

**ORDINANCE 2024 - 5**

**An Ordinance of the Township of Millcreek, Erie, County Pennsylvania amending and restating Chapter 55, Fire Protection and Emergency Services, Article III, Reimbursement for Services and Materials, to provide for the reimbursement for services and materials by the Millcreek Township Fire Department and the Millcreek Township Volunteer Fire Departments.**

**WHEREAS**, on August 31, 2004, by Ordinance No. 2004-12, the Township authorized the Township fire departments to recover reasonable and customary costs of materials and services used in responding to incidents and providing emergency transport services; and

**WHEREAS**, Ordinance 2004-12 was codified in Chapter 55, Fire Protection and Emergency Services, Article III, Reimbursement for Services, of the Millcreek Township Code; and

**WHEREAS**, on January 24, 2023, by Ordinance No. 2023-1; the Board of Supervisors established the Millcreek Township Fire Department; and

**WHEREAS**, as a result of the formation of the Millcreek Township Fire Department, certain provisions of Chapter 55, Article III need to be updated to include reference to the Township Fire Department, to clarify the types of costs that may be recovered, and to update the cost collection provisions; and

**WHEREAS**, the Board of Supervisors, deems it to be in the best interests of the Township to amend Chapter 55, Article III to include reference to the Millcreek Township Fire Department, to clarify the scope of costs that may be recovered, and to update the cost collection provisions.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania and it is hereby enacted and ordained as follows:

**SECTION 1.** The caption of and recitals to this Ordinance as set forth above are incorporated herein by reference.

**SECTION 2. Amendment and Restatement.** Chapter 55, Fire Protection and Emergency Services, Article III, Reimbursement for Services and Materials, of the Millcreek Township Code is hereby amended and restated as follows:

**§ 55-10 Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**EMERGENCY MEDICAL SERVICE PROVIDER** - The Millcreek Township

Fire Department, Millcreek Volunteer Fire Department ("MVFD") or designee of the Millcreek Volunteer Fire Department (currently Millcreek Paramedic Service) providing emergency medical services pursuant to dispatch under the E-911 system and any other emergency medical service provider providing emergency medical services under mutual aid agreement with the Millcreek Township Fire Department, MVFD, or its designee.

#### **EMERGENCY MEDICAL SERVICES**

- (1) The medical care, including medical assessment, monitoring, treatment, transportation and observation, which may be provided to a person in responding to an actual or reported emergency to:
  - (i) prevent or protect against loss of life or a deterioration in physiological or psychological condition; or
  - (ii) address pain or morbidity associated with the person's condition.
- (2) The transportation of an individual with medical assessment, monitoring, treatment or observation of the individual who, due to the individual's condition, requires medical assessment, monitoring, treatment or observation during the transport.

**EMERGENCY RESPONSE SERVICES** - Include, but are not limited to, the control, suppression and extinguishment of fires; search and rescue for persons necessitated by man-made or natural disasters or accidents; the isolation and containment of hazardous materials and substances; rendering assistance to other emergency service providers; and generally, to provide for the protection and safety of persons and property within the Township.

**MILLCREEK TOWNSHIP FIRE DEPARTMENT ("MTFD")** - The fire department of Millcreek Township formed pursuant to Chapter 55, Article V of the Millcreek Township Code.

**MILLCREEK VOLUNTEER FIRE DEPARTMENT ("MVFD")** - A volunteer fire department providing fire protection and related services under an agreement with the Township entered into pursuant to Chapter 55, Article V of the Millcreek Township Code or otherwise, and shall include for purposes of authorization to invoice and recover fees for services those designees or contractors of such volunteer fire department and any fire department of another municipality providing services under a mutual aid agreement or dispatch under the E-911 system.

**PERSON** - Any natural person(s), partnership, corporation, limited liability partnership or corporation, association, firm, insurance carrier, servicing agent or other legal entity.

**§ 55-11 Authorization to recover costs and expenses.**

- A. MTFD and the Township and MVFD are hereby authorized to recover the usual, reasonable and customary costs of the materials used and expended, the use of equipment, the hazardous situation abatement materials and personnel services used in or devoted to providing Emergency Response Services, these including but not limited to vehicular accidents and fires.
- B. Emergency Medical Service Providers are hereby authorized, to recover the usual, reasonable and customary costs of materials used and expended, use of equipment, personnel services and transport costs used in or devoted to the provision of Emergency Medical Services, including without limitation emergency transport services.
- C. Determination of Fees and Expenses
  - 1. MVFD and non-Township Emergency Medical Service Providers shall establish schedules of fees and costs for their respective services, which may be amended from time to time. Such schedules of fees and costs shall be posted at the department's or provider's business offices and shall be made available to persons upon request. The costs and expenses authorized by this Article shall be those established in current and posted schedules.
  - 2. Fees and expenses to be charged by the MTFD for providing either Emergency Response Services or Emergency Medical Services shall be determined by the Board of Supervisors by resolution.

