

**BOROUGH OF TRAPPE**

**MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 456**

**AN ORDINANCE AMENDING PART I: ADMINISTRATIVE  
LEGISLATION OF THE TRAPPE BOROUGH CODE BY  
ADDING THERETO CHAPTER 36 EMERGENCY COST  
REIMBURSEMENT**

Be it **ORDAINED** and **ENACTED** by the Borough Council, Borough of Trappe, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

**SECTION 1.** The Code of the Borough of Trappe, Part I: Administrative Legislation is hereby amended by adding Chapter 36; Emergency Cost Reimbursement as follows:

**Chapter 36 – Emergency Cost Reimbursement**

**§36-1 Short Title**

This Chapter shall be known as the “Trappe Borough Emergency Service Cost Reimbursement Ordinance”.

**§36-2 Authority, Findings, and Purpose**

A. Authority. Under section 1202 of the Borough code, 8 Pa C.S.A. 1202 and the Hazardous Material Emergency Planning and Response Act, 35 P.S. § 6022 et seq., the Borough has the authority to make rules and regulations for the government of fire services and emergency services located within the Borough.

- B. Findings. The Borough recognizes that the duties of volunteer fire companies and ambulance services require specialized emergency rescue tools and equipment, and hazardous abatement materials during emergency responses. The Borough recognizes that such tools and equipment place a financial burden on volunteer fire companies, and ambulance services and the replacement of such material and specialized training add to the additional financial burden for volunteer fire companies and ambulance services.
- C. Purpose. The purpose of this article is to grant any Fire Company (“Fire Departments”) and Emergency Medical Ambulance Service (“EMS”) operating in Trappe Borough the authority to seek reimbursement for the reasonable cost of responding to such incidents, either directly or in coordination with the Borough’s Office of Emergency Management, as provided below.

**§ 36-3 Recovery of Costs**

- A. The Borough authorizes the Fire Departments, EMS and the Borough of Trappe to recover the reasonable cost of emergency rescue tools, equipment, and materials; hazardous material abatement tools, equipment, and materials; and incurred third-party expenses involving any hazardous material, environmental, fire safety, and/or rescue incident or operation, including vehicular accidents.
- B. The reasonable costs outlined above may be recovered directly by the Fire Departments, EMS and Borough of Trappe or through a third-party billing service as an authorized agent for the collection of such costs.
- C. The Fire Departments, EMS, Borough of Trappe, or third-party billing service shall only have the authority to recover the aforementioned costs from the applicable

insurance company/carrier, or in the case of a self-insured corporate/partnership entity, from the corporation or partnership.

- D. The reimbursement rates for the aforementioned tools, equipment, and the materials shall be set by the Fire Departments, EMS and Borough of Trappe from time to time. These rates shall be approved by Trappe Borough Council and shall be kept on file in the Borough Building.
- E. In addition to the aforementioned reasonable costs, the Fire Departments, EMS, Borough of Trappe 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 fees as may be authorized by the Hazardous Material and Emergency Planning and Response Act or authorized by any other statute or law.

#### **§36-4 Responsibility of Borough**

Except for the costs incurred by the Borough of Trappe, the Borough shall not take any steps to assist the Fire Departments, EMS, or any third-party billing service in recovery of costs under the chapter.

#### **§ 36-5 Revocation of grant of authority**

Any attempt by a Fire Department, EMS or third-party billing service to recover costs from any individual/entity other than the appropriate insurance company/carrier or self-insured entity shall result in the immediate revocation of the authority to recover such costs granted under this article.

### **SECTION 2. Severability**

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any Court of

competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**SECTION 3. Repealer**

All other ordinances or parts of ordinances and any resolutions or parts thereof in conflict with this Ordinance are hereby repealed.

**SECTION 4. Effective Date**

This Ordinance shall take effect and be in force from and after its approval as required by the law.

**ORDAINED AND ENACTED** by the Borough Council of the Borough of Trappe, Montgomery County, Pennsylvania, this 4th day of August, 2020.

Attest:

**TRAPPE BOROUGH COUNCIL:**

\_\_\_\_\_  
Tamara Twardowski, Municipal Secretary

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Catherine A. Johnson, President

**APPROVED** this 4<sup>th</sup> day of August, 2020.

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Mayor Matthew Wismer