

**UPPER MORELAND TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1752**

**AN ORDINANCE OF UPPER MORELAND TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, RECOGNIZING THE AUTHORITY OF FIRE AND RESCUE SERVICES TO SEEK REIMBURSEMENT FOR HAZARDOUS ABATEMENT MATERIAL, ENVIRONMENTAL INCIDENTS AND SAFETY AND RESCUE RESPONSES WITHIN UPPER MORELAND TOWNSHIP.**

**WHEREAS**, Upper Moreland Township, Montgomery County, Pennsylvania (hereinafter “the Township”) is a Township of the First Class, organized and existing under the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Pennsylvania First Class Township Code (the “Code”), 53 Pa. C.S. § 1502(1), grants the Board of Commissioners of Upper Moreland Township the authority to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of Upper Moreland Township; and

**WHEREAS**, Upper Moreland Township has recognized and designated itself as the designated fire company and also contains an Emergency Management Coordinator for Upper Moreland Township; and

**WHEREAS**, said Fire and Rescue Services respond to hazardous material incidents, environmental incidents and safety and rescue incidents, including vehicular accidents, on the roadways in Upper Moreland Township; and

**WHEREAS**, such responses are either directly, via 911 response or in coordination with the Emergency Management Agency; and

**WHEREAS**, it is the intention of the Township to recognize the authority of the Township Fire and Rescue Services to seek collection and reimbursement for the usual, customary and reasonable costs of responding to such incidents; and

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by the Upper Moreland Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

**SECTION I: AMENDMENT OF THE CODE.**

The Upper Moreland Township Code of Ordinances, Part II: General Legislation, is hereby amended to create a new Chapter 127 entitled “Emergency Services” and shall read as follows:

**§ 127-1. Authority to Recover for Emergency Response Costs**

The Upper Moreland Township Board of Commissioners by and through their authority and relationship with the aforesaid Fire and Rescue Services hereby authorizes the recovery of the real and reasonable costs incurred by the emergency services organization involving any hazardous material incident, environmental incident or safety and rescue incident, or operation, including vehicular accidents and fires, that occur on the roadways in Upper Moreland Township.

**§ 127-2. Policy for Billing**

- A. Upper Moreland Township recognizes the need to bill for fire and rescue services response within the Township to aid in the provision of emergency services.
- B. No person requiring emergency services shall be denied services due to lack of insurance or ability to pay.
- C. Any applicable charges for emergency services rendered shall be billed directly to the user of such services or user's insurance company.
- D. Upper Moreland Township may, either directly or through any third party billing agency with which it has contracted for billing and/or collections for fire and rescue services, make arrangements with users of such services and/or their financially responsible party for installment payments of bills so long as Upper Moreland Township determines that: 1) the financial condition of the individual requires such an arrangement; and 2) the individual and/or the financially responsible party has demonstrated a willingness to make good faith efforts towards payment of the bill.

**§ 127-3. Procedure for Billing**

A. The Upper Moreland Township Board of Commissioners is hereby authorized to enter into a contract with a third-party billing agency and/or collection agency for performance of Emergency Services Billing and/or collection services, provided that the following standards for third-party billing contracts are met.

(1) The third-party billing service is to be provided at a rate in accordance with any billing services agreement/contract for service or at an amount consistent with the fair market value for services rendered.

(2) The third-party billing agency has in place a compliance program conforming to the standards set forth in the Office of Inspector General's Compliance Program Guidance for Third Party Medical Billing Companies, 63 Federal Register 70138, as amended.

(3) Neither the billing agency nor any of its employees are subject to exclusion from any user fee.

(4) The billing agency is bonded and/or insured in amounts satisfactory to Upper Moreland Township.

B. The Township may, in its discretion, bill additionally for material, vehicle and personnel costs in the case of any major, extraordinary or unique incidents including, but not limited to, hazardous materials spills, fire and rescue incidents that destroy or severely damage emergency services equipment and incidents that require services in excess of a "Level 3 Incident" as described in the attached Addendum.

C. User Fees

(1) Fire and Rescue Services shall initiate user fees for the delivery of emergency services, personnel, supplies and equipment to the scene of any hazardous material incident, environmental incident or safety and rescue incident or operation, including vehicular accidents and fires, that occur on the roadways in Upper Moreland Township. The rate of the user fee shall be that which is usual, customary and reasonable, as determined by the Upper Moreland Township Fire Department and Emergency Management Coordinator and approved by the Upper Moreland Township Board of Commissioners, pursuant to rates established by FEMA and outlined in the attached Policy Addendum.

(2) Every person and/or utility that requires emergency services shall be billed a user fee according to this Ordinance.

(3) The user fee for emergency services rendered shall be billed directly to the user of such services insurance company, if known, as an add-on cost. If the insurance company is not known, the user of the services shall be billed directly, with instructions to forward the bill to his/her insurance provider. When emergency services are rendered relating to utilities on the roadways within Upper Moreland Township and the area is deemed unsafe by emergency responders, said utility shall be billed directly.

(4) Any and all amounts collected as a result of this Ordinance shall be turned over to the Township and deposited into a designate Township revenue account and shall be distributed according to a formula as determined and approved by the Upper Moreland Township Board of Commissioners for the replacement and maintenance of emergency services materials and equipment.

(5) The Upper Moreland Township Board of Commissioners may implement rules and/or regulations and/or revoke or amend existing rules and/or regulations as may be deemed necessary for the billing and/or collection of user fees pursuant to this Ordinance. The Board of Commissioners, at its discretion, also reserves the right to waive billings in certain circumstances.

D. Uncollectable Accounts

(1) The user fee is anticipated to be paid by the user's insurance company. In the instance where the Township receives official notification from the insurance carrier that it will not honor the invoice, the Township shall write-off the fee as a bad debt, without adversely affecting the credit standing of the individual involved.

(2) Should the Township determine that an insurance carrier has remitted the fee to the user involved and that the party has failed to remit the fee to the Township, the Township will take appropriate action in order to collect the account.

**SECTION II. REPEALER.**

All Ordinances or parts Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION III. REVISIONS.**

The Upper Moreland Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION IV. SEVERABILITY.**

To the extent that any provision of this ordinance is deemed to be unlawful, such provision shall be severable from the remainder of provisions which are not deemed to be unlawful, which lawful provisions shall continue in full force and effect.

**SECTION V. EFFECTIVE DATE.**

This amendment shall become effective five (5) days after date of adoption.

**SECTION VI. FAILURE TO ENFORCE NOT A WAIVER.**


The failure of Upper Moreland Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ORDAINED AND ENACTED** by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, this 8th day of January, 2024.

Attest:

**UPPER MORELAND TOWNSHIP  
BOARD OF COMMISSIONERS**

  
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Matthew H. Candland, Secretary

  
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Clifton McFatridge, President