

ORDINANCE NO. 263 OF 2009

Borough of Sugarcreek
Venango County, Pennsylvania

AN ORDINANCE AUTHORIZING THE ROCKY GROVE VOLUNTEER FIRE DEPARTMENT AND THE RENO VOLUNTEER FIRE DEPARTMENT TO SEEK REIMBURSEMENT FOR COSTS INCURRED IN RESPONDING TO FIRES, FLOODS, ACCIDENTS, HAZARDOUS MATERIAL INCIDENTS AND OTHER CASULTIES.

WHEREAS, the Council of the Borough of Sugarcreek, Venango County, Pennsylvania, ("Borough Council") has recognized and designated the Rocky Grove Volunteer Fire Department and the Reno Volunteer Fire Department (hereinafter "Fire Departments") as the designated fire companies for the Borough of Sugarcreek; and

WHEREAS, said Fire Departments respond to fire, floods, accidents, hazardous material spills, and other casualties, as well as other emergency and non-emergency incidents, all to the general benefit of the Borough of Sugarcreek and its residents; and

WHEREAS, as a result of said responses, the Fire Departments incur costs which, if not reimbursed, often must be borne by the taxpayers of the Borough; and

WHEREAS, Council desires to establish specific authority for the Fire Departments to seek collection and reimbursement for those reasonable costs incurred in responding to the above and other incidents.

NOW, THEREFORE, in consideration of the foregoing, the Borough Council does hereby ordain and enact the following:

Section 1. Reimbursement of Costs and Expenses:

- A. Council has acknowledged the authority of the Fire Departments to act as the official emergency response force for the Borough.
- B. In the course of performing services as the official emergency response force for the Borough, the Fire Departments have and will incur certain costs for materials, equipment, and supplies.
- C. To the extent permitted by law, all costs incurred by the Fire Departments in response to emergency and non-emergency incidents, shall be recoverable by the Fire Departments.
- D. To facilitate reimbursement, the Fire Departments may utilize any customary or accepted business procedure, including, but not limited to, sending an invoice to any person, persons, corporations, or other legal entity, party or organization, which has received or benefited from the response services of the Fire Departments. If permitted by law, the Fire Departments may send such invoices directly to the affected party's insurance carrier. The Fire Departments shall have the authority to set forth on any such invoice, the terms and conditions expected for reimbursement.
- E. In the event that any claim for reimbursement is denied by any party or insurance carrier, the Fire Departments shall have the authority to authorize such legal action, at their expense, as may be necessary to enforce the claim and this Ordinance or, in their discretion, to withdraw or discontinue any claim for reimbursement.
- F. In addition to the aforementioned costs, the Fire Departments are hereby authorized to collect any other additional fee or charge as may be sanctioned by the Hazardous Material and Emergency Planning and Response Act, or as may be permitted by any other statute, case law or common law.

Section 2: All other provisions of any previous ordinances which grant authority to the Borough, or any of its agencies, to collect monies for reasonable costs, which are not specifically changed or inconsistent with this ordinance, are deemed to be continuing and shall remain in full force and effect.

Section 3: If, for any reason, an portion of the within ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions thereof.

APPROVED by the Council of the Borough of Sugarcreek, Venango County, Pennsylvania, this 5th day of August 2009.