

**EAST MANCHESTER TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF EAST MANCHESTER TOWNSHIP, YORK COUNTY, PENNSYLVANIA, TO ADD CHAPTER 92, ENTITLED “EMERGENCY SERVICES COST RECOVERY AND FIRE FALSE ALARMS,” TO AUTHORIZE FIRE COMPANIES AND EMERGENCY SERVICE PROVIDERS SERVING THE TOWNSHIP TO RECOVER CERTAIN EMERGENCY SERVICE RESPONSE COSTS DIRECTLY OR THROUGH THEIR AUTHORIZED AGENTS; TO ESTABLISH A TOWNSHIP-ADMINISTERED SYSTEM OF FEES FOR REPEATED FIRE FALSE ALARMS AND NUISANCE ALARMS; TO PROVIDE FOR ADMINISTRATION, COLLECTION, ENFORCEMENT AND PENALTIES; AND TO PROVIDE FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE.

WHEREAS, East Manchester Township, York County, Pennsylvania (“Township”) is a township of the second class duly organized and existing under the Second Class Township Code, 53 P.S. § 65101 et seq.; and

WHEREAS, the Board of Supervisors of the Township (“Board”) is authorized by Section 1506 of the Second Class Township Code, 53 P.S. § 66506, to adopt ordinances, bylaws, rules and regulations necessary for the proper management, care and control of the Township and its finances and for the maintenance of peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, the Board is further authorized by Section 1803(b) of the Second Class Township Code, 53 P.S. § 66803(b), to make rules and regulations for the government of fire companies located within the Township; and

WHEREAS, fire companies and emergency service providers serving the Township respond to fires, motor vehicle accidents, hazardous materials incidents, environmental incidents,

rescues, fire police responses, automatic fire alarms, and other emergencies requiring personnel, apparatus, specialized tools, materials, training and equipment; and

WHEREAS, the increasing cost of emergency response equipment, replacement supplies, personnel, training, administrative expenses and billing or collection activities places a financial burden upon volunteer fire companies and other emergency service providers serving the Township; and

WHEREAS, the Board desires to authorize Fire Companies and Emergency Service Providers serving the Township to recover reasonable costs from applicable insurance carriers, responsible parties and other persons as permitted by law, while maintaining the financial, operational, accounting, billing and collection responsibility for such recoveries with the applicable Fire Company or Emergency Service Provider and not with the Township; and

WHEREAS, the Board also desires to create a Township-administered system of fees for repeated fire false alarms and nuisance alarms in order to encourage proper maintenance and use of alarm systems and to defray the cost of unnecessary emergency responses; and

WHEREAS, the Board finds that adoption of this Ordinance will promote the public health, safety and welfare of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of East Manchester Township, York County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

SECTION 1. AMENDMENT TO CODE. The Code of Ordinances of East Manchester Township is hereby amended by adding a new Chapter 92, entitled “Emergency Services Cost Recovery and Fire False Alarms,” to read as follows:

CHAPTER 92

EMERGENCY SERVICES COST RECOVERY AND FIRE FALSE ALARMS

ARTICLE I

GENERAL PROVISIONS; EMERGENCY SERVICES COST RECOVERY

§ 92-1. Short title.

This Chapter shall be known and may be cited as the “East Manchester Township Emergency Services Cost Recovery and Fire False Alarm Ordinance.”

§ 92-2. Authority; findings; purpose.

- A. This Chapter is adopted pursuant to the Second Class Township Code, including, without limitation, 53 P.S. §§ 66506 and 66803(b), and all other applicable laws of the Commonwealth of Pennsylvania.
- B. The Board finds that Fire Companies and Emergency Service Providers serving the Township incur costs for personnel, apparatus, equipment, supplies, specialized rescue tools, hazardous material abatement equipment and materials, fire police services, training, administrative expenses and billing or collection activities when responding to incidents in the Township.
- C. The purpose of Article I of this Chapter is to authorize Fire Companies and Emergency Service Providers serving the Township, directly or through their Authorized Agents, to recover reasonable costs associated with Emergency Service Responses. The purpose of Article II of this Chapter is to establish a Township-administered system of charges for repeated False Alarms and Nuisance Alarms.

