

ORDINANCE NO. XXX of 2026
Borough of New Florence
Westmoreland County, Pennsylvania

AN ORDINANCE OF THE BOROUGH OF NEW FLORENCE, WESTMORELAND COUNTY, PENNSYLVANIA, ESTABLISHING AND IMPLEMENTING A PROGRAM TO RECOVER COSTS ASSOCIATED WITH THE DEPLOYMENT OF EMERGENCY RESPONDERS WITHIN THE BOROUGH OF NEW FLORENCE.

WHEREAS, the Borough of New Florence (“Borough”) is served by various emergency responders, including volunteer fire departments, which provide fire and emergency response services throughout the Borough; and

WHEREAS, the Council of the Borough of New Florence desires to authorize its emergency police and fire responders to assess and charge user fees for emergency services rendered to the extent such fees are covered by applicable insurance; and

WHEREAS, the Council of the Borough of New Florence desires to implement a fair and equitable procedure to collect fees for those services provided by VFD’s from insurance companies and responsible parties and establish and approve a billing system in accordance with State and Federal laws, regulations and guidelines.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of New Florence, Westmoreland County, Pennsylvania, as follows:

SECTION ONE: VOLUNTEER FIRE DEPARTMENTS RECOVERY ORDINANCE

1. **Purpose:** The purpose of this ordinance is to authorize the recovery of reasonable and necessary costs incurred by emergency personnel in providing emergency response services in response to Incidents involving insurable risk. The Council of the Borough of New Florence finds that Emergency Response Costs exceed available public funding and that cost recovery is necessary to ensure the continued delivery of essential Emergency Services without shifting the financial burden to taxpayers.
2. **Definitions:** For the purposes of this ordinance the following terms have the meanings set forth below:

EMERGENCY RESPONDER – any municipal, volunteer, paid, combination, or contracted fire department, police department, emergency medical services, emergency medical technician, ambulance, and/or other emergency personnel and its/their authorized personnel.

EMERGENCY RESPONSE COSTS – all reasonable and necessary costs incurred including, but not limited to personnel, apparatus, equipment, consumables, and administrative expenses.

EMERGENCY SERVICES – any fire suppression, rescue, emergency medical assistance, hazardous materials mitigation, environmental protection, traffic control, scene stabilization, standby operations, or related services provided by any Emergency Responder in response to an Incident.

INCIDENT – any occurrence requiring Emergency Services involving risk to persons, property, or the environment.

INSURANCE CARRIER – any insurer providing applicable coverage.

RESPONSIBLE PARTY – any individual or entity whose actions or property resulted in the need for services.

SERVICE FEES – charges imposed for services rendered and are not taxes, fines, or penalties.

3. **Authorization to Recover Costs:** Any Emergency Responder is authorized to recover Emergency Response Costs incurred in providing Emergency Services within the Borough of New Florence for any Incident. Cost recovery applies regardless of jurisdiction when services are lawfully provided. All Emergency Services are deemed routine functions; however, routine nature does not preclude cost recovery when insurable risk exists.
4. **Fee Schedule and Reasonableness:** Emergency Response Costs shall be billed according to PA Fire Recovery Service Complete Billing Schedule, which may be updated at any time, or any other usual, customary, and reasonable rate for such Emergency Services Fees shall be presumed to be reasonable unless proven by clear and convincing evidence.
5. **Liability for Payment:** Insurance Carriers shall be primarily liable to the extent coverage applies. Commercial responsible parties may be billed for uncovered amounts. Liability arises from the occurrence of the Incident and provision of services regardless of fault or citation. At no time a private individual shall be liable for uncovered amounts.
6. **Insurance Coverage and Jurisdiction:** Insurance coverage shall not be denied solely due to jurisdictional boundaries or municipal function. Emergency Response Costs are reimbursable Service Fees intended to align with standard insurance policy provisions unless prohibited by law.
7. **Mutual Aid and Automatic Aid Responses:** Emergency Services performed under mutual or automatic aid agreements are fully billable regardless of geographic location.

8. **Billing, Assignment, and Collection Authority:** The VFD's or its authorized agent may issue invoices, submit insurance claims, communicate with insurers, assign claims, accept payments, recover administrative costs, and asses interest as permitted by law.
9. **Non-Resident Responsibility:** Non-residents receiving Emergency Services are subject to the same reimbursement obligations as residents.
10. **Disputes and Appeals:** Billed parties may submit a written dispute within thirty (30) days. Submission of a dispute does not automatically stay collection activity unless approved in writing.
11. **Failure to Pay:** Unpaid invoices may be referred to collections or pursued through civil action. Attorney fees and costs may be recovered as permitted by law.
12. **Severability:** If any provision is declared invalid, the remaining provisions shall remain in effect.
13. **Repealer:** All ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.
14. **Effective Date:** This Ordinance shall take effect immediately upon adoption.

ENACTED, ORDAINED, AND APPROVED this XX day of April, 2026.

Borough Council of the Borough of New Florence,
Westmoreland County, Pennsylvania

By: _____
Jason L. Beatty, Council President

ATTEST:

Cheryl A. Priest, Borough Secretary

Mark Dellett, Mayor