

ORDINANCE

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 115 OF THE CITY OF COATESVILLE'S CODE ENTITLED "FIRE PROTECTION AND PREVENTION" TO ADOPT ARTICLE IV PERMITTING THE RECOVERY OF CERTAIN EXPENSES INCURRED AND IDENTIFYING FALSE ALARMS AND THE ESTABLISHMENT OF FINES FOR FALSE ALARMS BY RESOLUTION OF CITY COUNCIL

WHEREAS, the City of Coatesville is a Third Class City located in Chester County, Pennsylvania governed by a Home Rule Charter (hereinafter the "City"); and

WHEREAS, Section 2101 of the Third Class City Code, Act of June 23, 1931, P.L. 932, No.317, as amended, authorizes the City Council of the City of Coatesville to provide fire protection within the City; and,

WHEREAS, the City has previously identified the existence of the Fire Department of the City of Coatesville regulated by and charged by the City of Coatesville to provide fire protection within the City operating under the jurisdiction of the City; and,

WHEREAS, the City wishes to receive reimbursement for any and all costs and/or expenses incurred by the Fire Department of the City of Coatesville which may be obtainable by the said Fire Department by the submission of claims submitted solely to the individual property owners' insurance carrier; and

WHEREAS, it is the finding of the City Council of the City of Coatesville that the individual property owners may maintain insurance coverage within their casualty insurance policies, homeowners' policies and/or other applicable policies that will provide reimbursement to the City of Coatesville for fire fighting and other services rendered to the individual property owners' properties in response to any emergency services request: .

NOW THEREFORE, in consideration of the foregoing and the authority granted to the City under the Third Class City Code, Article II thereof, the City Charter and other relevant law, the City of Coatesville does hereby amend Chapter 115 of the City Code by adding a new Article IV to the City Code beginning at Section 115-30 as follows:

§ 115-30. Background and findings. Pursuant to Section 2101 of the Third Class City Code, Act of June 23, 1931, P.L. 932, No.317, as amended, the City Council of the City of Coatesville provides fire protection within the City through the Fire Department of the City of Coatesville. The City wishes to receive reimbursement for any and all costs and/or expenses incurred by the Fire Department of the City of Coatesville which may be obtainable by the said Fire Department by the submission of claims submitted solely to the individual property owners' insurance carrier – and recognizing that it is a finding of the City Council of the City of Coatesville that the individual property owners may maintain insurance coverage within their casualty insurance policies, homeowners' policies and/or other applicable policies that will provide reimbursement to the City of Coatesville for fire fighting and other services rendered to the individual property owners' properties in response to any emergency services request: .

§ 115-31. Procedures for seeking reimbursement. The City is hereby authorized and directed, by and through its officers and authorized representatives, to ascertain what insurance

coverages may be applicable and available under any given circumstance, and to take all necessary and affirmative steps to apply for and receive reimbursement from any insurance carriers where a property owner is or may be insured to reimburse the City for any cost, and/or expense incurred for services, supplies and/or equipment used for or provide to the property owner by the Fire Department of the City of Coatesville.

§ 115-32. Limitations against billing property owners. Under no circumstances shall any property owner ever receive a bill from the City for fire protection or other services provide by the Fire Department of the City of Coatesville except in cases of false alarms and fires intentionally set by the property owner.

§ 115-33 False alarms defined . A false alarm is any call to the to the Bureau of Fire or to any other emergency resource requiring a response by personnel as follows:

1. Any such call made in a malicious or mischievous manner or with a malicious or mischievous manner.
2. A call to respond to a system malfunction or trouble alarm
3. A call to respond to an elevator alarm without actual entrapment
4. Unintentional calls such as testing, fire drills or repeated nuisance alarms;
5. Other calls of similar nature not described above

§ 115-34 False alarms to be charged to building owners. The building owner od which a fire alarm is transmitted where a fire alarm company, sprinkler company or other contractor which, or whose employee, sub-contractor or technician, causes a false fire response shall pay to the City of Coatesville Bureau of Fire a false-alarm fee per the City's fee schedule, established by Resolution of City Council.

This shall include false alarms transmitted by the owner or his/her authorized agent or tenant.

§ 115-35. The costs of services, equipment and supplies (as well as fines for false alarms) to be set by Resolution. The costs of services, equipment and supplies for which reimbursement as well as fines for false alarms are to be set by Resolution of City Council. The resolutions for the costs of services, equipment and supplies will be established based upon an analysis of the costs for such services including an administrative charge of 5%.

§ 115-36. Interpretation. This Article IV of Chapter 115 of the City Code shall be liberally construed to accomplish its purpose to compensate and/or reimburse the City of Coatesville from insurance proceeds only for costs and/or expenses incurred while providing service pursuant to the duties imposed upon the City and incurred while providing services for the Fire Department of the City of Coatesville.

If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.

ENACTED AND ORDAINED this 14th day of January, 2013.



David Collins, President
City Council

ATTEST:



Kirby A. Hudson, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the ^{26th} day of ^{November}, 2012, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the ^{14th} day of ^{January}, 2013, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.



Kirby A. Hudson, City Manager