

**LEESPORT BOROUGH, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2023- 488**

**AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA AUTHORIZING THE FIRE COMPANY TO SEEK RECOVERY AND REIMBURSEMENT OF COSTS OF MATERIALS AND EQUIPMENT USED AND SERVICES RENDERED IN PROVIDING FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES**

**WHEREAS**, the Borough of Leesport is a Borough of the Commonwealth of Pennsylvania, governed by the Borough Code, 8 Pa.C.S. §101 et. seq.; and

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

**WHEREAS**, pursuant to Section 1202(56) of the Borough Code, 8 Pa.C.S. §1202(56), the Borough Council shall be responsible for ensuring that fire and emergency medical services are provided within the Borough; and

**WHEREAS**, per Section 1202(35) of the Borough Code, 8 Pa.C.S. §1202(35), the Council for the Borough may appropriate moneys for the use of fire companies located in the Borough for the purchase, operation and maintenance of fire apparatus, construction and maintenance of fire houses, and fire training, to secure fire protection for the residents of the Borough; and

**WHEREAS**, the Hazardous Material Emergency Planning and Response Act provides in Section 6022.210, 35 P.S. § 6022.210, that a person who causes a release of a hazardous material shall be liable for the response costs incurred by a certified hazardous material response team or a supporting paid or volunteer emergency service organization, or both; and

**WHEREAS**, Council for the Borough of Leesport has recognized the Union Fire Company No. 1 of Leesport (“Fire Company”) as the official fire protection and emergency service provider in the Borough; and

**WHEREAS**, the Fire Company is an independent nonprofit Pennsylvania corporation; and

**WHEREAS**, as the authorized Fire Company for providing fire protection and emergency services to the residents of the Borough of Leesport, the Fire Company is dispatched through the County of Berks 911 system to respond to fire and emergency situations in the Borough of Leesport; and

**WHEREAS**, considerable sums are expended by the Fire Company for equipment and materials in providing fire protection and emergency services to the residents and visitors of the Borough of Leesport; and

**WHEREAS**, to ensure the continued viability of the Fire Company and to protect and promote the public health, safety and welfare of the Borough and its citizens and visitors, Council desires to authorize the Fire Company to recover the usual, reasonable and customary fees and charges for the services provided by the Fire Company from those who received firefighting, rescue and/or other emergency services from the Fire Company; and

**WHEREAS**, Council further desires to authorize the Fire Company to recover costs incurred in providing emergency services to the residents and visitors of the Borough of Leesport to obtain financial support for these volunteer service providers who are experiencing ever-increasing financial burdens and costs, which costs have an adverse impact on the provision of emergency services in the Borough.

**NOW THEREFORE, BE IT ENACTED and ORDAINED**, by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania by the authority of the same as follows:

**SECTION 1. Short Title.**

This Ordinance shall be known and may be cited as the “Borough of Leesport Emergency Services Cost Reimbursement Ordinance.”

**SECTION 2. Definitions.**

The following terms shall have the meanings set forth herein:

Borough: The Borough of Leesport, Berks County, Pennsylvania

Council: The Council for the Borough of Leesport, Berks County, Pennsylvania.

Fire Company: The Union Fire Company No. 1 of Leesport, duly organized, acknowledged by and existing in the Borough of Leesport to provide emergency services in the Borough.

Insurer or Insurance Company: every insurance company, association or exchange, incorporated or organized by or under the laws of this Commonwealth, the United States, territories, dependencies, other states, or foreign governments, and engaged in transacting insurance business of any kind or classification, except title insurance companies.

Person: An individual, organization, corporation, partnership, government or government agency, department or political subdivision, business, trust, estate, association and any other legal or commercial entity.

**SECTION 3. Authorization to Recover Fees, Costs and Expenses.**

The Borough hereby authorizes the Fire Company to recover the costs of the following, including, but not limited to, firefighting materials used and expended, the use of fire trucks, fire engines, rescue equipment and tankers, emergency medical supplies, and hazardous situation abatement materials used and expended in connection with any fire, safety rescue incident or operation, medical emergency, or hazardous situation abatement incident including vehicular

accidents, fires and/or medical emergencies occurring within the Borough or any other area in which the Fire Company is authorized by the Borough to provide such emergency services.

