

ORDINANCE NO. 886

AN ORDINANCE OF THE TOWNSHIP OF PENN, YORK COUNTY PENNSYLVANIA, AUTHORIZING THE HANOVER AREA FIRE AND RESCUE COMMISSION TO SEEK RECOVER AND REIMBURSEMENT OF COSTS OF MATERIALS AND EQUIPMENT USED AND SERVICES RENDERED IN PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES.

Whereas, the Emergency Services response activity to incidents on the highways continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of Fire and Rescue Services; and

Whereas, the Fire and Rescue Services have investigated different methods to maintain a high level of quality and emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the Fire and Rescue Services decreases the costs of incidents to insurance carriers through timely and effective management of emergency situations, saving lives and reducing property damage; and

Whereas, raising real property taxes to meet the increase in service demands would not be fair to property owners, when a majority of the Motor Vehicle Accidents (MVA) involve individuals not owning property or paying taxes in the jurisdiction; and the ability of Fire and Rescue Services to effectively respond decreases the liability of insurance companies by saving lives and minimizing vehicle damage; and

Whereas, the Board of Commissioner for Penn Township desires to implement a fair and equitable procedure by which to collect said MVA fees and shall establish a billing system in accordance with applicable laws, regulations and guidelines;

Now, therefore be it ordained by the Board of Commissioners of Penn Township:

Section 1. Purpose and Intent

The purpose of this Ordinance is to authorize the Hanover Area Fire and Rescue Commission (HAFRC), acting on behalf of Penn Township, to recover reasonable costs and expenses incurred in providing fire suppression, rescue, hazardous materials response, and other emergency services from insurance carriers resulting from HAFRC responses to such incidents. Said cost recovery is intended to maintain fairness for residents and businesses, while utilizing available insurance coverages from those

receiving or benefiting from such services to ensure high quality and effective services despite increasing service demand.

Section 2. Authority

This Ordinance is enacted pursuant to the Pennsylvania First Class Township Code and applicable laws and regulations.

Section 3. Definitions

“Actual and reasonable response costs” – an amount consistent with what a reasonable person would pay in the same or similar circumstances for the same or similar item.

“Commission” – Hanover Area Fire and Rescue Commission.

“Emergency Services” – Fire suppression, rescue, extrication, hazardous materials containment, technical rescue, fire police, and related emergency incident responses.

“Person” – Any individual, partnership, company, association, society, trust, corporation, utility company or other legal or commercial group or entity, whether public or private.

“Responsible Party” – The person or entity whose insurance provides coverage for the incident that required emergency services.

“Third-Party Billing Service” – any entity authorized and utilized by the Commission for billing and collecting of actual and reasonable response costs.

Section 4. Authorization

- A. The Township hereby authorizes the Emergency Service Provider to recover the reasonable costs associated with responding to fires, emergencies, calls for service, environmental, fire safety, and/or rescue incidents or operations, and/or motor vehicle accidents (collectively, the "incident") occurring within the Township or any other area in which the Emergency Service Provider is authorized by the Township to provide such services, which costs may include, but not be limited to, the cost of emergency rescue tools, equipment, and materials; hazardous materials abatement tools, equipment, and materials; and personnel hours involving a hazardous materials incident or motor vehicle accident.
- B. Such reasonable cost reimbursement claims shall be filed as an additional claim for damages to vehicles, property, or injuries with the motor vehicle insurance carrier, homeowner's insurance carrier, or other applicable insurance carrier, as the case may be, of the Person or Persons:
 1. Owning or operating a vehicle involved in the incident;

2. Owning or renting the real property where the incident occurred and damage resulted; and/or
 3. Responsible for causing the incident.
- C. The reasonable costs incurred by the Commission shall be recovered directly by the Commission, attorney, collection agency or third-party billing service (the "authorized agent") for collection of such costs.
- D. The Emergency Service Provider or its authorized agent shall have the authority here under to recover the costs from the applicable insurance company/carrier only and not from any Person who may otherwise qualify under Subsection **B (1), (2), or (3)** herein.
- E. The reasonable costs reimbursement rates for the tools, equipment and materials shall be set by the Commission from time to time and may be charged for services provided after the effective date of this article, as approved by resolution of the Township from time to time and kept on file in the Township office.
- F. In addition to the reimbursement of reasonable costs, the emergency service provider or authorized agent shall be authorized to collect reasonable interest and administrative expenses for collection of the reasonable costs, as well as any additional fees as may be authorized by the Hazardous Material Emergency Planning and Response Act, 35 P.S. § 6022.101 et seq., as amended, or otherwise authorized by statute or law.

Section 5. Utilization of Funds

All amounts collected by the Commission pursuant to this article shall be placed into a fund that shall be utilized exclusively for supplies and equipment of the Commission.

Section 6. Procedure

The Commission is authorized to seek reimbursement from the insurer or insurance carrier by utilizing a Third-Party Billing Service for collection. Bills for reimbursement shall clearly itemize the costs that have been incurred by the Commission.

Section 7. Enforcement

In the event that any insurance carrier fails to pay any bill or invoice within thirty (30) days of the mailing of such notice of charges, the emergency service provider directly, or any authorized agent who mailed the bill or invoice, may enforce the provisions of this article by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due to the emergency service provider, together with any statutory interest, court costs, collection and/or administration fees, and reasonable attorneys' fees.

The remedies provided herein shall be in addition to any other relief, remedies, or penalties that may be appropriate and provided by law.

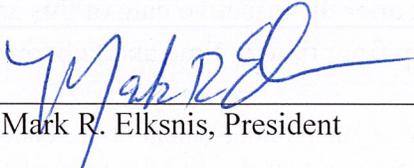
Section 8. Severability

If any section, subsection, or provision of this Ordinance is found invalid, such invalidity shall not affect the validity of the remaining provisions.

This Ordinance shall take effect immediately upon adoption.

ENACTED AND ORDAINED this 16th day of March 2026.

Board of Commissioners of Penn Township

By: 
Mark R. Elksnis, President

Attest:


Laura Klinefelter, Secretary