

**BOROUGH OF MONTGOMERY  
LYCOMING COUNTY, PENNSYLVANIA**

**ORDINANCE NO.: 2024-1**

**AN ORDINANCE OF THE BOROUGH OF MONTGOMERY,  
COUNTY OF LYCOMING, COMMONWEALTH OF  
PENNSYLVANIA, AUTHORIZING THE MONTGOMERY  
VOLUNTEER FIRE COMPANY, VOLUNTEER AMBULANCE  
SERVICES AND OTHER EMERGENCY RESCUE SERVICE  
ORGANIZATIONS SERVING THIS BOROUGH TO CHARGE  
AND RECOUP THE COSTS OF CERTAIN EMERGENCY  
RESCUE SERVICES AND EQUIPMENT**

**WHEREAS**, the Pennsylvania Borough Code provides to the Borough Council of Montgomery Borough (the "*Borough Council*") the ability to make regulations as may be necessary for the health, safety, and general welfare of the Borough and its residents; and

**WHEREAS**, additionally, the Borough Council has granted broad powers under the Borough Code to act for the benefit of the public welfare;

**WHEREAS**, the Borough Council previously identified and enumerated the Montgomery Volunteer Fire Company of Montgomery, as the officially recognized fire company for the Borough, which is otherwise codified at Chapter 25 of the Borough's Code of Ordinances; and

**WHEREAS**, the Borough financially supports the Montgomery Volunteer Fire Company and its Emergency Rescue Service Organizations, as hereinafter defined, 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 consequently the Borough; 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, along with the wear and tear and depreciation upon such tools and equipment, for the cost of the specialized training required for the use of such, and for the replacement of materials, tools and other equipment that are used from time to time; and

**WHEREAS**, insurance coverage often is available to effectuate payment of 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 at their request; and

**IT IS HEREBY ENACTED AND ORDAINED** by the Borough Council of the Borough Montgomery, Lycoming County, Pennsylvania, as follows:

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

A. Person: A natural individual, entity, trustee, corporation, limited liability company, partnership, unincorporated association, proprietor, joint venture, or business entity (profit or nonprofit), or any party acting on behalf of such a person or entity.

B. Borough: The Borough of Montgomery, Lycoming County, Pennsylvania

C. Emergency Rescue Service Organizations: the Montgomery Volunteer Fire Company, Montgomery EMA, 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 each and all Emergency Rescue Service Organizations to utilize such tools, equipment, dispensed supplies, or materials and provide firefighting, 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.** Any Emergency Rescue Service Organization is authorized to effect the recovery of the costs of their respective services, tools, equipment and/or materials from any person, entity, trustee, vehicle, structure, business (profit or nonprofit) for whom or whose property such services were rendered or such tools, equipment or material were used, and from any insurance carrier or person.

**Section 4. Charges and Invoicing.** Any Emergency Rescue Service Organization may charge and invoice (a) any insurance carrier or other person providing insurance covering any person, entity, trustee, vehicle, structure, business (profit or nonprofit) or other property, or (b)

any person, entity, trustee, vehicle, structure, or business (profit or nonprofit) 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 Montgomery 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. In the event Borough Council does not establish such a resolution, then the fees for services, tools, equipment and materials shall be as invoiced by the Emergency Rescue Service Organization....

**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 Organization(s) 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. Benefits 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. Severability.** The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the Borough of Montgomery that this ordinance would have been adopted had such unconstitutional, illegal, or invalid part not been included.


**Section 9. Effective Date.** This Ordinance shall become effective on the earlier of (a) the date when the Mayor approves it; (b) the date when Council enacts it over the Mayor's veto; or (c) if the Mayor does not return it at or before the next scheduled meeting of Council occurring at least ten (10) days after its approval by Council, the date of that next scheduled meeting of Council.

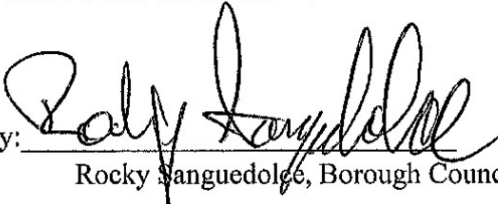
*[signature page to follow]*

**DULY ENACTED AND ORDAINED** this 9th day of April, 2024, by Borough Council of the Borough of Montgomery, Lycoming County, Pennsylvania, in lawful session duly assembled.

**ATTEST:**

**BOROUGH OF MONTGOMERY**

By:   
Angelia Adams, Secretary

By:   
Rocky Sanguedolce, Borough Council President

**APPROVED** this 9<sup>th</sup> day of April, 2024.

By:   
Kenneth Bennett, Mayor