

I hereby certify this to be a true and correct copy of the original Ordinance to be considered for passage at the committee meeting of Borough Council on June 5, 2023

ORDINANCE 559

AN ORDINANCE PERMITTING THE RECOVERY OF CERTAIN EXPENSES INCURRED BY KEYSTONE VALLEY REGIONAL FIRE DISTRICT AND KEYSTONE VALLEY FIRE DEPARTMENT THROUGH THIRD-PARTY COLLECTORS AND PROVIDING FOR FINES WITH RESPECT TO FALSE ALARMS OR RECURRENT ALARMS (BASED UPON UNREPAIRED FIRE ALARM SYSTEMS IN COMMERCIAL PROPERTIES) WITH AMENDMENTS TO SAID ORDINANCE REGARDING SPECIFIC PROCEDURES, FINES TO BE ENACTED ETC., TO BE MADE BY RESOLUTION OF BOROUGH COUNCIL

John S. Carnes, Jr., Solicitor

WHEREAS, the Borough of Parkesburg is a municipal entity in the Commonwealth of Pennsylvania, County of Chester governed by the Borough Code, 8 Pa. C.S. A. § 101 et seq. (hereinafter the "Borough") and;

WHEREAS, the Borough is empowered to "ensure that fire and emergency medical services are provided within the borough" pursuant to 8 Pa. C.S. A. § 1202. (56) an obligation also imposed upon neighboring townships by state law; and,

WHEREAS, The Borough has entered into an intergovernmental cooperation agreement initially with the nearby municipalities of Highland Township, Sadsbury Township and West Sadsbury Township in Chester County Pennsylvania and, pursuant to said intergovernmental cooperation agreement have established a Keystone Valley Regional Fire District (hereinafter "Fire District") which engages the services of the Keystone Valley Fire Department ("KVFD") to provided fire services to those municipalities still subject to this intergovernmental cooperation agreement; and,

WHEREAS, the Borough wishes to receive reimbursement for any and all costs and/or expenses incurred by the KVFD within the Borough for the benefit of KVFD which may be obtainable by KVFD by the submission of claims submitted solely to the individual property owners' insurance carrier; and

WHEREAS, it is the finding of the Borough Council of the Borough of Parkesburg that the individual property owners may maintain insurance coverage within their casualty insurance policies, homeowners' policies and/or other applicable policies that will provide reimbursement to the KVFD for firefighting and other services rendered to the individual property owners' properties in response to any emergency services request; and,

WHEREAS, it is understood that the Fire District will provide ambulance services; and, bill under the direction of KVFD for services rendered through a billing agreement and the Borough Council of the Borough by and through its authority and relationship with the aforesaid volunteer fire and rescue services wishes to authorize the recovery of the real and reasonable costs incurred by the volunteer emergency services organization involving any hazardous material incident, environmental incident or safety and rescue incident, or operation, including vehicular accidents and fires, that occur on the roadways in and within the Borough of Parkesburg and generally elsewhere within the Borough, recognizing:

A. That the Borough needs to bill for volunteer fire and rescue services conducted on the roadways within the Borough and generally within the Borough where needed to aid in the provision of emergency services.

B. That no person requiring emergency services shall be denied services due to lack of insurance or ability to pay.

C. That any applicable charges for volunteer emergency services rendered shall be billed directly to the user of such services or user's insurance company.

D. That false alarms on commercial properties (including calls that are the result of a faulty alarm system and including false alarms transmitted by the owner or his/her authorized agent or tenant) should result in charges/fines to the owner of the system if insurance coverage is not provided when: 1) there are repeated calls to respond to a system malfunction or trouble alarm (i.e. after 2nd call without correction of malfunctioning alarm system); 2) there is a call to respond to an elevator alarm without actual entrapment; 3) there are unintentional calls such as testing, fire drills or repeated nuisance alarms; or, 4) there are other calls similar in nature not described above.

