

ORDINANCE NO. 605

AN ORDINANCE OF THE TOWNSHIP OF PENN, YORK COUNTY, PENNSYLVANIA, ESTABLISHING A DEPARTMENT OF FIRE AND RESCUE SERVICES OF THE TOWNSHIP, AND RECOGNIZING PARKVILLE FIRE COMPANY AND FRIENDSHIP FIRE COMPANY AS THE OFFICIAL VOLUNTEER FIRE COMPANIES OF THE TOWNSHIP; THE PENN TOWNSHIP AMBULANCE CLUB AS THE OFFICIAL EMERGENCY MEDICAL SERVICE; THE PENN TOWNSHIP FIRE POLICE AS THE TRAFFIC CONTROL SERVICE OF THE TOWNSHIP; AND ESTABLISHING THE OFFICE OF FIRE CHIEF.

WHEREAS, each of the two fire companies, ambulance club and fire police are non-profit corporations organized and existing under the laws of the Commonwealth of Pennsylvania. The fire companies and ambulance club have title to their respective stations as well as certain emergency vehicles and equipment used for fire and emergency medical service. The Township provides monetary support to the fire companies, ambulance club and fire police for the acquisition, operation and maintenance of emergency service equipment and housing of such equipment in the form of appropriations.

WHEREAS, the manpower to operate and maintain emergency service equipment and housing is provided in substantial part by both career and volunteer personnel. The Township deems it to be in the essential public interest of its residents to provide financial and management assistance and the most feasible means of doing so is to reform the organization of the fire companies, ambulance service and fire police for the purpose of integrating into a Township Fire Department.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Penn Township, and it is hereby enacted and ordained, in lawful session assembled as follows:

SECTION 1. PURPOSE AND AUTHORITY

Purpose. It is the purpose of this Ordinance to integrate, unify and reorganize the fire, ems and fire police service of the Township and establish an administrative agency of the Township to be known as the Penn Township Department of Fire and Rescue Services (Department) with authority and responsibility for the operation and administration of all fire, rescue, emergency service and fire police service within the Township.

SECTION 2. LEGISLATIVE AUTHORITY

The legislative authority for this Ordinance is as follows:

- (a) Section 1502 Paragraph I, III, IV, X, XVI, XVII & XXXIV, XLIV of the Pennsylvania First Class Township Code.
- (b) 15 Pa. C.S.A. 5502(a)(12), (17) and (18) of the Nonprofit Corporation Code.

SECTION 3. RECOGNITION OF FIRE DEPARTMENTS, AMBULANCE, AND FIRE POLICE

- A. Parkville Fire Company and Friendship Fire Company are officially recognized as the volunteer fire services in and for the Township. Parkville Fire Company and Friendship Fire Company are referred to collectively as the “fire companies” or individually as “fire company”.
- B. Penn Township Ambulance Club is officially recognized as the volunteer emergency medical service in and for the Township. Penn Township Ambulance Club is referred to as the “ambulance club”.
- C. Penn Township Fire Police is officially recognized as the volunteer traffic control service in and for the Township. Penn Township Fire Police is referred to as “fire police”.

SECTION 4. DEPARTMENT OF FIRE AND RESCUE SERVICES

- A. Establishment of Department. The Department is hereby established as an administrative agency of the Township with direct responsibility for providing the following specified emergency response and support services in and for the Township and its residents:
 - (1) Emergency response services including, but not limited to, the control, suppression and extinguishment of fires, search and rescue for persons necessitated by man-made or natural disaster or accidents; the isolation and containment of hazardous materials and substances; rendering assistance to other emergency services; and generally to provide for the protection and safety of persons and property within the Township.
 - (2) Emergency medical response services including, but not limited to, basic life support services for persons requiring emergency medical care and management of illness or injury, and ambulance or transportation service for such persons to a hospital or other health care facility.

- (3) Fire Police response services including, but not limited to, crowd and traffic control for the protection of fire, ems and public safety personnel.
- (4) Coordination with and providing assistance to federal, state, county and local emergency management agencies.
- (5) Non-emergency public services to or for the use of persons and property within the Township.
- (6) Participation in training activities and drills, whether inside or outside of the Township, as may be deemed necessary or desirable for maintaining proficiency in providing fire protection and emergency medical response services.
- (7) Response to or for any municipality, which has entered into a mutual aid agreement with the Township. Response to emergency calls outside the boundaries of the Township, but within a reasonable service area of the fire company or ambulance service responding.
- (8) Providing such other services not inconsistent with the mission of the Department, which the Board of Commissioners or the Township Manager may from time to time direct.

B. Organization of Department. The Department shall be composed of the following designated entities and persons with the powers, duties and responsibilities specified or assigned to them in subsequent Articles of this Ordinance.