§ 92-3. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated, unless the context clearly indicates otherwise:

ALARM — A communication to a Fire Company or other Emergency Service Provider, whether by alarm device, telephone, radio, electronic transmission, central monitoring station or other means, indicating that a fire, hazardous condition, rescue, bomb threat, emergency or other condition warranting immediate emergency response has occurred or is occurring.

ALARM DEVICE — Any device designed to automatically transmit an alarm by wire, telephone, radio, cellular, internet-based, electronic or other means directly or indirectly to a Fire Company, Emergency Service Provider, emergency communications center, central station monitoring company or another person instructed to notify emergency services, or to activate a bell, horn, siren, strobe or other signal intended to alert others to the possible existence of an emergency condition.

AUTHORIZED AGENT — With respect to Emergency Service Response cost recovery under Article I, any attorney, collection agency, third-party billing service, fire recovery service, insurance recovery service or other person or entity retained or authorized solely by a Fire Company or Emergency Service Provider to prepare, issue, process, collect or enforce invoices, bills, claims or charges authorized by Article I. With respect to False Alarm and

Nuisance Alarm charges under Article II, any person or entity authorized by the Township to assist with administration or collection of such Township charges.

BOARD — The Board of Supervisors of East Manchester Township.

EMERGENCY SERVICE PROVIDER — Any fire department, fire company, fire rescue company, emergency medical service organization, fire police organization, hazardous materials response team, rescue company, mutual aid provider or other emergency response organization duly recognized, authorized or requested to provide emergency services in or to the Township.

EMERGENCY SERVICE RESPONSE — The deployment, response, use, standby, operation, investigation, mitigation, suppression, rescue, cleanup, traffic control or other emergency-related service provided by a Fire Company or Emergency Service Provider in connection with an Incident.

FALSE ALARM — The willful, knowing, intentional, reckless or negligent activation of an Alarm Device, or transmission of an Alarm or other notification of an event of fire, hazardous condition, bomb threat, rescue, emergency or other condition to which a Fire Company or Emergency Service Provider responds, where the facts and circumstances do not warrant the requested emergency response. Testing a fire protection, fire alarm or fire extinguishing system without advance notice to the appropriate Fire Company or emergency communications center shall constitute a False Alarm.

FIRE COMPANY — Any volunteer fire company, fire department, fire rescue company, fire police unit or other fire protection agency designated, recognized, dispatched or authorized to provide fire, rescue, fire police or related emergency services within the Township.

INCIDENT — Any fire, motor vehicle accident, hazardous materials incident, environmental incident, rescue, technical rescue, fire police response, utility emergency, transportation incident, alarm response, public safety standby, spill, release, explosion, emergency medical assistance, emergency response, or other occurrence for which a Fire Company or Emergency Service Provider is dispatched, requested, deployed or provides service.

NUISANCE ALARM — The activation of any Alarm Device or alarm system resulting in a response by a Fire Company or Emergency Service Provider caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, user error, system defect or any other condition for which the Fire Company or Emergency Service Provider is unable to determine an apparent emergency cause. Alarm activations caused solely by severe weather, flood, other act of God or verified utility outage shall not be considered Nuisance Alarms.

PERSON — Any individual, corporation, partnership, limited liability company, association, firm, trust, estate, municipal authority, utility company, governmental entity, property owner, tenant, occupant, operator, insurer or other legal or commercial entity.

RESPONSIBLE PARTY — Any Person whose act or omission caused or contributed to an Incident; any Person owning, possessing, operating, occupying or controlling any vehicle, structure, premises, property, utility, equipment, material or substance involved in an Incident; any Person receiving the benefit of an Emergency Service Response; or any

insurance carrier or other Person providing insurance coverage for any such Person, vehicle, structure, premises, property, utility, equipment, material or substance.

SERVICE AREA — The geographic area of the Township or any portion thereof in which a Fire Company or Emergency Service Provider is designated, recognized, dispatched, authorized or requested to provide emergency services, including areas served through mutual aid or automatic aid when applicable.

TOWNSHIP — East Manchester Township, York County, Pennsylvania.

