

RUSH TOWNSHIP, SCHUYLKILL COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. __216_____

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING HOMETOWN VOLUNTEER FIRE COMPANY #1 AND ANY OTHER EMERGENCY SERVICES ORGANIZATIONS SERVING THE TOWNSHIP TO SEEK RECOVERY OF COSTS AND EXPENSES FOR PROVIDING EMERGENCY SERVICES; REQUIRING AN ACCOUNTING THEREFOR; REQUIRING PERSONS TO WHOM EMERGENCY SERVICES ARE PROVIDED TO PROVIDE PERSONAL AND INSURANCE INFORMATION UPON REQUEST.

WHEREAS, Sections 1506 and 1553 of the Pennsylvania Second Class Township Code, 53 P.S. Sections 66506 and 66553, authorizes the Board of Supervisors of Rush Township to make such regulations as may be necessary for the health and general welfare of the citizens of the Township, and for the provision of emergency services in the Township; and

WHEREAS, Rush Township emergency services organizations, such as Hometown Volunteer Fire Company #1, have limited resources to effectuate their purpose, mostly raised through specific tax allotments and fundraising activities; and

WHEREAS, considerable sums from their limited resources are expended by emergency services organizations in Rush Township in responding to emergency situations, which resources thereafter need to be replaced through their limited resources; and

WHEREAS, to ensure the continued viability of emergency services organizations within Rush Township, and to protect the health, safety and general welfare of its residents and the public in general, the Board of Supervisors of Rush Township desires to authorize any emergency services organization servicing Rush Township to recover the usual, reasonable and customary fees, charges and costs expended for the emergency services they provide from those who receive those services or those who are responsible for the situation necessitating the need for those services;

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Definitions.

The following words or phrases when used in this Ordinance shall have the meanings ascribed herein unless the context clearly indicates otherwise. The singular shall refer to the plural, and vice versa. The masculine shall refer to the feminine, and vice versa.

“Rush” – Rush Township, Schuylkill County, Commonwealth of Pennsylvania, and its governing body the Rush Township Board of Supervisors.

“Fire Company” – Hometown Volunteer Fire Company #1, or any other emergency services provider or any other emergency services organization, of whatever type, providing emergency services within Rush Township.

“Person” – any natural person, individual, or any other legal entity.

Section 2. Authorization to Recover Costs and Expenses.

The Fire Company, or any attorney retained by the Fire Company, or any third party contracted by the Fire Company, is hereby authorized to recover the reasonable costs of any items or materials expended, or of any reasonable expenses incurred (excluding a rate for the time of the individual responders), in providing emergency services in Rush; said costs or expenses may be recovered from any Person, or from any insurance company insuring said Person, for whom or for whose property such services were rendered, or by whom such services were caused to be rendered.

Section 3. Enforcement.

In the event any Person, or any insurance company insuring said Person, billed or invoiced pursuant to Section 2 of this Ordinance fails to pay said bill or invoice within thirty (30) days of the mailing (by first-class mail) or hand delivery of such bill or invoice, the Fire Company, or any attorney retained by the Fire Company, or any third party contracted by the Fire Company, is hereby authorized to enforce the provisions of this Ordinance by filing a civil action at law in a court of competent jurisdiction to collect any amounts due. In pursuing any civil action, in addition to recovering any amounts due under Section 2 of this Ordinance, the Fire Company, or any attorney retained by the Fire Company, or any third party contracted by the Fire Company, may seek to recover statutory interest, court costs,

administrative fees, and reasonable attorneys' fees. The remedies provided herein shall be in addition to any other relief, remedies or penalties that may be otherwise provided by law.

Section 4. Discretion of Fire Company.

The Fire Company is not obligated to seek to recover any costs or expenses under Sections 2 and 3 of this Ordinance.

Section 5. Mandatory Response.

The Fire Company shall not refuse to provide, or delay the provision of, any emergency service due to anticipated lack of recovery under Sections 2 and 3 of this Ordinance.

Section 6. Accounting.

The Fire Company shall report to Rush, via a written report submitted to the Rush Secretary to be read at a public meeting of Rush, all money collected pursuant to this Ordinance. Said report shall contain an accounting of the money collected showing the corresponding cost or expense, and the date thereof, expended that said money is recovery for.

Section 7. Schedule of Costs and Expenses.

At any time following the effective date of this Ordinance, Rush may, but is not required to, adopt a schedule of costs and expenses via Resolution.

Section 8. Responsibility of Rush.

Rush shall not be responsible for, nor is required to assist in, any aspect of the recovery authorized by Sections 2 or 3 of this Ordinance.

Section 9. Supplement.

This Ordinance is meant to supplement but not repeal any Ordinance previously enacted pursuant to 35 P.S. Section 6022.210 (relating to recovery of response costs for hazardous material response).

Section 10. Information to be Provided.

A. Any Person, other than an on-duty law enforcement officer or fellow emergency responder, asked by a representative of a Fire Company at the scene of an emergency to which the Fire Company is responding, or asked at any time thereafter, for relevant personal and/or insurance information, shall provide said representative the Person's name, address and telephone number, and the name of the relevant insurance carrier, and a policy number when reasonably obtainable.

B. Any Person failing to comply with Section 10A of this Ordinance is subject to citation consistent with the Pennsylvania Rules of Criminal Procedure, and any Person found by a Court to be in violation of Section 10A of this Ordinance shall pay a fine of at least \$300.00, but no more than \$1,000.00, and/or shall serve a period of incarceration of up to 90 days in jail for either a violation or for failure to pay a fine imposed for violation.

Section 11. Severability.

If any Section, clause, sentence or any portion of this Ordinance is found to be illegal or unenforceable by a court of competent jurisdiction, the rest and remainder of this Ordinance without the illegal or unenforceable Section, clause, sentence or portion shall remain in full force and effect. It is hereby declared to be the intent of Rush that this Ordinance would have been adopted had such illegal or unenforceable Section, clause, sentence or portion not been included herein.

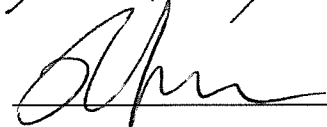
Section 12. Effective Date.

This Ordinance shall be effective immediately upon enactment, or on the first day allowed by law thereafter.

ENACTED and ORDAINED this 9th day of APRIL, 2024.

RUSH TOWNSHIP BOARD OF SUPERVISORS







ATTEST



Secretary