

BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 1203

**AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA REPEALING THE CONTENTS OF CHAPTER 19 OF THE CODE OF ORDINANCES OF THE BOROUGH ENTITLED "FIRE DEPARTMENT" AND REPLACING THEM WITH THE CONTENTS OF THIS ORDINANCE.**

**WHEREAS**, the Borough of Waynesboro (the "Borough") is authorized by the Borough Code, 8 Pa. C.S. § 101, *et seq.*, to appropriate money for fire companies and to ensure that fire and emergency medical services are provided within the Borough, 8 Pa. C.S. § 1202(35), (56); and

**WHEREAS**, on or about April 4, 2012, Borough Council adopted Ordinance No. 1117, establishing the Waynesboro Fire Department; and

**WHEREAS**, on or about June 16, 2021, Borough Council adopted Ordinance No. 1189, which amended certain provisions of Ordinance No. 1117; and

**WHEREAS**, Borough Council believes it is in the best interests of the health, safety, and welfare of the Borough to repeal the current Fire Department ordinance and replace it with the contents set forth herein.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, as follows:

SECTION 1. ORDINANCE. Chapter 19, entitled "Fire Department", of the Code of Ordinances of the Borough of Waynesboro is hereby repealed in its entirety and replaced with the following:

**§ 19-1 Creation.**

A Fire Department is hereby created in the Borough of Waynesboro, Pennsylvania, and such Fire Department is recognized as the sole department authorized to provide first-due service within the Borough of Waynesboro (the "Fire Department").

**§ 19-2 Purpose.**

The purpose of the Fire Department shall be to protect lives and property and to provide emergency and non-emergency services to the community it serves. The Fire Department is an all-hazards response organization. The Fire Department's administrative services may include, but are not limited to, inspection, education and prevention programs.

**§ 19-3 Management.**

- A. The Fire Department and its paid personnel shall be under the direct supervision and control of Borough Council through its Personnel Committee.

- B. The Fire Chief shall, subject to subsection A., have control of all operational matters of the Fire Department and in accordance with the powers and duties of the Fire Chief listed herein.
- C. Personnel matters and disputes among Fire Department personnel shall initially be reported to the Fire Chief and then escalated, as appropriate, in accordance with the chain of command described in § 19-3D. In the absence of the Fire Chief, such matters shall be reported to the Deputy Fire Chief. In the absence of the Deputy Fire Chief, such matters shall be reported to the Assistant Fire Chief. In the absence of the Fire Chief, Deputy Fire Chief, and Assistant Fire Chief, such matters shall be reported in accordance with the chain of command described in § 19-3D.
- D. The chain of command for reporting personnel matters and disputes, after the Fire Chief as described in § 19-3C above, is as follows:
  - (1) Borough Manager.
  - (2) Personnel Committee of Borough Council.
  - (3) Borough Council.
- E. Matters involving the Fire Chief shall be directly reported to the Borough Manager.

#### **§ 19-4 Officers and members.**

- A. The paid personnel of the Fire Department may consist of the following officers and members, which are listed in order of rank from highest to lowest:
  - (1) Fire Chief.
  - (2) Deputy Fire Chief.
  - (3) Assistant Fire Chief.
  - (4) Fire Captain(s).
  - (5) Fire Lieutenant(s).
  - (6) Firefighter/EMT(s).
- B. The volunteer personnel of the Fire Department within the operational chain of command may consist of the following officers and members who are members of the Waynesboro Volunteer Fire Department, Inc.:
  - (1) Volunteer Fire Captain.
  - (2) Volunteer Fire Lieutenant.
  - (3) Volunteer members.
  - (4) Fire Police.
- C. The paid personnel of the Fire Department described in Section 19-4.A. shall have authority over all personnel and officers of volunteer fire companies and departments, regardless of the rank of such volunteer personnel and officers.

#### **§ 19-5 Provision of equipment.**

The Fire Department shall be equipped with such firefighting apparatus and equipment as Borough Council may authorize.

