

**ORWIGSBURG BOROUGH
SCHUYLKILL COUNTY, PENNSYLVANIA
ORDINANCE NO. 444**

**AN ORDINANCE OF THE BOROUGH OF ORWIGSBURG,
ESTABLISHING AND IMPLEMENTING A PROGRAM TO
CHARGE USER FEES; PROVIDING FOR THE MEANS AND
METHOD TO RECOVER COSTS INCURRED FOR THE
DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY
FIRE COMPANY STATION 56 OF ORWIGSBURG; AND
PROVIDING FOR REPEALER, VALIDITY AND THE EFFECTIVE
DATE OF THE ORDINANCE.**

WHEREAS, the Emergency Services response activity to incidents on the highways continues to increase each year; environmental protection requirements involving equipment and training, and homeland security regulations involving equipment and training, creating additional demands on all operational aspects of fire and rescue services; and

WHEREAS, the fire and rescue services have investigated different methods to maintain a high level of quality and emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the fire and rescue services decreases the costs of incidents to insurance carriers through timely and effective management of emergency situations, saving lives and reducing property damage; and

WHEREAS, raising real property taxes to meet the increase in service demands would not be fair to property owners, when a majority of the motor vehicle accidents (MVA) involve individuals not owning property or paying taxes in the jurisdiction; and the ability of fire and rescue services to effectively respond decreases the liability of insurance companies by saving lives and minimizing vehicle damage; and

WHEREAS, the Borough and Fire Company Station 56 of Orwigsburg desire to implement a fair and equitable procedure by which to collect said MVA fees and shall establish a billing system in accordance with applicable laws, regulations and guidelines.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. The Borough of Orwigsburg and Fire Company Station 56 shall initiate user fees, by resolution as may be required from time to time, for the delivery of fire and rescue services, personnel, supplies and equipment to the scene of motor vehicle accidents and other incidents on the highways. The rate of user fees shall be that which is usual, customary and reasonable, which may include any services, personnel, supplies and equipment and with baselines established by addendum to this document.

SECTION 2. The user fee shall be filed with the motor vehicle insurance carrier, representing an added-on cost of the claim for damages of the vehicles, property and/or

injuries. In the event services are required relating to utilities causing safety problems to highway areas, and if the area is deemed unsafe by emergency responders, the same billing process shall apply to said utility, whose equipment related problems cause an emergency services response. The claim's costs shall be filed with the insurance carrier of the owner of a vehicle, property or other responsible party.

SECTION 3. The Borough of Orwigsburg's Fire Company Station 56 may make rules or regulations and from time to time may amend, revoke or add rules and regulations, not inconsistent with this Ordinance, as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.

SECTION 4. All amounts collected as a result of this Ordinance shall be placed into a fund as established by Fire Company Station 56 to be used exclusively for personnel, supplies and equipment of fire and rescue services.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

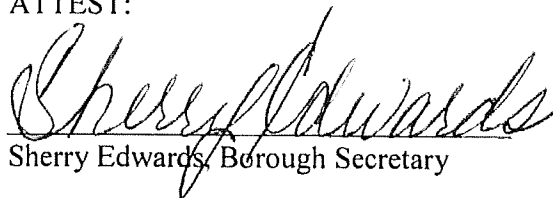
SECTION 6. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

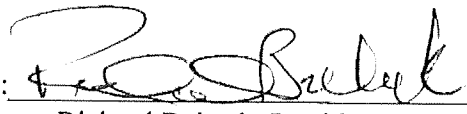
SECTION 8. This Ordinance shall become effective upon enactment.

ENACTED and ORDAINED into an ordinance this 14th day of October, 2020, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

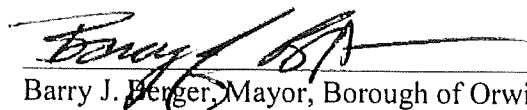
BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

ATTEST:


Sherry Edwards, Borough Secretary

By: 
Richard Bubeck, President of Council

EXAMINED and APPROVED this 14th day of October, 2020.


Barry J. Berger, Mayor, Borough of Orwigsburg