

Chapter 7

Emergency Management

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Part 1**Disasters and Emergencies****§7-101. Declaration.**

The Chairman of the Board of Supervisors, and during his absence or incapacity, the Vice Chairman, is authorized to declare a local disaster emergency subject to compliance with the Pennsylvania Emergency Management Services Code, 35 Pa.C.S.A. §7101 *et seq.*, as amended (the “Emergency Management Services Code”).

(*Ord. 271, 6/10/1987; as amended by Ord. 656, 4/9/2015*)

§7-102. Public Safety Director.

For the purposes of emergency management services, the Township Manager shall serve as Public Safety Director and the Assistant Township Manager shall serve as Assistant Public Safety Director.

(*Ord. 271, 6/10/1987; as added by Ord. 414, 4/13/1994, §15-2; and by Ord. 656, 4/9/2015*)

§7-103. National Incident Management System.

Pursuant to the authority invested in the Board of Supervisors by the Constitution, the Emergency Management Services Code, and the Governor’s Proclamation of December 20, 2004, implementing the National Incident Management System (NIMS), the Board of Supervisors mandates that the NIMS be utilized for all incident management in the Township.

(*Ord. 271, 6/10/1987; as added by Ord. 656, 4/9/2015*)

§7-104. Emergency Operations Plan.

The Board of Supervisors shall adopt, from time to time by resolution, an Emergency Operations Plan for the Township.

(*Ord. 271, 6/10/1987; as added by Ord. 656, 4/9/2015*)

Part 2**Fire Company****§7-201. Title.**

This Part shall be known and may be cited as the “Fire Company Ordinance.”
(*Ord. 394, 5/12/1993; as added by Ord. 656, 4/9/2015*)

§7-202. Definitions.¹

For purposes of this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Fire Chief—the duly elected Chief of the Fire Company.

Fire Company—the Moon Township Volunteer Fire Company, Inc., a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania.

Fire Official—the Township Fire Official duly appointed and/or designated by the Board of Supervisors, the authorized designee of the Township Manager and/or the authorized designee of the Board of Supervisors.

Firefighter in charge—the Fire Chief or duly authorized Fire Company representative(s) as may be in charge at the scene of a fire or other type of emergency.

(*Ord. 394, 5/12/1993; as added by Ord. 656, 4/9/2015*)

§7-203. Purpose.

The purpose of this Part is to designate the Fire Company as the official fire protection agency of the Township and to state additional authorized activities for the Fire Company firefighters for workers’ compensation purposes.

(*Ord. 394, 5/12/1993, §4; as amended by Ord. 656, 4/9/2015*)

§7-204. Fire Company Designation.

The Fire Company is designated as the official fire protection agency for the Township.

(*Ord. 394, 5/12/1993, §1; as amended by Ord. 656, 4/9/2015*)

§7-205. Authorized Activities of the Fire Company.

1. The Fire Company is authorized to provide such services to the Township as may be necessary for the protection of property and persons situate therein including, but not limited to, the extinguishment and prevention of loss of life and property from fire, automobile accidents, medical emergencies, hazardous materials incidents and

¹Editor’s Note: see also the general definitions contained in Chapter 1, Part 1, of this Code.

other dangerous situations.

2. The Fire Company may also provide nonemergency and public service functions, including, but not limited to, removing water from property after storms and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or man-made situations.

3. The Fire Company may also conduct and participate in such training activities and drills, within or outside the Township, as may be deemed necessary by the officers of the Fire Company to maintain proficiency in providing services.

4. The Fire Company may also respond to calls and provide services to municipalities outside of the Township.

(*Ord. 394, 5/12/1993, §2; as amended by Ord. 656, 4/9/2015*)

§7-206. Authorized Activities of the Members of the Fire Company.

In addition to actually participating in the activities of the Fire Company as authorized above or in going to or returning from any activity, the members of the Fire Company are also authorized to do the following things: [*Ord. 656*]

A. Engage in any type of drill, training, ceremony, practice, test or parade when duly called for or authorized by an officer or officers of the Fire Company. [*Ord. 656*]

B. Engage in fundraising activities for the Fire Company when authorized by an officer or officers of the Fire Company.

C. Engage in the performance of any other duty or activity authorized by any officer of the Fire Company. [*Ord. 656*]

(*Ord. 394, 5/12/1993, §3; as amended by Ord. 656, 4/9/2015*)

§7-207. Authority at Emergency Scenes.

