

FRANKLIN TOWNSHIP

Erie County, PA

Emergency Services Cost Recovery

ORDINANCE NO. 5 of 2010

AN ORDINANCE OF FRANKLIN TOWNSHIP AUTHORIZING RECOVERY AND REIMBURSEMENT OF COSTS OF MATERIALS AND EQUIPMENT USED AND SERVICES RENDERED BY THE FRANKLIN TOWNSHIP VOLUNTEER FIRE DEPARTMENT AND ANY OTHER EMERGENCY SERVICES PROVIDER FOR FIRE SUPPRESSION, FIRE PROTECTION, FIRE PREVENTION, HAZARDOUS MATERIALS RESPONSE, DISASTER MITIGATION, EMERGENCY MEDICAL SERVICES OR ANY OTHER EMERGENCY RESPONSE; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, Franklin Township, by agreement now, and as may in the future be amended, has agreed with the Franklin Township Volunteer Fire Department (Department) for the Department to provide fire suppression, fire protection, fire prevention, hazardous materials response, disaster mitigation, emergency medical services and any other emergency response in Franklin Township;

WHEREAS, the Department is an independent, non-profit Pennsylvania corporation;

WHEREAS, the Department, by it or through entities established by or contracted by it, provides emergency services to persons residing, working and traveling in Franklin Township;

WHEREAS, Erie County has established a 911 system to facilitate the prompt reporting of incidents requiring police, fire, hazardous materials response, disaster mitigation, emergency medical services or other emergency responses;

WHEREAS, calls placed with Erie County's 911 system cause the Department or other emergency service responders designated to serve Franklin Township to be dispatched to provide the necessary service;

WHEREAS, under mutual aid agreements, other providers of emergency services respond to a given incident with Franklin Township may also be dispatched;

WHEREAS, considerable sums are expended by providers of emergency services for equipment, materials and staff;

WHEREAS, municipal services for general governmental operations, including prevention of crime and protection of the public safety generally, are provided as a function of Township

government, and are not intended to be affected by this Ordinance;

WHEREAS, providers of emergency services are authorized under the general laws of the Commonwealth and under Agreements with Franklin Township to recover the usual; reasonable and customary fees; and charges for their services;

WHEREAS, many persons and entities maintain medical, property, casualty and other insurance that includes coverage for medical services and/or services to protect, preserve, minimize damage to and restore insured property;

WHEREAS, Franklin Township has determined that insurance companies, that have contracted with individuals and entities to provide coverage and benefits and to protect their insureds in the event of covered losses, have undertaken efforts to avoid payment of fees for emergency services by paying insureds instead of the providers of emergency services while paying other providers directly asserting defenses against payment to providers for which no legal basis is known;

WHEREAS, Franklin Township has found that this insurance company tactic exposes their insureds to potential actions for reimbursement and disregards the insurance company obligations;

WHEREAS, Franklin Township has determined that it is necessary and in the best interests of the Township and those providing emergency services to establish regulations and specific authorization relating to payment of fees for services provided.

NOW THEREFORE IT IS HEREBY ORDAINED AND ENACTED by Franklin Township, Erie County, Pennsylvania as follows:

1.01 Definitions.

- 1.01.1 "Emergency Medical Service Provider," or "Emergency Service Provider" shall mean the Fire Department or designee of the Fire Department, including the public works department of the Township, providing emergency services, of any type, pursuant to a dispatch under the 911 system. These terms include any other emergency service provider providing emergency services under a mutual aid agreement or request by the Fire Department, Township or its designee.
- 1.01.2 "Fire Department" shall mean the Franklin Township Volunteer Fire Department (Department) providing all types of emergency services and related services under Agreement with the Township, and shall include, for purposes of authorization to invoice and recover fees for services, designees or contractors of such Department and any fire or emergency services entities of another municipality providing services under mutual aid agreement or dispatched under the 911 system.
- 1. 01.3 "Person" shall mean any natural person(s) partnership, corporation, limited liability partnership or corporation, association, firm, insurance carrier, servicing agent or other legal entity.

