

**Township of Towamensing
Carbon County, Pennsylvania**

Ordinance No. 2 of 2020

**AN ORDINANCE OF THE TOWNSHIP OF TOWAMENSING,
COUNTY OF CARBON, COMMONWEALTH OF PENNSYLVANIA,
AUTHORIZING THE FIRE COMPANY AND OTHER
EMERGENCY RESCUE SERVICE ORGANIZATIONS IN THIS
TOWNSHIP TO CHARGE AND RECOUP THE COSTS OF
CERTAIN EMERGENCY RESCUE SERVICES, MATERIALS AND
EQUIPMENT.**

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of the Township of Towamensing, County of Carbon, Commonwealth of Pennsylvania, as follows:

WHEREAS, the Township of Towamensing (hereinafter referred to as "Township") has within its boundary Emergency Rescue Service Organizations (as hereinafter defined); and

WHEREAS, the Township financially supports the Emergency Rescue Service Organizations providing services in the Township; and

WHEREAS, the Emergency Rescue Service Organizations are equipped to utilize certain emergency rescue tools, equipment, and materials, as a means of saving lives and property; and

WHEREAS, the purchase of tools, equipment, and materials, is expensive for the Emergency Rescue Service Organizations; and

WHEREAS, the Emergency Rescue Service Organizations have requested the Township to enact an Ordinance for recovery of the cost of said tools and equipment and the wear and tear upon such, for the cost of the specialized training required for the use of such, and for the replacement of materials that are used from time to time; and

WHEREAS, insurance coverage often is available to effectuate the aforesaid cost recovery of the training, utilization of said tools, equipment and materials used by the Emergency Rescue Service Organizations; and

WHEREAS, the Township believes it is in the best interests of its citizens and the Emergency Rescue Service Organizations to pass an Ordinance for the above purposes of effecting said cost recoveries by the Emergency Rescue Service Organizations per their request.

NOW, THEREFORE, the Board of Supervisors of the Township of Towamensing, County of Carbon, Commonwealth of Pennsylvania, enacts and ordains as follows:

Section 1. Definitions. As used herein, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- A. Person: A natural person or individual, partnership, corporation, association, firm or any other legal entity.
- B. Township: The Township of Towamensing, County of Carbon, Commonwealth of Pennsylvania.
- C. Emergency Rescue Service Organizations: Towamensing Township Volunteer Fire Company and any and all other persons providing emergency rescue services in the Township to any Township resident or other person or property within the Township, or as otherwise authorized by the Board of Supervisors.

In this Section, the singular shall include the plural, the plural shall include the singular and each gender shall include all other genders.

Section 2. Authorization of Services, Materials and Equipment. The Township authorizes all Emergency Rescue Service Organizations to utilize such tools, equipment or materials and provide fire fighting, ambulance or other emergency rescue services as authorized by law or the Township, for purposes of saving lives and property within the Township or any other area in which the Emergency Rescue Service Organizations are authorized by the Township to provide such tools, equipment, materials and services as set out herein.

Section 3. Authorization to Recover Costs. Where permitted by law, all Emergency Rescue Service Organizations are authorized to effect the recovery of the costs of their respective services, tools, equipment and/or materials from any person for whom or for whose property such services were rendered or such tools, equipment or material were used, and from any insurance carrier or person providing insurance covering such persons or property.

Section 4. Charges and Invoicing. All Emergency Rescue Organizations may charge and invoice (a) any insurance carrier or other person providing insurance covering any person, vehicle, structure, business (profit or nonprofit) or other property; or (b) any person for whom or for whose property an Emergency Rescue Service Organization performs services or utilizes tools, equipment or materials, for the costs of such services rendered unto or tools, equipment or materials used for such persons or their property.

Section 5. Schedule of Fees. The Board of Supervisors of the Township of Towamensing, County of Carbon, Pennsylvania may, by Resolution, from time to time, establish, revise, amend or rescind a schedule of fees for the services, tools, equipment and materials described herein.

Section 6. Enforcement. In the event that any insurance carrier or person fails to pay any invoice described herein within thirty (30) days of the mailing or delivery of such invoice or notice of charges, the Emergency Rescue Service Organizations who mailed or delivered such invoice may recover and collect such charges and invoices from the insurance carrier or person to whom such invoice or notice of charges was given, together with interest, costs and attorney's fees, in any manner provided by law, including, without limitation, a civil action at law.

Section 7. Penalties and Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Ordinance and all other remedies provided by law shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Township, or the Township's Emergency Rescue Service Organizations.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 9. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity 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 Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Effective Date. This Ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED this 1st day of October, 2020.

TOWAMENSING TOWNSHIP SUPERVISORS

BY: Scott Mori
[Signature]

ATTEST:

Jessica Arnall
Secretary