- (1) Volunteer Fire Company – Parkville Fire Company and Friendship Fire Company as the officially recognized volunteer fire company in and for the Township.
- (2) Ambulance Service – Penn Township Ambulance Club as the officially recognized volunteer emergency medical service in and for the Township.
- (3) Fire Police – Penn Township Fire Police as the officially recognized volunteer fire police in and for the Township.
- (4) Office of the Fire Chief – The Township Fire Chief, Deputy Fire Chief, Assistant Fire Chief and such administrative staffing as the Board of Commissioners shall from time to time approve.

- (5) Emergency response personnel – Persons engaged as career or volunteering their services to the Township through the volunteer fire companies or otherwise.

C. Organizational Structure. The Fire Chief, with the approval of the board of Commissioners, shall establish an organizational structure for the Department and the emergency response personnel, employees and volunteers under his/her direction and control. Any such reorganization shall include an organization chart which:

- (1) Designates a rank and title for each classification of employee or volunteer.
- (2) Indicates the certifications, qualification, education, training and/or experience required to attain such rank or title.
- (3) Represents the authority, duties and responsibilities of each rank or title.
- (4) Indicates the number of positions proposed for each rank or title.

SECTION 5. ESTABLISHING THE OFFICE OF FIRE CHIEF

A. Office Of Fire Chief. The Fire Chief of the Township shall be an individual engaged by the Township Manager and named to that position by the Board of Commissioners. The Fire Chief shall be the chief administrative and operational officer of the Department and subordinate only to the Township Manager to whom he or she shall report. The authority, duties and responsibilities of the Fire Chief shall include, but not be limited to:

- (1) The training, supervision, direction and control of all subordinate Department personnel in the performance of such personnel's assigned duties and responsibilities.
- (2) The training, supervision, direction and control of members of the volunteer fire, emergency medical and fire police services while engaged in the performance of any services and activities as specified in Section 2 of this Ordinance or reasonably incidental thereto.
- (3) Assistance in the recruitment of volunteer personnel and the development and implementation of programs for securing and maintaining volunteer participation.

- (4) The promulgation of rules and regulations for the administration and operation of the Department, which shall include standards and policies regarding the conduct of all personnel.
- (5) The preparation of an annual operating budget for the Department, including capital expenditures for building, apparatus and equipment proposed for the succeeding year. For this purpose the Fire Chief shall have full and complete access to financial statements and records of the fire, emergency medical and fire police companies.
- (6) The preparation of long-range capital budgets and plans with annual updates.
- (7) The supervision, direction and control of all moneys expended by the Department and the fire companies, ambulance club and fire police for emergency activities.
- (8) Preparation of an Emergency Service Plan for the Township.
- (9) Maintain liaison between the Township and the fire companies, ambulance club and fire police.
- (10) Such other duties and responsibilities as shall be assigned, from time to time, by the Township Manager.

B. Deputy Fire Chief. The Deputy Fire Chief of the Township shall be an individual engaged by the Township Manager and named to that position by the Board of Commissioners. The authority, duties and responsibilities of the Deputy Fire Chief shall include, but not be limited to:

- (1) Assisting the Fire Chief in the performance of the Fire Chief's duties and responsibilities.
- (2) Performance of other duties and responsibilities as shall, from time to time, be assigned by the Fire Chief.
- (3) Exercise the authority and perform duties and responsibilities of the Fire Chief in the event of absence of the Fire Chief from the Township or in the event that the Fire Chief is, at any time, unable to perform his/her duties and responsibilities.

C. Assistant Fire Chief. The Assistant Fire Chief of the Township shall be an individual engaged by the Township Manager and named to that position by the Board of Commissioners. The authority, duties and responsibilities of the Assistant Chief shall include but not limited to:

- (1) Assisting The Fire Chief and Deputy Fire Chief in the performance of their duties and responsibilities.
- (2) Performance of other duties and responsibilities as shall, from time to time, be assigned by the Fire Chief.
- (3) Exercise the authority and perform the duties and responsibilities of the Deputy Chief when the Deputy Fire Chief is absent from the Township or in the event that the Deputy Fire Chief is, at any time, unable to perform his/her duties and responsibilities.
- (4) When the Fire Chief and Deputy Chief are both absent from the Township or for any reason both are unable to perform their duties and responsibilities, to exercise the authority and perform the duties and responsibilities of the Fire Chief.

