

Notice

Notice is hereby given that the Town Council of the Borough of Chambersburg, Franklin County, Pennsylvania, intends to consider for adoption and to vote upon an enactment of the Ordinance summarized below, at the regularly scheduled Chambersburg Town Council Meeting on August 22, 2022 at 7:00 p.m. at the Borough Office, 100 South 2nd Street, Chambersburg, Pennsylvania 17201.

The title of the proposed Ordinance is **AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, AMENDING CHAPTER 30 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED "FIRE AND AMBULANCE SERVICES" TO ADD A NEW ARTICLE 3 TO BE ENTITLED "EMERGENCY SERVICES COST REIMBURSEMENT" AUTHORIZING THE FIRE DEPARTMENT TO SEEK RECOVERY AND REIMBURSEMENT OF COSTS OF MATERIALS AND EQUIPMENT USED AND SERVICES RENDERED IN PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES.**

The contents of the Ordinance are summarized as follows:

SECTION I: Amends Chapter 30 of the Code, entitled "Fire and Ambulance Services" to add a new Article III, entitled "Emergency Services Cost Reimbursement".

SECTION II: Article III, entitled "Emergency Services Cost Reimbursement" provides the following:

- Section 30-9 Title
- Section 30-10 Definitions
- Section 30-11 Authorization to Recover Fees, Costs and Expenses
- Section 30-12 Schedule of Fees, Costs and Expenses
- Section 30-13 Utilization of Fees
- Section 30-14 Requirement to Pay for Fees, Costs, and Expenses
- Section 30-15 Collection of Fees, Costs, and Expenses
- Section 30-16 Accounting
- Section 30-17 Responsibility of Borough

SECTION III: More Strict Standards to Apply.

SECTION IV: Repealer.

SECTION V: Savings Clause.

SECTION VI: Severability.

SECTION VII: Effective Date.

The full text of the proposed Ordinance may be examined without charge at the Office of the Chambersburg Borough Manager, 100 South 2nd Street, Chambersburg, Pennsylvania 17201, during regular business hours, which are Monday through Friday, 8:00 a.m. to 5:00 p.m. A copy will be provided upon request without charge. A copy of the proposed Ordinance has been filed at the Franklin County Law Library, 100 Lincoln Way East, Suite E, Chambersburg, Pennsylvania 17201, and is available for inspection during normal business hours.

Salzmann Hughes, P.C.
Solicitor

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PUBLIC OPINION – PLEASE ADVERTISE ONE TIME ONLY IN THE LEGAL COLUMN ON Friday, 8/12/2022. PLEASE PROVIDE A PROOF OF PUBLICATION AND BILL TO THE BOROUGH OF CHAMBERSBURG.

THANKS, Jamia L. Wright, BOROUGH SECRETARY P O Number: 2022-3705/70115

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, AMENDING CHAPTER 30 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, ENTITLED “FIRE AND AMBULANCE SERVICES” TO ADD A NEW ARTICLE 3 TO BE ENTITLED “EMERGENCY SERVICES COST REIMBURSEMENT” AUTHORIZING THE FIRE DEPARTMENT TO SEEK RECOVERY AND REIMBURSEMENT OF COSTS OF MATERIALS AND EQUIPMENT USED AND SERVICES RENDERED IN PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES.

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, pursuant to Section 1202(56) of the Borough Code, 8 Pa.C.S.A. § 1202(56), the Borough shall be responsible for ensuring that fire and emergency medical services are provided within the Borough; and

WHEREAS, the Hazardous Material Emergency Planning and Response Act provides in Section 6022.210, 35 P.S. § 6022.210, that a person who causes a release of a hazardous material shall be liable for the response costs incurred by a certified hazardous material response team or supporting paid or volunteer emergency service organization, or both; and

WHEREAS, Town Council for the Borough of Chambersburg has recognized the Chambersburg Fire Department (“Fire Department”) as the official fire protection and emergency service provider in the Borough; and

WHEREAS, the Fire Department is an independent nonprofit Pennsylvania corporation; and

WHEREAS, as the authorized Fire Department for providing fire protection and emergency services to the residents of the Borough of Chambersburg, the Fire Department is dispatched to respond to fire and emergency situations in the Borough of Chambersburg; and

WHEREAS, considerable sums are expended by the Fire Department for equipment and materials in providing fire protection and emergency services to the residents and visitors of the Borough of Chambersburg; and

WHEREAS, to ensure the continued viability of the Fire Department and to protect and promote the public health, safety and welfare of the Borough and its citizens and visitors, Town Council desires to authorize the Fire Department to recover from insurance carriers the usual, reasonable and customary fees and charges for the services provided by the Fire Department from those who received firefighting, rescue and/or other emergency services from the Fire Department; and

WHEREAS, Town Council further desires to authorize the Fire Department to recover from insurance carriers the costs included in providing emergency services to the residents and visitors of the Borough of Chambersburg to obtain financial support due to the ever-increasing financial burdens and costs, which costs have an adverse impact on the provision of emergency services in the Borough.

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

SECTION I. The Code of the Borough of Chambersburg, Chapter 30 entitled “Fire and Ambulance Services” is amended to add a new Article III to be entitled “Emergency Services Cost Reimbursement”.

SECTION II. The Code of the Borough of Chambersburg, Chapter 30 entitled “Fire and Ambulance Services”, Article III entitled “Emergency Services Cost Reimbursement” shall read in its entirety as follows:

ARTICLE III Emergency Services Cost Reimbursement

§30-9 Short Title.

This Part shall be known as the Borough of Chambersburg Emergency Services Cost Reimbursement Ordinance.

