

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2010-08

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON AMENDING ARTICLE II OF CHAPTER 38 OF THE CODE OF THE TOWNSHIP OF LOWER SAUCON TOWNSHIP, RELATIVE TO THE POLICE PENSION FUND FOR THE POLICE OFFICERS OF LOWER SAUCON TOWNSHIP, NORTHAMPTON COUNTY, PENNSYLVANIA, BY REVISING SECTION 38-13(C) TO PROVIDE THAT THE KILLED IN SERVICE DEATH BENEFIT WILL BE PAYABLE BY THE COMMONWEALTH OF PENNSYLVANIA IN ACCORDANCE WITH THE PROVISIONS OF ACT 600 OF 1956 AS AMENDED BY ACT 51 OF 2009, OTHERWISE KNOWN AS THE EMERGENCY AND LAW ENFORCEMENT PERSONNEL DEATH BENEFITS ACT

WHEREAS, Lower Saucon Township (“Township”) is a Township of the Second Class located within Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township Council of Lower Saucon Township, Northampton County, Pennsylvania, (hereinafter “Council”) on August 1, 1979, by Ordinance 79-8 did adopt a Police Pension Plan Fund for the full-time Police Officers of Lower Saucon Township, Northampton County, Pennsylvania; and

WHEREAS, Ordinance 79-8 was amended by Ordinance Nos. 81-4, 92-6, 95-2, 96-3, 04-10, 04-12, and 05-03; and

WHEREAS, the provisions of the above-referenced Ordinances are codified at Chapter 38, Article II of the Code of the Township of Lower Saucon; and

WHEREAS, the Pennsylvania Legislature adopted Act 51 of 2009, signed into law on October 9, 2009, which Act 51 amends the provision of Act 600 of 1956 to provide that Killed in Service Death Benefits will be provided by the Commonwealth of Pennsylvania pursuant to the provisions of the Emergency and Law Enforcement Personnel Death Benefits Act (53 P.S. 891 et seq.); and

WHEREAS, the purpose of the within Ordinance is to rewrite certain sections of Article II of Chapter 38 of the Code of The Township of Lower Saucon to bring that Article into compliance with Act 51 of 2009.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Township of Lower Saucon, that Article II of Chapter 38 of the Code of The Township of Lower Saucon shall be amended as follows:

SECTION 1.

AMENDMENT OF CHAPTER 38, ARTICLE II:

Section 38-13 (C)(3), (C)(4), and (C)(5)(a) are hereby deleted in their entirety and replaced as follows:

Section 38-13 - Retirement requirements and benefits

C. Death prior to retirement or retirement eligibility.

(3) Killed in Service Death Benefit

The Beneficiaries of a police officer who dies due to injuries incurred while performing the duties of his/her employment shall be entitled to receive a Killed in Service Death Benefit from the Commonwealth of Pennsylvania in accordance with the provisions of Act 600 of 1956, as amended by Act 51 of 2009, known as the Emergency and Law Enforcement Personnel Death Benefits Act.

(4) Beneficiaries

(a) In general. Any given payment in the series of payments which constitutes the Death Benefit shall be paid to the person(s) who is/are a Beneficiary as of the date for which the payment is being made.

(b) Definition. For purposes of the Death Benefit the "Beneficiary" of a police officer shall be his/her spouse. If there is no spouse or if the spouse survives and subsequently dies, then the Death Benefit shall be payable to the police officer's child or children who have not yet attained age 18 (or are attending college and have not yet attained the age 23). For purposes of this subparagraph, a person is "attending college" if he/she is registered at an accredited institution of higher learning and is carrying a minimum course load of seven (7) credit hours per semester. The death benefit shall be payable to eligible children in equal shares.

(c) Killed in Service Beneficiaries. For the purposes of the Killed in Service Death Benefit, the term "Beneficiary" shall be defined as that term is defined in Act 51 of 2009, as may be amended from time to time.

(5) Death Benefit Return of Accumulated Contributions.

(a) In General. If a police officer dies at a time when his/her Beneficiaries are not eligible to receive a Death Benefit, or has no Beneficiaries; and has not received any payments under a normal retirement benefit, disability retirement benefit, or vested benefit; then the plan shall distribute an amount equal to the amount of the police officer's accumulated contributions plus interest at the rate of 5% per annum to the police officer's named beneficiary(ies). If the police officer failed to designate a beneficiary or if no designated beneficiary shall have survived the police officer, the distribution shall be made to the estate of the police officer.

SECTION 2. SEVERABILITY

If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared as the intent of Lower Saucon Township that this Ordinance would have been adopted had such stricken provision not been included herein.

SECTION 3. REPEALER

All other Ordinances or parts thereof which are contradictory with the provisions hereof, are repealed to the extent of such inconsistencies.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its enactment.

ENACTED and ORDAINED this 3rd day of November, 2010.

Attest:

LOWER SAUCON TOWNSHIP

Jack Cahalan
Secretary

Glenn C. Kern
Council President