The Fire Chief or firefighter(s) in charge are empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires or emergency situations or to take any other action necessary in the reasonable performance of their duty. The firefighter in charge may prohibit any person, vehicle or object from approaching the scene and may cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operation of the Fire Company. The firefighter in charge may cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the firefighter in charge.

(*Ord. 273, 6/10/1987; as amended by Ord. 656, 4/9/2015*)

§7-208. Prohibited Actions.

1. It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of or block the path of travel of any Fire Company emergency vehicle in any way or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Company operation.

2. A person shall not, without proper authorization from the Fire Chief or his designee in charge of such Fire Company equipment, cling to, attach himself to, climb

upon or into or swing upon any Fire Company emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing devices or manipulate or tamper with or attempt to manipulate or tamper with any Fire Company vehicle in any way including, but not limited to, tampering with any valves, levers, switches, starting devices, brakes, pumps or any equipment or protective clothing on or part of any Fire Company vehicle.

3. It shall be unlawful for any person to damage or deface or attempt or conspire to damage or deface any Fire Company emergency vehicle, building or equipment at any time or to injure or attempt to injure or conspire to injure Fire Company personnel while performing Fire Company duties.

(Ord. 273, 6/10/1987; as amended by Ord. 656, 4/9/2015)

§7-209. Fire Hydrants.

1. The Fire Official shall recommend to the chief administrative official of the Moon Township Municipal Authority or his representative the location or relocation of new, existing or proposed fire hydrants located on public or private property.

2. A person shall not use or operate any fire hydrant within the Township unless such person first secures a permit for such use from the Moon Township Municipal Authority. This Section shall not apply to the use of such hydrants by a person employed by or authorized to make such use by the Moon Township Municipal Authority.

(Ord. 273, 6/10/1987; as amended by Ord. 656, 4/9/2015)

§7-210. Fire Hydrant Obstructions Prohibited.

No person shall obstruct any fire hydrant in the Township in any way so as to render the fire hydrant inaccessible for operation. No trees, flowers or other landscaping materials shall be planted within 3-foot circumference of a fire hydrant nor otherwise obstruct a fire hydrant so as to make it inaccessible for immediate usage by the Fire Company or the Moon Township Municipal Authority. No filling or grading shall be done in or around a fire hydrant which shall obstruct the usage of the fire hydrant by raising the surface of the ground around the fire hydrant to the extent that there shall be less than 15 inches of clearance between the ground and the center of the main steamer cap connection of the fire hydrant. If any obstructive condition exists in or around any fire hydrant, it shall be the responsibility of the property owner to correct such condition immediately.

(Ord. 273, 6/10/1987; as amended by Ord. 656, 4/9/2015)

§7-211. Applicability.

The terms of this Part shall not impose a duty upon any person to guarantee that any fire hydrant is mechanically workable or to guarantee that the water pressure is adequate, but rather shall apply to actions or activities which may obstruct access to fire hydrants which may adversely affect the ability of the Fire Company and the Moon Township Municipal Authority to manually engage and use the fire hydrants.

(Ord. 273, 6/10/1987; as amended by Ord. 656, 4/9/2015)

§7-212. Enforcement.

Obstruction of fire hydrants, or the failure to remove obstructions or excess fill, shall be determined by the Fire Official, who shall have the power to enforce this Part. (*Ord. 273, 6/10/1987; as amended by Ord. 656, 4/9/2015*)

§7-213. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the Fire Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate. (*Ord. 273, 6/10/1987; as amended by Ord. 414, 4/13/1994, §100-8; by Ord. 449, 6/19/1996; by Ord. 460, 4/9/1997; and by Ord. 656, 4/9/2015*)

Part 3**Emergency Medical Services****§7-301. Findings.**

1. The Emergency Medical Services System Act (EMSSA), 35 Pa.C.S.A. §8101 *et seq.*, as amended, was enacted to assure readily available and coordinated emergency medical services of the highest quality to residents and visitors to Pennsylvania.