**SECTION 4. Schedule of Fees, Costs and Expenses.**

The Fire Company fees, costs and expenses (collectively "Charges") permitted to be recovered shall be as set forth on the Schedule attached hereto as Appendix "A." The Schedule for Charges may be amended by Resolution of Council from time to time. The Charges shall at all times be that which is usual, customary and reasonable in the County of Berks.

**SECTION 5. Utilization of Fees**

All amounts collected by the Fire Company pursuant to this Ordinance shall be placed into a fund established by the Fire Company. The funds shall be utilized exclusively for supplies and equipment of the Fire Company utilized in providing emergency services in the Borough or any other area in which the Fire Company is authorized by the Borough to provide such emergency services.

**SECTION 6. Requirement to Pay for Fees, Costs, and Expenses**

Any person or persons, and any insurer or insurance company who insures a person or persons who receive(s) firefighting, rescue, medical or other emergency service, or any combination of those services, shall be liable for the Charges incurred by the Fire Company in providing said services to the insurance companies' insured.

**SECTION 7. Collection of Fees, Costs, and Expenses**

The Charges shall be recovered directly by the Fire Company by direct billing or by an attorney, collection service or other agency contracted with and by the Fire Company for the collection of such sums. In addition to the Charges, the Fire Company shall also be authorized to collect reasonable interest and administration expenses involved in collecting said Charges.

**SECTION 8. Enforcement**

In the event any insurance carrier or Person fails to pay any bill or invoice within thirty (30) days of the mailing or delivery of such notice of charges, the Fire Company directly, or any attorney, collection service or other agency contracted with and by the Fire Company, who mailed or delivered the bill or invoice, may enforce the provisions of this Ordinance by filing a civil action at law in a court of competent jurisdiction for the collection of any amounts due to the Fire Company, together with any statutory interest, court costs, collection and/or administration fees, and reasonable attorneys' fees. The remedies provided herein shall be in addition to any other relief, remedies or penalties that may be appropriate and provided by law.

**SECTION 9. Accounting.**

At the request of the Council for the Borough, the Fire Company shall provide the Borough an accounting of the Charges including but not limited to the Charges charged and collected, the costs of collection of the Charges billed, the fund into which the Charges were deposited and expenditures from the fund. The Borough shall have the right to audit the accounting provided by the Fire Company or require the Fire Company to obtain an audit of the Charges and fund and provide the Borough with a copy of the audit.

**SECTION 10. Responsibility of the Borough.**

The Borough shall not be responsible for any aspect of the recovery of Charges under this ordinance. The Borough shall not take any steps to assist the Fire Company or any third-party billing service in recovery of costs under this ordinance.

**SECTION 11. Severability.**

If any sentence, clause, section or part 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 provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 12. Repealer.**


All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 13. Effective Date.**


This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED this 20<sup>th</sup> day of December, 2023.


COUNCIL FOR THE  
BOROUGH OF LEESPORT,  
BERKS COUNTY, PENNSYLVANIA

  
\_\_\_\_\_  
Ronald Strause, President

ATTEST

  
\_\_\_\_\_  
Sandra Weiser-Pascavage, Borough Manager / Secretary

APPROVED this 20<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
Thomas Fronina, Mayor of the Borough

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. \_\_\_\_\_ adopted by the Council of the Borough of Leesport, Berks County, Pennsylvania at a public hearing following a regular meeting held on December 20, 2023, pursuant to notice as required by law.



Sandra Weiser-Pascavage  
Borough Manager / Secretary

# EXHIBIT "A"

## BILLING LIST

### Apparatus

Engine:	\$350.00 Per Hour
Aerial/Ladder:	\$400.00 Per Hour
Rescue:	\$300.00 Per Hour
Squad/Utility/Support:	\$150.00 Per Hour
Tanker/Tender:	\$300.00 Per Hour
Battalion/Chief Vehicle	\$150.00 Per Hour
Marine Unit	\$150.00 Per Hour