§30-10 Definitions.

The following terms shall have the meanings set forth herein:

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.

Fire Department

The Chambersburg Fire Department duly organized, acknowledged by and existing in the Borough of Chambersburg to provide emergency services in the Borough.

Insurer or Insurance Carrier

Every insurance carrier, association or exchange, incorporated or organized by or under the laws of this Commonwealth, the United States, territories, dependencies, other states, or foreign governments, and engaged in transacting insurance business of any kind or classification, except title insurance companies.

Person

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

§30-11 Authorization to Recover Fees, Costs and Expenses.

The Borough hereby authorizes the Fire Department to recover the costs of the following, including, but not limited to, firefighting materials used and expended, the use of fire trucks, fire engines, rescue equipment and tankers, emergency medical supplies, and hazardous situation abatement materials used and expended in connection with any fire, safety rescue incident or operation, medical emergency, or hazardous situation abatement incident including vehicular accidents, fires and/or medical emergencies occurring within the Borough or any other area in which the Fire Department is authorized by the Borough to provide such emergency services.

§30-12 Schedule of Fees, Costs and Expenses.

The Fire Department fees, costs and expenses (collectively “Charges”) permitted to be recovered shall be as set forth on the Schedule attached hereto as Appendix “A.” The Schedule for Charges may be amended by Resolution of the Borough time to time. The Charges shall at all times be that which is usual, customary and reasonable in Franklin County.

§30-13 Utilization of Fees.

All amounts collected by the Fire Department pursuant to this Ordinance shall be placed into a fund established by the Fire Department. The funds shall be utilized exclusively for supplies and equipment of the Fire Department utilized in providing emergency services in the Borough or any other area in which the Fire Department is authorized by the Borough to provide such emergency services.

§30-14 Requirement to Pay for Fees, Costs, and Expenses.

Any insurer or insurance carrier who insures a person or persons who receive(s) firefighting, rescue, medical or other emergency service, or any combination of those services, shall be liable for the Charges incurred by the Fire Department in providing said services to the insurance carriers’ insured.

§30-15 Collection of Fees, Costs, and Expenses.

The Charges shall be recovered directly by the Fire Department by direct billing or by an attorney, collection service, or other agency contracted with and by the Fire Department for the collection of such sums from the insurer or insurance carrier. In addition to the Charges, the Fire Department shall also be authorized to collect reasonable interest and administration expenses involved in collecting said Charges.

§30-16 Accounting.

At the request of Town Council, the Fire Department shall provide the Borough an accounting of the Charges including but not limited to the Charges charged and collected, the costs of collection of the Charges billed, the fund into which the Charges were deposited and expenditures from the fund. The Borough shall have the right to audit the accounting provided by the Fire Department or require the Fire Department to obtain an audit of the Charges and fund and provide the Borough with a copy of the audit.

§30-17 Responsibility of the Borough.

The Borough shall not be responsible for any aspect of the recovery of Charges under this part.

SECTION III. 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 IV. Repealer. All provisions of the previous ordinances of the Borough of Chambersburg, which are contrary to this Ordinance, are expressly repealed.

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

SECTION VI. 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 VII. Effective Date. This Ordinance shall become effective upon adoption.

ENACTED, ORDAINED, AND APPROVED this ____ day of _____, 2022.

Allen B. Coffman
President of Town Council

ATTEST:

Jamia L. Wright
Secretary of Town Council

Kenneth Hock
Mayor

Appendix A

The Fire Department fees, costs and expenses (collectively “Charges”) permitted to be recovered shall be as set forth on the Schedule attached hereto as Appendix “A.” The Schedule for Charges may be amended by Resolution of the Borough time to time.”

BILLING LIST

Apparatus

Engine:	\$350.00 Per Hour
Aerial/Ladder:	\$400.00 Per Hour
Rescue:	\$300.00 Per Hour
Squad/Utility/Support:	\$150.00 Per Hour
Tanker/Tender:	\$300.00 Per Hour

Equipment/Service

SCBA	\$50.00 Each
Hose (per 50')	\$25.00
Gas/Co Detector/Heat Gun	\$50.00 Per Use
Deodorizer	\$25.00 Per Use
Extinguisher (any class)	\$50.00 Per Use
Fire Police Services	\$100.00 Per Hour
Hand Tools	\$15.00 Each
Hydraulic Rescue Tools	\$200.00 Each
Scene Lighting	\$75.00 Per Hour
Oil Booms	\$20.00 Each
Oil Absorbent Sheets	\$2.50 Each
Oil Dry	\$35.00 Bucket
Portable Pumps	\$30.00 Hour
Power Tools	\$50.00 Each
Road Closing/Traffic Control	\$100.00 Per Hour
Salvage Covers	\$35.00 Each
Debris Cleanup/Removal	\$250.00
Flares	\$8.00 Each
Ventilation Fans	\$50.00 Each
IR Camera	\$100.00 Each
Foam	\$65.00 Per Gallon
Cribbing:	
- Passenger	\$100.00 Each
- Class B	\$200.00 Each
- Trucks – Class A	\$500.00 Each
Stabilization Struts	\$50.00 Per Use
Latex Gloves	\$2.00 Per Pair
Ladders	\$35.00 Per Use
Medical Extrication (w/ Hydraulics)	\$1,500.00 Per Patient
Generator	\$50.00 Per Hour
Hand lights	\$5.00 Per Use
Portable Pond	\$150.00 Per Use
Wetting Agent	\$25.00 Per Unit
Fire Line Tape	\$.25 per foot