2. The EMSSA mandates minimum standards for basic life support ambulance services, advanced life support ambulance services and the staffing of such services.

3. The Board of Supervisors finds that only the operation of a unified and comprehensive emergency medical service operating complete medical care and transportation services including, but not limited to, basic life support services, advanced life support services, stretcher vehicle services and wheelchair vehicle services, through one highly trained staff, from one central facility, using the highest quality equipment, can ensure the continuous and stable provision of such services, which are necessary to ensure the health, safety and welfare of residents and visitors to the Township.

(*Ord. 421, 10/12/1994; as amended by Ord. 656, 4/9/2015*)

§7-302. Intent.

Therefore, through this Part, it is the intent of the Board of Supervisors to rely on the Emergency Medical Service Institute (EMSI) and its minimum standards, which are intended to be and shall be in addition to and supplementary to those standards contained in the EMSSA, to license, regulate and control emergency medical services and related transportation services in order to ensure, protect and guarantee the availability of continuous and stable emergency medical services and related transportation of the highest quality for all of the residents of and visitors to the Township.

(*Ord. 421, 10/12/1994; as amended by Ord. 656, 4/9/2015*)

§7-303. Service Standards.

1. No person shall in any way operate an emergency medical service in the Township without the required license from EMSI. [*Ord. 656*]

2. Every emergency medical service operating in the Township shall provide, at least, the following services: [*Ord. 656*]

A. Twenty-four-hour a day, 7-day a week advanced life support ambulances, basic life support ambulances, stretcher vehicle services, and wheelchair vehicle services in adequate quantity to reasonably service the residents of and visitors to the Township. Such service shall be made available regardless of a resident's or visitor's ability to pay for such services or failure to pay in the past. Nothing herein shall preclude an emergency medical service from using all lawful means, except refusal to provide full services upon request, to collect its lawful debts. [*Ord. 656*]

B. Full participation and agreement in any mutual aid agreement which may

be proposed for the Township and surrounding municipalities.
(*Ord. 421, 10/12/1994; as amended by Ord. 656, 4/9/2015*)

§7-304. Valley Ambulance Authority Designation.

Valley Ambulance Authority, and any other emergency medical services entity licensed to operate in the Township by the EMSI, is designated as the official emergency medical service for the Township.

(*Ord. 421, 10/12/1994; as added by Ord. 656, 4/9/2015*)

§7-305. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(*Ord. 421, 10/12/1994; as amended by Ord. 656, 4/9/2015*)

Part 4**Emergency Service Cost Reimbursement****§7-401. Title.**

This Part shall be known and may be cited as the “Emergency Service Cost Reimbursement Ordinance.”

(Ord. 656, 4/9/2015)

§7-402. Definitions.²

For the purposes of this Part, the following terms shall be defined in accordance with this Section:

Fire Company—the designated fire protection agency for the Township pursuant to Fire Company Ordinance [Chapter 7, Part 2] and/or any other volunteer fire department authorized to provide service in the Township.

Hazardous materials—any substances or materials in a quantity or form which poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammable, corrosives or materials listed in the hazardous substances list of the Pennsylvania Department of Labor and Industry. This definition shall also conform to the corresponding definition contained in the Hazardous Material Emergency Planning and Response Act, 35 P. S. §6022.103, as amended.

(Ord. 656, 4/9/2015)

§7-403. Authorization of Township.

The Township, through its emergency services, is authorized to clean up, dispose or abate, or cause to be cleaned up, disposed, or abated the effects of any hazardous materials or substances spilled or deposited upon or into properties or facilities within the municipal boundaries of the Township or having a direct identifiable effect on persons or property within the municipal boundaries of the Township including, but not limited to, traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and other costs incurred in the mitigation of the emergency situation.

(Ord. 656, 4/9/2015)

§7-404. Emergency Service Costs Subject to Reimbursement.

