

ORDINANCE: 12-2

**AN ORDINANCE OF THE BOROUGH OF MERCERSBURG, FRANKLIN COUNTY,
PENNSYLVANIA, AUTHORIZING THE VOLUNTEER FIRE COMPANY
OPERATING WITHIN THE BOROUGH OF MERCERSBURG TO CHARGE THE
COST OF CERTAIN EMERGENCY SERVICES PROVIDED TO PERSON(S)
NECESSITATING USE OF EMERGENCY RESCUE SERVICES AND/OR THE
PERSON'S INSURANCE CARRIER.**

WITNESSETH

WHEREAS, the Mercersburg, Montgomery, Peters & Warren Volunteer Fire & Ambulance Co. (hereinafter the "MMPW Fire Company") operates within the boundaries of the Borough of Mercersburg; and

WHEREAS, the MMPW Fire Company is equipped to utilize certain emergency rescue tools and equipment as a means of saving lives and property; and

WHEREAS, said emergency rescue tools and equipment may include, but not be limited to, hazardous material control/foam; hazardous material control/absorbent materials; air bags; hydraulic spreaders; hydraulic cutters; hydraulic rams; various hand tools; various air tools; rope rescue equipment; come-along/chains; lighting equipment; pumps; and any other equipment and/or service deemed necessary by the MMPW Fire Company; and

WHEREAS, the purchase and maintenance of said tools and equipment is a high and unusual expense for the MMPW Fire Company; and

WHEREAS, the MMPW Fire Company has requested the Borough Council of the Borough of Mercersburg (hereinafter "Borough Council") to authorize the MMPW Fire Company to effectuate a means for the recovery of the cost of said tools and equipment and the wear and tear upon the tools and equipment, for the cost of the specialized training required for the use of the tools and equipment, and for the replacement of materials and supplies that were exhausted by the use of the tools and equipment; and

WHEREAS, the MMPW Fire Company's requests have been presented to Borough Council; and

WHEREAS, Borough Council recognizes the necessity of maintaining the financial integrity of the MMPW Fire Company and the MMPW Fire Company's ability to provide the best possible service to the residents of the Borough; and

WHEREAS, Borough Council has deemed it to be in the best interest of the health, safety, and general welfare of the residents of the Borough that the MMPW Fire Company be authorized to attempt to effectuate the recovery of the costs of utilizing and maintaining said tools, equipment, and materials.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Mercersburg, in lawful session duly assembled, as follows:

SECTION 1. The MMPW Fire Company is authorized to utilize the tools, equipment, and materials available to it as a means to save lives and property, both within and outside the geographic boundaries of the Borough.

SECTION 2. The MMPW Fire Company is authorized to attempt to effectuate a recovery of the costs of using and maintaining said tools, equipment, and materials by billing any person(s) or corporation(s) (for-profit or non-profit) necessitating the utilization thereof and/or by billing such person or corporation's insurance company.

SECTION 3. In the event that any such person, corporation, or insurance company fails to pay the cost for the use of such tools, equipment, and materials, the proper officers and officials of the MMPW Fire Company may commence the appropriate collection actions in order to effectuate a recovery of the costs of the tools, equipment, and materials.

SECTION 4. Prior to beginning to bill for the use of tools, equipment, and materials, the MMPW Fire Company shall establish rates for using each specific tool, piece of equipment, and materials, which rates shall be reasonably related to the actual cost of using and maintaining said tools, equipment, and materials.

SECTION 5. Severability. The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal or invalid, the decision of the Court shall not be deemed to affect or impair any of the remaining sections, clauses, sentences, parts or provisions of the Ordinance, it being hereby declared by Borough Council that this

Ordinance would have been enacted if such section, clause, sentence, part or provision had not been included herein.

SECTION 6. Effective Date. This Ordinance shall become effective immediately.

ENACTED AND ORDAINED this 13th day of March, 2017.

Borough Council of the Borough of
Mercersburg, Franklin County, Pennsylvania

By: Thomas Suddeth
Thomas Suddeth,
President of Borough Council

ATTEST:

Walter Schellen
Secretary

Roger Defibaugh
Roger Defibaugh,
Mayor of the Borough of Mercersburg

