

**ALBANY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO.: 2025-__

**AN ORDINANCE OF ALBANY TOWNSHIP, BERKS COUNTY, PENNSYLVANIA
AUTHORIZING FIRE DEPARTMENTS TO RECOVER FEES, COSTS AND
EXPENSES INCURRED WHEN RESPONDING TO FIRES, AUTOMOBILE ACCIDENT
SCENES, HAZARDOUS INCIDENTS, AND OTHER SAFETY OR RESCUE EVENTS
THAT TAKE PLACE IN ALBANY TOWNSHIP**

WHEREAS, the Board of Supervisors of Albany Township, Berks County, Pennsylvania (“Township”) has designated the Kempton Fire Company, the Community Fire Company of Virginville, and Kutztown Fire & Rescue as the fire departments for the Township (collectively the “Fire Departments”);

WHEREAS, the Fire Departments perform emergency services, such as responding to fires, accidents, floods, hazardous material discharges, and other environmental incidents, safety and rescue events, for the protection of the public’s health, safety and welfare.

WHEREAS, in responding to these incidents and events, especially those vehicular accidents on I-78, the Fire Departments incur significant costs in providing firefighting materials, hazard abatement materials, and equipment, which exceed tax revenues from the Township, donations from residents thereof, and monies received from the Commonwealth of Pennsylvania.

WHEREAS, as a result, the Fire Departments require additional sources of funding, but insurance carriers often deny claims for the aforementioned costs based upon the Municipal Cost Recovery Rule, a common law doctrine merely preventing municipalities from billing residents and taxpayers directly for fees, expenses and costs related to emergency response services;

WHEREAS, the lone exception to the Municipal Cost Recovery Rule is the enactment of an ordinance authorizing the Fire Departments to bill and recover those aforementioned costs

from the persons involved and their insurance carriers.

WHEREAS, the Township therefore desires to enact this Ordinance establishing the specific legal authority for the Fire Departments to seek collection, recovery and reimbursement for the usual, customary and reasonable costs incurred when responding to incidents and events from insurance carriers and persons involved.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Albany Township, Berks County, Pennsylvania as follows:

SECTION 1 – SHORT TITLE

This Ordinance shall be known as the “Fire Department Cost Recovery and Reimbursement Ordinance”.

SECTION 2 – DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings indicated below:

INCIDENT: Any fire, emergency, vehicle, safety, natural disaster, rescue and/or hazardous waste incident, accident or event that occurs in Albany Township, Berks County, Pennsylvania to which any Fire Department responds.

FIRE DEPARTMENT(S): The Kempton Fire Company, the Community Fire Company of Virginville, Kutztown Fire & Rescue, any designee of any of the preceding, and all other fire department and fire companies rendering assistance in emergency situations within the Township pursuant to an agreement or dispatched under the 9-1-1 system.

PERSON: Any natural person, partnerships, corporation, limited liability partnership, company, or corporation, incorporated or unincorporated association, firm, insurance carrier, servicing agent, other entity, or any federal, state or local governmental body causing or

involved in an Incident.

SECTION 3 – AUTHORIZATION TO RECOVER FEES, COSTS AND EXPENSES

The Fire Departments may recover those usual, customary and reasonable fees, costs and expenses incurred when responding to any Incident, including but not limited to those for personnel, materials, equipment, and transportation used in the response thereto.

SECTION 4 – REIMBURSEMENT; COST SCHEDULE; COLLECTION

A. The Fire Departments may seek recovery and reimbursement from any Person or their insurance carriers for the fees, costs and expenses incurred when responding to the Incident.

B. When seeking recovery and reimbursement, the Fire Departments shall use the Cost Schedule within Exhibit “A”, which may be amended from time to time via Resolution. The Cost Schedule shall be posted at any Fire Department’s office and provided to any Person or their insurance carrier requesting it.

C. The Fire Departments shall directly charge, collect, seek reimbursement for, and recover any fee, cost or expense authorized for recovery and reimbursement under this Ordinance. All Persons and their insurance carriers shall remit payment for those fees, costs and expenses directly to the Fire Departments.

D. In addition to the above, the Fire Departments may impose interest or finance charges upon invoiced amounts unpaid within thirty (30) days of the invoice date at the maximum rate permitted by the laws of the Commonwealth of Pennsylvania. If any Fire Department must initiate a private collection or legal proceedings to collect sums due, then it may recover in such proceeding all attorneys’ fee, collection agency fees, filing fees and litigation expenses reasonably incurred in the proceeding to the extent permitted by law.

SECTION 5 – SEVERABILITY

If any sentence, clause, section or provision 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 sentences, clauses, sections and provisions of this Ordinance. The intent of the Board of Supervisors of Albany Township is that this Ordinance would still have been enacted regardless of such unconstitutional, illegal or invalid sentence, clause, section or provision being stricken.

SECTION 6 – REPEALER

Any ordinance, sentence, clause section or provision thereof in conflict with this Ordinance is hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 7 – EFFECTIVE DATE

This Ordinance shall become effective on the earliest date possible under applicable law.

DULY ENACTED AND ORDAINED on this ____ day of _____, 2025.

