

ORDINANCE NO. 01- 07

AN ORDINANCE OF THE **BOROUGH OF McADOO**, COUNTY OF SCHUYLKILL, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING THE VOLUNTEER FIRE DEPARTMENTS, THE VOLUNTEER AMBULANCE SERVICES AND OTHER EMERGENCY RESCUE SERVICE ORGANIZATIONS OF THIS BOROUGH TO CHARGE AND RECOUP THE COSTS OF CERTAIN EMERGENCY RESCUE SERVICES AND EQUIPMENT.

BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Borough Council of the Borough of McAdoo, County of Schuylkill, Commonwealth of Pennsylvania, as follows:

WHEREAS, the Borough of McAdoo [hereinafter referred to as "Borough"] has within its boundary volunteer fire departments, ambulance services and other emergency rescue service organizations [hereinafter referred to as "Emergency Rescue Service Organizations"], including but not limited to, the McAdoo Fire Company, Inc.; the Keystone Fire Company, Inc.; the McAdoo Fire Company Ambulance Association; and

WHEREAS, the Borough financially supports the Emergency Rescue Service Organizations providing services in the Borough; and

WHEREAS, the Emergency Rescue Service Organizations are equipped to utilize certain emergency rescue tools and equipment as a means of saving lives and property; and

WHEREAS, the purchase of tools and equipment is expensive for the Emergency Rescue Service Organizations; and

WHEREAS, the Emergency Rescue Service Organizations have requested the Borough to enact an Ordinance for recovery of the cost of said tools and equipment and the wear and tear upon such, for the cost of the specialized training required for the use of such, and for the replacement of materials that are used from time to time; and

WHEREAS, insurance coverage often is available to effectuate the aforesaid cost recovery of the training, utilization of said tools, equipment and materials used by the Emergency Rescue Service Organizations; and

WHEREAS, the Borough believes it is in the best interests of its citizens and the Emergency Rescue Service Organizations to pass an Ordinance for the above purposes of effecting said cost recoveries by the Emergency Rescue Service Organizations per their request.

NOW, THEREFORE, the Borough Council of the Borough of McAdoo, Schuylkill County, Pennsylvania, enacts and ordains as follows:

Section 1. Definitions. As used herein, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

A. Person: A natural person or individual, partnership, corporation, association, firm or any other legal entity

B. Borough: The Borough of McAdoo, Schuylkill County, Pennsylvania.

C. Emergency Rescue Service Organizations: The McAdoo Fire Company, Inc.; the Keystone Fire Company, Inc.; the McAdoo Fire Company Ambulance Association; and any and all other persons providing emergency rescue services in the Borough to any Borough resident or other person or property within the Borough, or as otherwise authorized by the Borough Council.

In this Section, the singular shall include the plural, the plural shall include the singular and each gender shall include all other genders.

Section 2. Authorization of Services and Equipment. The Borough authorizes all Emergency Rescue Service Organizations to utilize such tools, equipment or materials and provide fire fighting, ambulance or other emergency rescue services as authorized by law or the Borough, for purposes of saving lives and property within the Borough or any other area in which the Emergency Rescue Service Organizations are authorized by the Borough to provide same.

Section 3. Authorization to Recover Costs. All Emergency Rescue Service Organizations are authorized to effect the recovery of the costs of their respective services, tools, equipment and/or materials from any person for whom or for whose property such services were rendered or such tools, equipment or material were used, and from any insurance carrier or person providing insurance covering such persons or property.

Section 4. Charges and Invoicing. All Emergency Rescue Service Organizations may charge and invoice (a) any insurance carrier or other person providing insurance covering any person, vehicle, structure, business (profit or nonprofit) or other property; or (b) any person for whom or for whose property an Emergency Rescue Service Organization performs services or utilizes tools, equipment or materials, for the costs of such services rendered unto or tools, equipment or materials used for such persons or their property.

Section 5. Schedule of Fees. Borough Council of the Borough of McAdoo may by resolution, from time to time, establish, revise, amend or rescind a schedule of fees for the services, tools, equipment and materials described herein.

Section 6. Enforcement. In the event that any insurance carrier or person fails to pay any invoice described herein within thirty (30) days of the mailing or delivery of such invoice or notice of charges, the Emergency Rescue Service Organizations who mailed or delivered such invoice may recover and collect such charges and invoices from the insurance carrier or person to whom such invoice or notice of charges was given, together with interest, costs and attorney's fees, in any manner provided by law, including, without limitation, a civil action at law.

Section 7. Penalties and Remedies Not Mutually Exclusive. The remedies provided herein for the enforcement of this Ordinance and all other remedies provided by law shall not be deemed mutually exclusive; rather, they may be employed simultaneously or consecutively, at the option of the Borough, or the Borough's Emergency Rescue Service Organizations.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 9. Severability. 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 Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Effective Date. This Ordinance shall become effective immediately upon adoption.

ENACTED AND ORDAINED this 12 day of June, 2001, in lawful session duly assembled.

BOROUGH OF McADOO

BY: Stephan R Holly
Stephan Holly, President, Borough Council

ATTEST:

Marjorie Rodgers
Marjorie Rodgers, Secretary

Gregory Kurtz
Approved by Mayor, Gregory Kurtz

DATE: 6/12/01

