

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE BOROUGH OF GREENSBORO, GREENE COUNTY, PENNSYLVANIA, RECOGNIZING THE AUTHORITY OF THE GREENSBORO-MONONGAHELA TOWNSHIP COMMUNITY VOLUNTEER FIRE DEPARTMENT AND FIRE COMPANIES OPERATING WITHIN THE BOROUGH OF GREENSBORO TO SEEK REIMBURSEMENT FOR HAZARDOUS ABATEMENT INCIDENTS, ENVIRONMENTAL INCIDENTS AND FIRE SAFETY AND RESCUE RESPONSES

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Borough Council of the Borough of Greensboro, Greene County, Pennsylvania as follows:

SECTION 1: TITLE

This Ordinance shall be known as the Greensboro Borough Emergency Service Cost Reimbursement Ordinance.

SECTION 2: AUTHORITY

Pursuant to the Borough Code, 8 Pa. C.S.A. § 1202(56), Borough Council may ensure fire services are provided within the borough by the means and to the extent determined by the Borough Council, including appropriate financial and administrative assistance for the services. Pursuant to Borough Code, 8 Pa. C.S.A. § 1202(5), Borough Council may make regulations necessary for the health, safety, and general welfare of the Borough.

SECTION 3: FINDINGS

The Borough 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 Borough recognizes that such tools and equipment place a financial burden on volunteer fire companies and the replacement of such materials and specialized training add additional financial burden for volunteer fire companies.

SECTION 4: PURPOSE

The purpose of this Ordinance is to grant Greensboro-Monongahela Township Community Volunteer Fire Department and each fire company operating in the Borough of Greensboro as a portion of its service area (“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 herein.

SECTION 5: RECOVERY OF COSTS

A) The Borough authorizes the Fire Departments serving the Borough of Greensboro 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 within the boundaries of Greensboro Borough.

B) 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.

C) The Fire Departments or third-party billing service shall only have the authority to recover the aforementioned costs in the Borough of Greensboro from the applicable insurance company/carrier up to the limit of the applicable insurance company's/carrier's policy limits.

D) 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 resolution of the Borough Council and be kept on file in the Borough Office Building.

E) 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.

F) 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 incident occurs may bill for their costs.

SECTION 6 RESPONSIBILITY OF BOROUGH

A) The Borough shall not be responsible for any aspect of the recovery of costs under this Ordinance. The Borough shall not take any steps to assist the Fire Departments or any third-party billing service in recovery of costs under this Ordinance.

B) The Borough shall not be responsible to reimburse the Fire Departments for any services rendered to the Borough or Borough personnel or vehicles while on duty.

SECTION 7: REVOCATION OF GRANT OF AUTHORITY

Any attempt by a Fire Department or third-party billing service to recover costs from any individual or 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 8: REPEALER

All prior Ordinances, or parts thereof, enacted by the Borough Council of Greensboro Borough which conflict with this Ordinance are hereby repealed.

SECTION 9: SAVINGS CLAUSE


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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, sections or part thereof not have been included herein.

SECTION 10: EFFECTIVE DATE

This Ordinance shall become effective immediately after its adoption and enactment.

Enacted and ordained this 2nd day of April, 2024, at a meeting of the Council of the Borough of Greensboro.

Attest:



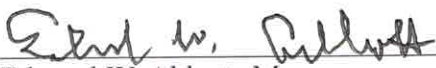
Lisa A. Miller, Borough Secretary

Borough of Greensboro:



Donna J. Neino, President of Council

Examined and approved this 2nd day of April, 2024.



Edward W. Abbott, Mayor



Christopher Michael Simms, Esquire