

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1753

AN ORDINANCE OF UPPER MORELAND TOWNSHIP, MONTGOMERY COUNTY PENNSYLVANIA, RECOGNIZING/CERTIFYING A CERTAIN FIRE COMPANY WITHIN THE TOWNSHIP OF UPPER MORELAND TO SUPPLEMENT AND PROVIDE PRIMARY FIRE AND EMERGENCY RESPONSE PROTECTION AND OTHER TRADITIONAL VOLUNTEER FIRE SERVICES AND ACTIVITIES FOR UPPER MORELAND TOWNSHIP

WHEREAS, it is in the best interest of the Township to officially recognize a specific Pennsylvania Nonprofit Volunteer Fire Company/corporation to jointly provide primary fire and rescue services to the Township;

WHEREAS, by Law, the Township may provide for fire protection as per Title 53 P.S. § 66801; so by providing Firefighters within a Township Fire Company and also providing for a Volunteer Fire Company, Title 53 P.S. § 66803 and 35 Pa. C.S.A., § 7403, the Township shall do so as permitted at Law;

WHEREAS, the Township of Upper Moreland herein designated as ('Township'), through its Board, shall by this Ordinance recognize both the Township career Upper Moreland Township Fire Department and the Upper Moreland Township Volunteer Fire Company 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, preparation, administration and readiness for responding, and/or fire education/training (all of which are hereinafter referred to as 'Responses'); and

THEREBY, the Township of Upper Moreland enacts this Ordinance:

SECTION 1. RECOGNITION/CERTIFICATION

The Township of Upper Moreland does hereby officially recognize **Upper Moreland Township Fire Department** and **Upper Moreland Township Volunteer Fire Company** as a unified Township Fire Bureau, together with the Township's recognized Relief Association being **The UPPER MORELAND TOWNSHIP FIREFIGHTERS RELIEF ASSOCIATION**: 1) as the only Township recognized fire protection services/organizations for the Township; 2) to ensure governmental immunities upon each designated entity apply; and 3) to enable provisions of the Workers' Compensation protections to apply as per Law.

A. Authorized Activities of the Recognized Fire Department and Fire Companies. Upper Moreland Township Fire Department and Upper Moreland Township Volunteer Fire Company as jointly recognized by this Ordinance and is authorized to:

- 1) provide all such Township fire protection services to the municipality as may be necessary as the recognized emergency response agency for the Township, 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, hazards, disaster incidents, fire prevention programs, any potential loss of life and property, motor vehicle accidents, provide supplemental traffic control or assists, first responder medical emergency incidents, hazardous material first response event, and all other dangerous and/or emergency situations 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 immediate hazard preventions, removal, and abatement of imminent 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 municipality, as may be deemed necessary;
- 4) respond to calls and provide services to other municipalities outside the Township as part of joint responses and Joint Fire Service Agreements with the Township to merged/consolidated Fire Services, Fire Districts, and/or mutual aid responses;
- 5) 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;
- 6) the Township reserves the right by further Resolution(s) to limit or regulate scope of Fire Services, or to specific areas.

B. Authorized Activities of Members in the Recognized Fire Department and Fire Companies.

- 1) In addition to actually participating in the activities of the Township Fire Services as authorized above, or in going to or returning from any authorized activities, responses, and/or incidents, the Members of the Township Fire Response System's organizations recognized by the municipality are also authorized to do the following activities:
 - a) engage in drills, trainings, ceremonies, practices, testing, and/or parades when authorized by the Township-appointed Chief;
 - b) engage in fundraising activities for the Department/Volunteer Fire Company recognized;
 - c) engage in the performance of any of the designated Fire Department/Volunteer Fire Company duties, administrations and/or activities authorized by the Chief or Officers of the recognized Fire Department or its affiliated and Township-recognized Volunteer Fire Company, or customarily attended to by Fire Service entities;

- d) to bill persons, entities, and insurance companies for property damage caused upon property owned and used by the Fire Department and recognized Volunteer Fire Company;
- e) to provide recognition and remunerations to volunteers when authorized and necessary;
- f) to seek out grants, donations, and/or bequests to support the Communities' fire protection services and/or activities, or as designated by the donors.