SECTION 6. EMERGENCY RESPONSE PERSONNEL

- A. Qualifications. No person shall be engaged as an emergency response employee or as a volunteer for the performance of emergency response service unless such person shall have first obtained current certification(s) established by state/federal law or by the Fire Chief for the performance of the duties and responsibilities of the position occupied.
- B. Education & Training. All persons engaged as an employee or volunteer in the performance of emergency response services shall obtain and maintain such level of education and continuing education, and such level of training and continuing training as required by statute, regulation or as the Fire Chief shall, from time to time, prescribe. Any person who fails to obtain or maintain such education or training shall be removed from his or her position as an emergency responder.

SECTION 7. BUDGET AND FINANCE

- A. Operating Budget. Each year on the date as specified by the Township Manager the Fire Chief shall prepare an annual operating budget for the emergency service activities of the fire companies, ambulance club, fire police and the Department for the succeeding calendar year which shall include, but may not be limited to:
 - (1) The source and amount of all revenues anticipated to be available to fire, emergency medical, fire police and the Department during the fiscal year including, but not limited to:
 - (a) Any unexpended balances from preceding years.

- (b) All revenue earned by the fire companies, ambulance club, fire police and the Department.
 - (c) All revenues donated to the fire companies, ambulance club, fire police and the Department.
 - (d) The amount requested for appropriation by the Township.
 - (e) Any amounts proposed to be borrowed by the fire companies, ambulance club or fire police.
- (2) The purpose and amount of all expenditures anticipated to be made by the fire company and the Department during the fiscal year including, but not limited to:
- (a) General operating costs of the fire companies, ambulance club, fire police and the Department, including administration expenses, wages and salaries, fuel, utilities and the purchase of materials and supplies.
 - (b) Maintenance and repair costs for land, buildings and equipment.
 - (c) Debt service on borrowed funds
 - (d) Proposed capital expenditures for the acquisition or renovation of land, buildings or equipment.
 - (e) Transfers to reserve accounts for future capital expenditures as projected in the Department's Long Range Plan.

B. Financial Records. The fire companies, ambulance club and fire police shall establish and maintain in effect a financial records system which will enable the Treasurer of each organization at any time to internally produce a statement which fairly and accurately shows financial condition of the organization as of the date produced. Such financial statement shall be prepared and published for each regular meeting of the fire companies, ambulance club and fire police and copies of such statements shall be distributed to the Fire Chief. The fire companies, ambulance club and fire police shall annually submit its financial records for the preceding fiscal year to the Township Board of Commissioners. The fire companies, ambulance club, and fire police, must cooperate with any Township audit, or must conduct their own audit. In addition, they should keep their records in compliance with generally accepted accounting practices.

C. Long Range Capital Expenditure Budget. In connection with the Fire Service Plan, the Fire Chief shall prepare a long-range capital expenditure budget based on the plan that will document the following:

- (1) The timing for the acquisition and estimated cost of capital emergency service equipment proposed to be added to or required for replacement of existing equipment or rehabilitation of the same.
- (2) The timing for and estimated cost of capital improvements or additions to, or acquisitions of land, buildings or parts of building and necessary fixtures for the housing of equipment and accommodation of personnel.
- (3) Annual depreciation or reserves required to fund long-range capital expenditure budget, which shall be integrated into the Departments annual operating budgets.

SECTION 8. EMERGENCY SERVICE PLANNING

- A. Inventory of Capital Equipment. Within six (6) months after the effective date of this Ordinance, the Fire Chief shall prepare an inventory of all capital emergency equipment owned, leased or used by the fire companies, ambulance club and fire police in connection with its emergency service activities. Such inventory shall also denote the age and condition of the equipment.
- B. Building Assessment. Within six (6) months after the effective date of this Ordinance, the Fire Chief shall survey and inspect the buildings or parts of buildings owned, used or occupied by the fire companies, ambulance club and fire police for the housing of all emergency service equipment, apparatus, materials and supplies and prepare an assessment report which shall document the age and condition of each structure, the adequacy of the same for housing and maintaining emergency service equipment, accommodating emergency personnel and providing office space or other support facilities required for emergency service operations.
- C. Fire Service Plan. The Fire Chief shall, within two (2) years after the effective date of this Ordinance, prepare or cause to be prepared a plan addressing the existing and future fire service needs of the Township. Such plan should project such needs for a period of not less than ten (10) years and propose an implementation schedule. The plan shall be updated at intervals not exceeding ten (10) years.

SECTION 9. REPEAL OF INCONSISTENT ORDINANCES

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

SECTION 10. SEVERABILITY

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of the Ordinance, which can be given effect without the invalid provision, or application of the Ordinance.

ENACTED AND ORDANED this 15th day of December, 2003.

ATTEST:

BOARD OF COMMISSIONERS OF
PENN TOWNSHIP

By: Kristina J. Rodgers
Kristina J. Rodgers, Secretary

By: Charles A. Stauffer
Charles A. Stauffer, President