

BOROUGH OF BALLY
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 278

AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING AND RECOGNIZING THE EASTERN BERKS FIRE DEPARTMENT, INC.; SETTING FORTH RULES, REGULATIONS AND AUTHORIZED ACTIVITIES OF THE FIRE DEPARTMENT, ITS MEMBERS AND EMPLOYEES; AND RECOGNIZING THE EASTERN BERKS FIRE DEPARTMENT RELIEF ASSOCIATION, INC.

WITNESSETH:

WHEREAS, the Borough of Bally currently receives firefighting and related services from the Goodwill Fire Company of Bally;

WHEREAS, in an effort to reduce costs and continue to provide firefighting services to residents of the Borough of Bally and surrounding areas, three volunteer fire companies, The Volunteer Barto Fire Company, Goodwill Fire Company of Bally and Keystone Fire Company No.1 of Bechtelsville, agreed to consolidate and form a new volunteer fire organization known as Eastern Berks Fire Department, Inc.;

WHEREAS, the three legacy volunteer fire companies have filed Petitions with the Berks County Orphans Court to transfer their firefighting assets to Eastern Berks Fire Department, Inc.;

and

WHEREAS, the Borough Council of the Borough of Bally wishes to recognize Eastern Berks Fire Department, Inc. as an official volunteer fire organization of the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Borough of Bally, County of Berks, Commonwealth of Pennsylvania, as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish and recognize Eastern Berks Fire Department, Inc. ("Fire Department") as an official fire organization of the Borough; to provide for governance of the Fire Department; to set forth rules, regulations and authorized activities of the Fire Department, its members and employees; and to recognize the Eastern Berks Fire Department Relief Association, Inc.

Section 2. Recognition. Eastern Berks Fire Department, Inc. is hereby recognized as an official volunteer fire department of the Borough of Bally.

Section 3. Governance. The Fire Department shall be governed pursuant to its adopted by-laws, a copy of which is incorporated herein by reference. The by-laws may be amended from time to time by the Fire Department without the consent or approval of Borough Council.

Section 4. Authorized Activities of Fire Department. The Fire Department is hereby authorized to provide:

a. Such services to the Borough as may be necessary for the protection of property and persons situate therein, which include but are not limited to: extinguishment and prevention of personal injury and death from fire, protection of property from damage or destruction by fire, response to motor vehicle accidents, medical emergencies, hazardous materials incidents and other dangerous situations.

b. Non-emergency and public service functions, including but not limited to water removal from properties after storms and assistance in the removal, abatement and/or prevention of damage or injury to persons or property, whether due to natural causes or man-made situations.

c. To conduct and participate in such training activities or drills, either within the Borough or outside of the Borough, as may be deemed necessary by the Fire Department to maintain proficiency in providing service.

d. Any other activities or services as permitted by the by-laws and local, state and federal law.

Section 5. Authorized Activities of Members of the Fire Department. Members of the Fire Department are authorized to do the following in addition to actually participating in the activities of the Fire Department as authorized above, or in going to or returning from any activity:

a. Engage in any type of drill, training, ceremony, practice, test or parade when duly called for by the Fire Department.

b. Engage in the performance of any other duty or lawful activity authorized by the Fire Department.

c. Any other activities or services as permitted by the by-laws and local, state and federal law.

Section 6. Recognition of Relief Association. The Eastern Berks Fire Department Relief Association, Inc. is hereby recognized as the relief association for the Eastern Berks Fire Department, Inc. The Eastern Berks Fire Department Relief Association, Inc. is designated as the proper association to receive the appropriate portion of the relief funds distributed by the Commonwealth of Pennsylvania.

Section 7. Repealer. Any Ordinances or Resolutions, or portions thereof, which may be deemed inconsistent with the terms and provisions of this Ordinance, are hereby repealed.

Section 8. Severability. The provisions of this Ordinance shall be severable and if any of the provisions shall be held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted if such unconstitutional or illegal provision had not been included.

Section 9. Effective Date. This Ordinance shall take effect within five (5) days of its enactment by Borough Council.

ORDAINED and ENACTED this 1st day of November, 2011, by the Borough Council of the Borough of Bally.

BOROUGH OF BALLY

By:



Attest:



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