NOW THEREFORE, in consideration of the foregoing, the Borough of Parkesburg **HEREBY RESOLVES** to bill for volunteer fire and rescue services conducted on the roadways within the Borough and generally within the Borough where needed to aid in the provision of emergency services as follows:

- 1) The Background Recitals are incorporated herein by reference as though set forth at length.
- 2) Parkesburg Borough is hereby authorized to allow and does allow the Fire District or KVFD to enter into a contract with a third-party billing agency and/or collection agency for performance of emergency services billing and/or collection services, provided that the following standards for third-party billing contracts are met.
 - A. The third-party billing service is to be provided and fees collected or at an amount consistent with the fair market value for services rendered.
 - B. The third-party billing agency is to have in place a compliance program conforming to the standards set forth in the Office of Inspector General's Compliance Program Guidance for Third-Party Medical Billing Companies, 63 Federal Register 70138, as amended.
 - C. Neither the billing agency nor any of its employees are subject to exclusion from any user fee.
 - D. The KVFD may, in its discretion, bill additionally for material, vehicle and personnel costs in the case of any major, extraordinary or unique incidents including, but not limited to, hazardous materials spills, fire and rescue incidents that destroy or severely damage emergency services equipment and incidents that require services.
 - E. Any user fee for the services rendered shall be billed directly to the user of such services' insurance company, if known, as an add-on cost. If the insurance

company is not known, the user of services shall be billed directly, with instructions to forward the bill to his/her insurance provider. When volunteer emergency services are rendered relating to utilities on the roadways within the Borough of Parkesburg or elsewhere within the Borough and the area is deemed unsafe by emergency responders, said utility shall be billed directly.

- 3) With respect to fines, for False Alarms as identified herein, the Borough is hereby authorized to allow and does allow the Fire District or KVFD to exercise the police power of the Borough and to impose fines in an amount up to \$500.00 per False Alarm plus any costs and reasonable attorney's fees incurred by the Fire District or KVFD in collecting same - with the amounts of such fines and procedures for collecting same subject to modification by Resolution of Borough Council.
- 4) Any and all amounts collected as a result of this Ordinance shall be turned over to the KVFD and deposited into a designated account and shall be distributed according to a formula as determined by the KVFD and approved by the Borough Council of the Borough of Parkesburg for the replacement and maintenance of emergency services materials and equipment.
- 5) Parkesburg Borough Council may implement rules and/or regulations and/or revoke or amend existing rules and/or regulations as may be deemed necessary for the billing and/or collection of user fees pursuant to this Ordinance by Resolution of Borough Council.

IT IS FURTHER RESOLVED with respect to any accounts deemed to be uncollectable accounts as follows:

- 1) The user fee is anticipated to be paid by the user's insurance company. In the instance where the Fire District or KVFD receives official notification from the insurance carrier that it will not honor the invoice, the service shall write off the fee as a bad debt, without adversely affecting the credit standing of the individual involved.
- 2) Should the Fire District or KVFD determine that an insurance carrier has remitted the fee to the user involved and that the party has failed to remit the fee to the Fire Department or KVFD, the Fire Department or KVFD will take appropriate action in order to collect the account.

IT IS STILL FURTHER RESOLVED that the Borough Council of the Borough of Parkesburg has reviewed and revised, if necessary, and adopted the Borough of Parkesburg Emergency Operations Plan; and has reviewed and adopted the National Incident Management System as a common operating practice.

AND IT IS YET FURTHER STILL RESOLVED, the contact person(s) between said organizations and the Chester County Department of Emergency Services shall be Keystone Valley Regional Fire District.

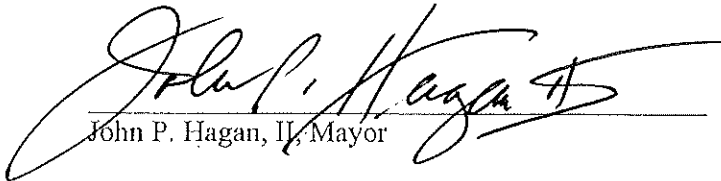
ORDAINED and ENACTED by the Parkesburg Borough Council this 5th day of June, 2023.

PARKESBURG BOROUGH COUNCIL

Sharon L. Wolf, Borough Council President
ATTEST:

Rebecca Durnall, Secretary

Approved this 5th day of June 2023.



John P. Hagan, II, Mayor