Any person who intentionally, negligently, accidentally or otherwise causes a hazardous material or substance spill, deposit, or any other act or omission necessitating the providing of emergency services by the Township or by the Fire

²Editor’s Note: See also the general definitions contained in Chapter 1, Part 1, of this Code.

Company within the boundaries of the Township shall be liable for all reasonable costs incurred by the Township and/or the Fire Company as a result of such spill, deposit, or other act or omission. The remedy provided by this Part shall be in addition to any other remedies provided by law.

(Ord. 656, 4/9/2015)

§7-405. Emergency Service Costs Defined.

For the purpose of this Part, reasonable costs incurred by the Township and/or the Fire Company for emergency services shall include, but not be limited to, the following: actual labor costs of Township and Fire Company personnel including, but not limited to, worker's compensation benefits, insurance, fringe benefits, wages and administrative overhead; cost of equipment operation; cost of repair or replacement of damaged equipment; cost of special fire extinguishing agents; cost of materials and/or supplies; and any costs of any contracted labor and materials.

(Ord. 656, 4/9/2015)

§7-406. Procedure for Reimbursement.

For purposes of this Part, the charges for use of the Township's or the Fire Company's emergency services equipment, materials and personnel shall be billed by the entity incurring the costs. Payment of said charges shall be remitted within 30 days of receipt of the entity's bill or invoice. If such charges are not paid within 30 days, the billing entity may initiate an appropriate action in any tribunal of competent jurisdiction for the collection of any amounts due hereunder plus attorneys fees, interest and costs.

(Ord. 656, 4/9/2015)

Part 5**Fire Insurance Claims****§7-501. Title.**

This Part shall be known and may be cited as the “Fire Insurance Claim Ordinance.”

(Ord. 656, 4/9/2015)

§7-502. General Purpose.

The Township, through provisions of this Part, hereby incorporates the provisions of §638 of the Insurance Company Law, 40 P.S. §638, as amended, which provides the Township with the authority to require security in the form of insurance proceeds from an insurance company, association or exchange (hereinafter the “insuring agent”), doing business in Pennsylvania, for the removal, repair and securing of fire damaged buildings and other structures subject to fire loss claims.

(Ord. 656, 4/9/2015)

§7-503. Designated Township Officer.

The Township Treasurer, as defined by Chapter 1, Part 1, hereof, shall be the designated officer authorized to carry out all responsibilities and duties stated herein.

(Ord. 656, 4/9/2015)

§7-504. Payment of Insurance Proceeds.

No insurance agent shall pay a claim of a named insured for fire damage to a structure located within the Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurance agent is furnished with a municipal certificate from the Board of Supervisors pursuant to §638(b) of the Insurance Company Law, 40 P.S. §638, as amended, and unless there is compliance with the provisions of this Part.

(Ord. 656, 4/9/2015)

§7-505. Procedure.

1. *Issuance of Certificate Where Delinquent Taxes or Charges are Due and/or Costs Have Been Incurred by Township Related to the Fire Damaged Building or Structure.* Where pursuant to §638(b)(1)(ii) of the Insurance Company Law, 40 P.S. §638, as amended, the Township Treasurer is requested to issue a certificate to the insurance agent regarding property that is subject to delinquent taxes, assessments, penalties and user charges, the Township Treasurer shall, within 14 days of the request, issue such certificate along with a bill showing the amount of delinquent taxes, assessments, penalties and user charges against the subject property that have not been paid as of the date of the Treasurer’s certificate and also showing, as of the date of the Township Treasurer’s certificate, the amount of the total costs, if any, certified to the Township Treasurer that have been incurred by the Township for the removal,

repair or securing of a damaged building or other structure on the property.

A. The Township shall be responsible for certifying to the Township Treasurer any such costs incurred by the Township for removal, repair or securing of a damaged building or other structure on the property.

B. The insuring agent shall, upon receipt of such certificate and bill, return the bill to the Township Treasurer and transfer to the Township Treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill.

C. The Township shall, upon receipt of such amount, apply or credit the amount to payment of the items shown on the bill.