1.02 Authorization to Recover Costs and Expenses.

- 1.02.1 Fire Departments and any other emergency service providers are hereby authorized, pursuant to general laws, agreements between the Township and Fire Departments and this Ordinance to recover the usual, reasonable and customary costs of materials used and expended, use of equipment, hazardous situation abatement materials and personnel services used in or devoted to any fire, safety, rescue and/or hazardous waste abatement incident and/or other emergency response incidents, these including but not limited to vehicular accidents and fires.
1. 02. 2 Emergency Medical Service Providers are hereby authorized, pursuant to general laws agreements between the Township and Fire Departments and between Fire Departments and the Provider and this ordinance to recover the usual reasonable and customary costs of materials used and expended use of equipment, personnel services and transport costs used in or devoted to the provision of emergency medical services and emergency transport.
- 1.02.3 Fire Departments, Emergency Medical Service Providers and other Emergency Service Providers shall establish schedules of fees and costs for their respective services, which may be amended from time to time. Such schedules of fees and costs shall be posted at the Department's or Provider's business offices and shall be made available to persons upon request. The costs and expenses authorized by this Ordinance shall be those established in current and posted schedules.
- 1.02.4 Where the Township is requested by a private person or other governmental agency to provide services of the Township to assist in an emergency caused by an incident or to assist the private person, other than within the scope of its general municipal services, the Township shall be authorized to seek recovery and reimbursement of such additional expenses and, in the case of assisting private persons, to require payment of defined costs and expenses in advance.

1.03 Collection of Costs, Expenses and Fees.

- 1.03.1 Costs, expenses and fees authorized in Section 1.02 of this Ordinance shall be charged, collected and recovered directly by the Fire Department, the Emergency Medical Service Provider, the Emergency Services Provider or their appointed designee or agent. The person invoiced for such costs expenses and fees, and/or that person's insurance carrier, servicing agent or other representative, shall remit payment of invoiced costs, expenses and fees directly to the Fire Department, Emergency Medical Service Provider or the Emergency Service Provider, as is applicable.

- 1.03.2 In addition to such costs, expenses and fees, Fire Departments, Emergency Medical Service Providers and Emergency Service Providers are authorized to impose interest or finance charges upon invoiced amounts not paid within thirty (30) days after the invoice date, at such rates as are authorized by the laws of Pennsylvania.
- 1.03.3 In addition to such costs, expenses and fees, in the event Fire Departments, Emergency Medical Service Providers and Emergency Service Providers are compelled to initiate private collection or legal proceedings to collect sums due, such provider, in addition to all costs, expenses, fees and interest or service charges due, shall be entitled to recover in such proceeding all attorney's fees, collection agency fees, filing fees and litigation expenses reasonably incurred in the proceeding to the extent permitted by law.

1.04 Violations: Penalties for Violation.

- 1.04.1 Any person violating the provisions this Ordinance shall be subject to the penalties herein.
- 1.04.2 Each day that a violation continues shall be considered a separate violation.
- 1.04.3 A fine in an amount of not more than \$600.00 per violation, and for each day of violation, is hereby prescribed for violations of this Ordinance pursuant to the provisions of the Second Class Township Code.
- 1.04.4 Upon a finding of violation, any person violating any provision of this ordinance shall be sentenced to pay fines as prescribed in Section 1.04.3, plus costs and with all reasonable attorneys' fees incurred by the Township in the proceeding.
- 1.04.5 Rates to be imposed are subject to change at the annual reorganization meeting of Franklin Township.

1.05 Severability.

- 1.05.1 If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or circumstances is, for any reason, held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions, which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

**APPROVAL PAGE
FRANKLIN TOWNSHIP ORDINANCE NO. 5 OF 2010**

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS

JOHN J. SACHAR
Chairman

GARY L. TRUITT
Vice-Chairman

DAVID G. HENDERSON
Supervisor

Attest:

DAVID G HENDERSON
Secretary

I hereby certify that the foregoing Ordinance was advertised in the Albion News on the _____ day(s) of _____, 2010, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on the _____ day of _____, 2010.

DAVID G HENDERSON
Secretary