

BLAKELY BOROUGH

Emergency Services Ordinance

ORDINANCE NO. 5 of 2022

AN ORDINANCE OF BLAKELY BOROUGH AUTHORIZING COLLECTION OF FEES AND DISBURSEMENT OF FUNDS FOR MATERIALS AND EQUIPMENT USED AND SERVICES RENDERED WILSON HOSE CO. NO. 1, BLAKELY HOSE CO. NO. 2, AND BLAKELY BOROUGH COMMUNITY AMBULANCE AND ANY OTHER EMERGENCY SERVICES PROVIDER FOR FIRE SUPPRESSION, FIRE PROTECTION, FIRE PREVENTION, HAZARDOUS MATERIALS RESPONSE, DISASTER MITIGATION, EMERGENCY MEDICAL SERVICES OR ANY OTHER EMERGENCY RESPONSE, AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, Blakely Borough, by agreement now, and as may in the future be amended, has agreed with Wilson Hose Co. No. 1, Blakely Hose Co. No. 2 and Blakely Community Ambulance (“the Department”) for the Departments to provide fire suppression, fire protection, fire prevention, hazardous materials response, disaster mitigation, emergency medical services and any other emergency response in Blakely Borough;

WHEREAS, the Departments are independent, non-profit Pennsylvania corporations;

WHEREAS, the Departments, by it or through entitles established by or contracted by it, provides emergency services to persons residing, working and traveling in Blakely Borough;

WHEREAS, Lackawanna County has established a 911 system to facilitate the prompt reporting of incidents requiring police, fire, hazardous materials response, disaster mitigation, emergency medical services or other emergency responses;

WHEREAS, calls placed with Lackawanna County's 911 system cause the Department or other emergency service responders designated to serve Blakely Borough to be dispatched to provide the necessary service;

WHEREAS, under mutual aid agreements, the Departments may also be dispatched to emergencies outside of Blakely Borough;

WHEREAS, considerable sums are expended by providers of emergency services for

equipment, materials and staff;

WHEREAS, municipal services for general governmental operations, including prevention of crime and protection of the public safety generally, are provided as a function of Borough government, and are not intended to be affected by this Ordinance;

WHEREAS, providers of emergency services are authorized under the general laws of the Commonwealth and under Agreements with Blakely Borough to recover the usual; reasonable and customary fees; and charges for their services;

WHEREAS, Blakely Borough has determined that it is necessary and in the best interests of the Borough and its residents and those providing emergency services to establish regulations and specific authorization relating to payment of fees for services provided.

NOW THEREFORE IT IS HEREBY ORDAINED AND ENACTED by Blakely Borough, Lackawanna County, Pennsylvania as follows:

1.01 Definitions.

1.01.1 "Emergency Medical Service Provider," or "Emergency Service Provider" shall mean the Departments or designee of the Departments, including the public works department of the Borough, providing emergency services, of any type, pursuant to a dispatch under the 911 system. These terms include any other emergency service provider providing emergency services under a mutual aid agreement or request by the Departments, Borough, or its designee.

1.01.2 "Person" shall mean any natural person(s) partnership, corporation, limited liability partnership or corporation, association, firm, insurance carrier, servicing agent or other legal entity.

1.02 Authorization to Recover Costs and Expenses.

1.02.1 The Departments and any other emergency service providers are hereby authorized, pursuant to general laws, agreements between the Borough of Blakely and the Departments and this Ordinance to recover the usual, reasonable and customary costs of materials used and expended, use of equipment, hazardous situation abatement materials and personnel services used in or devoted to any fire, safety,

rescue and/or hazardous waste abatement incident and/or other emergency response incidents, these including but not limited to vehicular accidents and fires.

1.02.2 Blakely Borough deems the continued operation of the Departments to be in the best interest of its residents.

102.3 To permit for the continued operation of the Department, Blakely Borough deems it necessary to impose and collect an established schedules of fees and costs for their respective services, which may be amended from time to time.

1.02.4 Blakely Borough believes the fairest and most equitable way to impose and collect fees necessary for the continued safe operation of the Departments is to designate those individuals responsible for payment of fees by accounts held with Blakely Borough Electric. In all instances, the actual owners of property situated within Blakely Borough shall be ultimately responsible for the payment of costs, fees and expenses imposed under this ordinance.

1.03 Collection of Costs, Expenses and Fees.

1.03.1 Costs, expenses and fees authorized in this Ordinance shall be charged, collected, and recovered directly by the Blakely Borough for disbursement to the Departments. Costs, expenses, and fees shall be collected according to the schedule set forth below through a charge added to the electric bill of each responsible person/entity. The person/entity invoiced for such cost's expenses and fees, and/or that person's servicing agent or other representative, shall remit payment of invoiced costs, expenses, and fees directly to the Borough of Blakely.