§ 92-4. Authorization to recover emergency service response costs.

- A. The Township hereby authorizes each Fire Company and Emergency Service Provider serving the Township, either directly or through an Authorized Agent retained or authorized by such Fire Company or Emergency Service Provider, to recover reasonable costs associated with an Emergency Service Response to any Incident occurring within the Township or within the applicable Service Area.
- B. Recoverable costs may include, without limitation, the reasonable costs of emergency rescue tools, equipment and materials; hazardous material abatement tools, equipment and materials; fire suppression tools, equipment and materials; firefighting, rescue, technical rescue, fire police, traffic control, environmental response and cleanup services; personnel hours; apparatus, vehicle and equipment usage; expendable supplies; damaged or contaminated equipment; administrative expenses; billing expenses; collection fees; interest; court costs; and reasonable attorneys' fees, to the extent permitted by law.
- C. Recoverable costs may be billed to and recovered from any applicable insurance carrier, Responsible Party or Person legally responsible for the Incident or the costs of response. Claims may be submitted as an added cost of the claim for damages to vehicles, structures, property or injuries, where applicable. The Fire Company, Emergency Service Provider or Authorized Agent shall only have the authority to recover the aforementioned costs from the applicable insurance company/carrier up to the limit of the applicable insurance company/carrier's policy limits.
- D. In the event services are required because a utility, utility facility, utility equipment or similar condition has created or contributed to an unsafe condition, the Fire Company, Emergency Service Provider or its Authorized Agent may bill the applicable utility, its insurance carrier, or other Responsible Party for the costs of the Emergency Service Response, as permitted by law.
- E. Nothing in this Chapter shall authorize any Fire Company, Emergency Service Provider or emergency response personnel to refuse, delay, condition or limit emergency services to any Person because of insurance status, ability to pay, payment history or the potential collectability of any charge.
- F. Nothing in this Chapter shall require a Fire Company, Emergency Service Provider or Authorized Agent to pursue collection efforts when, in its discretion, collection is not practical, cost-effective or otherwise appropriate.

§ 92-5. Recovery rates.

- A. Each Fire Company or Emergency Service Provider may establish, maintain and modify its own schedule of recoverable costs, fees, charges and reimbursement rates for Emergency Service Responses. These rates shall be approved by resolution of the Board of Supervisors and be kept on file in the Township Building.
- B. Such rates shall be maintained by the applicable Fire Company or Emergency Service Provider and may be utilized by the Fire Company, Emergency Service Provider or its Authorized Agent in connection with recovery efforts authorized by Article I of this Chapter.
- C. Any schedule of rates, charges or reimbursement amounts established by a Fire Company or Emergency Service Provider pursuant to this Section shall not constitute a Township fee schedule, Township revenue schedule, Township account or Township charge.

§ 92-6. Billing, collection, revenues and Township non-responsibility.

- A. Billing, collection, accounting, enforcement and administration of Emergency Service Response cost recovery under Article I shall be the sole responsibility of the applicable Fire Company, Emergency Service Provider or its Authorized Agent.
- B. The Township shall have no obligation or responsibility to bill, collect, administer, process, review, negotiate, compromise, pursue, enforce, account for, audit, retain, disburse or expend any claim, invoice, rate, charge, cost or revenue authorized by Article I.
- C. All invoices or claims for Emergency Service Response cost recovery under Article I shall be issued solely by the Fire Company, Emergency Service Provider or its Authorized Agent, and not by the Township.
- D. Any revenues recovered pursuant to Article I shall belong exclusively to the Fire Company or Emergency Service Provider entitled thereto and shall not constitute Township funds, Township revenue, Township accounts, Township assets or monies held for or on behalf of the Township.
- E. No monies recovered pursuant to Article I shall be required to be deposited into a Township account, remitted to the Township, appropriated by the Township, or disbursed by the Township.
- F. The Township shall not be responsible for any aspect of the billing, collection, enforcement or recovery of costs under Article I and shall not take any steps to assist any Fire Company, Emergency Service Provider or Authorized Agent in the recovery of such costs, except to the extent required by law or separately authorized by formal action of the Board that does not create Township financial responsibility for such revenues.
- G. Nothing in this Chapter shall be construed as creating Township ownership, control, custody, financial accountability, operational control or oversight over the revenues, accounts, budgets, expenditures, billing practices, collection practices or financial affairs of any Fire Company or Emergency Service Provider.

