

ORDINANCE NO. 2019-1387
**AN ORDINANCE OF YEADON BOROUGH AMENDING PROVISIONS OF THE
YEADON BOROUGH CODE TO ESTABLISH CHARGES FOR FIRE/RESCUE
RESPONSE FOR INCIDENTS INVOLVING FIRE DEPARTMENT RESPONSES AND
TO PROVIDE METHODS FOR THE COLLECTION OF SUCH CHARGES FROM THE
RESPONSIBLE PARTY**

WHEREAS, the Borough of Yeadon is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to the Borough Code; and,

WHEREAS, the Legislature of the Commonwealth vests the Borough of Yeadon with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, inter alia, the Borough's finances, the maintenance of peace, good government, safety and welfare of the Borough, its trade, commerce and manufacturers; and,

WHEREAS, Chapter 29 of the Code of the Borough of Yeadon recognizes and designates the Yeadon Fire Company as the officially recognized fire company of the Borough of Yeadon; and

WHEREAS, the Yeadon Fire Company responds to hazardous material incidents; and

WHEREAS, said responses, on occasion, involve the use of hazardous materials abatement equipment, as well as hazardous materials abatement materials; and

WHEREAS, the Yeadon Fire Company responds to other safety and rescue incidents, including but not limited to, firefighting and vehicular accidents; and

WHEREAS, it is the intention of the Borough Council to recognize the authority of the Yeadon Fire Company to seek collection and reimbursement for reasonable costs of responding to such incidents from insurance companies; and

WHEREAS, the Borough Council finds that individual property owners may maintain insurance coverage within their own casualty insurance policies, homeowner's policies and/or other applicable policies that would provide reimbursement to the Yeadon Fire Company for firefighting and other services rendered to the individual property owners and businesses in response to emergency service requests.

NOW THEREFORE it is hereby Enacted and Ordained by the Council of the Borough of Yeadon, that:

SECTION I: From and after the passage of this Ordinance Chapter 207, entitled "Insurance," is hereby amended by adding the following Article II entitled "Fire Company Cost Recovery:"

ARTICLE II

Fire Company Cost Recovery

§ 207-6. Reimbursement of Costs.

The Yeadon Fire Company is authorized and directed by and through their officers and authorized representatives, to ascertain what insurance coverage may be applicable and available under any given circumstance, and to take all necessary and affirmative steps to apply for and receive reimbursement from any insurance carrier where a property owner, or business owner, is or may be insured to reimburse the Yeadon Fire Company for any costs and/or expenses incurred for services, supplies and/or equipment used for or provided to the property owner or business owner by the Yeadon Fire Company.

§ 207-7. Recover Reasonable Costs of Firefighting.

The Borough further authorizes the Yeadon Fire Company to recover reasonable costs of firefighting for the firefighting materials and equipment and hazardous abatement materials involved in any and all hazardous abatement material incidents as are recoverable under the Hazardous Material Emergency Planning and Response Act.

§ 207-8. Owner Not to Receive a Bill.

However, and notwithstanding anything herein to the contrary, under no circumstances shall any property owner receive a bill from the Yeadon Fire Company for fire protection or other services provided by the Yeadon Fire Company except in cases of fires which are intentionally set by the property owner.

§ 207-9. Purpose.

This Part shall be liberally construed to accomplish its purpose to compensate and/or reimburse the Yeadon Fire Company from insurance proceeds for costs and/or expenses incurred while providing services pursuant to their duties for the Yeadon Fire Company.

§ 207-10. Collection of Costs and Fees.

The costs and fees as outlined in this Part shall be recovered directly by the Yeadon Fire Company by direct billing of the Yeadon Fire Company by an attorney, collection service or agency contracted by the Yeadon Fire Company. In addition to the costs and fees as outlined in this Part, the Yeadon Fire Company or any attorney or collection service or agency contracted by the Yeadon Fire Company shall be authorized to collect any reasonable interest and administration fees for collecting the costs and fees.

§ 207-11. Enforcement.

In the event any insurance carrier or person fails to pay any bill or invoice within 30 days of the mailing or delivery of such notice of charges, the Yeadon Fire Company or any attorney or agency contracted by the Yeadon Fire Company who mailed or delivered the bill or invoice may enforce the provisions of this Part by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due to the Yeadon Fire Company together with statutory interest, court costs, collection fees and reasonable attorney fees. The remedies provided herein shall be in addition to any other relief, remedies or penalties that may be appropriate or provided by law.

SECTION II: Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters herein are affected.

SECTION III: The provisions of this Ordinance are severable, and if any clause, sentence, subsection or section hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder but shall be confined in its operation and application to the clause,

sentence, subsection or section rendered. It is hereby declared the intent of the Borough Council that this ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, subsection, or section had not been included therein.

SECTION IV: This is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Yeadon .

ENACTED and **ORDAINED** this 18th day of April, 2019.


LATOYA MONROE, Council President

APPROVED.


ROHAN K. HEPKINS, Mayor of Yeadon Borough

Attest: 
Secretary