1.03.2 The established schedule of fees, costs, and expenses to be collected on a monthly basis is as follows:

- (a) For residential properties – \$8 per month
- (b) For commercial properties – \$10 per month
- (c) For institutional properties – \$25 per month

- 1.03.3 For purposes of this ordinance, institutional properties shall be identified as any hospital, urgent care facility, nursing home or large public housing type facilities existing within Blakely Borough as designated by Borough officials.
- 1.03.4 In addition to such costs, expenses and fees, Blakely Borough is authorized to impose interest or finance charges upon invoiced amounts not paid within thirty (30) days after the invoice date, at such rates as are authorized by the laws of Pennsylvania.
- 1.03.5 In addition to such costs, expenses and fees, in the event that Blakely Borough is compelled to initiate private collection or legal proceedings to collect sums due, such provider, in addition to all costs, expenses, fees and interest or service charges due, shall be entitled to recover in such proceeding all attorney's fees, collection agency fees, filing fees and litigation expenses reasonably incurred in the proceeding to the extent permitted by law.

1.04 Disbursement of Funds

- 1.04.1 Blakely Borough intends to fairly disburse any and all funds collected as a result of this ordinance to each member that comprise the Departments as set forth above.
- 1.04.2 Blakely Borough recognizes that the yearly needs of each Department may not be precisely the same.
- 1.04.3 So as to allow for the fair disbursement of funds collected through this ordinance, a committee will be established. This committee shall consist of designated members of Blakely Borough Council and Borough Manager as well as at least one designated member of Wilson Fire Co. No. 1, Blakely Hose Co. No. 2, and Blakely Borough Community Ambulance.
- 1.04.4 The committee established pursuant to this ordinance shall meet as necessary to discuss the fair disbursement of funds collected. At a minimum, the committee shall meet and disburse funds once per year.

1.04.5 It is not the intent of this ordinance that all funds collected be completely disbursed in each calendar year. Collected funds may be held as determined by the committee to cover future required capital expenditures necessary for the continued operation of the Departments.

1.05 False Alarms

1.05.1 Misuse, false activation or accidental activation of fire alarms cause the Departments to expend valuable time and resources.

1.05.2 In an effort to minimize or eliminate misuse, false activation, or accidental activation of fire alarms as well to attempt to recoup some of the costs associated with responding to such alarms, Blakely Borough deems it to be in the best interests of its citizens to impose sanctions against the persons or entities responsible for such.

1.05.3 Misuse, false activation or accidental activation of fire alarms to which causes a response by the Blakely Borough Police, or any member of the Departments shall allow for enforcement against the responsible party/parties as follows:

(a) The first reported false alarm shall result in a written warning notice being issued to the person(s) in charge of the property where the reported false alarm originated directing proper repairs to the alarm system be made within five (5) days.

(b) All false alarms originating from a location where a written warning has been issued, and after the five (5) day period allowing for repairs has expired, and up to ninety (90) days from the date of a written warning, shall result in a citation being issued by the Blakely Borough Police Department to the person(s) in charge of the property where the reported false alarm originated, and, upon conviction, shall be sentenced to pay a fine of no less than \$25 nor more than \$300, plus costs.

1.06 Severability.

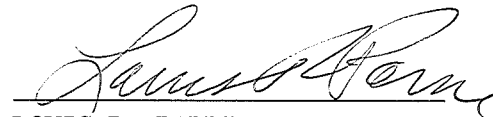
1.06.1 If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person, property or

circumstances is, for any reason, held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of this Ordinance or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions, which shall be and remain in full force and effect. It is hereby declared the legislative intent that this Ordinance would have been adopted had such valid or unconstitutional provision of its application not been included herein.

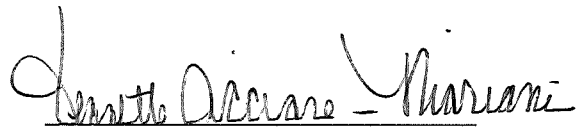
1.07 Effective Date

1.07.1 This ordinance shall become effective on January 1, 2023, at 12:01 AM.

APPROVAL PAGE
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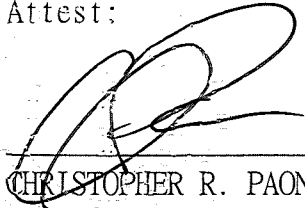


LOUIS R. PARRI
Council President



JEANETTE ACCIARE-MARIANI
Mayor

Attest:



CHRISTOPHER R. PAONE
Secretary