

BROOKHAVEN
BOROUGH ORDINANCE

No. 2022 - 826

AN ORDINANCE OF BROOKHAVEN BOROUGH, DELAWARE COUNTY, PENNSYLVANIA IMPLEMENTING A USER FEE FOR THE DEPLOYMENT OF CERTAIN PUBLIC SAFETY SERVICES RENDERED BY THE BROOKHAVEN FIRE COMPANY.

Whereas, maintaining an effective response by the Brookhaven Fire Company saves costs to insurers whose insureds *suffer* incidents within the Borough by preserving life and property;

Whereas, putting the entire cost burden of such services upon the Borough's tax base is unfair to tax payers, as numerous incidents requiring emergency response by the Brookhaven Fire Company involve individuals and entities who are not Borough tax payers;

Whereas, this Council desires to implement a fair and equitable means via which the Borough may help fund the costs of such emergency responses


Now, therefore, be it ordained that:

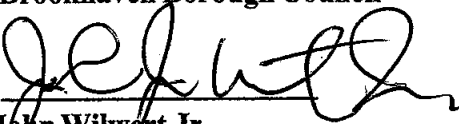
1. The Brookhaven Fire Company is hereby empowered to create and initiate user fees for the delivery of fire and rescue services, personnel, supplies and equipment to the scene of emergency incidents in Brookhaven Borough. The rate of user fees shall be limited to that which is usual, customary and reasonable for the provision of such services in Delaware County.
2. The aforementioned user fee shall be filed against the motor vehicle insurance of the recipient of emergency services, representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. In the event services are required relating to utilities causing safety hazards to highway areas, and if such areas are deemed unsafe by emergency responders, user fees shall apply to the utility whose equipment related problems gave rise to the need for an emergency services response. Claim costs shall be filed to the insurance coverage of the owner of a vehicle or property, or other responsible party, as the case may be.
3. This Council is empowered to, by motion, adopt, and from time to time amend, revoke or repeal, rules and regulations consistent with this Ordinance as it may deem necessary.
4. **Effective Date.** This Ordinance shall be effective upon its adoption by Brookhaven Borough Council and its approval by the Mayor.

5. Repealer. All ordinances, resolutions or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled to the extent of such inconsistency.

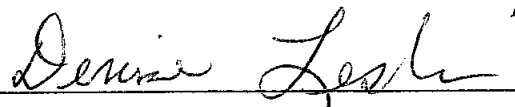
6. Severability. The provisions of this ordinance and code sections adopted hereby are severable, and if any clause, sentence or section thereof shall be adjudged invalid or unconstitutional, such decision or judgment shall not affect the validity of the remaining provisions.

DULY ENACTED THIS 3rd DAY OF OCTOBER 2022 BY THE COUNCIL OF THE BOROUGH OF BROOKHAVEN.

By: 
Terry Heller, President
Brookhaven Borough Council

Attest: 
John Wilwert Jr
Brookhaven Borough Secretary

APPROVED THIS 3rd DAY OF OCTOBER 2022.

By: 
Denise Leslie, Brookhaven Mayor