

TOWNSHIP OF MIDDLETOWN
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 858

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PENNSYLVANIA, BY CREATING A NEW CHAPTER 108, ENTITLED "EMERGENCY SERVICES REIMBURSEMENT", AUTHORIZING THE REGOGNIZED FIRE DEPARTMENTS ADMINISTERING FIRE PROTECTION AND EMERGENCY SERVICES WITHIN THE TOWNSHIP TO SEEK REIMBURSEMENT OF REASONABLE COSTS INCURRED IN DISPENSATION OF FIRE AND EMERGENCY SERVICES AND USE OF EQUIPMENT IN RESPONSE TO EMERGENCY SERVICE CALLS WITHIN THE TOWNSHIP AND PROVIDING STANDARDS AND PROCEDURES FOR RECOVERY OF SUCH REASONABLE COSTS.

The Council of the Township of Middletown hereby ENACTS AND ORDAINS the following amendments to the Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania:

SECTION I.

The Code of Ordinances of the Township of Middletown, Delaware County, Pennsylvania is hereby amended to provide for a new Chapter 108, Emergency Services Reimbursement, to be provided as follows:

§ 108-1. Findings and Purpose.

- A. Findings. Township Council of Middletown Township recognizes that the duties of volunteer Fire Departments require specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment and hazardous abatement materials during emergency responses. Township Council recognizes that such tools and equipment place a financial burden on the Township and the Fire Departments and the replacement of such materials and specialized training add to the additional financial burden to the Township and the Fire Departments.
- B. Purpose. The purpose of this Chapter is to grant the recognized Fire Departments administering fire protection, firefighting, emergency services and other emergency incidents, as herein described, within the Township under the authority set forth in § 4-20.C of this Code to seek reimbursement and recovery of all Reasonable Costs of responding to such Emergency Incident(s) within the Township, as allowed by applicable law.

§ 108-2. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

- A. "Fire Departments" shall mean Rocky Run Fire Company, Middletown Fire Company No. 1, and the Township Fire Chief, or his or her designee, individually or collectively, designated to provide fire protection and emergency service responses within the Township.

- B. "Reasonable Costs" means the reasonable costs incurred by the Township and/or Fire Departments pursuant to the Rate Schedule for recovery of costs for the Fire Departments adopted by Township Council.
- C. "Rate Schedule" means the schedule of billing rates for use of certain equipment, apparatus and/or services rendered in response to Emergency Incident(s), as adopted by Township Council from time to time by resolution, which rates shall be established in accordance with rates which are usual, customary, and reasonable within the industry.

§ 108-3. Recovery of Costs.

- A. The Township authorizes the Fire Departments to initiate use fees for the recovery of Reasonable Costs incurred by the Fire Departments for the delivery of fire services, personnel, supplies and equipment to the scene of motor vehicle accidents structural fires, or other emergency incidents (each an "Emergency Incident" or, together, "Emergency Incidents"). It is the specific intent of Township Council that the term Emergency Incident shall also include, among other types of recognized emergency incidents, the delivery of fire services, personnel, supplies and equipment at the scene of hazardous material spills as that term is generally recognized in fire services.
- B. The Reasonable Costs as set forth in the Rate Schedule may be recovered from any identified insurance carrier or person or persons, directly by the Fire Department, or its designee, including a third-party billing service acting as a contracted authorized agent for the collection of such Reasonable Costs (hereinafter the "Designee"). In addition to the Reasonable Costs as set forth in the Rate Schedule, the Fire Department, or its Designee, shall hereby be authorized to collect, in addition to Reasonable Costs, reasonable interest and administration fees, including reasonable attorney's fees, incurred in collection of said Reasonable Costs and other fees which may be authorized for recovery by any other statute or law.
- C. The Fire Department, or its Designee, shall only have the authority to recover Reasonable Costs from the applicable insurance company/carrier up to the limit of the applicable insurance company/carrier's policy limits, and not any individual, unless such individual volunteers or agrees to reimburse the said costs. The claim(s) shall be filed, charged or made with the insurance company/carrier of the owner of the vehicle(s), owner of property, lessee or party responsible for the Emergency Incident(s).
- D. In the event that any insurance company/carrier or person or persons should fail to pay any bill or invoice within thirty (30) days of the mailing or delivery of such notice of charges, the Fire Department, or its Designee, may enforce the provisions of this Chapter by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due the Township, together with statutory interest, court costs, collection fees and associated reasonable attorney's fees.

§ 108-4. Responsibility of Township.

- A. The Township shall not be responsible for any aspect of the recovery of Reasonable Costs or other applicable fees under the Chapter.

- 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.

§ 108-5. Establishment of Fund; Allocation of Funds.

- A. All amounts collected as a result of this Chapter shall be held in specifically designated fund established to be used exclusively for the personnel, supplies and equipment of each respective Fire Department.
- B. The amounts held in the fund established hereunder shall be distributed by the Township evenly to each Fire Department on a quarterly basis, less a 10% fee to be retained by the Township to offset administrative and other costs incurred in establishing and administering the fund.

SECTION II.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any courts of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not render this Ordinance invalid.

SECTION III.

This Ordinance shall become effective thirty-one (31) days after its enactment.

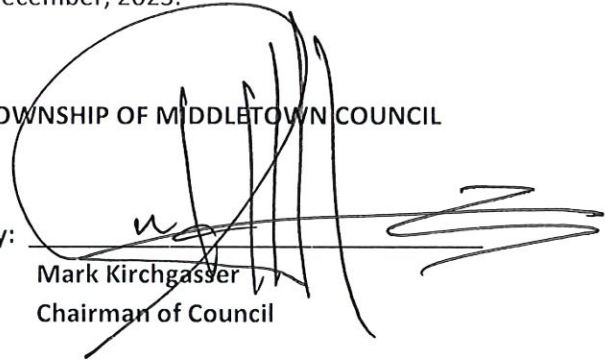
ENACTED AND ORDAINED this 11th day of December, 2023.

ATTEST:



John McMullan
Township Manager

TOWNSHIP OF MIDDLETOWN COUNCIL

By: 

Mark Kirchgasser
Chairman of Council