

# ORDINANCE 7 OF 2025

## AN ORDINANCE OF AVOCA BOROUGH, LUZERNE COUNTY, AUTHORIZING THE FINANCIAL OFFICERS OF AVOCA HOSE CO. NO. 1 TO REMIT INVOICES FOR SERVICES RENDERED BY THE AVOCA HOSE CO. 1 AND RELATED SERVICES

**WHEREAS**, The Borough of Avoca, Mayor, and Borough Council have determined that the Borough's volunteer Fire Department and related services must have the ability to render fees for services provided to help defray the costs associated with providing such services.

**NOW THEREFORE**, be it ordained as follows:

### **SECTION 1 – FINDINGS OF FACT AND INTENT**

The Borough of Avoca recognizes that the duties of the Avoca Hose Co. No. 1 require the use of specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment, hazardous abatement materials and fire suppression tools and equipment during emergency responses. The Borough of Avoca also recognizes that the costs of the maintenance and replacement of this equipment, in addition to the replacement costs of damaged or expended materials, places an increasing financial burden on the Avoca Hose Co. No. 1.

The Borough of Avoca intends to grant the Avoca Hose Co. No. 1 the authority to seek recovery and reimbursement of all reasonable costs of responding to such emergency incidents, as allowed by applicable law.

### **SECTION 2 – RECOVERY OF COSTS**

The Avoca Hose Co. No. 1 is hereby authorized to recover reasonable costs for the use of emergency rescue tools, equipment and materials; hazardous material abatement tools and equipment, hazardous abatement materials, fire suppression tools and equipment; and personnel hours involving any hazardous material, environmental, fire safety and/or rescue incident or operation of vehicle accidents and fires.

The Avoca Hose Co. No. 1 has the ability to obtain insurance information from the individuals, businesses, and institutions who receive services from the Avoca Hose Co. No. 1 for the purpose of billing the same. Insurance information will be obtained by the Avoca Hose Co. No. 1 for the purpose of billing for services rendered and the costs for the use of tools, equipment, materials, and hourly rates for personnel, as mentioned above.

The reasonable costs outlined above may be recovered from any identifiable insurance carrier, person(s), businesses, or institutions directly by the Avoca Hose Co. No. 1 or through a third-party billing service acting as a contracted authorized agent for the collection of such costs. In addition to the reasonable costs for the use of tools,

equipment, materials, and hourly rates for personnel, the Avoca Hose Co. No. 1 or third-party billing service shall hereby be authorized to collect, in addition to the reasonable costs, reasonable interest, legal, administrative and any other collection fees associated with collecting the said costs and fees.

In the event that any insurance carrier, person, business, and/or institution should fail to pay any bill or invoice within thirty (30) days of the mailing or delivery of such notice of charges, the Avoca Hose Co. No. 1 or third-party billing agency who mailed or delivered the bill or invoice may enforce the provisions of this Ordinance by turning over to a third-party collection agency or, if deemed appropriate, may be enforced by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due to the Avoca Hose Co. No. 1, together with statutory interest, court costs, collection fees and associated reasonable attorney's fees.

The Avoca Hose Co. No. 1 shall determine the reasonable costs for the aforementioned tools, equipment, materials and hourly rates for personnel. The Avoca Hose Co. No. 1 shall produce documentation setting forth the costs expended when seeking to recover the costs for the use of the aforementioned tools, equipment, materials and hourly rates for personnel.

### **SECTION 3 – REQUIREMENTS TO PAY FOR REASONABLE COSTS**

Any insurance carrier, person, business, and/or institution shall be liable for the reimbursement of reasonable costs incurred by the Avoca Hose Co. No. 1, as outlined in this Ordinance, unless that person has paid to the Borough of Avoca a tax which funds, at least in part, the services which the Avoca Hose Co. No. 1 provides. Individuals who intentionally set fires and motor vehicle accidents in which the fault drivers are found to be driving under the influence will not be omitted by the above.

The Avoca Hose Co. No. 1 shall not be obligated to pursue collection efforts against any insurance company, person, business, and/or institution, in the event that the Avoca Hose Co. No. 1 reasonably determines that collection efforts will not be successful or that the costs of collections will exceed the amount due hereunder.

### **SECTION 4 – EMERGENCY SERVICES NOT TO BE REFUSED FOR LACK OF INSURANCE OR ABILITY TO PAY**

Nothing in this Ordinance shall authorize the Borough of Avoca or the Avoca Hose Co. No. 1 personnel to refuse or delay any rescue service to any person, firm, organization, business, or institution due to lack of insurance coverage or ability to pay for said rescue services.

### **SECTION 5 – REPEALER**

Any past Ordinance, or part or parts thereof, conflicting with any part or parts of this Ordinance are hereby repealed to the extent that they are inconsistent herewith. In all other respects, the Ordinances of the Borough of Avoca shall remain as previously enacted and ordained.

**SECTION 6 – SEVERABILITY**

The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such invalid or unconstitutional section, sentence, clause, or phrase not been included. Furthermore, it is the intent of this Ordinance to be supplementary to, and not contrary to, any laws of the Commonwealth of Pennsylvania or regulations of any of its executive agencies.

**SECTION 7 – EFFECTIVE DATE**

This Ordinance shall become effective immediately upon enactment as provided by law.

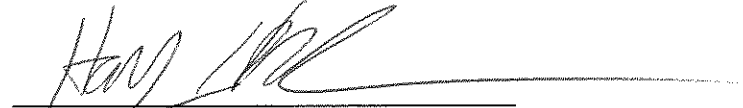
**PASSED and ENACTED** on this 13<sup>th</sup> day of March, 2025, at the regular meeting of the Avoca Borough Council.

ATTEST:

AVOCA BOROUGH COUNCIL

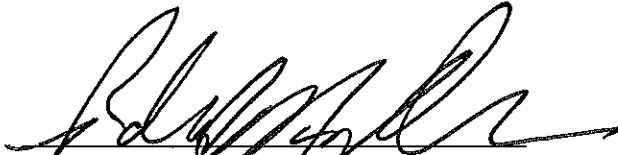


Sandy Van Luvender  
Borough Manager/Secretary



Holly Homscheck  
President, Avoca Borough Council

Approved by this 13<sup>th</sup> day of March, 2025.



Mayor Robert Mullen