

**TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO.: 169 of 2025

**AN ORDINANCE OF UPPER BERN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA ESTABLISHING “EMERGENCY SERVICES
COST RECOVERY” IN ORDER TO AUTHORIZE FIRE DEPARTMENTS AND
OTHER EMERGENCY SERVICE PROVIDERS, TO SEEK RECOVERY OF COSTS
INCURRED WHEN RESPONDING TO FIRES, AUTOMOBILE ACCIDENT SCENES,
HAZARDOUS INCIDENTS, AND ANY OTHER SAFETY AND/OR RESCUE
RESPONSES WHICH TAKE PLACE IN UPPER BERN TOWNSHIP.**

WHEREAS, the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania (the “Board of Supervisors” and the “Township”, respectively) has recognized and designated the Shartlesville Fire Company No. 1 as the designated fire department for the Township, and, additionally, there may be, from time to time, fire companies which render assistance at emergency scenes in the Township under agreements of mutual aid (the “Fire Department”); and

WHEREAS, the Fire Department performs emergency response services, including, but not limited to, response to: fires, accidents, floods, hazardous material discharges, and other environmental incidents, safety and rescue incidents, and generally protect the public interest and safety, all to the general benefit of the Township and its residents; and

WHEREAS, in responding to such incidents, the Fire Department incurs costs for firefighting materials, equipment and hazard abatement materials, which far exceed fire tax revenues from the Township, donations from residents of the Township, and monies received from the Commonwealth of Pennsylvania; and

WHEREAS, insurance companies often deny claims for these costs based upon the Municipal Cost Recovery Rule; and

WHEREAS, the one (1) exception to the Municipal Cost Recovery Rule is the implementation of an ordinance authorizing recovery of these response costs; and

WHEREAS, the Board of Supervisors desire to establish specific legal authority for the Fire Department to now seek collection and reimbursement for reasonable costs of response to incidents from the insurance companies of those involved in the incidents.

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

Section 1: Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated:

“EMERGENCY MEDICAL SERVICE PROVIDER” or “EMERGENCY SERVICE PROVIDER” – The Fire Department or the designee of the Fire Department, including the Road Department of the Township, providing emergency services of any type, pursuant to a dispatch under the 911 system.

“FIRE DEPARTMENT” – The Shartlesville Fire Company No. 1.

“PERSON” – Any natural person(s), partnership, corporation, limited liability partnership or corporation, association, firm, insurance carrier, servicing agent, or other legal entity.

Section 2: Authorization to Recover Costs.

1. The Fire Department is hereby authorized, pursuant to this section, to recover the usual, reasonable and customary costs of materials used and expended, use of equipment, hazardous situation abatement materials and personnel services used in or devoted to any fire, safety, rescue and/or hazardous waste abatement incident and/or other emergency response incidents, including, but not limited to, vehicular accidents and fires.

2. The Fire Department shall utilize the billing list attached hereto and incorporated herein by reference as Exhibit “A” as fees and costs for their services, which may be amended from time-to-time by resolution of the Board of Supervisors. Such schedules of fees and costs shall be posted at the Fire Department and shall be made available to persons upon request. The costs and expenses authorized by this section shall be those established in current and posted schedules.

3. Where the Township is requested by a private person or other governmental agency to provide services of the Township to assist in an emergency caused by an incident or to assist the private person, other than within the scope of its general municipal services, the Township shall be authorized to seek recovery and reimbursement of such additional expenses, and, in the case of assisting private persons, to require payment of defined costs and expenses in advance.

4. Natural persons with a primary residence within the Township are exempt from this Section. Therefore, the Fire Department and Township shall not be authorized under this Ordinance to seek recovery of costs from natural persons with a primary residence within the Township.

Section 3: Collection of Costs, Expenses and Fees.

1. Costs, expenses and fees authorized in Section 2 of this Ordinance shall be charged, collected and recovered directly by the Fire Department, the Township or their appointed designee or agent. The person invoiced for such costs, expenses and fees, and/or that person’s insurance carrier, servicing agent or other representative, shall remit payment of

invoiced costs, expenses and fees directly to the Fire Department.

2. In addition to such costs, expenses and fees, the Fire Department and the Township, are authorized to impose interest or finance charges upon invoiced amounts not paid within thirty (30) days after the invoice date, at such rates as are authorized by the laws of the Commonwealth of Pennsylvania.

3. In addition to such costs, expenses and fees, in the event the Fire Department and the Township, are compelled to initiate private collection or legal proceedings to collect sums due, such provider, in addition to all costs, expenses, fees and interest or service charges due, shall be entitled to recover in such proceeding all attorneys' fees, collection agency fees, filing fees and litigation expenses reasonably incurred in the proceeding to the extent permitted by law.

4. Rates to be imposed are subject to change by the Township Board of Supervisors.

Section 4: Severability. Should any section or provision of this amendment be declared illegal, invalid, or unconstitutional by any court or competent jurisdiction, such decision or declaration shall not affect the validity or enforcement of the Upper Bern Township Zoning Ordinance.

Section 5: Repealer. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, shall be in the same or hereby repealed.

Section 6: Validity. If any Section or part of a Section of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or Sections of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid Section or portion thereof had not been included therein.

Section 7: Effective Date. This Ordinance shall become effective upon adoption.

ORDAINED AND ENACTED this 13 day of November, 2025, by a vote of 3
Yes No Abstained Absent.

Attest:

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

By: Gloria Grim
Gloria Grim, Chairman

By: Mike Fisher
Mike Fisher, Vice Chairman

By: Arthur R. Lambert
Arthur Lambert, Supervisor

Dee Shovelton
Secretary