### Equipment/Service

SCBA	\$50.00 Each
SCBA Cylinder	\$25.00 Per Unit
Hose (per 50')	\$25.00 Per Section
Gas/Co Detector/Heat Gun	\$50.00 Per Use
Deodorizer	\$25.00 Per Unit
Extinguisher (any class)	\$50.00 Per Unit
Fire/Police Services	\$100.00 Per Hour
Hand Tools	\$15.00 Each
Hydraulic Rescue Tools	\$200.00 Each
Scene Lighting	\$75.00 Per Hour
Oil Absorbent Booms	\$20.00 Each
Oil Absorbent Sheets	\$2.50 Per Sheet
Oil Absorbent Material	\$35.00 Per Unit
Oil Dry	\$35.00 Bucket
Portable Pumps	\$50.00 Per Unit
Power Tools	\$50.00 Each
Road Closing/Traffic Control	\$100.00 Per Hour
Salvage Covers	\$35.00 Per Unit
Debris Cleanup/Removal	\$250.00 Flat Rate
Flares	\$8.00 Each
IR Camera	\$100.00 Each
Foam	\$65.00 Per Gallon
Cribbing:	
- Passenger	\$100.00 Flat Rate
- Class B	\$200.00 Flat Rate
- Trucks – Class A	\$500.00 Flat Rate
Stabilization Struts	\$50.00 Per Use
Latex Gloves	\$2.00 Per Pair
Ladders	\$35.00 Per Unit
Medical Extrication – Lvl 1	\$500.00 Flat Rate
Medical Extrication – Lvl 2	\$1,500.00 Flat Rate
Air Medical Landing Zone	\$250.00 Per Zone
Basic EMS Assistance	\$250.00 Flat Rate

Generator	\$50.00 Per Hour
Hand Lights	\$5.00 Per Use
Portable Pond	\$150.00 Per Use
Wetting Agent	\$25.00 Per Unit
Fire Line Tape	\$.25 Per Foot
Rescue Rope	\$.99 Per Foot
Work Rope	\$.49 Per Foot
Chimney Bomb	\$25.00 Per Unit
Garbage Bag	\$2.50 Per Unit
Pro Pack	\$950.00 Per Unit
Turbo Flare	\$5.00 Per Unit
Plug Kit	\$25.00 Per Unit
Chemical Gloves	\$20.00 Per Pair
Emulsifier	\$50.00 Per Gallon
HazMat Pillow	\$20.00 Per Unit
Salt/Sand	\$15.00 Per Bucket
Putty	\$10.00 Per Unit
PRO-Pack Foam System	\$50.00 Per Unit
POK Foam Stick	\$25.00 Per Unit
Chemical Suit	\$35.00 Per Unit
Digital Camera	\$25.00 Per Unit
Salvage Bucket	\$5.00 Per Unit
Hot Stick	\$50.00 Per Unit
PPV/Ventilation Fan	\$200.00 Per Tool
TIC/Thermal Imaging Camera	\$100.00 Per Unit
Rescue Struts	\$50.00 Per Unit
Blitz Fire	\$50.00 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	\$25.00 Per Unit
Air Bags	\$150.00 Per Unit
Air tools	\$50.00 Per Unit
HazMat Suit	\$125.00 Per Unit
HazMat Pond	\$50.00 Per Unit
Chimney Kit	\$50.00 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	\$25.00 Per Pair
Chemical Resistant Drain Cover	\$100.00 Per Unit
Acid Absorbent Sock	\$141.00 Per Unit
Acid Absorbent Pad	\$61.00 Per Unit
Soda Ash	\$35.00 Per Unit
Bleach	\$5.00 Per Unit
Turnout Gear Clean	\$65.00 Per Gallon
Rehab Tent	\$50.00 Per Unit
Framing Nail	\$3.00 Per Unit

Lumber	\$8.00 Per Unit
Diamond Tip Saw Blade	\$244.95 Per Unit
Winch	\$50.00 Per Unit
Lock Out Kit	\$60.00 Per Unit
Food/Drinks for Standby	\$25.00 Flat Rate
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	\$200.00 Per Investigation
Body Removal	\$250.00 Per Body
Cleanup/Scene Stabilization	\$250.00 Flat Rate
Tech/Heavy Rescue	\$750.00 Flat Rate
Lift Assist	\$75.00 Per Assist
Lift Assist w/ Special Equipment	\$150.00 Per Assist
High Angle Rescue	\$300.00 Per Assist
Tauma Kit	\$25.00 Per Unit
Oxygen	\$25.00 Per Unit
Cervical Collar	\$25.00 Per Unit
Patient Blanket	\$25.00 Per Unit
Body Bag	\$50.00 Per Unit
N95 Masak	\$10.00 Per Unit
Narcan Injection	\$50.00 Per Unit
Backboard	\$25.00 Per Unit
AED	\$50.00 Per Unit

Marine Equipment

Dry Suit	\$100.00 Per Suit
Wet Suit	\$100.00 Per Suit
SCUBA Tank	\$125.00 Per Unit
Life Vest	\$25.00 Per Unit