#### **§ 19-6 Alert procedure.**

Fire and emergency dispatches are generally issued by the Franklin County Department of Emergency Services. Alternative sources of fire and emergency dispatch may be used as necessary so that the Fire Department may provide fire and emergency response services or perform its other designated functions.

#### **§ 19-7 Fire Department paid personnel qualifications and requirements.**

- A. Paid personnel of the Fire Department having the rank of Fire Captain or lower shall meet the training, certification, and qualification requirements, including fitness evaluations and physical examinations, established by Borough Council.
- B. The Fire Chief, Deputy Fire Chief, and Assistant Fire Chief shall reside within a radius of fifty (50) air miles of the geographical center of the center square of the Borough.
- C. Paid personnel of the Fire Department having the rank of Fire Captain or lower shall be appointed by Borough Council in accordance with the civil service provisions of the Borough Code. The Fire Chief, Deputy Fire Chief, and Assistant Fire Chief are non-civil service positions and are appointed by Borough Council.
- D. Part-time Firefighters/EMTs shall be appointed by Borough Council with written recommendation of the Fire Chief.

**§ 19-8 Volunteer Fire Department.**

The Waynesboro Volunteer Fire Department, Inc. shall remain part of the Fire Department and subject to the applicable terms of this Ordinance.

**§ 19-9 (Reserved).**

**§ 19-10 Election of Volunteer Fire Captain and Volunteer Fire Lieutenant**

The Volunteer Fire Captain and Volunteer Fire Lieutenant shall be elected by the Waynesboro Volunteer Fire Department in the manner prescribed by the constitution and bylaws of the Waynesboro Volunteer Fire Department. Volunteer Fire Captain and Volunteer Fire Lieutenant shall obtain and maintain the training, certification, and qualifications established by the Fire Chief.

**§ 19-11 (Reserved).**

**§ 19-12 (Reserved).**

**§ 19-13 Powers and duties of Fire Chief.**

- A. The Fire Chief shall have full charge and control of all apparatus and firefighting equipment, and give general directions as to how, when, and where such apparatus and equipment shall be used. The Fire Chief shall have full charge of all paid employees of the Department at all times and have supreme command over the paid and volunteer members of the Fire Department on emergency and non-emergency calls.
- B. The Fire Chief shall function under the general direction of the Borough Manager and the Personnel Committee of the Borough Council. The Fire Chief shall perform his/her duties in accordance with established policies and objectives of the Fire Department as may be set from time to time.
- C. The Fire Chief, in consultation with the Deputy Fire Chief and Assistant Fire Chief or any other person designated by the Borough Manager, will establish a set of operating guidelines.
- D. The Fire Chief shall maintain liaison with other local fire departments and the Franklin County Department of Emergency Services.
- E. The Fire Chief shall supervise mutual aid companies when responding to emergency incidents and shall supervise all paid and volunteer personnel of the Fire Department.
- F. The Fire Chief shall be responsible for the annual written evaluation of all paid personnel of the Fire Department.

- G. The Fire Chief shall prepare and maintain records and reports of Fire Department paid personnel, and shall direct or oversee training of Fire Department paid personnel.
- H. The Fire Chief shall be responsible for the maintenance of equipment, facilities, and buildings owned by the Borough of Waynesboro which are used by the Fire Department in furtherance of its purposes, except as otherwise provided in any agreement to the contrary.
- I. The Fire Chief shall be required to attend administrative staff meetings, committee meetings, and meetings of the Borough Council upon request by the Borough Manager or Borough Council.
- J. When applicable, the Fire Chief shall make, or cause to be made, periodic inspections of buildings and building plans in the Borough of Waynesboro for fire hazards and compliance with any applicable fire codes, and shall submit reports of such inspections with the monthly report to Borough Council.
- K. The Fire Chief shall submit a monthly report, which describes the prior month's activities of the Fire Department, to the Borough Council in time for its monthly meeting.
- L. The Fire Chief shall discharge all duties imposed upon the Fire Chief by the ordinances and policies of the Borough of Waynesboro, including a job description for the position, as the same may be amended by Borough Council from time to time. The Fire Chief's administration and performance shall be evaluated by the Borough Manager and the Personnel Committee at least once annually.

