

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE NO. 2024-07

**AN ORDINANCE AMENDING CHAPTER XVII OF
THE CODE OF THE TOWNSHIP OF CRANFORD
TO AMEND THE SECTION ENTITLED “FIRE PREVENTION”**

BE IT ORDAINED, by the Township Committee of the Township of Cranford, within the County of Union and State of New Jersey, as follows:

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford:

SECTION 1. Chapter 223 Fires and Fire Prevention is hereby amended to create Article IV Emergency Cost Recovery as follows:

CHAPTER IV EMERGENCY SERVICES COST RECOVERY

§ 223-23 Definitions

As used in this article, the following terms shall have the meanings indicated:

- a. “Fire Department” shall mean The Township of Cranford Department.
- b. “Person” shall mean a natural person or persons, partnership, corporation, association, firm or other legal entity.
- c. “Responsible Party” shall mean the person having received emergency services provided by the Fire Department.

§ 223-24 Purpose.

The purpose of this article is to provide authority, procedures and requirements to seek collection and reimbursement for the reasonable costs of non-emergency standby and responding to emergency incidents by the Fire Department for fire service calls, hazardous material incidents, environmental incidents, and safety and rescue incidents coordinated via Union County Dispatch and 911 responses, and those that use hazardous material abatement equipment and materials are also eligible for reimbursement.

§ 223-25 Authorization to recover costs and expenses

The governing body of the Township of Cranford authorizes the Fire Department and/or the Township of Cranford to recover the real and reasonable costs incurred for firefighting materials or equipment used and expended; the costs of personnel and the use of fire trucks, fire engines, rescue equipment, and other vehicles; the costs of hazardous situation abatement materials involved in any fire, safety and rescue incident or operation, and hazardous abatement incident, including vehicular accidents or fires.

§ 223-26 Policy for billing.

- a. The Township of Cranford recognizes the Fire Department's need to bill for fire, rescue and hazmat services to aid in the provision of emergency services.
- b. No person requiring emergency services shall be denied services due to lack of insurance or ability to pay.
- c. Rates for equipment used shall be derived from "FEMA's Schedule of Equipment Rates" as issued and amended from time to time by the United States Department of Homeland Security.
 1. Rates provided shall be billable per hour with any fractional hour rounded up to the next highest hour.
 2. Rates for equipment may be amended by resolution.
- d. Rates for manpower shall be billed at the initial rate of \$50.00 per firefighter per hour with any fractional hour rounded up to the next highest hour and this hourly rate may be amended by resolution.
- e. Any applicable charges for emergency services rendered shall be billed directly to the user of such services or the user's insurance company.
- f. The Township of Cranford and/or the Fire Department may, either directly or through any third-party billing agency with which it has contracted for billing and/or collections for fire, rescue and hazmat services, make arrangements with users of such services and/or their financially responsible party for the installment payment of bills.
- g. The Fire Department shall provide a financial reporting to the Township of Cranford' Chief Financial Officer on a semiannual basis of:
 1. The opening balance of funds on hand.
 2. Amount of billings issued.
 3. Amount of collections in satisfaction of billings issued.
 4. A detailed listing of any amounts disbursed, including the vendor and purpose of disbursement.
 5. The ending balance of funds on hand.

§ 223-27 Procedure for billing.

- a. The Township of Cranford and/or the Fire Department is hereby authorized to enter into a contract with a third-party billing agency and/or collection agency for the performance of non-emergency, emergency, rescue and hazmat services billing and/or collection services, provided that the following standards for third-party billing are met:
 1. The third-party billing service is to be provided at an amount consistent with the fair market value for the services rendered.
 2. Neither the billing agency nor any of its employees are subject to exclusion for any user fee.
 3. The billing agency is bonded and/or insured in amounts satisfactory to the Township of Cranford.
- b. The Township of Cranford and/or the Fire Department may, at its discretion, bill additionally for material and vehicle costs in the case of any malicious false call or alarm or for any major, extraordinary or unique incidents, including, but not limited to,

hazardous material spills, fire emergency and rescue incidents that destroy or severely damage emergency services equipment.

c. User fees.

1. Fire and rescue services shall initiate user fees for the delivery of emergency services, supplies and equipment to the scene of any hazardous material incident, environmental incident or safety and rescue incident or operation, including vehicular accidents and fires that occur and are responded to by the Fire Department.
2. Every person and/or utility that is provided with non-emergency, emergency, rescue and hazmat services shall be billed a user fee in accordance with this article.
3. The user fee for emergency services rendered shall be billed directly to the user of such services' insurance company. If the insurance company is not known, the user of services shall be billed directly, with instructions to forward the bill to his/her insurance provider.
4. Any and all amounts collected as a result of this article shall be used exclusively for the replacement or maintenance of Fire Department emergency services materials, equipment and training and shall be held in trust by the Township's Chief Financial Officer for that purpose.
5. The Township of Cranford may implement rules and/or regulations and/or revoke or amend existing rules and/or regulations as may be deemed necessary for the billing and/or collection and use of user fees pursuant to this article.

d. Uncollectable accounts.

1. The user fee is anticipated to be paid by the user's insurance company. In the instance where the Township of Cranford and/or the Fire Department receives notification from the insurance carrier that it will not honor the invoice, the Township of Cranford and/or Fire Department is authorized to invoice the responsible party directly and take any legal action necessary to collect the fee(s), including negotiating a settlement.
2. The Township of Cranford and/or Fire Department may, at its discretion, write off the uncollected fee amounts as a bad debt, without prejudice to the responsible party.
3. Should the Township of Cranford and/or Fire Department determine that an insurance carrier has remitted the fee to the responsible party involved and that the party has failed to remit the fee, the Township of Cranford and/or Fire Department are authorized to pursue all legal means and appropriate action in order to collect the account.

§ 223-28 Saving Clause.

Nothing in this article shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this article.

SECTION 2. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Cranford, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Cranford are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 3. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 4. This ordinance will take effect upon publication after final passage as required by law.

Introduced: March 5, 2024

Adopted: April 9, 2024

Approved:

Brian Andrews, Mayor
Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

RECORDED VOTE

Brian Andrews
Terrence Curran
Paul A. Gallo
Kathleen Miller Prunty
Gina Black

INTRODUCED

Aye
Aye
Aye
Aye
Aye

ADOPTED

Aye
Aye
Aye
Aye
Aye