- H. If any invoice issued pursuant to Article I remains unpaid after the due date established by the Fire Company, Emergency Service Provider or its Authorized Agent, the Fire Company, Emergency Service Provider or Authorized Agent may pursue collection by any lawful means, including, without limitation, referral to a collection agency, filing a civil action at law, asserting a claim against available insurance proceeds, or pursuing any other remedy permitted by law. The Township shall not be a necessary party to such collection action unless otherwise required by law.

ARTICLE II FIRE FALSE ALARMS AND NUISANCE ALARMS

§ 92-7. False Alarm and Nuisance Alarm charges.

- A. Any Person causing, permitting, maintaining or being responsible for False Alarms or Nuisance Alarms shall pay to the Township a charge for each False Alarm or Nuisance Alarm to which a Fire Company or Emergency Service Provider responds in a calendar year, in accordance with § 92-8 and the Township fee schedule.
- B. For purposes of calculating the number of False Alarms or Nuisance Alarms in a calendar year, all False Alarms and Nuisance Alarms occurring at the same property, premises, building, tenant space, alarm account or Alarm Device may be counted cumulatively, as determined by the Township.
- C. A False Alarm or Nuisance Alarm charge imposed by the Township under Article II shall be in addition to, and not in limitation of, any recoverable Emergency Service Response cost that may be billed by a Fire Company, Emergency Service Provider or its Authorized Agent under Article I where the facts and circumstances justify such recovery.

§ 92-8. False Alarm and Nuisance Alarm fee schedule.

- A. Unless otherwise established or amended by resolution of the Board, False Alarm and Nuisance Alarm charges shall be assessed per property, premises, building, tenant space, alarm account or Alarm Device during each calendar year in accordance with a fee schedule established by the resolution.
- B. The Board may amend the False Alarm and Nuisance Alarm charges by resolution as part of the Township fee schedule. Any amended charges shall apply only to False Alarms and Nuisance Alarms occurring after the effective date of the applicable resolution, unless otherwise permitted by law.

§ 92-9. Reporting, notice and payment.

- A. When a Fire Company or Emergency Service Provider responds to a False Alarm or Nuisance Alarm, the responding Fire Company or Emergency Service Provider may provide the Township with the following information, to the extent reasonably available:

- (1) The name of the Person responsible for the False Alarm or Nuisance Alarm;

- (2) The address or location to which the Fire Company or Emergency Service Provider responded;
 - (3) The date and approximate time of the response;
 - (4) The apparent cause of the False Alarm or Nuisance Alarm; and
 - (5) Any other information reasonably requested by the Township for administration and enforcement of Article II of this Chapter.
- B. The Fire Company, Emergency Service Provider or Authorized Agent shall mail, electronically transmit or deliver written notice of assessment of a False Alarm or Nuisance Alarm charge to the property owner, alarm user, tenant, occupant, business operator, central station subscriber or other Responsible Party at the last known address or other available contact information.
- C. A False Alarm or Nuisance Alarm charge shall be due and payable to the Township within 30 days after the date of mailing, electronic transmission or delivery of the notice of assessment.

§ 92-10. Exceptions.

- A. The following shall not be considered False Alarms or Nuisance Alarms for purposes of this Chapter:
- (1) Alarms caused solely by the testing, failure, repair or maintenance of telephone, communications, internet, cellular or electrical utility equipment or lines, provided the alarm user did not cause or contribute to the condition through improper installation, maintenance or operation of the Alarm Device;
 - (2) Alarms caused solely by an act of God, including earthquake, flood, windstorm, thunder, lightning, severe weather or other natural event;
 - (3) Alarms for which the Fire Company or Emergency Service Provider determines that an actual fire, smoke condition, hazardous condition, rescue need, emergency or reasonable basis for emergency response existed; and
 - (4) Alarms otherwise exempted by the Township Manager or Board of Supervisors upon a finding of good cause.
- B. The burden of demonstrating that an exception applies shall be upon the Person seeking the exception.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

§ 92-11. Administration.