**§ 55-12 Police Services.**

Millcreek Township generally shall not seek to recover the costs of Police Services except as follows:

- A. Where the presence of uniformed or nonuniformed police officers at events attracting large crowds is deemed a necessary protection to the public by the Chief of Police, he or she shall have full authority to require that the Person conducting such event shall employ such number of uniformed or nonuniformed police officers as may be designated by the Chief.
- B. Where presence of uniformed or nonuniformed police officers is requested by a Person sponsoring an event for reasons other than general public safety for which the Police Department is responsible, such sponsor shall pay all costs of the Police Department's providing such personnel for the requested period(s) of time.
- C. Where the Police Department is asked by another governmental agency to provide services to safeguard a potential crime scene after the incident or assist with special events and incurs additional expense for personnel, equipment, materials or contracted services as a result, the Township shall be authorized to

seek recovery and reimbursement of such additional expenses.

- D. Where the Township is requested by a private person or other governmental agency to provide services of a department other than the Police Department to assist in an emergency caused by an incident or to assist the private person other than within the scope of its general municipal services, the Township shall be authorized to seek recovery and reimbursement of such additional expenses and, in the case of assisting private persons, to require payment of defined costs and expenses in advance.

**§ 55-13 Collection of costs, expenses and fees.**

- A. Costs, expenses and fees authorized in § 55-11 of this Article shall be charged, collected and recovered as follows:
  - 1. The Township is authorized to enter into agreements with a third-party biller to charge, collect and recover on the Township's behalf the costs and expenses incurred directly by the Township, MTFD, and MVFD in providing Emergency Response Services and Emergency Medical services. Such third-party biller shall be authorized to issue an invoice of the costs, expenses and fees in accordance with this Article and any Agreement with the third-party biller, and shall remit such amounts received, after deducting the amount due to it under the Agreement, to the Township. To the extent the costs, expenses and fees reimbursed were incurred by a MVFD, the Township shall remit the amount to the MVFD.
  - 2. Other providers of Emergency Response Services and Emergency Medical Services not included in § 55-13A(1), above, may bill for such services as provided in this Article.
  - 3. The person invoiced for such costs, expenses and fees, and/or that person's insurance carrier, servicing agent or other representative, shall remit payment of invoiced costs, expenses and fees directly to the party issuing the invoice under this Article.
  - 4. If there is insurance that provides coverage for the Emergency Response Service or the Emergency Medical Service, the invoice and efforts to collect first shall be made against the insurer and not the insured. If, however, the insurer has made a payment for the services rendered to the insured, the invoice and collection efforts shall be directed to the insured, and the insured shall remit that payment to the Township. To the extent the payment by a private insurance company does not cover the entire amount billed or the private insurance company refuses or fails to make any payment, the Township, at its option, may pursue the insured for the balance.
- B. Costs, expenses and fees authorized in § 55-12 of this Article shall be charged, collected and recovered directly by Millcreek Township or its appointed designee

or agent. The person invoiced for such costs, expenses and fees, and/or that person's insurance carrier, servicing agent or other representative, shall remit payment of invoiced costs, expenses and fees directly to Millcreek Township.

- C. In addition to the costs, expenses and fees invoices, interest or finance charges may be imposed upon invoiced amounts not paid within 30 days after the invoice date, at such rates as are authorized by the laws of Pennsylvania.
- D. In addition to such costs, expenses and fees incurred and invoiced, if private collection or legal proceedings are instituted to collect sums due, the Township or its appointed designee or agent shall be entitled to recover in such proceeding all attorney's fees, collection agency fees, filing fees and litigation expenses reasonably incurred in the proceeding.

**§ 55-14 Violations and penalties.**

- A. Any person violating the provisions of § 55-13A and/or 55-13B of this Article shall violate this Article.
- B. Each day that a violation continues shall be considered a separate violation.
- C. This Article shall be enforced in accordance with Chapter 48, Enforcement and Collection Activities, Article I, Ordinance Enforcement, and Article II, Attorneys' Fees, as may be amended, governing civil enforcement of ordinances and collection of attorneys' fees and costs in enforcement actions.
- D. A fine in an amount not less than \$250 and not more than \$600 per violation and for each day of violation is hereby prescribed for violations of this Article.
- E. Upon a finding of violation, any person violating any provision of this Article shall be sentenced to pay fines as prescribed in § 55-14, plus costs and with all attorneys' fees incurred by the Township in the proceeding.

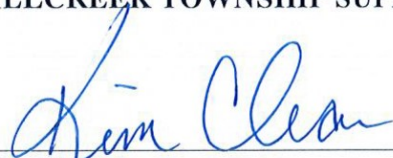
**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person(s) or circumstances is for any reason held to be invalid or unconstitutional by any court, such holding(s) shall not be construed to affect the validity of any of the remaining provisions of the Ordinance. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision or its application not be included herein.

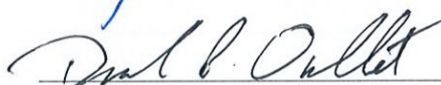
**SECTION 4. Repealer.** Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed.

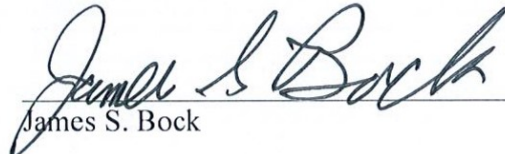
**SECTION 5. Effective Date.** This Ordinance shall be effective five (5) days after adoption of the Ordinance by the Board of Supervisors..

BE IT ENACTED this 11th day of June, 2024.

MILLCREEK TOWNSHIP SUPERVISORS

  
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Kim Clear

  
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