

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, AMENDING CHAPTER 30 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “FIRE DEPARTMENT”.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S.A. § 1202(5), authorizes the Borough to make regulations as may be necessary for the health, morals, general welfare, cleanliness, convenience, comfort, and safety of the Borough; and

WHEREAS, Section 1203 of the Borough Code, 8 Pa.C.S.A. § 1203, authorizes the Borough to make and adopt all ordinances not inconsistent with or restrained by the Constitution of Pennsylvania and the laws of the Commonwealth as may be expedient or necessary for the proper management, care, and control of the Borough and its finances and the maintenance of peace, good government, safety, and welfare of the Borough and its trade, commerce, and manufactures; and

WHEREAS, Section 1202(1) of the Borough Code, 8 Pa.C.S.A. § 1202(1), authorizes the Borough to prescribe reasonable fees for the services of the Borough’s officers and to enforce the payment of said fees; and

WHEREAS, Section 1202(2) of the Borough Code, 8 Pa.C.S.A. § 1202(2), authorizes the Borough, in the operation of its utilities, parking meters, parking lots, recreational facilities, and other facilities and services, to make and regulate charges for them for general Borough purposes; and

WHEREAS, ambulance service is a service that the Borough provides to all residents and visitors of the Borough; and

WHEREAS, Section 1202(54) of the Borough Code, 8 Pa.C.S.A. § 1202(56), authorizes the Borough to ensure that fire and emergency medical services are provided within the Borough by the means and to the extent determined by the Borough, including the appropriate financial and administrative assistance for those services; and

WHEREAS, while the Borough bills for the ambulance service provided to residents, the revenue collected has historically been insufficient to fund the cost of providing ambulance services; and

WHEREAS, in order to provide ambulance service to the means and extent deemed appropriate by Town Council, additional revenue is required to support the ambulance services; and

WHEREAS, the Mayor and Town Council of the Borough of Chambersburg deem it to be in the best interest and the general welfare of the citizens and residents of the Borough to adopt the imposition of an Ambulance Fee to be assessed against utility accounts in a fair, equitable, and uniform manner in order to ensure the appropriate funding for the provision and operation of emergency medical services in the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and Borough Council of the Borough of Chambersburg, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

SECTION I. Chapter 30 of the Code of the Borough of Chambersburg is hereby amended to change the title from “Fire Department” to “Fire and Ambulance Services”.

SECTION II. Chapter 30 of the Code of the Borough of Chambersburg is hereby amended to add an Article I, entitled “Fire Department”, the contents of which shall be Sections 30-1, 30-2, 30-3, and 30-4 in their current form.

SECTION III. Chapter 30 of the Code of the Borough of Chambersburg is hereby amended to add an Article II, entitled “Ambulance Service”, the contents of which shall be follows:

§ 30-5 Emergency Medical Services; purposes; responsibilities.

The Chambersburg Fire Department, under the Supervision of the Emergency Services Chief, provides emergency medical services through its career (full-time and part-time) personnel. The personnel providing emergency medical services are required to meet minimum requirements and administrative guidelines recommended by the Borough Emergency Services Chief and promulgated by the Borough Manager.

§ 30-6 Services.

- A. The Fire Department is charged with providing Basic Life Support (BLS) Services within the Borough of Chambersburg. The Fire Department is authorized to provide mutual aid BLS Services to neighboring communities.
- B. The Borough of Chambersburg may provide Advanced Life Support (ALS) Services within the Borough of Chambersburg by either: (1) contracting with an ALS Service Provider or (2) designating personnel as ALS Service Providers.

§ 30-7 Definitions.

For the purposes of this Article, the following words, terms, phrases, and abbreviations shall have the meanings respectively ascribed to them by this section.

BILLING PERIOD

The interval of time between two successive bills; under normal conditions this period will be approximately thirty days.

BOROUGH

The Mayor and Town Council of the Borough of Chambersburg, commonly known as the “Borough of Chambersburg” and/or its duly authorized representatives acting on its behalf.

PATIENT

Any person to whom emergency medical services were rendered by the Fire Department.

PERSON

Any individual, firm, corporation, trust, association, partnership, company, or organization.

SERVICE FEE

A fee for the sole purpose of funding Emergency Medical Services that is assessed in accordance with the provisions of Section 30-8(B) of this Chapter.

USER

Any person, as defined above, owning any property serviced with utilities or emergency medical service from the Borough.

§ 30-8 Patient and Service Fees.

- A. Patient Fees. The Fire Department is authorized and directed to bill patients for emergency medical services in accordance with applicable federal, state, and local laws, rules, and regulations.
- B. Service Fee. An ambulance Service Fee in the amount of _____, or such other amount as may be established by resolution from time to time, shall be assessed against each parcel within the Borough, and shall be included in all utility invoices issued by the Borough of Chambersburg, regardless of whether the invoice is for water, sewer, electric, gas, trash, storm sewer fees, or some combination thereof. The ambulance Service Fee shall be listed on the utility invoice as a separate line item, in the amount set forth herein, regardless of the total invoice amount, the quantity of utility services used in the billing period, the type of land use, or the taxability of the invoice recipient.
 - 1. Expenses Covered by Ambulance Service Fee. The fees collected under this Article shall be designated for sole purpose of funding Emergency Medical Services.
 - 2. Terms and Conditions. Terms and conditions regarding the ambulance Service Fee, including, but not limited to: billing, interest and penalties, and payment requirements shall be in accordance with the Utility Service Manual, as may be revised from time to time by the Mayor and Town Council, and shall be available for public inspection at the Utility Offices at Borough Hall, the Utilities Service Center at 80 South Franklin Street, and online at www.chambersburgpa.gov.
 - 3. Penalty. The penalty added after the due date will be 2.5%.
 - 4. Effective Date. The ambulance service fee established by this Article shall become effective with all utility bills rendered on or after _____.

SECTION IV. More Strict Standards to Apply. In the event any provision of this Ordinance is inconsistent with a provision of any Chapter of the Code of the Borough of Chambersburg or state law, the provision applying the stricter standard shall apply.

SECTION V. Repealer. All provisions of the previous ordinances of the Borough of Chambersburg, which are contrary to this ordinance, are expressly repealed.

SECTION VI. Savings Clause. In all other respects, the ordinances of the Borough of Chambersburg shall remain as previously enacted and ordained.

SECTION VII. Severability. The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

SECTION VIII. Effective Date. This Ordinance shall become effective upon adoption.

ENACTED, ORDAINED, AND APPROVED this ____ day of _____, 2019.

Heath Talhelm
President of Town Council

ATTEST:

Jamia L. Wright
Secretary of Town Council

Walter Bietsch
Mayor