

ORDINANCE NO. 2015-6

AN ORDINANCE OF TOWAMENSING TOWNSHIP, CARBON COUNTY, PENNSYLVANIA, PROVIDING FOR APPROVAL OF THE PRESIDENT AND THE FIRE CHIEF OF THE TOWAMENSING TOWNSHIP VOLUNTEER FIRE COMPANY; PROVIDING FOR THE APPROVAL OF EVENTS AS HEREIN DEFINED; PROVIDING FOR MONTHLY REPORTS OF CALLS RESPONDED TO BY THE TOWAMENSING TOWNSHIP VOLUNTEER FIRE COMPANY; PROVIDING FOR THE APPOINTMENT OF A LIAISON BETWEEN TOWAMENSING TOWNSHIP AND THE TOWAMENSING TOWNSHIP VOLUNTEER FIRE COMPANY; AND, PROVIDING FOR ANNUAL AUDIT REPORTS FROM THE TOWAMENSING TOWNSHIP VOLUNTEER FIRE COMPANY.

The Board of Supervisors of Towamensing Township (hereinafter "Board of Supervisors") hereby ordains:

**Section 1. Findings.** The Board of Supervisors finds:

(a) Towamensing Township is a township of the second class located in Carbon County, Pennsylvania (hereinafter "Township").

(b) Towamensing Township Volunteer Fire Company (hereinafter "Fire Company") is a volunteer fire company located in Towamensing Township.

(c) Pursuant to Section 1803(b) of the Second Class Township Code, "The board of supervisors may by ordinance make rules and regulations for the government of fire companies which are located within the township and their officers."

(d) Pursuant to the constitution and revised by-laws of the Fire Company, the President and Fire Chief are elected or appointed annually to serve a term of one (1) year commencing on the first Monday in January.

(e) Pursuant to Section 1553 of the Second Class Township Code, "The township shall be responsible for the ensuring that fire services are provided within the township by the means and to the extent determined by the township."

(f) For the purpose of receiving compensation pursuant to the Workers' Compensation Act, members of volunteer fire companies may be employees of the Township.

**Section 2. Purposes.** The purposes of this Ordinance are to:

- (a) provide for the health, safety and welfare of the residents of the Township and the protection of property located therein.
- (b) provide for oversight over the provision of fire services in the Township.
- (c) ensure adequate fire services are provided within the Township.
- (d) provide for the allocation of scarce Township resources and fiscal oversight over fire services.
- (e) provide for cooperation, coordination and communication between the Fire Company and the Township.

**Section 3. Approval of President and Fire Chief.** The President and Fire Chief of the Fire Company shall be approved by the Board of Supervisors. Within fifteen (15) days following the election or appointment of the President and the Fire Chief in accordance with the constitution and revised by-laws of the Fire Company, their names and offices shall be provided to the Township Secretary. The Board of Supervisors shall have forty-five (45) days from receipt of the names and offices by the Township Secretary to either approve or reject either or both of said two (2) persons and so notify the Directors of the Fire Company in writing. If the Board of Supervisors does not so notify the Directors of the Fire Company in writing within said forty-five (45) day period, the names of the President and Fire Chief as submitted by the Fire Company shall be deemed approved. If either or both of said (2) persons is rejected, within forty-five (45) days of receiving notice of such rejection, the Fire Company shall provide the Township Secretary with the names of two (2) other persons to fill the office of each person rejected. The Board of Supervisors shall have forty-five (45) days from receipt of those names by the Township Secretary to approve one (1) of said two (2) persons to fill the office. Until such time as the Board of Supervisors approves the President and the Fire Chief, the President and the Fire Chief originally elected or appointed by the Fire Company shall hold those offices and perform those duties to which they were elected or appointed.

**Section 4. Approval of Events.** The members of the Fire Company shall not participate in any event in their capacity as members of the Fire Company without first having obtained approval from the Board of Supervisors. An "event" shall be any activity in which the member is not considered an employe of the Township pursuant to 77 P.S. §1031(a)(1) of the Workers' Compensation Act unless the duties being performed by the member are authorized by the municipality. The request for approval shall be made in writing and provided to the Township Secretary. It shall state the date and place of the event, the general nature of the event and the extent of the Fire Company's participation and the level of participation by the Fire Company (i.e. the number of members participating, a description of vehicles and equipment, etc.), and such other information as the Board of Supervisors shall reasonably request. The Board of Supervisors shall have forty-five (45) days from receipt of the request by the Township Secretary to either approve or disapprove of the request and so notify the Directors of the Fire Company. If the Board of Directors does not so notify the Directors of the Fire Company within said forty-five (45) day period, approval shall be deemed granted. Whether or not the

member(s) of the Fire Company have first obtained approval from the Board of Supervisors to participate in the event shall have no effect on whether or not the member is considered an employe of the Township for workers' compensation purposes.

