

TOWNSHIP OF UPPER MACUNGIE
Lehigh County, Pennsylvania

ORDINANCE # 2017-02

(To be considered, and if appropriate, adopted May 4, 2017)

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA, ESTABLISHING MINIMUM STANDARDS BY WHICH ALL FIRE COMPANIES AND FIRE COMPANY PERSONNEL RECOGNIZED BY UPPER MACUNGIE TOWNSHIP SHALL OPERATE. THIS ORDINANCE SHALL REPEAL AND REPLACE ORDINANCE #2009-8, ADOPTED OCTOBER 1, 2009 BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF UPPER MACUNGIE, LEHIGH COUNTY, PENNSYLVANIA.

WHEREAS, the Township of Upper Macungie (Township) is a Second Class Township, organized and existing under the laws of the Commonwealth of Pennsylvania, and in particular, under the provisions of the Second Class Township Code; and

WHEREAS, the Township by authority granted under Section 1801 of the Second Class Township Code (Title 53, P.S. Section 66801) provides for fire protection within the Township, and

WHEREAS, the Township acknowledges that it has the duty and responsibility, as well as a priority of the governing body of the Township, to provide for the health, safety and welfare of its residents as well as to provide fire protection through volunteer fire companies.

WHEREAS, in so providing fire protection services, the Township offers financial assistance of and support to the Fire Companies located within the Township in order to ensure that the Township and its residents are best served and protected against any fire and other emergency response occurrences; and,

WHEREAS, by providing its financial support, the Township has purchased fire apparatus and equipment for the Fire Companies and its members which have been utilized by the Fire Companies for fire protection of Township residents; and

WHEREAS, the Township is cognizant and recognizes that maintaining a positive morale of the members of these Fire Companies is a fundamental cornerstone for providing efficient and responsive fire protection and services; and

WHEREAS, the Township is currently served with fire protection by and recognizes three (3) separate, distinct and competent volunteer fire companies: Fogelsville Volunteer Fire Company; Goodwill Fire Company No. 1 of Trexlertown, PA and Upper Macungie Township Station No. 56, Inc. (collectively referred to herein as “Fire Companies”); and

WHEREAS, under the provisions of Section 1803(b) of the Second Class Township Code (Title 53 P.S. Section 66803 (b)) the Board of Supervisors, by Ordinance, may make rules and regulations for the government of fire companies which are licensed within the Township as well as may make rules and regulations for the government of officer of such fire companies; and

WHEREAS, the Township, through the passage of Ordinance 2009-08, previously adopted certain rules and regulations for the governing of Fire Companies and the officers of the Fire Companies; and

WHEREAS, the Township desires to repeal the provisions of Ordinance 2009-08 in their entirety and establish new minimum standards by which the Fire Companies and their respective officers and personal are expected to comply; and

NOW, THEREFORE, BE IT HEREBY ENACTED by the Board of Supervisors of Upper Macungie Township as follows, to wit:

Section 1. The above recitals shall form a part of this Ordinance as fully as though the same were set forth herein at length.

Section 2. Previously adopted Upper Macungie Township Ordinance 2009-08 is hereby repealed in its entirety whereby it shall be considered null and void and shall have no force and effect.

Section 3. Minimum Standards of Fire Companies and Fire Company Personnel

The Township hereby sets forth the following minimum standards by which all Fire Companies and fire company personnel shall operate:

- (1) The Township’s Emergency Management Coordinator/Director of Bureau of Fire, shall act as liaison between the Fire Companies within the Township and the Board of Supervisors.
- (2) All Fire Companies individually and collectively, will provide trained officers, operators, firefighters and fire police for performance fire prevention and protection, education, traffic control, investigation activities and other public safety assistance as may be common fire company activities, to the Township in

compliance with the laws of the Commonwealth of Pennsylvania. This shall also include annual certification in Hazardous Materials level training.

- (3) It shall be the responsibility of the Fire Companies to establish district boundary lines between the Fire Companies as they relate to responding to fire and emergency calls, the three Fire Chiefs, or their designated representatives, will collaborate on determining the call box assignments. Should the Fire Companies be unable to agree on the establishment of district boundaries, then the district boundaries shall be established by the Township.
- (4) All Township owned emergency vehicles operated by fire company personnel shall be operated only by those who have successfully completed an Emergency Vehicle Operation Course (EVOC).
- (5) All volunteer fire company personnel who operate emergency fire company vehicles shall agree to be subjected to random drug and alcohol testing as well as an annual driving test. Should any said personnel fail this testing, they shall not operate any emergency fire company vehicles until further review by the Fire Chief of the Fire Company and Township.
- (6) Fire Companies will provide secure facilities for the housing and protection of apparatus and equipment entrusted to them by the Township. In addition Fire Companies will ensure a state of readiness of apparatus and equipment, maximize its availability and work collectively with the other Fire Companies to ensure protection of the Township.
- (7) Each of the Fire Companies, upon request, shall have its financial records made available to the Township, including annual budgets and annual audits of the financial records. Audits shall be conducted annually by a Certified Public Accountant (CPA).
- (8) Each of the Fire Companies shall strive to have at least one representative present at the scheduled monthly meetings with the Emergency Management Coordinator/Director of Bureau of Fire. The agenda for these meetings will include, but not be limited to: fire preplans for high risk uses within the Township; discussion on new businesses in the Township; training updates; grant money availability; information sharing; recruitment and retention.

Should there be a violation or failure to comply with these standards by a fire company and/or fire company personnel, the Township, by its Board of Supervisors or Township Manager, shall provide written notice of said failure to comply or violation to the offending fire company. Should the offending fire company not comply or cure the violation within thirty (30) days, said failure to comply or cure the violation shall result with the matter being brought before the Board of Supervisors and may result in the Township terminating or reducing funding and support to that fire company.

Section 5. Severability.

If any sentence, clause or section hereof is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance.

Section 6. Effective Date.

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect five (5) days from and after the date of its final passage and adoption.

ENACTED AND ORDAINED the 4th day of May, 2017, by the Board of Supervisors of the Township of Upper Macungie, Lehigh County, Pennsylvania, in lawful session duly assembled.

ATTEST

**UPPER MACUNGIE TOWNSHIP
BOARD OF SUPERVISORS**

ASHLEY A. GODSHALL, Secretary

JAMES BRUNELL, Chairman

JOHN P. GILL, Vice-Chairman

KATHY A. RADER, Member