

**DELAWARE TOWNSHIP, MERCER COUNTY, PENNSYLVANIA
ORDINANCE NO. O-01-2020**

**AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY
OF MERCER, PENNSYLVANIA, RECOGNIZING AUTHORITY OF
THE VOLUNTEER FIRE DEPARTMENT TO SEEK
REIMBURSEMENT FOR HAZARDOUS ABATEMENT MATERIAL,
INCIDENTS AND SAFETY AND RESCUE RESPONSE SERVICES.**

WHEREAS, Delaware Township is a municipal corporation and Township of the Second Class, duly organized and lawfully existing under the Second Class Township Code (53 P.S. §65 101 et seq.), as amended, of the Commonwealth of Pennsylvania, located in Mercer County (hereinafter referred to as “Township”); and,

WHEREAS, Delaware Township has designated the Volunteer Fire Department (hereinafter referred to as “Company”) to be the formally approved and officially designated fire company servicing the residents of the Township of Delaware as well as those persons who are traveling through the Township of Delaware; and

WHEREAS, from time to time, certain automobile accidents, hazardous material incidents, environmental incidents, and other incidents occur on the roads, streets, highways and byways within the Township; and

WHEREAS, the persons involved in said automobile accidents, hazardous material incidents, environmental incidents, and other incidents benefit from the availability of the Volunteer Fire Department in minimizing the frequency of occurrence, extent or severity or any damages, bodily injuries (including death), and environmental contamination which otherwise might or would occur if the Volunteer Fire Department were not available and prepared to respond to such accidents and incidents; and

WHEREAS, because many of those automobile accidents, hazardous material incidents, environmental incidents require the Volunteer Fire Department to incur several costs; and

WHEREAS, the Township recognizes the necessity and desire to maintain financial stability in the Volunteer Fire Department through the recovery of costs incurred by the Company; and

WHEREAS, the Volunteer Fire Department is equipped to utilize certain emergency rescue tools, emergency equipment and other facilities as a means of saving lives, saving property and protecting citizens within the Township; and

WHEREAS, the Volunteer Fire Department has requested the Township of Delaware to enact legislation enabling the Company to recover costs, expenses and fees for various services provided so that the Volunteer Fire Department will be able to purchase and maintain emergency

tools, replace supplies, replace equipment and maintain technology in providing services to the community; and

WHEREAS, the Township is authorized by law and under the Hazardous Material Emergency Planning and Response Act, 35 P.S. § 6022.101 *et seq.*, to recover certain response costs; and

WHEREAS, the Board of Supervisors of the Township of Delaware has recommended that the Volunteer Fire Department attempt to recover reasonable fees to recover the cost of services provided by the Company.

NOW THEREFORE, it is hereby ordained and enacted by the Board of Supervisors of the Township of Delaware as follows.

1. The Volunteer Fire Department is hereby authorized and directed, by and through its officers and authorized representatives, to ascertain what insurance coverages may be applicable and available under any given circumstance, and to take all necessary and affirmative steps to apply for and receive reimbursement from any individuals and/or insurance carriers to reimburse the Company for any costs and/or expenses incurred for services, supplies, and/or equipment used for or provided to the property owner and/or the vehicle owner/operator by the Company.
2. Under no circumstances shall any property owner or insurer ever be billed by the Company for fire protection or other services provided by the Company except in cases of false alarms and fires intentionally set by the property owner.
3. Under no circumstances shall any property owner or insurer ever be billed by the Company for manpower or any other cost that is incurred in the normal course of operations. Instead, all costs billed shall be for the recovery or reimbursement of costs and/or expenses actually incurred by the Company in service to the individual.
4. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.
5. 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 of the remaining provisions, sentences, clauses, sections, or other parts of this Ordinance. It is hereby declared to be 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 had not been included herein.

6. This Ordinance shall become effective in seven (7) days.

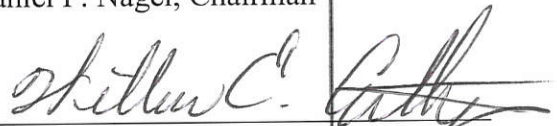
BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF DELAWARE TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, THIS 2nd DAY OF DECEMBER, 2020.

ATTEST:

**DELAWARE TOWNSHIP
BOARD OF SUPERVISORS:**


Janice M. Boyd, Secretary/Treasurer

By: 
Daniel P. Nagel, Chairman


William E. Anthony, Vice-Chairman


George D. Cadman, Supervisor