

**ORDINANCE NO. 2014-1**

**AN ORDINANCE OF HILLTOWN TOWNSHIP RECOGNIZING THE AUTHORITY OF FIRE COMPANIES TO SEEK REIMBURSEMENT FOR HAZARDOUS ABATEMENT INCIDENTS, ENVIRONMENTAL INCIDENTS AND FIRE SAFETY AND RESCUE RESPONSES.**

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, as follows:

**ARTICLE I. TITLE.**

This Ordinance shall be known as the Hilltown Township Emergency Service Cost Reimbursement Ordinance.

**ARTICLE II. AUTHORITY, FINDINGS AND PURPOSE.**

A. **Authority** – Under Section 1803(b) of the Second Class Township Code, 53 P.S. §66803(b), the Township has the authority to make rules and regulations for the government of fire companies located within the Township.

B. **Findings** – The Township recognizes that the duties of volunteer fire companies require specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment and hazardous abatement materials during emergency responses. The Township recognizes 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 for volunteer fire companies.

C. **Purpose** – To grant each fire company operating in Hilltown Township (“Fire Departments”) the authority to seek reimbursement for the reasonable costs of responding to such incidents in their service area, either directly or in coordination with the Office of Emergency Management, as provided below.

**ARTICLE III. RECOVERY OF COSTS.**

A. The Township authorizes the Fire Departments serving Hilltown Township to recover the reasonable costs of emergency rescue tools, equipment and materials; hazardous material abatement tools, equipment and materials; and personal hours involving any hazardous material, environmental, fire safety and/or rescue incident or operation, including vehicular accidents which occur in their service area as shown on Exhibit “A” attached hereto and incorporated herein by reference.

B. The reasonable costs outlined above may be recovered directly by the Fire Departments or through a third party billing service as an authorized agent for the collection of such costs.

C. The Fire Departments or third party billing service shall only have the authority to recover the aforementioned costs in the Fire Department's service area from the applicable insurance company/carrier up to the limit of the applicable insurance company/carrier's policy limits.

D. The reimbursement rates for the aforementioned tools, equipment and materials shall be set by the Fire Departments from time to time and shall be only applied to the recovery of costs arising out of incidents that occurred subsequent to the setting of the rates. These rates shall be approved by the Township and be kept on file in the Township Building.

E. In addition to the aforementioned reasonable costs, the Fire Departments or third party billing service shall be authorized to collect reasonable interest, as well as a reasonable administrative fee for collecting the same, and any and all additional fees as may be authorized by the Hazardous Material and Emergency Planning Response Act or authorized by any other statute or law.

F. Fire Departments who respond to a fire in another Fire Department's service area are not authorized to bill for their costs. Only the Fire Department in whose service area the fire occurs may bill for their costs.

#### **ARTICLE IV. RESPONSIBILITY OF THE TOWNSHIP.**

A. The Township shall not be responsible for any aspect of the recovery of costs under this Ordinance. The Township shall not take any steps to assist the Fire Departments or any third party billing service in recovery of costs under this Ordinance.

B. The Township shall not be responsible to reimburse the Fire Departments for any services rendered to the Township or Township personnel or vehicles while on duty.

#### **ARTICLE V. REVOCATION OF GRANT OF AUTHORITY.**

Any attempt by a Fire Department or third party billing service to recover costs from any individual/entity other than the appropriate insurance company/carrier shall result in the immediate revocation of the authority to recover such costs granted under this Ordinance.

#### **ARTICLE VI. REPEALER.**

All ordinances, parts of ordinances and amendments thereof which are inconsistent with this Ordinance are hereby repealed.

**ARTICLE VII. SEVERABILITY.**

If 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, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof been included herein.

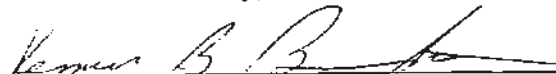
**ARTICLE VII. EFFECTIVE DATE.**

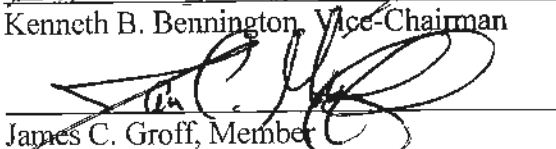
This Ordinance shall become effective five (5) days after final enactment.

ENACTED AND ORDAINED this 22<sup>nd</sup> day of September, 2014.

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
John B. McIlhinney, Chairman

  
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Kenneth B. Bennington, Vice-Chairman

  
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James C. Groff, Member