

ORDINANCE NO. 2019-02

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF SWATARA, PENNSYLVANIA, BY REPLACING IN ITS ENTIRETY CHAPTER 27 THEREOF, ENTITLED "FIRE AND RESCUE SERVICES BOARD" AND PROVIDING FOR A FIRE AND RESCUE SERVICES DIVISION WITHIN THE SWATARA TOWNSHIP FIRE AND EMERGENCY SERVICES DEPARTMENT, PROVIDING FOR DUTIES OF THE FIRE PROTECTION SERVICES BOARD, PROVIDING FOR AUTHORIZED ACTIVITIES OF THE MEMBER COMPANIES AND SERVICE PROVIDERS, AND PROVIDING FOR EFFECTIVE DATE OF IMPLEMENTATION.

BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, under the authority of the First Class Township Code by the Board of Commissioners of the Township of Swatara, County of Dauphin, Commonwealth of Pennsylvania, as follows:

SECTION 1. The Code of Ordinances of the Township of Swatara, Pennsylvania, Chapter 27, "Fire and Rescue Services Board" is hereby amended in its entirety to read as follows:

CHAPTER 27
FIRE AND RESCUE SERVICES BOARD

SECTION 27-1. CREATION

There is hereby created within Swatara Township Fire and Emergency Services Department a Fire and Rescue Services Division; herein referred to as Swatara Fire-Rescue.

SECTION 27-2. FIRE AND RESCUE SERVICES

A. Organization. The Fire and Emergency Services Department shall have the following divisions:

- (1) A Fire and Rescue Services Division
- (2) Emergency Management Agency Division

B. Fire and Rescue Services Division

- (1) The mission of the Fire and Rescue Services Division of the Swatara Township Fire and Emergency Services Department shall be to maintain an effective emergency response capability to natural and man-made emergencies through planning and the efficient use of manpower and equipment in the best interest of the citizens of Swatara Township
- (2) The member companies of the Fire and Rescue Services Division of the Swatara Township Fire and Emergency Services Department shall be the following volunteer emergency services companies:
 - (a) Chambers Hill Fire Company and Community Association.
 - (b) The Friendship Fire Company of Bressler, Pennsylvania.
 - (c) The Reliance Hose Company No. 1.

- (d) Swatara Township Volunteer Fire Company No. 1
- C. Fire and Rescue Services Board.
- (1) The Swatara Township Fire and Rescue Services Board shall consist of the following members:
 - (a) Elected Chiefs of each member company (or designee of each Chief authorized on a yearly basis by the respective Chief to act on the behalf of that respective Chief).
 - (b) The Township Board of Commissioners liaison (ex officio).
 - (c) The Swatara Township Fire Chief.
 - (d) Two citizens of Swatara Township at large
 - (e) (Reserved for expansion)
 - (2) The Fire and Rescue Services Board shall make recommendations to the Township Board of Commissioners, through the Township Fire Chief, in such matters as:
 - (a) Township apparatus specifications.
 - (b) Township apparatus purchases.
 - (c) Township major equipment purchases.
 - (d) Operational action of member companies while providing emergency and non-emergency services as described in D. (3) below.
 - (e) Financial allocations and/or loans.
 - (f) Standard Operating Guidelines and Policies.
 - (g) Safety.
 - (h) Training.
 - (i) Personnel discipline and grievances
 - (3) In order to make the required recommendations, the Fire and Rescue Services Board shall establish the following standing committees and such other committees or subcommittees as deemed necessary:
 - (a) The apparatus Committee, consisting of the Chief Engineers, Chief of each of the member companies, and the Swatara Township Fire Chief.
 - (b) The Finance Committee, consisting of the Treasurer of Swatara Township Firemen's Relief Association, Chief of the member companies, Swatara Township Fire Chief, and Swatara Township Finance Director.
 - (c) The Executive Committee, consisting of the Chiefs and Presidents of each of the member companies and the Swatara Township Fire Chief.
 - (4) The Fire and Rescue Services Board shall elect from its own membership its officers and shall make, alter and rescind rules and forms for its procedures, consistent with the ordinances of Swatara Township and the laws of the Commonwealth of Pennsylvania. The Fire and Rescue Services Board shall keep full records of its business and shall submit a report of its activities to the Swatara Township Board of Commissioners at such times as shall be required by the Board of Commissioners.
- D. Authorized activities of the member companies
- (1) Each emergency services company is hereby authorized to provide the following services:

