

**TOWNSHIP OF UPPER YODER, CAMBRIA
COUNTY, PENNSYLVANIA**

ORDINANCE NO. 290.

**AN ORDINANCE OF UPPER YODER TOWNSHIP, COUNTY OF CAMBRIA,
PENNSYLVANIA, RECOGNIZING THE AUTHORITY OF UPPER YODER
TOWNSHIP VOLUNTEER FIRE COMPANY TO SEEK REIMBURSEMENT FOR
HAZARD ABATEMENT INCIDENTS, ENVIRONMENTAL INCIDENTS AND FIRE
SAFETY AND RESCUE RESPONSES.**

IT IS HEREBY ENACTED AND ORDAINED by the Board of
Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, as follows:

ARTICLE I. TITLE.

This Ordinance shall be known as the Upper Yoder Township Emergency Service
Cost Reimbursement Ordinance.

ARTICLE II. AUTHORITY, FINDINGS AND PURPOSE.

- A. **Authority** – In accordance with Section 1803(d) of the Second Class Township Code, 53 PS §66803(d), the Township Supervisors had approved Upper Yoder Volunteer Fire Company to operate as the designated Township fire safety and rescue responder. Further, under Section 1803(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 Upper Yoder Volunteer Fire Company, currently operating in Upper Yoder Township, the authority to seek reimbursement for the reasonable costs of responding to such incidents in its service area, either directly or in coordination with the Cambria County Department of Emergency Services, as provided below.

ARTICLE III. RECOVERY OF COSTS.

- A. The Township Supervisors authorize the Upper Yoder Volunteer Fire Company 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.
- B. The reasonable costs outlined above may be recovered directly by the Fire Company or through a third-party billing service as an authorized agent for the collection of such costs.
- C. The Fire Company or third- party billing service shall only have the authority to recover the costs in the Fire Company or 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 tools, equipment and materials shall be set by the Fire Company from time to time and shall be only applied to the recovery of costs arising out of incidents that occurred after the setting of the rates. These rates shall be approved by the Township and shall be kept on file in the Township Building.
- E. In addition to the reasonable costs, the Fire Company or third-party billing service shall be authorized to collect reasonable interest, as well as a reasonable administrative fee for collecting the same, and all additional fees as may be authorized by the Hazardous Material and Emergency Planning Response Act, 35 PS § 6022.210, as amended, or authorized by any other statute or law.
- F. The Fire Company or Department that responds to a fire in another Fire Department's service area is not authorized to bill for its costs. Only the Fire Department in whose service area the fire occurs may bill for its costs.

ARTICLE IV. RESPONSIBILITY OF THE TOWNSHIP.

- A. The Township shall not be directly responsible for the recovery of costs under this Ordinance. The Township, however, may assist the Fire Company or any third-party billing service in recovery of costs under this Ordinance.

- B. The Township shall not be responsible to reimburse the Fire Company for any services rendered to the Township or Township personnel or vehicles while on duty.

ARTICLE V. REVOCATION OF GRANT OF AUTHORITY.

Any attempt by the Fire Company or third- party billing service to recover costs from any individual/entity other than the appropriate insurance company/carrier may result, in the discretion of the Board of Supervisors, in the revocation of the authority to recover such costs granted under this Ordinance.

ARTICLE VI. REPEALER.

All ordinances, parts of ordinances and amendments thereof which are inconsistent with this Ordinance are hereby repealed.

ARTICLE VII. 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 of this Ordinance. It is hereby declared the intent of the Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof been included herein.

ARTICLE VIII. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after final enactment.

ENACTED AND ORDAINED this 18th day of May, 2023.

TOWNSHIP OF UPPER YODER

Ed Bayler
[Signature]
[Signature]
Paula Rose
Roy W. Stoffe

ATTEST:

Alice E. Hummel
Secretary