

BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 143

AN ORDINANCE AUTHORIZING FIRE COMPANIES, RESCUE SERVICES, AND OTHERS PROVIDING EMERGENCY MEDICAL SERVICES TO RESIDENTS AND VISITORS OF THE TOWNSHIP TO BILL FOR SERVICES RENDERED IN RESPONDING TO FIRES, ACCIDENTS OR INCIDENTS REQUIRING SUCH SERVICES.

WHEREAS, the Board of Supervisors of Benner Township wishes to promote the public health safety and welfare of its residents and visitors to the Township and to provide mechanisms to achieve safety and responses to fires, incidents and accidents requiring emergency services;

WHEREAS, Benner Township is a municipal corporation and Township of the Second Class, duly organized and lawfully existing under the Second Class Township Code (53 P.S. § 65101, et seq.) as amended, located in Centre County, Pennsylvania; and

WHEREAS, the Alpha Fire Department, Pleasant Gap Volunteer Fire Service, and the Bellefonte Fire Department (consisting of the Logans and the Undines) provide fire, rescue, and emergency services within the Township in accordance with the emergency dispatch protocols established by the 911 Communication Center operated by Centre County;

WHEREAS, in the course of responding to fires, accidents or incidents requiring fire, rescue, or other emergency services, the fire companies incur considerable and significant costs and expenses in relation to the following, including, but not limited to: a) wear and tear on equipment; b) the use of special equipment; c) fees from contractors, cleanup crews, third-party companies, neighboring emergency service providers assisting with accidents and incidents; d) consumption of supplies such as, but not limited to, fuel, absorbent material, firefighting equipment; e) consumable items utilized in responding to accidents and incident; and f) efforts and manpower of the many dedicated fire company personnel and fire police;

WHEREAS, the Board of Supervisors of the Township believes that all of those persons benefitting from the availability and preparedness of the fire companies serving the Township may and should be expected, justified, and obligated to compensate the fire companies for the reasonable costs and expenses incurred by the fire company in providing responses to fires, accidents and incidents requiring their services; and

WHEREAS, the Board of Supervisors of Benner Township desires to establish and institute a policy authorizing and encouraging the fire companies to attempt to obtain compensation and reimbursements from the persons involved in fires, accidents and incidents, where such reimbursement and/or compensation is feasible.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of Benner Township, Centre County, Pennsylvania, as follows:

Section 1. Title

This ordinance shall be known as the Benner Township Fire and Rescue Billing Authorization Ordinance.

Section 2. Legislative Findings

The purpose of this ordinance is to authorize the fire companies serving the property owners, residents and visitors within Benner Township as dispatched pursuant to the protocols established by the 911 Communications Center to be authorized to bill for and obtain reimbursement and/or compensation from the persons to whom their services are rendered.

Section 3. Authority

This Ordinance is adopted pursuant to the powers and authority of the Statutes of the Commonwealth of Pennsylvania, including but not limited to the Second Class Township Code, specifically but not limited to Section 1527, relating to authorization of the Board of Supervisors to adopt ordinances to secure the safety of persons or property within the Township.

Section 4. Action

- a. This Ordinance specifically authorizes fire companies serving the needs of property owners, residents and visitors in the Township to adopt an appropriate schedule of fees for those services rendered, which schedule of fees may be expressed in terms of hours, gallons, or any other convenient or regularly used unit of measurement and may include the current FEMA schedule of equipment rates as appropriate.
- b. The fire companies serving the Township shall have the authority and ability to obtain insurance information from the individuals, businesses, property owners, and institutions who receive services from the fire companies, for the purpose of billing for such services and receiving reimbursement and/or compensation for same.
- c. The fire companies serving the Township shall be authorized to obtain insurance information for the purpose of billing for services related to, but not limited to, vehicle accidents, rescues, structural fires, grassland and other land fires, vehicle fires, and hazardous material spills and/or other response events.
- d. It is further provided that the fire companies serving the Township, or an authorized third-party billing service acting on their behalf as an authorized agent are hereby authorized to seek reimbursement from the appropriate insurance company/carrier's policy. [It is further provided that the fire companies shall not bill the individuals or entities directly for services rendered, except in the cases of intentional false alarms or a fire that was intentionally set or for which insurance coverage is not available.]

Section 5. Cooperation with Other Services

When and if required, the fire companies serving the Township may cooperate with other fire and emergency service entities, and coordinate billing with such other entities.

Section 6. Collection of Compensation/Reimbursement

The fire companies serving the Township are hereby authorized, empowered, and directed to make attempts to collect fees for all responses that the fire companies provide to fires, accidents and incidents within the Township, in accordance with the approved incident or other fee schedule adopted by the fire companies. Such fees, compensation, and/or reimbursement may be collected either from any person or persons who are involved in such fire, accident or incident, any relevant property owner (either real or personal), or any insurance company or other person who is or may be financially responsible or legally liable, therefore.

Section 7. Authorization to Compromise

The duly authorized officers of the fire companies are also hereby authorized, empowered, and permitted to compromise, settle, waive, modify, reduce, and/or discharge any incident fees, when, in their opinion, such action is justifiable or reasonable under the circumstances.

Section 8. No Waiver

The failure of the fire companies to exercise any rights permitted under this ordinance, or any delay by the fire companies in exercising such rights, shall not constitute a waiver of that or any other right or remedy, nor shall it preclude or restrict any future exercise of that or any other right or remedy under this ordinance.

Section 9. Annual Report

A report of the amounts and collections of all such incident fees shall be included within the annual report which is required to be made to the Township by each fire company receiving any funding from the Township for each completed fiscal year, including any waivers or reductions permitted by this ordinance, as well as all past due amounts.

Section 10. Severability

The provisions of this Ordinance are severable and if any of its provisions are ruled by a Court of competent jurisdiction as invalid or unconstitutional, such invalid provision(s) will not affect or impair any of the remaining provisions of this Ordinance. It is declared to be the intention of the Board of Supervisors that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

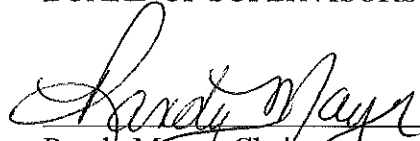
Section 11. Repealer

Any ordinance, or part of an ordinance, conflicting with the terms of this Ordinance, are hereby repealed.

Section 12. Effective Date

This ordinance shall become effective five (5) days after passage and shall thereafter be in force.

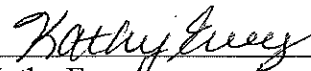
BOARD OF SUPERVISORS OF BENNER TOWNSHIP



Randy Moyer, Chairman



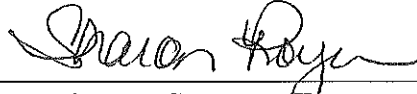
Larry Lingle



Kathy Evey

ATTESTATION

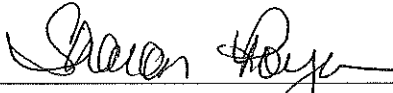
I hereby certify that I am the Secretary of Board of Supervisors of Benner Township and that the foregoing is attested to be a true and correct copy of the proposed Ordinance in accordance with the Pennsylvania Second Class Township Code, as reenacted and amended.



Sharon Royer, Secretary/Treasurer

CERTIFICATION OF ADOPTION

I hereby certify that I am the Secretary/Treasurer of the Board of Supervisors of Benner Township, and that the foregoing Ordinance was adopted at a regular or special meeting of the Board of Supervisors held on the 2nd day of March, 2024.



Sharon Royer, Secretary/Treasurer

