

GORDON BOROUGH, SCHUYLKILL COUNTY  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 2024-02

AN ORDINANCE OF GORDON BOROUGH, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING CITIZENS FIRE COMPANY NO. 1 AND ANY OTHER EMERGENCY SERVICES ORGANIZATIONS SERVING THE BOROUGH TO SEEK RECOVERY OF COSTS AND EXPENSES FOR PROVIDING EMERGENCY SERVICES; REQUIRING AN ACCOUNTING THEREFOR; REQUIRING PERSONS TO WHOM EMERGENCY SERVICES ARE PROVIDED TO PROVIDE PERSONAL AND INSURANCE INFORMATION UPON REQUEST.

WHEREAS, Section 1202(5) of the Pennsylvania Borough Code, 8 Pa.C.S.A. Section 1202(5), authorizes Gordon Borough Council to make such regulations as may be necessary for the health, safety and general welfare of the Borough; and

WHEREAS, Section 1202(35) of the Pennsylvania Borough Code, 8 Pa.C.S.A. Section 1202(35) authorizes the Gordon Borough Council to provide for protection of Borough residents from fire and other emergency situations by funding emergency services organizations such as fire companies and rescue units; and

WHEREAS, Gordon Borough emergency services organizations, such as Citizens Fire Company No. 1, have limited resources to effectuate their purpose, mostly raised through specific tax allotments and fundraising activities; and

WHEREAS, considerable sums from their limited resources are expended by emergency services organizations in Gordon Borough in responding to emergency situations, which resources thereafter need to be replaced through their limited resources; and

WHEREAS, to ensure the continued viability of emergency services organizations within Gordon Borough, and to protect the health, safety and general welfare of its residents and the public in general, Gordon Borough Council desires to authorize any emergency services organization servicing Gordon Borough to recover the usual, reasonable and customary fees, charges and costs expended for the emergency services they provide from those who receive those services or those who are responsible for the situation necessitating the need for those services;

NOW, THEREFORE, BE IT ORDAINED as follows:

Section 1. Definitions.

The following words or phrases when used in this Ordinance shall have the meanings ascribed herein unless the context clearly indicates otherwise. The singular shall refer to the plural, and vice versa. The masculine shall refer to the feminine, and vice versa.

“Gordon” – Gordon Borough, Schuylkill County, Commonwealth of Pennsylvania, and its governing body Gordon Borough Council.

“Fire Company” – Citizens Fire Company No. 1, or any other emergency services provider or any other emergency services organization, of whatever type, providing emergency services within Gordon Borough.

“Person” – any natural person, individual, or any other legal entity.

Section 2. Authorization to Recover Costs and Expenses.

The Fire Company, or any attorney retained by the Fire Company, or any third party contracted by the Fire Company, is hereby authorized to recover the reasonable costs of any items or materials expended, or of any reasonable expenses incurred (excluding a rate for the time of the individual responders), in providing emergency services in Gordon; said costs or expenses may be recovered from any Person, or from any insurance company insuring said Person, for whom or for whose property such services were rendered, or by whom such services were caused to be rendered.

Section 3. Enforcement.

In the event any Person, or any insurance company insuring said Person, billed or invoiced pursuant to Section 2 of this Ordinance fails to pay said bill or invoice within thirty (30) days of the mailing (by first-class mail) or hand delivery of such bill or invoice, the Fire Company, or any attorney retained by the Fire Company, or any third party contracted by the Fire Company, is hereby authorized to enforce the provisions of this Ordinance by filing a civil action at law in a court of competent jurisdiction to collect any amounts due. In pursuing any civil action, in addition to recovering any amounts due under Section 2 of this Ordinance, the Fire Company, or any attorney retained by the Fire Company, or any third party contracted by the Fire Company, may seek to recover statutory interest, court costs,

administrative fees, and reasonable attorneys' fees. The remedies provided herein shall be in addition to any other relief, remedies or penalties that may be otherwise provided by law.

#### Section 4. Discretion of Fire Company.

The Fire Company is not obligated to seek to recover any costs or expenses under Sections 2 and 3 of this Ordinance.

#### Section 5. Mandatory Response.

The Fire Company shall not refuse to provide, or delay the provision of, any emergency service due to anticipated lack of recovery under Sections 2 and 3 of this Ordinance.

#### Section 6. Accounting.

The Fire Company shall report to Gordon, via a written report submitted to the Gordon Secretary to be read at a public meeting of Gordon, all money collected pursuant to this Ordinance. Said report shall contain an accounting of the money collected showing the corresponding cost or expense, and the date thereof, expended that said money is recovery for.

#### Section 7. Schedule of Costs and Expenses.

At any time following the effective date of this Ordinance, Gordon may, but is not required to, adopt a schedule of costs and expenses via Resolution.

#### Section 8. Responsibility of Gordon.

Gordon shall not be responsible for, nor is required to assist in, any aspect of the recovery authorized by Sections 2 or 3 of this Ordinance.

**Section 9. Supplement.**

This Ordinance is meant to supplement but not repeal Gordon Ordinance No. 2017-02 or any Ordinance previously enacted pursuant to 35 P.S. Section 6022.210 (relating to recovery of response costs for hazardous material response).

**Section 10. Information to be Provided.**

A. Any Person, other than an on-duty law enforcement officer or fellow emergency responder, asked by a representative of a Fire Company at the scene of an emergency to which the Fire Company is responding, or asked at any time thereafter, for relevant personal and/or insurance information, shall provide said representative the Person's name, address and telephone number, and the name of the relevant insurance carrier, and a policy number when reasonably obtainable.

B. Any Person failing to comply with Section 10A of this Ordinance is subject to citation consistent with the Pennsylvania Rules of Criminal Procedure, and any Person found by a Court to be in violation of Section 10A of this Ordinance shall pay a fine of at least \$300.00, but no more than \$1,000.00, and/or shall serve a period of incarceration of up to 90 days in jail for either a violation or for failure to pay a fine imposed for violation.

**Section 11. Severability.**

If any Section, clause, sentence or any portion of this Ordinance is found to be illegal or unenforceable by a court of competent jurisdiction, the rest and remainder of this Ordinance without the illegal or unenforceable Section, clause, sentence or portion shall remain in full force and effect. It is hereby declared to be the intent of Gordon that this Ordinance would have been adopted had such illegal or unenforceable Section, clause, sentence or portion not been included herein.

Section 12. Effective Date.

This Ordinance shall be effective immediately upon enactment, or on the first day allowed by law thereafter.

ENACTED and ORDAINED this 1<sup>ST</sup> day of April, 2024.

BOROUGH OF GORDON  
Schuylkill County, Pennsylvania

By: Wray Hughes  
Council President  
VICE - PRESIDENT

ATTEST:

Cathy E. Meyer  
Borough Secretary

APPROVED:

John D. B...  
Mayor