

## ORDINANCE 2018-03

### AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 21, FIRE COMPANIES, OF THE CODE OF LOWER ALLEN TOWNSHIP BY ADDING SECTION 21-5, EMERGENCY RESPONSE PAYMENT REIMBURSEMENT

**WHEREAS**, Lower Allen Township (hereinafter referred to as "Township") has within its boundary two volunteer fire companies, Lower Allen Fire Company #1 and the Lisburn Community Fire Company (hereinafter referred to as "Fire Companies"); and

**WHEREAS**, the Township financially supports the Emergency Rescue Service Organizations providing services in the Township; and

**WHEREAS**, the Township recognizes that the duties of volunteer fire companies require specialized emergency rescue tools, equipment and emergency rescue materials, and that such tools and equipment place a financial burden on volunteer fire companies, and the replacement of such materials and specialized training add to the additional financial burden of volunteer fire companies; and

**WHEREAS**, the Board of Commissioners ("Board") of the Township has determined that it would be in the best interest of the Township to provide for the reimbursement for certain emergency response costs incurred by the volunteer fire companies of the Township.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania as follows:

#### **SECTION I**

**Chapter 21, Fire Companies**, shall be amended by adding the following Section 21-5, Emergency Response Payment Reimbursement:

#### **§ 21-05 Emergency Response Payment Reimbursement**

**A. Definitions.** The following words and phrases when used in this Chapter 21 shall have the meanings given to them in this Chapter unless the context clearly indicates otherwise:

**Actual and Reasonable Response Costs.** An amount that is consistent with what a reasonable person would pay in the same or similar circumstances for the same business or for the same or similar item. This term shall not include any costs for labor.

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

**Fire Company or Fire Companies.** The Lower Allen Fire Company #1 and the Lisburn Community Fire Company, singularly or collectively.

**Official Dispatch.** The dispatch of a Fire Company to an Emergency by the Cumberland County Dispatch Office or a response to a special call or request from the Lower Allen Police Department with an Emergency.

**Township.** The Township of Lower Allen, Cumberland County, Pennsylvania.

**B. Reimbursement.** A person involved in an Emergency that necessitates a response from the Fire Company shall be liable for the Actual and Reasonable Response Costs incurred by the Fire Company

**C. Procedure.**

i. **Billing.** The Fire Companies shall have the right and authority to seek reimbursement for Actual and Reasonable Response Costs related to an Emergency as provided for under this Chapter which includes, but is not limited to, the Actual or Reasonable Response Costs of materials used, or equipment damaged in an Emergency. A bill for reimbursement must clearly itemize the costs that have been incurred by the Fire Company and shall be in accordance with the most recent Fee Resolution adopted by the Board.

ii. **Reimbursement.** If a person receives a bill for Actual and Reasonable Response Costs as provided for under this Chapter, the person shall be responsible for payment of the bill. A person may elect to submit the bill to an insurance company. Submission of a bill to an insurance company, however, shall not relieve the person from financial responsibility for payment of the bill if an insurance company denies payment of the bill.

- iii. Failure to Pay. The Fire Companies or a third-party billing service that submits to a person a bill for Actual and Reasonable Response Costs as provided for under this Chapter 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.

## **SECTION II**

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such 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.

## **SECTION III**

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.

## **SECTION IV**

This Ordinance shall take effect immediately.

**ENACTED AND ORDAINED**, this 14<sup>th</sup> day of May 2018.

**Attest:**  
**(Corporate Seal)**

**BOARD OF COMMISSIONERS**  
**LOWER ALLEN TOWNSHIP**

\_\_\_\_\_  
(Assistant) Secretary

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(Vice) President