

BOROUGH OF SHARPSBURG
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-02

AN ORDINANCE RECOGNIZING CERTAIN FIRE COMPANIES WITHIN THE
BOROUGH OF SHARPSBURG TO PROVIDE PRIMARY FIRE PROTECTION AND
OTHER RELATED FIRE SERVICES TO THE BOROUGH OF SHARPSBURG

WHEREAS, it is in the best interest of the Borough to officially recognize a specific Pennsylvania nonprofit Volunteer Fire Department/Company corporation to provide primary volunteer fire and rescue services within the Borough;

WHEREAS, by Law, the Borough may provide for fire protection as per Title 8, Pa. C.S.A., Section 1202 (35) and further support the Volunteer Fire Service as may be permitted at Law;

WHEREAS, the BOROUGH, through its BOROUGH COUNCIL, has requested Southern Allegheny Valley Emergency Services to respond to the best of its abilities to all fire-related emergency calls, rescue incidents, other community events or incidents, quick response service, first responder medical responses, fire prevention programs, and/or fire education/training (all of which are hereinafter referred to as 'Responses'); and

WHEREAS, the designated Southern Allegheny Valley Emergency Services is committed to respond to the best of their respective abilities, as a traditional Volunteer Fire Department;

THEREBY, the Borough of Sharpsburg enacts this Ordinance:

SECTION 1. RECOGNITION

The Borough of Sharpsburg does hereby officially recognize Southern Allegheny Valley Emergency Services, a Pennsylvania nonprofit corporation, its respective Relief Association: a) as the primary fire protection services/organizations for the Borough of Sharpsburg; b) to ensure governmental immunities upon each designated entity applies; and c) to enable provisions of the Workers' Compensation protections to apply as per Law.

SECTION 2. DESIGNATED ACTIVITIES

A. Authorized Activities of the Fire Department. The Pennsylvania Volunteer Fire Department recognized by this Ordinance is/are authorized to:

1. provide such Volunteer Fire Department services to the municipality as may be necessary as a primary emergency response agency for the Borough and as part of a secondary mutual aid response to requesting

agencies. This recognition includes, but is not limited to, the extinguishment of fire, responses to rescue, hazard(s), responses, disaster incidents, fire prevention programs, any potential loss of life and property, to motor vehicle accidents, provide supplemental traffic control or assists, to provide first responder medical emergency incidents, hazardous material first response event, and all other dangerous and/or emergency situation(s) occurring;

2. provide non-emergency and public service functions including, but not limited to, responding to events of nature, including flooding, the removing of storm water and debris from property after storms or other natural events, the assisting in the prevention, removal, and abatement of damage or injury to persons or property regardless of the cause;
3. conduct and participate in such training activities/drills, recruitment/retention programs, either within or outside the Borough, as may be deemed necessary;
4. respond to calls and provide services to other municipalities outside the Borough as part of a joint response to merged/consolidated Fire Services, Fire Districts, and/or mutual aid responses; and
5. to provide an organization to coordinate and improve the community's emergency responses and improve recruitment and retention for our joint municipal and required fire and emergency services.

B. Authorized Activities of Members in the Fire Department/Company.

1. In addition to actually participating in the activities of the Fire Department/Company as authorized above, or in going to or returning from any authorized activities, the Members of the Fire Department/Company recognized by the municipality are also authorized to do the following activities:
 - a. engage in any type of drill, training, ceremony, practice, testing, and/or parades when duly called for or authorized by Sharpsburg Borough or the Chief or Officers of Southern Allegheny Valley Emergency Services;
 - b. engage in fundraising activities on the Fire Department's/Company's property or within its response districts for Southern Allegheny Valley Emergency Services, when authorized by the Chief or Officers of the organization;
 - c. engage in the performance of any other duty and/or activity authorized by the Chief or Officers of Southern Allegheny Valley Emergency Services or customarily attended to by Fire Departments/Companies;

- d. to bill persons and entities who have insurance that covers the time, use, and wear and tear of emergency equipment, vehicles, and consumable supplies attainable to property and/or vehicle emergency service responses.

SECTION 3. STATUTORY COMPLIANCE

- A. Pursuant to Title 8 Pa. C.S.A., Section 1202 (56), the Borough and the Fire Department agree to: i) consult with **Southern Allegheny Valley Emergency Services** (the recognized fire service provider) to discuss the emergency service needs of the Borough; and ii) that **the fire organization** shall provide an annual itemized listing of all expenditures of Borough funds as provided before the Borough may consider budgeting additional funding to this organization.
- B. Pursuant to Title 42 Pa. C.S.A., Section 8541 and related sections, shall be duly recognized and be entitled to the protection of governmental immunities attributable to local government agencies by Law.
- C. Pursuant to Title 77 P.S., Sections 1031 and 1032, the Borough agrees to participate and contribute premiums by a Workers' Compensation insurance policy that may be acquired and as may be prorated as agreed to and/or provided at Law as between other serviced municipalities.
- D. During the period of **Southern Allegheny Valley Emergency Services** being the recognized Volunteer Fire Department, the Borough agrees to pass along and/or pass through Pennsylvania Relief Association foreign fire insurance disbursements and/or any legislatively created local fire service grant pass-alongs targeted to benefit a municipality Volunteer Fire Department/ Company so long as said pass-through monies do not result in any additional fees, costs, or any monies required from the municipality.

SECTION 4. GENERAL PROVISIONS

- A. The Southern Allegheny Valley Emergency Services being a Pennsylvania nonprofit corporation being recognized to provide volunteer fire services to the Borough (other than as to statutory determination of Workers' Compensation coverage) and its Members shall not be employees of the Borough. The Fire Department/Company has no authority to bind the Borough to any action, transaction, or activity unless specifically agreed to by the Borough in writing.
- B. If in the event the municipality determines that it desires not to continue to recognize Southern Allegheny Valley Emergency Services, the Borough shall provide at least ninety (90) days' written notice to ensure any necessary coordinated transitions caused thereby.

C. The parties further agree that any fire equipment or real property entirely acquired through the Borough's monies and where the Borough shall be solely titled owner to the equipment or real estate, upon any unrecognition or dissolution of Southern Allegheny Valley Emergency Services by Sharpsburg Borough, said specific Borough funded equipment, vehicles, or property shall be returned and/or shall revert to the Borough of Sharpsburg.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately.

WHEREFORE, after a duly advertised public Meeting and a duly advertised convening of the Borough Council Members at a regularly scheduled Meeting date wherein a quorum was present, a majority of Council Members voted to enact the above Ordinance on this 26th day of October, 2023.

BOROUGH OF SHARPSBURG

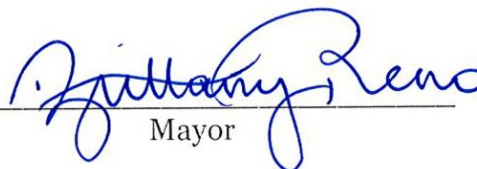

Council President

ATTEST:


Borough Manager

The Mayor of Sharpsburg Borough approves of this Ordinance.

Date: 11/9/2023


Mayor