- (a) The extinguishment of fires and the prevention of loss of life and property from fire.
 - (b) Assistance at the scene of automobile accidents, medical emergencies, hazardous materials incidents, water rescue incidents, natural or man-made phenomena and other dangerous situations.
 - (c) Such other services as may be determined by the Swatara Township Board of Commissioners.
- (2) Each emergency services company may also provide nonemergency public services functions, including but not limited to removing water from property and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural or man-made causes.
 - (3) Each emergency services company may also conduct and participate in such training activities and drills, either within or outside the township, as may be deemed necessary by the officers of the member companies to maintain proficiency in providing services as outlined in Subsection D. (1) and (2) above.
 - (4) Each emergency services company may also respond to calls and provide services to municipalities outside of the township.
 - (5) The Swatara Township Board of Commissioners shall have the discretion and exclusive authority to authorize the addition of member companies and the suspension, and revocation of member companies.
- E. Authorized activities of services providers.
- (1) The term “service provider” as used in this section shall mean:
 - (a) A member of the Chambers Hill Fire Company, The Friendship Fire Company of Bressler, The Reliance Hose Company No. 1, Swatara Township Volunteer Fire Company No.1, when engaged in one of the authorized activities specified or referred to in Subsection E(2) and while actively engaged as a firefighter at, or while going to or returning from, a fire, accident, or other emergency which fire company attends, including the travel from and the direct return to a firefighter’s home, place of business or other place where he/she shall have been when he/she received the call of alarm.
 - (b) A member of the Ladies Auxiliary when rendering aid to the volunteer firefighters.
 - (2) A service provider shall be authorized to engage in the following activities:
 - (a) Any of the activities of the emergency services company as authorized in Subsection D.
 - (b) Traveling to or returning from any authorized activity.
 - (c) Any type of drill, training or practice when authorized by the officers of the member companies.
 - (d) Any ceremony or parade then authorized by the Swatara Township Fire Chief in accordance with the standard operating guidelines and policies.
 - (e) The performance of any other duty or activity authorized by the Swatara Township Board of Commissioners or by the Swatara Township Fire Chief.
 - (f) Instructing at drills.

- (g) Repairing or doing other work about or on emergency apparatus, the buildings and grounds of the emergency services company, excluding social room functions.
- (h) Answering any emergency or nonemergency calls for any purpose or while riding upon any emergency apparatus which is owned or used by the emergency services company.
- (i) Performing any other duties of such emergency service company as authorized by the municipality.
- (j) Traveling to and direct return from administrative meetings (e.g., relief association, conferences, seminars, municipal meetings regarding, County Chief's meeting, etc.) as authorized by the Chief of the respective Company or Swatara Township Fire Chief.

F. Office of the Swatara Township Fire Chief

- (1) The Office of the Fire Chief of the township shall consist of the Fire Chief and Deputy Fire Chief, and each elected Chief of the member companies.
- (2) The Fire Chief shall be appointed by the Swatara Township Board of Commissioners. The Fire Chief shall report to the Board of Commissioners through the Township Manager and the emergency services committee.
- (3) The Fire Chief may assume command of an incident in the absence of any other township fire officer or as he/she deems necessary, as defined by standard operating guidelines and policies.
- (4) The Fire Chief and Deputy Fire Chief shall have the powers to enforce all laws, ordinances, codes, and regulations with respect to:
 - (a) The Swatara Township Codifications.
 - (b) The UCC Fire Prevention Code.
 - (c) The ICC Codes 2009 edition.
 - (d) The International Property Maintenance Code 2015 edition.
 - (e) The investigation of the origin, cause, and circumstances of fires within township borders and at the request of other municipalities.
- (5) The Deputy Fire Chief(s) shall be appointed by the Swatara Township Board of Commissioners, after consultation with the Fire Chief and Township Manager.