BOARD OF SUPERVISORS
ALBANY TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By: _____
Josh Rabert, Chairman

By: _____
Charles Volk, Member

Attest: _____
Michele Morstatt, Secretary

By: _____
Christopher Schucker, Member

MUNICIPAL CERTIFICATION

I, Michele Morstatt, Secretary of Albany Township, Berks County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2025-__ enacted at a duly convened, regular meeting of the Board of Supervisors of Albany Township, Berks County, Pennsylvania held on the ____ day of _____, 2025.

[SEAL]

Michele Morstatt, Secretary
Albany Township
Berks County, Pennsylvania

EXHIBIT "A"

COST SCHEDULE

APPARATUS:

Aerial/Ladder Response
Engine Response
Rescue Response
Tanker Response
Utility Response
Battalion/Chief Vehicle Response
Marine Unit Response

PRICE:

\$500.00 Per Hour
\$450.00 Per Hour
\$400.00 Per Hour
\$400.00 Per Hour
\$200.00 Per Hour
\$200.00 Per Hour
\$200.00 Per Hour

EXPENDABLES/EQUIPMENT

Salvage Bucket	\$5.00 Per Unit
Hand Tool	\$15.00 Per Tool
Hand Light	\$5.00 Per Light
SCBA	\$75.00 Per Unit
SCBA Cylinder	\$50.00 Per Unit
Hose (per 50' Sections)	\$35.00 Per Section
Gas/CO Detector	\$50.00 Per Unit
Heat Gun	\$75.00 Per Unit
Hot Stick	\$75.00 Per Unit
Power Tool	\$100.00 Per Tool
Hydraulic Tool	\$250.00 Per Unit
PPV/Ventilation Fan	\$100.00 Per Unit
Portable Pump	\$75.00 Per Unit
TIC/Thermal Imaging Camera	\$200.00 Per Unit
Cribbing (Passenger Vehicle)	\$100.00 Flat Rate
Cribbing (Class B Vehicle)	\$200.00 Flat Rate
Cribbing (Class A Truck)	\$500.00 Flat Rate
Rescue Struts	\$75.00 Per Unit
Ladder	\$50.00 Per Unit
Generator	\$75.00 Per Hour/Per Unit
Portable Pond	\$250.00 Per Unit
Blitz Fire	\$75.00 Per Unit
Turn Out Gear/PPE	\$250.00 Per Firefighter
Portable Radio	\$10.00 Per Unit
Traffic Cone	\$5.00 Per Unit
Safety Vest	\$2.50 Per Unit
Windshield Kit	\$25.00 Per Unit
GlassMaster	\$25.00 Per unit
Stokes Basket	\$50.00 Per Unit
Air Bags	\$250.00 Per Unit
Air Tools	\$75.00 Per Unit
HazMat Suit	\$200.00 Per Unit
HazMat Pond	\$150.00 Per Unit
Chimney Kit	\$75.00 Per Unit

E-Flare	\$5.00 Per Unit
Crash Kit	\$50.00 Per Unit
Air Bag Safety Cover	\$25.00 Per Use
Heavy Duty HazMat Gloves	\$50.00 Per Pair
Chemical Resistant Drain Cover	\$100.00 Per Unit
Acid Absorbent Sock	\$175.00 Per Unit
Acid Absorbent Pad	\$100.00 Per Unit
Soda Ash	\$35.00 Per Unit
Bleach	\$5.00 Per Unit
Turn Out Gear Cleaner	\$75.00 Per Gallon
Rehab Tent	\$100.00 Per Unit
Framing Nail	\$3.00 Per Unit
Lumber	\$8.00 Per Unit
Diamond Tip Saw Blade	\$300.00 Per Unit
Winch	\$50.00 Per Unit
Lock Out Kit	\$60.00 Per Unit
Food/Drinks for Standby	\$50.00 Flat Rate
Fire Blanket	\$1,500.00 Flat Rate

GENERAL SERVICES

Environmental Hazard Cleanup	\$350.00 Flat Rate
Traffic Control Services	\$200.00 Per Hour
Scene Lighting	\$100.00 Per Hour
Manpower (Career FF's ONLY)	\$50.00 Per Firefighter/Per Hour
Automatic Fire Alarm Response	\$300.00 Flat Rate
Spill Containment	\$150.00 Flat Rate
Fire Safety Inspection	\$110.00 Per Inspection
K-9 Arson Investigation	\$300.00 Per Investigation
Body Removal	\$250.00 Per Body
Tech/Heavy Rescue	\$1,000.00 Flat Rate
Lift Assist	\$100.00 Per Assist
Lift Assist with Special Equipment	\$200.00 Per Assist
High Angle Rescue	\$500.00 Per Assist

MEDICAL ESQUIPMENT

Latex Gloves	\$2.00 Per Pair
Trauma Kit	\$50.00 Per Unit
Oxygen	\$50.00 Per Unit
Cervical Collar	\$30.00 Per Unit
Patient Blanket	\$25.00 Per Unit
Body Bag	\$50.00 Per Unit
N95 Mask	\$10.00 Per Unit
Narcan Injection	\$150.00 Per Unit
Backboard	\$25.00 Per Unit

AED	\$50.00 Per Unit
Medical Extrication – Level 1	\$500.00 Flat Rate
Medical Extrication – Level 2	\$1,500.00 Flat Rate
Air Medical Landing Zone	\$500.00 Per Zone
Basic EMS Assistance	\$350.00 Flat Rate