

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 87 - 2020

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NOVEMBER 4, 2020

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AN ORDINANCE

Amending Part 15, Fire Prevention Code, by adding Article 1504, Recovery of Fire and Rescue Service Costs and Article Nine, Section 398 Fire Fees, by adding section 398.03 Recovery of Fire and Rescue Services Costs and repealing all ordinances inconsistent herewith.

WHEREAS, the City Council of the City of Allentown (the "City") recognizes that the duties of the City Fire Department require the use of specialized rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment and fire suppression tools and equipment during emergency responses; and

WHEREAS, the City further recognizes the costs of maintenance and replacement of this equipment added to the replacement costs of damaged or expended materials places an increased financial burden on the City; and

WHEREAS, the City Council hereby grants the authority to the City Fire Department through its officers to seek recovery of all reasonable costs of responding to such emergency incidents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Part Fifteen (Fire Prevention Code) of the Codified Ordinances be amended to add the following Section 1504 to read as follows:

**ARTICLE 1504**

**RECOVERY OF FIRE DEPARTMENT RESPONSE COSTS**

**1504.01 Recovery of Reasonable Costs**

The City Fire Department is authorized to recover reasonable costs for the use of emergency tools, equipment and materials; hazardous material abatement tools and equipment, hazardous abatement materials; fire suppression tools and equipment; involving any hazardous material, environmental, fire safety and rescue incident or operation, including vehicular accidents and fires.

### **1504.02 Cost Recovery**

- (A) The insurance company of any person or entity shall be liable for the reimbursement of reasonable costs incurred by the City as outline in this Ordinance and the Fee Schedule.
- (B) The City Fire Department is authorized to request insurance information and to take all necessary steps to apply for and to receive reimbursement from any insurance carriers where a property owner or occupant thereof may be insured to reimburse the City for costs for fire and rescue services, supplies and equipment used for or provided to the benefit of the property owner or occupant or one who is involved in any other kind of accident or incident requiring emergency services by the City, including vehicular accidents and fires.
- (C) The reasonable costs outlined above may be recovered from any identified insurance carrier directly by the City or through a third-party billing service acting as a contracted authorized agent for the collection of such costs. In addition to the reasonable costs as set forth in the Fire Fee Schedule, the City or the third-party billing service shall hereby be authorized to collect, in addition to the reasonable costs, reasonable interest, legal, administrative and any other collection fees associated for collecting the said costs and fees.
- (D) In the event that any insurance carrier should fail to pay any bill or invoice within thirty (30) days of the mailing or delivery of such notice of charges, the City or the third-party billing agency who mailed or delivered the bill or invoice may enforce the provisions of this Article or, if deemed appropriate, may be enforced by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due to the City, together with statutory interest, court costs, collection fees and associated reasonable attorney's fees.

### **1504.03 Requirement to Pay for Reasonable Costs**

- (A) Any insurance carrier shall be liable for the reimbursement of reasonable costs incurred by the City, as outlined in this Article.
- (B) The City shall not be obligated to pursue collection efforts against any insurance company in the event that the City reasonably determines that collection efforts will not be successful or that the costs of collections will exceed the amount due hereunder.

### **1504. 04 Emergency Services Not to be Refused for Inability to Pay**

Nothing in this article shall authorize Fire Department personnel 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.

SECTION TWO: That Part Nine (Fire Fees) of the Codified Ordinances be amended to add the following Section 398.03 to read as follows:

### **398.03 Fire and Rescue Cost Recovery Fees**

The purpose of this section is to establish a Fee Schedule for Fire Department Fire and Rescue Recovery Costs under Section 1504. 02 (Recovery of Fire Department Response Costs- Cost Recovery):

- A. Apparatus

Engine:	\$350.00 Per Hour
Aerial/Ladder:	\$400.00 Per Hour
Rescue:	\$300.00 Per Hour
Squad/Utility/Support:	\$150.00 Per

B                      Equipment/Service

SCBA	\$50.00 Each
Hose (per 50')	\$25.00
Gas/Co Detector	\$50.00 Per Use
Extinguisher (any class)	\$50.00 Per Use
Personnel Hours	\$30.00 Hour Per Member
Hand Tools	\$15.00 Each
Hydraulic Rescue Tools	\$200.00 Each
Scene Lighting	\$75.00 Per Hour
Oil Absorbent Sheets	\$10.00 Each
Portable Pumps	\$30.00 Hour
Power Tools	\$50.00 Each
Road Closing/Traffic Control	\$100.00 Per Hour
Salvage Covers	\$35.00 Each
Debris Cleanup/Removal	\$250.00
Flares	\$8.00 Each
Ventilation Fans	\$50.00 Each
IR Camera	\$100.00 Each
Foam	\$60.00 Per Gallon Cribbing:
- Passenger	\$100.00 Each
- Class B	\$200.00 Each
- Trucks - Class A	\$500.00 Each
Stabilization Struts	\$50.00 Per Use
Latex Gloves	\$2.00 Per Pair
Ladders	\$35.00 Per Use
Medical Extrication (w/ Hydraulics)	\$1,500.00 Per Patient
Generator	\$50.00 Per Hour
Hand lights	\$5.00 Per Use
Fire Line Tape	\$.25 per foot

SECTION THREE: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the City of Allentown that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION FOUR: All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

SECTION FIVE: That this Ordinance will take effect ten (10) days after final passage.