ORDINANCE 02052024-01

AN ORDINANCE OF THE BOROUGH OF BELLEFONTE AMENDING THE CODIFIED BOOK OF ORDINANCES, CHAPTER 35-17 AMENDMENTS TO FIRE DEPARTMENT AUTHORIZING THE LOGAN FIRE COMPANY NO.1 AND UNDINE FIRE COMPANY NO. 2 TO REMIT INVOICES TO INSURANCE CARRIERS FOR SERVICES RENDERED.

Be it enacted and ordained by the Council of the Borough of Bellefonte and it is hereby enacted and ordained by the authority of the same.

SPECIFIC PROVISIONS

Amend Chapter 35 to include the following provision:

Add: SECTION 35-17 AUTHORIZING THE LOGAN FIRE COMPANY NO.1 AND UNDINE FIRE COMPANY NO. 2 TO REMIT INVOICES TO INSURANCE CARRIERS FOR SERVICES RENDERED.

WHEREAS, the Borough of Bellefonte, Council has determined that the Logan Fire Company No. 1 and Undine Fire Company No. 2, herein referred to as Bellefonte Fire Department, must have the ability to render fees for services provided to help defray the costs associated with providing such services.

WHEREAS, the Borough of Bellefonte is authorized by law and under the Hazardous Materials Emergency Planning and Response Act, 35 P.S. § 6022.201.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council of Borough of Bellefonte, and it is hereby enacted and ordained by and with the authority of same as follows:

<u>Section 1.</u>   Bellefonte Fire Department shall have the authority and ability to obtain insurance information, from the individuals, businesses, and institutions who receive services of the Fire Department, for the purpose of billing for the same.

<u>Section 2.</u>   Bellefonte Fire Department shall obtain the appropriate insurance information for the purpose of billing for said services related to, but not limited to, vehicle accidents, rescues, structural fires, vehicle fires, and hazardous materials spills.

<u>Section 3.</u>   It is further provided that the Bellefonte Fire Department or third-party billing service, as an authorized agent, is hereby authorized to seek reimbursement from the appropriate insurance company/carrier's policy limits. It is further provided that the said Bellefonte Fire Department shall not bill the individuals or entities directly for any services rendered except in the case of an intentional false alarm of a fire that was intentionally set and for which insurance coverage is not available.

Section 4.   Is it is hereby provided further that the Borough of Bellefonte and its authorized representatives are hereby authorized to assist Logan Fire Company No. 1 and Undine Fire Company No. 2, in receiving reimbursement for the collection of any amounts due to the Bellefonte Fire Department pursuant to its rendering public services as set forth above; and in particular, for appropriate reimbursement for any extraordinary services, including but not limited to abatement and disposition of hazardous materials, spills or the threat of spills of toxic chemicals, utility line breaks and leakages, or other imminent or received or possible threat to the health, safety or welfare of the Borough residents. This authorization shall include enforcement by the Borough by civil action, for the collection of any amounts due hereunder, including attorney fees or other relief that may be appropriate.

Section 5.   That provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal, or invalid, the validity of the remaining provisions shall be unaffected thereby. Borough of Bellefonte Council intends that this Ordinance would have been adopted, had such unconstitutional, illegal, or invalid part not been included herein.
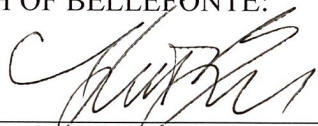
Section 6.   Effective date. This Ordinance shall take effect upon adoption and publication according to law.

ENACTED AND ORDAINED, into an Ordinance this 5th day of February, 2024, by the Council of the Borough of Bellefonte in lawful session assembled.
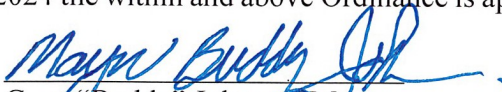
ATTEST: BOROUGH OF BELLEFONTE:

_____   _____
Ralph W. Stewart, Borough Manager   Kent Bernier
Secretary   President of Council

AND NOW, to wit, this 5th day of February, 2024 the within and above Ordinance is approved.

Gene "Buddy" Johnson, Mayor