2. *Issuance of Certificate Where No Delinquent Taxes or Charges Are Due and No Costs Have Been Incurred by Township Related to the Fire Damaged Building or Structure.* Where pursuant to §638(b)(1)(i) of the Insurance Company Law, 40 P.S. §638, as amended, the Township Treasurer is requested to issue a certificate to the insurance agent, or, at the discretion of the Township Treasurer, a verbal notification confirmed in writing by the insurance agent, regarding property that is not subject to delinquent taxes, assessments, penalties or user charges, the Township Treasurer shall issue such a certificate which indicates that there are no delinquent taxes, assessments, penalties or user charges against the property, and that as of the date of the Township Treasurer's certificate or verbal notification, the Township has not certified any amount as total costs incurred by the Township for the removal, repair or securing of a damaged building or other structure on the property, and the insurance agent shall pay the claim of the named insured, provided however, that if the loss as agreed upon by the named insured and the insurance agent equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance agent shall transfer proceeds, as security, to the Township in accordance with subsections .3 and .4, which conform to §§638(c) and (d) of the Insurance Company Law, 40 P.S. §638, as amended.

3. *Transfer of Proceeds.* In accordance with §638(c) of the Insurance Company Law, 40 P.S. §638, as amended, the insurance agent shall transfer from the insurance proceeds, as security, to the Township Treasurer:

A. An amount in the aggregate of \$2,000 for each \$15,000 of a fire loss claim and for each fraction thereof, however if the amount of such claim is \$15,000 or less, the amount transferred to the Township shall be \$2,000.

B. If at a time of the loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure that is in an amount less than the above formula, the insuring agent shall transfer to the Township the amount specified in the estimate.

4. *Pro Rata Transfer.* The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the damaged building or structure.

5. *Post Transfer Contractor's Estimate.* After the transfer of proceeds, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the damaged building or other structure, and the Township Treasurer shall return the amount of secured proceeds in excess of the estimate to the named insured, if the Township has not otherwise commenced removing, repairing or securing the

damaged building or other structure.

6. *Accounting Procedure for Transferred Proceeds.* Upon receipt of security under this Section, the Township shall conform to the following procedure, pursuant to §638(d) of the Insurance Company Law, 40 P.S. §638, as amended:

A. The Township Treasurer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the damaged building or structure incurred by the Township. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township in connection with such removing, repairing or securing of the building or any procedure related thereto.

B. When transferring the proceeds, it is the obligation of the insurance agent to provide the Township with the name and address of the named insured, whereupon the Township Treasurer shall contact the named insured, certify that the proceeds have been received by the Township and notify the named insured that the procedures under this Section and §638(d) of the Insurance Company Law, 40 P.S. §638, as amended shall be followed.

C. The proceeds shall only be returned to the named owner upon the following stated occurrences: the damaged building or other structure has been properly repaired, removed or secured in accordance with all applicable laws, regulations and requirements of the Township; the requisite proof of such completion has been received by the Township Treasurer; and the Township has not incurred any costs associated with repairing, removing or securing the damaged building or other structure.

D. If the Township has incurred costs associated with repairing, removing or securing the building or other structure, such costs shall be paid from the secured funds. If excess funds remain, the Township Treasurer shall transfer the remaining funds to the named insured.

E. Any interest earned on proceeds held by the Township that are not returned to the named insured shall belong to the Township. Any interest earned on proceeds that are returned to the named insured shall be distributed to the named insured at the time said proceeds are returned.

7. *Township's Ability to Recover Deficiency.* Nothing in this Part shall be construed to limit the ability of the Township to recover any deficiency.

8. *Agreement with Named Insured.* Nothing in this subsection shall be construed to prohibit the Township and the named insured from entering into an agreement which permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(Ord. 656, 4/9/2015)

§7-506. Additional Rules and Regulations.

The Board of Supervisors may by resolution adopt procedures and regulations to implement §638 of the Insurance Company Law, 40 P.S. §638, as amended, and this Part, and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to §638 of the Insurance Company Law, 40 P.S. §638, as amended, and this Part including, but not limited to, issuance of certificates and bills,

performance of inspections and opening separate fund accounts.

(Ord. 656, 4/9/2015)

§7-507. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, Police Department, the Code Official, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(Ord. 656, 4/9/2015)