

*Repealing*

FILE OF COUNCIL

NO. 3 of 2016

Presented in City Council on March 10, 2016

AN ORDINANCE

OF THE CITY OF WILKES-BARRE, PENNSYLVANIA AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF WILKES-BARRE ENTITLED "FIRE PREVENTION AND PROTECTION" BY REPEALING ARTICLE IV, ENTITLED "EMERGENCY RESCUE SERVICES" AND REPLACING IT WITH A NEW ARTICLE IV, ENTITLED "FIRE AND RESCUE SERVICES".

CHAPTER 10 FIRE PROVENTION AND PROTECTION

ARTICLE IV. FIRE AND RESCUE SERVICES

**Sec. 10-51. Findings and Intent.**

- A. Findings: The City of Wilkes-Barre recognizes that the duties of the Wilkes-Barre Fire Department require the use of specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment, and hazardous abatement materials and fire suppression tool and equipment during their emergency responses. The City of Wilkes-Barre also recognizes that the costs of the maintenance and replacement of this equipment added to the replacement costs of damaged or expended materials places an increasing financial burden on the City of Wilkes-Barre.
- B. City Council Intent: It is intended to grant the City of Wilkes-Barre the authority to seek recovery of all reasonable costs of responding to such emergency incidents, as allowed by applicable law.

**Sec. 10-52. Recovery of Costs.**

- A. This City of Wilkes-Barre Fire Department is hereby authorized to recover reasonable costs for the use of emergency rescue tools, equipment and materials; hazardous material abatement tool and equipment, hazardous abatement materials, fire suppression tool and equipment; and personnel hours involving any hazardous material, environmental, fire safety, and/or rescue incident or operation including vehicular accidents and fires.

- B. A rate schedule of reasonable costs (Sec. 10-54), for the aforementioned tools, equipment, materials and hourly rates for personnel, shall be set forth by the Wilkes-Barre Fire Department and reviewed/updated from time to time, and shall only be applied to the recovery of costs arising out of incidents that occurred subsequent to the setting of the rate schedule. A copy of the rate schedule shall be on file for review at the business offices of Wilkes-Barre City.
- C. The reasonable costs outlined above may be recovered from any identified insurance carrier or person or persons, directly by the City or by an attorney, 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 above-mentioned rate schedule, the City, attorney, 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 or person or persons should fail to pay any bill or invoice within thirty (30) days of the mailing or delivery of such notice of charges, the City, attorney or the third-party billing agency who mailed or delivered the bill or invoice may enforce the provisions of this Article by turning over to a third-party collection agency 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.

**Sec. 10-53. Requirements to pay for reasonable costs.**

- A. Any insurance carrier or person shall be liable for the reimbursement of reasonable costs incurred by the City, as outlined in this Article, unless that person has paid to the City of Wilkes-Barre a tax which funds, at least in part, the services which the City of Wilkes-Barre Fire Department provides. Individuals who intentionally set fires and motor vehicle accidents in which the fault drivers are found to be driving under the influence will not be omitted by the above.
- B. The City shall not be obligated to pursue collection efforts against any insurance company or person 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.

**Sec. 10-54. Rate Schedule.**

**A. Apparatus**

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

**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

**Sec. 10-55 Emergency services not to be refused for lack of insurance or ability to pay.**

Nothing in this article shall authorize any city bureau or department or city staff member or bureau or 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.

SEVERABILITY.

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 Wilkes-Barre that this ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

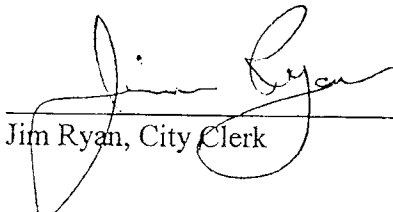
REPEALER.

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.

Passed finally by the Council of the City of Wilkes-Barre on March 24  
\_\_\_\_\_, 2016.

This ordinance shall become effective ten (10) days after final adoption by Wilkes-Barre City Council.

Attest:

  
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Jim Ryan, City Clerk