shall remain in full force and effect

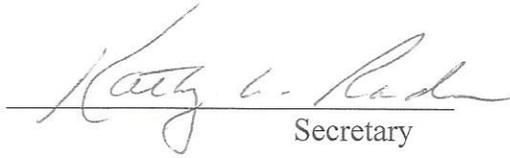
SECTION 5. REPEALER

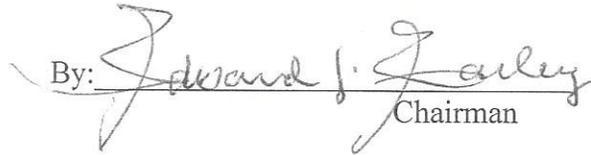
All other Ordinances or parts of Ordinances inconsistent herewith shall be and the same expressly are repealed.

ENACTED AND ORDAINED the 23th day of May, 2012, by the Board of Supervisors of the Township of Upper Macungie, Lehigh County, Pennsylvania, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF UPPER MACUNGIE
LEHIGH COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS


Secretary

By: 
Chairman