- A. Billing, collection and accounting of False Alarm and Nuisance Alarm charges under this Article II shall be the sole responsibility of the applicable Fire Company, Emergency Service Provider or its Authorized Agent.
- B. Nothing in this Section shall authorize the Township to administer, collect, enforce, account for, audit, retain, disburse or otherwise participate in the recovery of Emergency Service Response costs authorized under Article I.
- C. The Township may coordinate with Fire Companies and Emergency Service Providers solely for purposes of receiving response information necessary to administer False Alarm and Nuisance Alarm charges under Article II.

§ 92-12. Violations and penalties.

- A. Any Person who fails to pay a False Alarm or Nuisance Alarm charge imposed pursuant to Article II within the time required, or who otherwise violates or permits a violation of Article II, shall, upon conviction in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000, together with court costs and reasonable attorneys' fees incurred by the Township to the extent permitted by law. In default of payment, such Person may be sentenced to imprisonment to the extent permitted by law for the punishment of summary offenses.
- B. Each day that a violation of Article II continues after notice and opportunity to cure shall constitute a separate offense, unless otherwise determined by a court of competent jurisdiction.
- C. The commencement of a summary enforcement proceeding for a violation of this Article II shall not preclude the Township from pursuing civil collection, equitable relief, municipal claims, liens where legally available, or any other remedy permitted by law for the collection of False Alarm or Nuisance Alarm charges.
- D. Nothing in this Section shall authorize the Township to impose summary penalties for nonpayment of an Emergency Service Response cost-recovery invoice issued by a Fire Company, Emergency Service Provider or Authorized Agent under Article I.

§ 92-13. Civil collection; municipal claims; liens.

- A. Any unpaid False Alarm or Nuisance Alarm charge, interest, administrative expense, collection cost, court cost or attorneys' fee authorized by Article II may be collected by the Township by civil action, assumpsit action, municipal claim, lien where legally available, or any other lawful collection method.
- B. To the extent permitted by the Municipal Claims and Tax Liens Act, 53 P.S. § 7101 et seq., or any other applicable law, the Township may file and collect unpaid Article II charges as a municipal claim or lien against the property involved in the False Alarm or Nuisance Alarm response, together with interest, penalties, costs of collection and reasonable attorneys' fees.
- C. Nothing in this Section shall be construed to authorize the Township to file or collect a municipal claim or lien for Emergency Service Response cost-recovery revenues belonging

to a Fire Company or Emergency Service Provider under Article I, unless such relief is separately authorized by applicable law and requested by the Fire Company or Emergency Service Provider without creating Township ownership or control of such revenues.

- D. Nothing in this Chapter shall be construed to limit the independent ability of a Fire Company, Emergency Service Provider or Authorized Agent to pursue collection of Emergency Service Response costs as permitted by contract, assignment, insurance claim, civil action or applicable law.

§ 92-14. No limitation on emergency powers or other law.

- A. This Chapter is intended to supplement and not limit any other authority of the Township, Fire Company, Emergency Service Provider, emergency management agency, police department, code official or other public agency under federal, state or local law.
- B. In the event of a conflict between this Chapter and another Township ordinance, resolution, rule, regulation or fee schedule, the provision that most specifically governs the subject matter shall apply, unless otherwise required by law.

SECTION 2. SEVERABILITY. The provisions of this Ordinance are severable. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included herein.

SECTION 3. REPEALER. All ordinances, resolutions or parts of ordinances or resolutions inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. All ordinances and resolutions not specifically amended hereby shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective immediately after enactment as provided by law.

ENACTED AND ORDAINED this 13th day of October, 2026, by the Board of Supervisors of East Manchester Township, York County, Pennsylvania, at a duly advertised public meeting.

ATTEST:

**EAST MANCHESTER TOWNSHIP
BOARD OF SUPERVISORS**

Kristie Masemer, Secretary

David L. Naylor, Chairman

(SEAL)

Darryl L. Albright, Supervisor

Dean E. Kohr, Supervisor