G. Internal organization of the emergency services companies.

- (1) Each emergency services company shall operate under its own bylaws, which shall be in accordance with generally accepted standards for similar organizations, with accounting procedures recommended by the Finance Committee of the Fire and Rescue Services Board, adopted by the Fire and Rescue Services Board and approved by the Swatara Township Board of Commissioners and the Certified Public Accountants of the Township.
- (2) The Chiefs of each of the member companies shall operate under the authority of the Swatara Township Board of Commissioners and Office of the Fire Chief. Each member company Chief or such Chief's alternate shall have command of member companies' emergency. All companies shall adhere to the Fire and Rescue Services

Division Standard Operating Guidelines and Procedures and Policies, as adopted by the Fire and Rescue Services Board.

- (3) The Chiefs of each of the member companies shall continue to be responsible for the maintenance, efficiency and conduct of their respective companies.
- H. Annual appraisal. The Fire and Rescue Services Board shall appraise annually the emergency services companies and the emergency services in the township for the purpose of recommending whatever changes are necessary in organization and operational methods and practices of emergency response made necessary by the continued growth of the township and/or new emergency response techniques. The annual appraisal shall take place prior to the preparation of the annual budget.
- I. Capital budgets.
- (1) The Fire and Rescue Services Board shall prepare and maintain a five-year capital budget in regard to township allocations and shall submit this capital budget to the Township Manager in accordance with the budget calendar adopted by the township each year.
 - (2) For the purpose of this section, a capital expenditure shall be an expenditure for the purchase of equipment with a cost greater than \$500 and a life expectancy of at least five years,
- J. Operating Budgets
- (1) The Fire and Rescue Services Board, after consideration of each company's proposed annual budget, shall submit to the Township Fire Chief a division operating budget in accordance with the budget calendar adopted by the township each year.
 - (2) Annual appropriations shall be made by the Swatara Township Board of Commissioners to each member company, in amounts and subject to such reasonable conditions as the Board of Commissioners may in its discretion approve. In determining the amount of appropriation, the Board of Commissioners will give consideration to the recommendation of the Fire and Rescue Services Board.
- K. Audits. If a member company seeks financial aid from the township, in either capital or operating budget, the Certified Public Accountants of the township, as a part of the township's annual audit, may include a report concerning the financial situation of that member company. This report shall include all revenues and expenditures of the member company's corporation. Corporate financial information is for the purpose of township decision making, except as required by the auditors for inclusion in the township's annual audit report.
- L. The operations of the Fire Board shall be as follows:
- A. Prior to September 30 of each year, the fire companies seeking appropriation of township funds by the Board of Commissioners for the next calendar year shall submit to the Fire Board a written request for such appropriations. Such requests shall be accompanied by an up-to-date financial report of the fire company and such other supporting data as shall be required by the Fire Board to justify the requested allocation of funds.

- B. After receipt of the above mentioned information, the Fire Board may conduct public hearings to determine the requirements of each of the fire companies for the appropriation of township funds.
- C. On or before October 15 of each year, the Fire Board shall make written recommendations to the Swatara Township Board of Commissioners for the appropriation of township funds for fire protection services, setting forth the amounts to be allocated for each fire company and the purposes for which funds are to be utilized. Copies of the Board's recommendations shall be forwarded to each of the township fire companies.
- D. The Swatara Township Board of Commissioners may approve, disapprove or amend the recommendations of the Fire Board for the allocation of township funds.

SECTION 2. 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 Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 3. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. Effective Date. The effective date of this Ordinance shall be its date of enactment.

ADOPTED this 12 day of June, 2019.

ATTEST:

Mary Kepp
Secretary

Thomas Connolly
Thomas Connolly, President
Board of Commissioners of
Swatara Township