**Section 5. Monthly Reports.** On or before the first Thursday of each month, the Fire Company shall provide to the Township Secretary a written report of all calls responded to by the Fire Company during the prior month, including the nature of the incident responded to, the Fire Company personnel in attendance, and such other information as may be requested by the Board of Supervisors. "Calls responded to by the Fire Company" include, but are not limited to, fires, vehicular accidents, hazardous materials incidents, and rescue operations.

**Section 6. Appointment of Liaison.** Within thirty (30) days after the date of enactment of this Ordinance, the Fire Company shall designate a person to act as a liaison between the Fire Company and the Township and provide the Township Secretary with the name of the person and the person's contact information including phone number, home address, and email address, if any. The Board of Supervisors shall have forty-five (45) days from receipt of the name of the liaison by the Township Secretary to either approve or reject said person as liaison and so notify the Directors of the Fire Company in writing. If the Board of Supervisors does not so notify the Directors of the Fire Company in writing within said forty-five (45) day period, the name of the liaison as submitted by the Fire Company shall be deemed approved. If said person is rejected, within forty-five (45) days of receiving notice of such rejection, the Fire Company shall provide the Township Secretary with the names of two (2) other persons to act as liaison. The Board of Supervisors shall have forty-five (45) days from receipt of those names by the Township Secretary to approve one (1) of said two (2) persons to fill the office. Until such time as the Board of Supervisors approves of the liaison, the liaison originally appointed by the Fire Company shall act in that capacity. The liaison shall be knowledgeable about the operations, activities, business and affairs of the Fire Company and be prepared to discuss those operations, activities, business and affairs with the Board of Supervisors. The liaison shall attend the Board of Supervisors regular monthly meeting when requested by the Board of Supervisors.

**Section 7. Annual Reports.** In addition to the annual report of the use of monies appropriated by the Township to the Fire Company required by Section 1803(a) of the Second Class Township Code, 53 P.S. §66803(a), the itemized listing of all expenditures of funds received by the Fire Company from the Township required by Section 1553 of the Second Class Township Code, 53 P.S. §66553, and any audit by the Office of Auditor General of monies received by the Towamensing Township Volunteer Firefighters' Relief Association, 35 Pa.C.S.A. §7418, on or before the first day of May of each year, the Fire Company and the Towamensing Township Volunteer Firefighters' Relief Association shall provide the Township Secretary with a report of an audit of all accounts of the Fire Company and the Towamensing Township Volunteer Firefighters' Relief Association prepared by a certified public accountant in such form as the Board of Supervisors may reasonably request.

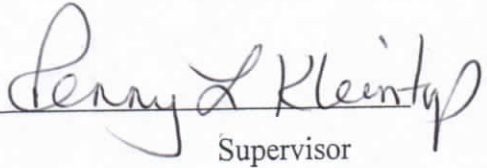
**Section 8. Severability.** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

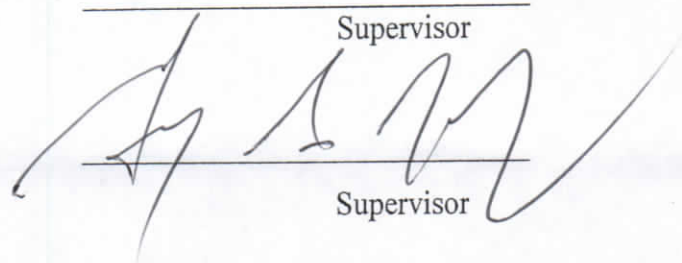
**Section 9. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 10. Effective Date.** This Ordinance shall become effective five (5) days from the date of adoption.


ENACTED and ORDAINED this 30th day of December, 2015.

BOARD OF SUPERVISORS OF  
TOWAMENSING TOWNSHIP

  
Supervisor

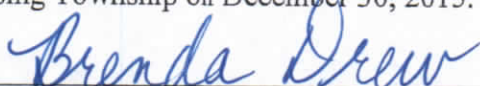
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Supervisor  
  
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Supervisor

ATTEST:

  
Brenda Drew, Secretary

I hereby certify and attest that the foregoing is a true and correct copy of an ordinance enacted by the Board of Supervisors of Towamensing Township on December 30, 2015.

Dated: December 30, 2015

  
Brenda Drew, Secretary