

CITY OF PARKER
ARMSTRONG COUNTY, PENNSYLVANIA
ORDINANCE NO. 2011 - 1

AN ORDINANCE AUTHORIZING THE CITY OF PARKER TO
SEEK REIMBURSEMENT FOR COSTS INCURRED IN RESPONDING
TO FIRES, FLOODS, ACCIDENTS, HAZARD MATERIALS INCIDENTS
AND/OR OTHER INCIDENTS BY THE EMERGENCY
SERVICES RESPONDERS SERVING THE CITY

WHEREAS, the City of Parker, (hereinafter "City") has funded the City of Parker Police Department (hereinafter "Police Department") for service within the City and has currently recognized the Parker City Volunteer Fire Department, (hereinafter "Fire Department") and the Emlenton Area Ambulance Service (hereinafter "Ambulance Service") as the additional designated emergency rescue units within the City, (hereinafter collectively the "Emergency Responders"), although, all named organizations are subject to change from time to time by resolution of the City; and

WHEREAS, said Emergency Responders attend to fires, floods, accidents, hazardous material spills, and other casualties, as well as to other emergency incidents all to the general benefit of the City and its residents; and

WHEREAS, as a result of said responses, the City and the Emergency Responders incur costs, which if not reimbursed often must be born by the taxpayers of the City; and

WHEREAS, the City desires to establish specific authority for the collection and reimbursement for those reasonable costs incurred responding to the above and other incidents.

NOW, THEREFORE, in consideration of the foregoing, the City of Parker does hereby ordain and enact the following:

Section 1. Reimbursement of costs and expenses.

- A. City of Parker has acknowledged the City of Parker Volunteer Fire Department, the Emlenton Area Volunteer Ambulance and the City of Parker Police Department as the official emergency response forces within the boundaries of the City of Parker.
- B. In the course of performing services as the official emergency response providers for the City, all three agencies have and will incur certain costs for materials, equipment and supplies.
- C. To the extent permitted by law, all costs incurred by the designated City of Parker Emergency Responders in response to emergency incidents, including, but not limited to, costs for firefighting materials, residential and commercial equipment, commercial flooding services, hazardous abatement materials, safety and rescue equipment and operations, etc., shall be recoverable by the City.
- D. To facilitate reimbursement, the City may utilize any customary or accepted business procedure, including, but not limited to, sending an invoice to any person, persons, corporation, or other legal entity, party or organization, which has received or benefitted from the response services of the Emergency Responders. If permitted by law, the City and/or the Emergency Responders which provide the emergency services within the City may send such invoices directly to the affected party's insurance carrier.
- E. In the event that any claim for reimbursement is denied by any party or insurance carrier, the City shall have the authority to authorize such legal action as may be necessary to enforce the claim and this Ordinance, or, in its discretion, to withdraw or discontinue any claim for reimbursement.
- F. In addition to the aforementioned costs, the City is hereby authorized to collect any other additional fee or charge as may be sanctioned by the Hazardous Material and Emergency Planning and Response Act, or as may be permitted by any other statute, case law or common law.

Section 2. All other provisions of any previous ordinances which grant authority to the City, or any of its agencies, to collect monies for reasonable costs, which are not specifically changed or inconsistent with this Ordinance, are deemed to be continuing and shall remain in full force and effect.

Section 3. If, for any reason, any portion of the within ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 4. The City Council of the City of Parker is hereby authorized to adopt by resolution any regulations, standards, designations or procedures for the current or future implementation of this ordinance.

ENACTED AND ORDAINED this 17 day of January, 2011,
in lawful session duly assembled.

CITY OF PARKER,
ARMSTRONG COUNTY, PENNSYLVANIA:

By: William R. McCall Jr
Mayor

ATTEST:

Erica Strauss (SEAL)
Secretary