

**DILLSBURG BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025 - 2

**AN ORDINANCE OF THE BOROUGH OF DILLSBURG, YORK
COUNTY, PENNSYLVANIA, ESTABLISHING “PART 2:
EMERGENCY SERVICES COST RECOVERY,” UNDER CHAPTER 7:
FIRE PREVENTION AND FIRE PROTECTION TO PROVIDE FOR A
SYSTEM OF COST RECOVERY FOR EMERGENCY SERVICES TO
HELP DEFRAY COSTS FROM THE VOLUNTEER FIRE COMPANY
SERVING THE BOROUGH**

WHEREAS, the Borough Code, 8 Pa.C.S. § 101, *et seq.*, governs the Borough of Dillsburg (“Borough”); and

WHEREAS, Sections 1202 and 1203 of the Borough Code, in conjunction with the Hazardous Material Emergency Planning and Response Act, 35 P.S. § 6022.101, *et seq.*, empower the Borough to make rules and regulations deemed necessary to protect the health, safety, morals and general welfare of the Borough; and

WHEREAS, these sections additionally empower the borough to ensure that fire and emergency medical services are provided within the Borough by the means and to the extent determined by the Borough; and

WHEREAS, the Borough previously entered into a relationship with an area volunteer fire company, Northern York County Fire Rescue (“NYCFR”), to provide fire rescue services to the Borough; and

WHEREAS, the Borough recognizes that the duties of volunteer fire companies, like NYCFR, require specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment, and hazardous abatement materials during emergency responses; and

WHEREAS, the Borough recognizes that such tools and equipment, including their replacement, places a financial burden on volunteer fire companies like NYCFR; and

WHEREAS, Borough Council believes it to be in the best interests of health, safety, morals and general welfare to empower the volunteer fire company serving the Borough to seek recovery of emergency services costs incurred from responding to such incidents as provided herein.

BE IT HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Dillsburg, York County, Pennsylvania, as follows:

SECTION 1. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Enactment. Borough Council for Dillsburg Borough hereby enacts the following:

PART 2: EMERGENCY SERVICES COST RECOVERY

§ 7-201. Recovery of Costs.

- A. The Borough authorizes the volunteer fire company in service to it to recover the reasonable cost 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.
- B. The reasonable costs outlined in Subsection A may be recovered directly by the volunteer fire company or through a third-party billing service as an authorized agent for the collection of such costs. If a third-party billing service is engaged, a copy of that agreement, including any utilized recovery fee schedule, shall be provided to the Borough upon request.
- C. The volunteer fire company, or third-party billing service, may at its discretion bill an individual for costs if the insurance company denies a claim, the individual requests a direct bill, or the individual does not possess insurance. In the event of non-payment or payment sent directly to the insurance policy owner designee, or individual, the volunteer fire company, or third-party billing services, shall be permitted to take necessary action to collect the payment due to the volunteer fire company.
- D. The cost recovery rates for the aforementioned tools, equipment, and materials shall be set by the volunteer fire company, and updated from time to time, and shall be only applied to the recovery of costs arising out of incidents that occur subsequent to the setting of the rates. A copy of the cost recovery rates in effect shall be provided to the Borough, including the schedule of third-party cost recovery rates should the volunteer fire company elect to use them.
- E. In addition to the aforementioned reasonable costs, the volunteer 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 any and all additional fees as may be authorized by the Hazardous Material and Emergency Planning and Response Act or authorized by any other applicable statute or law.
- F. Nothing in this Part shall authorize the volunteer fire company to refuse or delay any rescue service to any person, firm, organization or corporation, due to the lack of insurance coverage or ability to pay for said rescue services.

§ 7-202. Responsibility of the Borough.

- A. The Borough shall not be responsible for any aspect of the recovery of costs under this part. The Borough shall not be required to take any steps to assist the volunteer fire company or any third-party billing service in recovery of costs under this part.

B. The Borough shall not be responsible for reimbursing the volunteer fire company for any services rendered to the Borough or Borough personnel or vehicles while on duty.

SECTION 3. Repealer. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall be effective immediately following its legal enactment.

DULY ENACTED AND ORDAINED this ___ day of _____, 2025 by the Borough Council of the Borough of Dillsburg, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF DILLSBURG

Secretary

By:

Matt Fawber, President

(SEAL)

APPROVED this ___ day of _____, 2025

By:

John Richardson, Mayor

(SEAL)