

**SPRING GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-02

**AN ORDINANCE ADDING PART II, CHAPTER 200 OF THE
CODE OF ORDINANCES OF SPRING GROVE BOROUGH,
YORK COUNTY, PENNSYLVANIA, ENTITLED
“EMERGENCY SERVICE PROVIDER COST
REIMBURSEMENT”, TO THE CODE OF ORDINANCES**

WHEREAS, the Borough Council (the “Council”) of the Borough of Spring Grove (the “Borough”) recognizes that volunteer fire companies and emergency service providers that respond to emergencies within the Borough limits, including, without limitation, hazardous materials incidents, environmental, fire safety, and/or rescue incident or operation, and/or motor vehicle accidents (collectively the “Incident”), require specialized emergency rescue tools, equipment, and materials, and hazardous waste material abatement equipment and materials during those emergency responses to such Incident; and

WHEREAS, the Council recognizes that if those costs for such materials, tools, and equipment are not recovered or recoverable, it places a tremendous financial burden on the volunteer fire companies and emergency service providers, including, without limitation, the costs of replacing any such materials, tools, and/or equipment that was utilized; and

WHEREAS, the Council believes it is in the best interest of the Borough residents, and volunteer fire companies and emergency service providers providing service within the Borough limits, to allow for such volunteer fire companies and emergency service providers to recover the reasonable costs of any equipment and materials utilizing in providing emergency services to any Incident occurring within the Borough.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Spring Grove, York County, Pennsylvania, and it is hereby enacted and ordained by the municipality of the same, as follows, to wit:

Section 1. Section 200 of the Borough of Spring Grove Code of Ordinances is hereby added as follows:

§ 200-1 Short Title.

This Article shall be known and referred to as the “Spring Grove Borough Emergency Service Provider Cost Reimbursement Ordinance.”

§ 200-2 Authority.

This Article is adopted pursuant to the provisions of the Pennsylvania Borough Code, 8

Pa.C.S. § 101, et seq., as amended (the “Code”), and specifically, Section 1202(56), which authorizes the Borough Council to “ensure that fire and emergency medical services are provided within the Borough by the means and to the extent determined by the Borough, including the appropriate financial and administrative assistance for these services.”

§ 200-3 Findings.

The Borough Council recognizes that responses to emergencies, including, without limitation, hazardous materials incidents, environmental, fire safety, and/or rescue incident or operation, and/or motor vehicle accidents, require specialized emergency rescue tools, equipment, and materials and hazardous material abatement equipment and materials. The Council further recognizes that such tools and equipment are procured by such volunteer fire companies and emergency service providers, which places a financial burden on them, and the replacement of such equipment and materials and specialized training places additional financial burden on such emergency services providers.

§ 200-4 Purposes.

The Council hereby adopts and enacts this Article for the following purposes:

A. To ensure the continued viability of emergency service providers to protect and promote the public health, safety and welfare, by authorizing emergency service providers to seek reimbursement of the reasonable costs of responding to emergencies, hazardous materials incidents, and/or motor vehicle accidents; and

B. To permit financial assistance to emergency service providers who are experiencing ever-increasing financial burdens and costs, which costs have an adverse impact on the provision of emergency services in the Borough.

§ 200-5 Definitions.

As used in this article, the following terms are hereby given the meanings set forth below:

EMERGENCY SERVICE PROVIDER — Any volunteer fire department, ambulance and/or fire and rescue company duly organized, acknowledged and existing in and/or serving Spring Grove Borough, York County, Pennsylvania.

PERSON—Any individual, partnership, company, association, society, trust, corporation, utility company or other legal or commercial group or entity, whether public or private.

BOROUGH — Spring Grove Borough, York County, Pennsylvania

§ 200-6 Authorization to Recover Fees, Costs, and Expenses.

A. The Borough hereby authorizes emergency service providers to recover the reasonable costs associated with responding to emergencies, calls for service, environmental, fire safety, and/or rescue incident or operation, and/or motor vehicle accidents (collectively the "Incident"), which 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 reimbursement 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:

- i) owning or operating a vehicle involved in the Incident;
- ii) owning or renting the real property where the Incident occurred and damage resulted; and/or
- iii) responsible for causing the Incident.

C. The reasonable costs incurred by the emergency service provider shall be recovered directly by the emergency service provider, 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 hereunder to recover the costs from the applicable insurance company/carrier only and not from any person who may otherwise qualify under Subsection A(i), (ii), or (iii) herein.

E. The reimbursement rates for the tools, equipment and materials shall be set by the emergency service providers from time to time and may be charged for services provided after the effective date of this article. Such rates shall be approved by resolution of the Borough from time to time and kept on file in the Borough 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, otherwise authorized by statute or law.

§ 200-7 Enforcement.

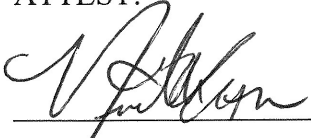
In the event that any insurance carrier fails to pay any bill or invoice within thirty (30) days of the mailing of such notice of charges, the emergency service provider directly, or any authorized agent who mailed the bill or invoice, may enforce the provisions of this article by filing a civil action 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 2. This amendment shall be effective immediately upon enactment.


ENACTED AND ORDAINED this 14 day of April 2024.

ATTEST:

SPRING GROVE BOROUGH COUNCIL




Secretary



Kevin E. March,
Borough Council President


The above Ordinance was resolved, enacted and adopted this ___ day of _____, 2024, at a regular meeting of the Borough Council of the Borough of Spring Grove, York County, Pennsylvania, upon Motion of Robert Whyland, seconded by Peter Lombardi, and passed with a vote of 5 to 0.



Secretary

[BOROUGH SEAL]

Examined and approved as an Ordinance this 14 day of April, 2024.



Beverly R. Hilt, Mayor