

ORDINANCE NO. 3 OF 2026

AN ORDINANCE OF THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 10, FIRE PREVENTION AND FIRE PROTECTION, PART 5 (REIMBURSEMENT OF COSTS FOR EMERGENCY SERVICES), TO REVISE THE AUTHORITY OF VOLUNTEER EMERGENCY SERVICES ORGANIZATIONS TO ESTABLISH FEES, BILL FOR SERVICES, AND PURSUE COLLECTION OF EMERGENCY RESPONSE COSTS; TO CLARIFY THE LIMITED ROLE OF THE BOROUGH IN SUCH BILLING AND COLLECTION ACTIVITIES; AND TO PRESERVE THE BOROUGH'S AUTHORITY TO ENFORCE ITS ORDINANCES

WHEREAS, the Borough of White Haven recognizes the valuable public services provided by volunteer fire, rescue, emergency medical, hazardous materials response, and other volunteer emergency service organizations; and

WHEREAS, Borough Council finds that such organizations incur substantial costs in providing emergency services, personnel, apparatus, equipment, supplies, and related emergency response activities; and

WHEREAS, Borough Council desires to clarify that Volunteer Emergency Services Organizations may independently establish fees, bill for services, and pursue collection of lawful charges without Borough approval or administration; and

WHEREAS, Borough Council further desires to preserve the Borough's authority to investigate and enforce violations of Borough ordinances arising from incidents requiring emergency response;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of White Haven, Luzerne County, Pennsylvania, as follows:

SECTION 1

Chapter 10, Part 5, §503, entitled "Schedule of Fees, Costs and Expenses," is deleted in its entirety and replaced as follows:

§503. Cost Recovery Authorized.

Volunteer Emergency Services Organizations are authorized to recover fees, charges, costs and expenses associated with providing emergency services, including personnel, apparatus, equipment, supplies, mitigation activities, rescue services, traffic control, hazardous materials response, standby services, and related emergency operations, from any person, entity, insurance carrier, or other responsible party to the extent permitted by applicable law. Any person, entity, or other responsible party billed pursuant to this Part shall be liable for payment of such charges.

The fees, charges, costs and expenses authorized by this Part may include response services provided within or outside the Borough where the Volunteer Emergency Services Organization is authorized or requested to respond.

SECTION 2

Chapter 10, Part 5, §504, entitled "Requirement to Pay for Costs, Fees and Expenses," is deleted in its entirety and replaced as follows:

§504. Determination of Rates, Fees and Charges.

(a) Each Volunteer Emergency Services Organization shall independently establish and maintain its own schedules of rates, fees, charges, billing policies, collection procedures, exemptions, waivers, and related administrative practices.

(b) The schedules, policies, and procedures established by a Volunteer Emergency Services Organization shall not require approval, ratification, adoption, amendment, or review by Borough Council.

(c) Nothing in this Part shall require a Volunteer Emergency Services Organization to bill any particular person, entity, insurance carrier, or class of persons.

SECTION 3

Chapter 10, Part 5, §505, entitled "Reimbursement Procedures," is deleted in its entirety and replaced as follows:

§505. Billing and Collection.

(a) Volunteer Emergency Services Organizations may invoice, bill, charge, and collect reimbursement directly from any person, entity, insurance carrier, or other responsible party for emergency services provided.

(b) The Borough shall not be responsible for determining liability, issuing invoices, processing insurance claims, collecting payments, resolving billing disputes, or administering any billing or collection program established by a Volunteer Emergency Services Organization.

(c) The billing and collection activities of a Volunteer Emergency Services Organization shall be conducted in its own name and on its own behalf.

(d) Any insurance proceeds, benefits, reimbursements, payments, or settlement funds received by a person, entity, or other responsible party attributable to emergency services provided by a Volunteer Emergency Services Organization shall be deemed to be held in trust for the benefit of the Volunteer Emergency Services Organization to the extent of any unpaid charges.

Acceptance of insurance proceeds intended to reimburse emergency service charges shall not extinguish the underlying obligation to the Volunteer Emergency Services Organization unless and until the applicable charges have been paid.

In any action brought by a Volunteer Emergency Services Organization to recover unpaid charges, evidence that a responsible party received insurance proceeds attributable to such charges and failed to remit the proceeds may be considered by the court in determining liability, damages, costs, interest, and attorney's fees.

(e) In any civil action brought by a Volunteer Emergency Services Organization to recover unpaid charges, the Volunteer Emergency Services Organization shall be entitled to seek recovery of reasonable attorney's fees, collection costs, expert fees, court costs, statutory interest and such other relief as may be permitted by law.

SECTION 4

Chapter 10, Part 5, §506, entitled "Enforcement," is deleted in its entirety and replaced as follows:

§506. Enforcement and Borough Cooperation.

(a) A Volunteer Emergency Services Organization may pursue any remedy available at law or equity for the collection of unpaid charges, including the commencement of civil proceedings in a court of competent jurisdiction.

(b) Upon written request of a Volunteer Emergency Services Organization, and to the extent permitted by applicable law, the Borough may provide incident reports, property ownership information, ordinance violation records, and other non-confidential records in the Borough's possession that may reasonably assist the organization in pursuing collection of lawful charges.

(c) Nothing contained herein shall limit, impair, or otherwise affect the Borough's authority to investigate, issue notices of violation, issue citations, commence enforcement proceedings, seek injunctive relief, or otherwise enforce the provisions of the Borough Code of Ordinances arising from the same incident or occurrence for which emergency services were provided.

(d) The remedies provided in this Part shall be cumulative and in addition to any other rights or remedies available under applicable law.

(e) The Borough, to the extent permitted by law and records-retention requirements, may maintain and provide copies of incident reports, police reports, fire reports, code enforcement records, property ownership records, and related documentation that may assist a Volunteer Emergency Services Organization in establishing or collecting lawful charges.

SECTION 5 – Repealer

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

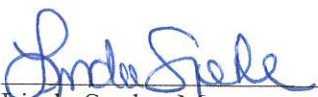
SECTION 6 – Severability

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 7 – Effective Date

This Ordinance shall take effect immediately upon enactment and advertisement as required by law.

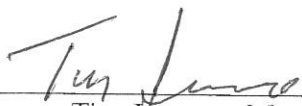
ATTEST:


Linda Szoke, Manager

WHITE HAVEN BOROUGH COUNCIL:


John Klem, President

APPROVED THIS 24 DAY OF August, 2026.


Tim Janosco, Mayor

