

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD AMENDING SECTION 24-1 OF THE TOWNSHIP CODE TO ALLOW COLLECTION AND REIMBURSEMENT OF COSTS OF RESPONDING TO HIGHWAY EMERGENCY INCIDENTS**

**WHEREAS**, the Township of Deptford (“Township”) recognizes that the Deptford Township Fire Department (“Fire Department”) and the Township’s Department of Emergency Medical Services incur significant costs in responding to highway emergency incidents; and

**WHEREAS**, the Township of Deptford recognizes that the Fire Department requires authorization from the Township in order to seek collection and reimbursement for the costs incurred in responding to highway emergency incidents; and

**WHEREAS**, the Township finds it necessary to amend previously adopted Section 12-1.6(b) of the Township Code to allow the Township and to grant the Fire Department the authority necessary to seek collection and reimbursement for the costs incurred in responding to highway emergency incidents; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester and State of New Jersey, as follows:

**Section 1.** Section 24.1 of the Township Code shall be amended to include the following additions:

§24-1.1 Definitions

Fire Department – The Deptford Township Fire Department

Highway Emergency Incident – Any incident occurring on Routes 42, 55, or 295 for which the Fire Department or the Township responds and provides emergency or rescue assistance, including but not limited to, incidents involving motor vehicle accidents, fires, and/or hazardous material spills, and any incidents in which the Fire Department or the Township provides emergency medical services.

§24-1-2. Assignment of liability

Any person or entity having received emergency services provided by the Fire Department and/or the Township shall be strictly liable for the costs incurred by the Fire Department and/or the Township in providing the emergency services and responding to the highway emergency incident.

§24-1-5. Authorization to Recover Costs and Expenses

The Township authorizes the Fire Department to recover user fees and all other costs incurred by the Fire Department and/or the Township in responding to highway emergency incidents, including but not limited to firefighting and/or emergency medical materials or equipment used and expended and the costs of the use of fire trucks, fire engines, rescue equipment, ambulances, and other vehicles.

#### §24-1-6. Policy for Billing Highway Emergency Incident Costs

The Fire Department and/or the Township may, either directly or through any third-party billing agency with which it has contracted for billing and/or collections for services rendered as described in §24-1, make arrangements with users of such services and/or their financially responsible party for the installment payment of bills.

No person requiring emergency services shall be denied services due to a lack of insurance or inability to pay the costs incurred by the Fire Department or the Township.

#### §24-1-7. Procedure for Billing/Collecting

A. The Fire Department and the Township, either alone or in conjunction with one another, are authorized to enter into a contract with a third-party billing agency for the performance of billing and/or collection services in relation to highway emergency incidents responses undertaken by the Fire Department and/or the Township.

B. The Fire Department and the Township may also bill additionally for material and vehicle costs in the case of highway emergency incidents which result in the destruction of or severe damage to emergency services equipment.

#### C. User Fees

- a. The Fire Department shall initiate user fees for the delivery of emergency services, supplies, and/or equipment to the scene of any highway emergency incident that is responded to by the Fire Department. The Township may submit costs it has incurred in responding to highway emergency incidents to the Fire Department to be included in user fees.
- b. Every person and/or entity that is provided with highway emergency incident-related services shall be billed a user fee in accordance with this section of the Township Code.
- c. The user fee for highway emergency incident-related services rendered shall be billed directly to the user of said services' insurance company. If the insurance company is not known, the user of the services shall be billed directly, with instructions to forward the bill to the user's insurance provider, if applicable.
- d. Any and all amounts collected as user fees shall be used for the replacement and maintenance of the Fire Department and Township's emergency services materials, equipment, and for training related to the provision of emergency services.

#### D. Uncollectable Amounts

- a. In instances where an insurance carrier refuses to honor the invoice, in full or in part, the Fire Department and/or the Township may invoice the person or entity who received highway emergency incident services and take legal action necessary to collect the user fee, including, but not limited to, negotiating a settlement.

- b. The Fire Department and the Township may, in their discretion, write off uncollected fee amounts as bad debt, without prejudice to the person or entity who received highway emergency incident services.
- c. Should the Fire Department or the Township determine that an insurance carrier has remitted the fee to the person or entity who received highway emergency incident services and said person or entity has failed to remit the fee, the Fire Department and/or the Township may pursue all legal means and appropriate action to collect the account.

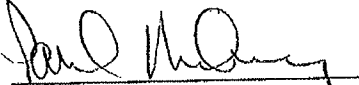
**Section 2. Repealer.** All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

**Section 3. Severability.** If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Deptford declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

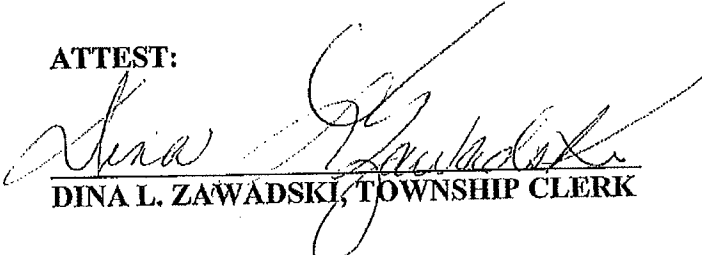
**Section 4. Effective Date.** The ordinance shall take effect immediately upon passage and publication according to law.



**TOWNSHIP OF DEPTFORD**

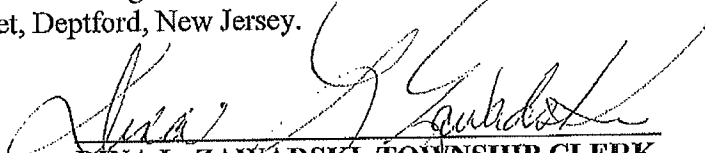
  
**PAUL MEDANY, MAYOR**

**ATTEST:**

  
**DINA L. ZAWADSKI, TOWNSHIP CLERK**

**CERTIFICATION**

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 2<sup>nd</sup> day of May, 2016 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 16<sup>th</sup> day of May, 2016 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

  
 DINA L. ZAWADSKI, TOWNSHIP CLERK

**Introduction**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		<b>O.8.16</b>				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

**Adoption**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		<b>O.8.16</b>				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			