

ORDINANCE NO. 564

**EAST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING NORRITON FIRE ENGINE COMPANY TO SEEK RECOVERY OF COSTS INCURRED AND MATERIALS EXPENDED WHEN RESPONDING TO FIRES, AUTOMOBILE ACCIDENT SCENES, HAZARDOUS INCIDENTS, AND ANY OTHER SAFETY AND RESCUE RESPONSES WHICH TAKE PLACE WITHIN EAST NORRITON TOWNSHIP; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the provision of emergency fire and rescue services promptly, by trained individuals with sufficient equipment is essential to the safety and well-being of the persons and families located in East Norriton Township; and

WHEREAS, the Board of Supervisors of East Norriton Township has recognized Norriton Fire Engine Company as the designated fire company for East Norriton Township, which provides emergency services, including fire related, accident related, or rescue related, within the geographic limits of the Township; and

WHEREAS, the Norriton Fire Engine Company incurs great costs and expends great amounts of material when responding to fires, car accident scenes, hazardous waste incidents, environmental incidents, emergency medical situations, or similarly dangerous situations that require an emergency response (hereinafter, a "Fire Service Event"); and

WHEREAS, the Norriton Fire Engine Company has encountered financial burdens due to its current inability to recover costs from the insurance companies responsible for the payment of certain emergency services; and

WHEREAS, the Board of Supervisors of East Norriton Township finds that the increasing financial burdens and costs are having an adverse impact upon the Norriton Fire Engine Company; and

WHEREAS, in order to better protect the public health, safety, and welfare, and to preserve the financial integrity of East Norriton Township and the Norriton Fire Engine Company, the Board of Supervisors of East Norriton Township desires to authorize the Norriton Fire Engine Company to recover expenses and costs for fire department services rendered during a Fire Service Event from the insurance carriers or agents of the parties receiving such services; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of East Norriton Township as follows:

SECTION I. RECOVERY OF COSTS

A. The Norriton Fire Engine Company, after responding to a Fire Service Event, is hereby authorized to charge, collect, and recover the fair and reasonable costs and expenses from an insurance carrier or agent of any party involved in or causing said Fire Service Event which required the services, materials, and supplies of the Norriton Fire Engine Company, including amounts recoverable under the Hazardous Material Emergency Planning and Response Act.

B. The Norriton Fire Engine Company, or their appointed designee, is authorized to directly charge, collect, or recover any costs or expenses incurred during the provision of emergency services during a Fire Service Event. Payments of such costs and expenses shall be made directly to the Norriton Fire Engine Company, or their appointed designee.

C. In the event that any costs or expenses charged to an insurance carrier is denied by the receiving party, the Fire Chief of the Norriton Fire Engine Company is authorized to make a final determination as to whether or not he or she desires to pursue further action to collect such amounts.

D. The Norriton Fire Engine Company is authorized to impose interest on any invoices that are not paid within thirty (30) days of the date of mailing of said invoice by its recipient at a rate of 1 ½% per month.

E. In the event the Fire Chief decides to pursue further legal action to collect an unpaid invoice, the recipient of said invoice shall be responsible for all additional costs, expenses, reasonable attorney fees, collection agency fees, filing fees, and litigation expenses incurred by the Norriton Fire Engine Company in recovering such amounts.

F. The Norriton Fire Engine Company or authorized designee shall only have the authority to seek reimbursement from the applicable insurance company/carrier.

G. The reimbursement rates for the aforementioned services, materials, and supplies shall be set by the Norriton Fire Engine Company 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. The reimbursement costs for the aforementioned services, materials, and supplies shall be set by the Township from time to time by Resolution adopted by the Board of Supervisors.

H. Any intentional attempt by the Norriton Fire Engine Company or any authorized designee to recover such costs from any insurance carrier other than the appropriate insurance company shall result in the immediate revocation of the authority to recover such costs granted under this Ordinance.

I. Except for recovery of costs incurred by the Township, 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 Norriton Fire Engine Company or any third party billing service in recovery of costs under this Ordinance.

SECTION II. REPEALER

The terms, conditions and provisions of this Ordinance are intended to supersede, repeal and replace any inconsistent terms, conditions or provisions of the Code of the Township of East Norriton, and any term, condition or provision of the Code not in conflict with the terms, conditions and provisions of this Ordinance shall survive the enactment of this Ordinance.

SECTION III. SEVERABILITY

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective in accordance with the provisions of the East Norriton Township Code.

ORDAINED and ENACTED this 28th day of July, 2015.



**EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS**



**HARRIS A. DAINOFF
CHAIRMAN**



**DONALD DELAMATER
SECRETARY**