

**ORDINANCE 2024-03**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WESTTOWN, CHAPTER 87, FIRE PREVENTION, TO ADD A NEW SECTION RECOGNIZING THE AUTHORITY OF VOLUNTEER FIRE COMPANIES OPERATING WITHIN WESTTOWN TOWNSHIP TO SEEK REIMBURSEMENT FOR HAZARDOUS ABATEMENT INCIDENTS, ENVIRONMENTAL INCIDENTS AND FIRE SAFETY AND RESCUE RESPONSES.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 87, Fire Prevention, of the Code of the Township of Westtown, as amended, be further amended as follows:

**SECTION 1.** Part II, General Legislation, Chapter 87, Fire Prevention, shall be amended to include new §87-4, Fire Company Cost Recovery, which shall read as follows:

**§87-4. Fire Company Cost Recovery**

**A. Authority, Findings and Purpose.**

1. Authority. Under §1803(b) of the Second-Class Township Code, 53 P.S. §66803(b), the Township has the authority to make rules and regulations for the government of fire companies and their officers located within the Township.
2. Findings. The Township recognizes that the duties of volunteer fire companies require specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment and hazardous abatement materials during emergency responses. The Township recognizes that such tools and equipment place a financial burden on volunteer fire companies and the replacement of such materials and specialized training add to the additional financial burden for volunteer fire companies.
3. Purpose. To grant each fire company operating in Westtown Township (“Fire Departments”) the authority to seek reimbursement for the reasonable costs of responding to such incidents in their service area, either directly or in coordination with the Office of Emergency Management, as provided below.

**B. Recovery of Costs.**

1. The Township authorizes the Fire Departments serving Westtown Township to recover the reasonable costs of emergency rescue tools, equipment and materials;

hazardous material abatement tools, equipment and materials; and personnel hours involving any hazardous material, environmental, fire safety and/or rescue incident or operation, including vehicular accidents which occur in their service area, as adopted by Resolution of the Board.

2. The reasonable costs outlined above may be recovered directly by the Fire Departments or through a third-party billing service as an authorized agent for the collection of such costs.
3. The Fire Departments or third-party billing service shall only have the authority to recover the aforementioned costs in the Fire Department's service area from the applicable insurance company/carrier up to the limit of the applicable insurance company/carrier's policy limits.
4. The reimbursement rates for the aforementioned tools, equipment and materials shall be set by the Fire Departments from time to time and shall be only applied to the recovery of costs arising out of incidents that occurred subsequent to the setting of the rates. These rates shall be approved by the Township and be kept on file in the Township building.
5. In addition to the aforementioned reasonable costs, the Fire Departments or third-party billing service shall be authorized to collect reasonable interest, as well as a reasonable administrative fee for collecting the same, and any and all additional fees as may be authorized by the Hazardous Material and Emergency Planning Response Act or authorized by any other statute or law.
6. Fire Departments who respond to a fire in another Fire Department's service area are not authorized to bill for their costs. Only the Fire Department in whose service area the fire occurs may bill for their costs.

#### **C. Responsibility of the Township.**

1. The Township shall not be responsible for any aspect of the recovery of costs under this Ordinance. The Township shall not take any steps to assist the Fire Departments or any third-party billing service in recovery of costs under this Ordinance.
2. The Township shall not be responsible to reimburse the Fire Departments for any services rendered to the Township or Township personnel or vehicles while on duty.

#### **D. Revocation of Grant of Authority.**

Any attempt by a Fire Department or third-party billing service to recover costs from any individual/entity other than the appropriate insurance company/carrier shall result in the immediate revocation of the authority to recover such costs granted under this Ordinance.

**SECTION 2.** If any sentence, clause or section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 4.** This ordinance will be effective five (5) days after enactment.

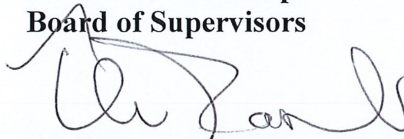
**ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, this 18 day of March, 2024.

**Attest:**

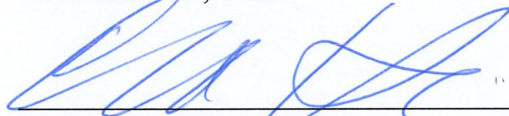


Secretary

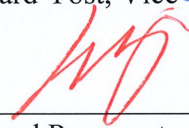
**Westtown Township  
Board of Supervisors**



Thomas Foster, Chair



Edward Yost, Vice Chair



Richard Pomerantz, Police Commissioner

