



MEMORANDUM

From the Office of the
Township Manager

TO: BOARD OF SUPERVISORS
FROM: CHRISTOPHER BASHORE
RE: PROPOSED ORDINANCE AUTHORIZING THE FIRE COMPANIES SERVICING WEST
GOSHEN TOWNSHIP TO RECOVER CERTAIN COSTS
DATE: JANUARY 17, 2023

Before the Board of Supervisors this evening is a proposed ordinance that that would authorized the fire companies who service West Goshen Township (West Chester Fire Department and Goshen Fire Company) to bill for certain services associated with their activities. This was recommended by the Township Fire Marshal, Andrea Testa, as a method to provide further financial assistance to the fire companies serving the Township. The Board had previously discussed this matter as a resolution; however, it was determined that this would need to be done through ordinance if the Board desired. The ordinance before the Board is modeled from a similar ordinance adopted in Newtown Township, Delaware County and is before the Board this evening for consideration to authorize advertisement.

Please let me know if you have questions. Thank you.

WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF WEST GOSHEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, RECOGNIZING THE AUTHORITY OF VOLUNTEER FIRE COMPANIES OPERATING WITHIN WEST GOSHEN TOWNSHIP 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 Board of Supervisors of West Goshen Township as follows:

SECTION I. The following Ordinance known as the “West Goshen Township Emergency Service Cost Reimbursement Ordinance” shall be adopted and provide as follows:

Section 1. Authority, Findings and Purpose.

- A. **Authority.** Under Section 180J(b) of the Second-Class Township Code, 53 P.S. §66803(b), the Township has the authority to make rules and regulations for the government of fire companies located within the Township.

- B. **Findings.** The Township 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 Township recognizes that such tools and equipment place a financial burden on volunteer fire companies and the replacement of such materials and specialized training add to the additional financial burden for volunteer fire companies.

- C. **Purpose.** To grant each fire company operating in West Goshen Township ("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 below.

Section 2. Recovery of Costs.

- A. The Township authorizes the Fire Departments serving West Goshen Township 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 in their service area as adopted by Resolution of the Board.
- 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 Fire Department's service area from the applicable insurance company/carrier up to the limit of the applicable insurance company/carrier's policy limits.
- D. The reimbursement rates for the aforementioned tools, equipment and materials shall be set by the Fire Departments and altered as needed 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 the Township and be kept on file in the Township 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 fire occurs may bill for their costs.

Section 3. Responsibility of the Township.

- A. The Township shall not be responsible for any aspect of the recovery of costs under this Ordinance. The Township 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 Township shall not be responsible to reimburse the Fire Departments for any services rendered to the Township or Township personnel or vehicles while on duty.

Section 4. Revocation of Grant of Authority.

Any attempt by a Fire Department or third-party billing service to recover costs from any individual/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 2. 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective in five days from the date of adoption.

ENACTED AND ORDAINED this ____ day of _____, 2023.

ATTEST:

**BOARD OF SUPERVISORS
WEST GOSHEN TOWNSHIP**

Christopher C. Bashore, Secretary

BY: _____
Shaun Walsh, Chair

Ashley Gagné, Vice-Chair

John Hellman, Member

Robin Stuntebeck, Member

Tinamarie Smith, Member