**§ 19-14 Designation and authority of Acting Fire Chief.**

- A. In the absence of the Fire Chief, the Deputy Fire Chief (or in the absence of the Deputy Fire Chief, the Assistant Fire Chief) shall be next in command at all emergency scenes, and his/her orders shall be obeyed by all Fire Department personnel.
- B. Prior to his/her absence, the Fire Chief shall send a Delegation of Authority memorandum to the Borough Manager, Personnel Committee, paid personnel of the Fire Department, and the President of the Waynesboro Volunteer Fire Department. The memorandum shall designate the Deputy Fire Chief or Assistant Fire Chief (and/or their designee) to serve as Acting Fire Chief in the absence of the Fire Chief. If the Fire Chief is unable to make such designation, the Borough Manager shall appoint an Acting Fire Chief.
- C. While serving as Acting Fire Chief, the Deputy Fire Chief or Assistant Fire Chief (and/or their designee) shall have the same authority as that vested in the Fire Chief.

**§ 19-15 Duties of Firefighters/EMTs.**

- A. Firefighters/EMTs shall receive their orders from the Fire Chief, or, in his/her absence, from the Deputy Fire Chief or Assistant Fire Chief.
- B. Firefighters/EMTs are custodians of the Fire Department apparatus, equipment, and facilities.
- C. Firefighters/EMTs shall perform other duties that may be assigned to them by the Fire Chief from time to time.

**§ 19-16 Power and duties of Volunteer Fire Captain and Volunteer Fire Lieutenant.**

The Volunteer Fire Captain and Volunteer Fire Lieutenant shall have charge of the volunteer personnel of the Fire Department at all emergency scenes, subject to the orders of the paid personnel of the Fire Department.

**§ 19-17 Persons permitted to ride on apparatus.**

- A. Only certified operational members of the Fire Department shall be permitted to ride on the apparatus while responding to or returning from an incident. All other persons must be kept off the apparatus at all times, unless such persons have received permission from the Fire Chief, Deputy Fire Chief, or Assistant Fire Chief. It shall be the duty of all Fire Department personnel to enforce these rules.
- B. Standby crews, which may include members of other fire companies and departments, may be used to support the Fire Department in furtherance of its purposes, and they may ride the apparatus upon receiving permission from the Fire Chief, Deputy Fire Chief, or Assistant Fire Chief.

**§ 19-18 Appointment and duties of Fire Police.**

- A. The Waynesboro Volunteer Fire Department shall select members who may be appointed as Fire Police, and their names shall be provided to the Borough Manager by December 15 of odd-numbered years. After they are appointed by the Borough Council, they shall be duly sworn in by the Mayor.
- B. The duty of the Fire Police shall be to respond to all emergencies, secure property, and prevent all unauthorized persons from interfering at emergencies in accordance with the powers and authority granted to them under applicable law. They are to serve in that capacity while working in conjunction with the Waynesboro Police Department and the Fire Department.

**§ 19-19 (Reserved).**

SECTION 2. REPEALER. All provisions of previous Borough Ordinances, which are contrary to this Ordinance, are expressly repealed.

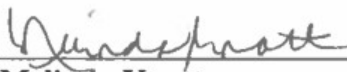
SECTION 3. SAVINGS CLAUSE. In all other respects, the Borough Ordinances shall remain as previously enacted and ordained.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.


SECTION 5. EFFECTIVE DATE. This ordinance shall be effective June 29, 2023.

ENACTED, ORDAINED, AND APPROVED this 29<sup>th</sup> day of June, 2023.

ATTEST:

  
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**Melinda Knott,**  
**Borough Secretary**

**BOROUGH OF WAYNESBORO**

 (SEAL)  
**C. Harold Mumma,**  
**President of Borough Council**