C. Statutory Compliance.

- 1) Pursuant to Title 53 Pa. C.S.A., § 66803(a):
 - a) the Township Fire Department and the recognized Volunteer Fire Company agree to consult the Township to discuss the emergency service needs of the Township; and
 - b) the Township Fire Department and recognized Fire Company shall provide an annual itemized listing of all expenditures each year using Township taxpayer sourced funds.
- 2) Pursuant to Title 42 Pa. C.S.A., § 8541 and related sections, the Township, the Township Fire Department, the recognized Volunteer Fire Company and its Relief Association shall be duly recognized and be entitled to the protection of governmental immunities attributable to local government agencies by Law;
- 3) Pursuant to Title 77 P.S., §§ 1031 and 1032, and Title 35 Pa. C.S.A. §7403, the Township agrees to pay the premiums for a Workers' Compensation insurance policy as acquired;
- 4) During the period of the Fire Department and Volunteer Fire Company being the recognized volunteer fire service, the Township 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 municipal Volunteer Fire Department/Company so long as said pass-through monies do not result in any additional fees, costs, or any supplemental relief funding required from the municipality.

D. General Provisions.

- 1) Upper Moreland Township Volunteer Fire Company, functioning with Members and formed as a Pennsylvania nonprofit corporation being recognized to provide traditional volunteer fire services to the Township:
 - a) the Fire Company Members shall not be employees of the Township;

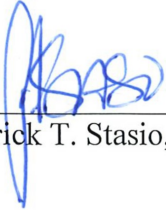
- b) the Fire Company Members have no authority to bind the Township to any action, transaction, or activity unless specifically agreed to by the Township in writing;
- c) this section does not limit the application of the Townships provision of permissible Statutory Workers' Compensation coverages and/or applicable Governmental immunities.
- 2) The following municipal positions within the Township shall be **reserved** unto the Township of Upper Moreland:
- Part-time and full-time Township Fire Department/Company Firefighters
 - Employed Bureau Fire Manager(s)/Administrator(s)
 - Employed Township Fire Chief
 - Fire Investigators
 - Plan Inspectors, Building Inspectors, Code Inspectors
 - All fire service-related Ordinances and enforcements including fines, penalties, and assessments, if any
 - All Emergency Management Agency appointments and functions
 - The right to review and to modify the Fire Chief's dispatch protocols
 - To bill persons, entities, and/or insurance companies who have insurance that covers Fire Company vehicles' time, use, wear and tear, or loss of emergency equipment, supplies, or consumable items attributed to the property call incidents, events requiring a Township-recognized Volunteer Fire Company emergency response.
 - To supervise and coordinate the training, response, and cost required of the Fire Investigator to ensure NFPA 1033 improvements and/or compliance
 - To review and require modification of all insurance policies issued to Township-recognized Fire Department/Volunteer Fire Companies to ensure the Township is a co-insured on the policies, the Township receives notice of cancelation for non-payment or contract breaches, and/or Township may require additional coverages and/or other limits of coverage. This clause requires coordinated cooperation between the Township and the recognized Fire Department/Volunteer Fire Companies to ensure limits on the overlapped coverages, as to insurable items or events, to coordinate waivers and segregation between the parties, and to effectively keep the risks and hazards appropriately managed as to not cause significant premium costs or increases.
- 3) The parties further agree that upon any unrecognition or dissolution of Upper Moreland Township Fire Department, said specific Township-Titled equipment, vehicles, or real property shall be returned and/or shall revert to the Township.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective immediately.

WHEREFORE, after a duly advertised public Meeting and a duly advertised convening of the Township of Upper Moreland Board of Supervisors at a regularly scheduled Meeting date wherein a quorum was present, a majority of Supervisors voted to enact the above Ordinance on this 3rd day of **June, 2024.**

Attest:

UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS



Patrick T. Stasio, Secretary



Clifton McFatridge, President