

**UPPER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

AN ORDINANCE REPEALING CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE, FIRE AND EMERGENCY SERVICES, ADOPTING IN ITS PLACE A NEW CHAPTER 85, DEPARTMENT OF FIRE AND EMERGENCY SERVICES, WHICH EXPANDS THE PRIOR CHAPTER 85, RECOGNIZING EMERGENCY SERVICES COMPANIES; ESTABLISHING THE UPPER PROVIDENCE TOWNSHIP DEPARTMENT OF FIRE AND EMERGENCY SERVICES; AUTHORIZING ACTIVITIES OF THE EMERGENCY SERVICES COMPANIES; DEFINING THE AUTHORITY AND DUTIES OF THE FIRE MARSHAL; DEFINING THE AUTHORITY AND DUTIES OF THE OFFICE OF EMERGENCY MANAGEMENT; AND AUTHORIZING ACTIVITIES OF OFFICERS AND MEMBERS OF THE COMPANIES; PROVIDING FOR SEVERABILITY; EFFECTIVE FIVE DAYS AFTER ADOPTION.

WHEREAS, Upper Providence Township is a Township of the Second Class organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Board of Supervisors desires to repeal Ordinance 545, codified at Chapter 85 of the official codified ordinances, "Department of Fire and Emergency Services", and to simultaneously adopt a new Chapter 85 to officially recognize emergency services companies, create the Upper Providence Township Department of Fire and Emergency Services, authorize activities of the emergency services companies, establish and define the authorities of the Chief of Fire and Emergency Services, Office of the Fire Marshal, Office of Emergency Management and to authorize the activities of officers and members of the Department and Emergency Service Providers.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Providence Township, Montgomery County, Pennsylvania, as follows:

SECTION 1: The Code of Upper Providence Township, Chapter 85, Department of Fire and Emergency Services, adopted by ordinance 545 is hereby repealed and simultaneously a new Chapter 85 is adopted and which reads as follows:

"Chapter 85

DEPARTMENT OF FIRE AND EMERGENCY SERVICES

§85-1. Purpose.

§85-2. Definitions.

**§85-3. Department of Fire and
Emergency Services.**

§85-7. Office of the Fire Marshal

§85-8. Office of Emergency Management

§85-9. Incident Command

§85-10. Member Qualifications of the

§85-4. Authorized activities of the Department and Emergency Service Providers.

§85-5. Contract Emergency Service Providers.

§85-6. Chief of Fire and Emergency Services.

the Department and Emergency Service Providers.

§85-11. Appropriations and Audits

§85-12. Fundraising and Solicitation of Funds within the Township.

§ 85-1. Purpose.

- A. To maintain an effective emergency response capability to natural and man-made emergencies through planning and the efficient use of manpower and equipment.
- B. To establish the Upper Providence Township Department of Fire and Emergency Services and to create the position of Chief of Fire and Emergency Services for the management and oversight of the department.

§ 85-2. Definitions.

For purposes of this chapter, the following terms shall have the meanings given in this section, as follows:

DEPARTMENT - The Township of Upper Providence, Department of Fire and Emergency Services.

CONTRACT EMERGENCY SERVICE PROVIDER - All fire and EMS organizations servicing the Township of Upper Providence with a primary response district within the municipal boundaries of the Township and; who are situated outside of said boundaries. These agencies shall be authorized through written agreements that specify general operating parameters for services, primary response district to be serviced, reporting requirements and other reasonable conditions needed to effectuate such operations.

§ 85-3. Department of Fire and Emergency Services.

- A. The Department is hereby established to provide a basic and consistent approach to the protection of lives and property in Upper Providence Township, and to provide for and oversee consistent policies regarding staffing, training, funding, capital purchases, response procedures, operations and related items for all providers having primary response districts within the municipal boundaries of the Township.
- B. The Department shall consist of the Chief of Fire and Emergency Services, the Chief Fire Marshal, Deputy Fire Marshal(s), Assistant Fire Marshal(s), the Emergency Management Coordinator, volunteer firefighters, full- and part-time firefighters employed by Upper Providence Township, other full-time township employees who may be assigned to fire-fighting duties as a secondary responsibility and other personnel designated by the Board of Supervisors.
 - (1) The Department shall also include all volunteer members of agencies who provide fire, rescue or EMS services and; who are based within the municipal boundaries of Upper Providence Township.

§ 85-4. Authorized Activities of the Department and Contract Emergency Services Providers.

- A. The Department, and Contract Emergency Service Providers, are hereby authorized to provide such services as determined by the Board of Supervisors and outlined in their respective service agreements. These services include, but are not limited to, fire prevention activities, fire suppression activities, rescue services, emergency medical services, hazardous materials incident responses, responses to natural or man-made phenomena and other dangerous situations as called upon.
- B. The Department may respond to calls and provide services to municipalities outside of the Township when requested as mutual or automatic aid through the Montgomery County Emergency Dispatch Services.
 - (1) No apparatus, owned by the Township, shall at any time be taken beyond the municipal boundaries without the consent of the Chief of Fire and Emergency Services for activities other than those dispatched as mutual or automatic aid through the Montgomery County Emergency Dispatch Services.
- C. The Department, and Contract Emergency Service Providers, may also conduct and participate in training activities and drills either within or outside the Township, as may be deemed necessary to maintain proficiency in providing services as outlined in §85-4, A and B.

§ 85-5. Contract Emergency Services Providers.

- A. Each Contract Emergency Service Provider shall operate under its own organizational bylaws, which shall be in accordance with generally accepted standards for similar organizations, with accounting procedures recommended by the Department and approved by the Board of Supervisors through the Township's Auditors.
- B. The Contract Emergency Service Provider's Chief Officer, or alternate, of each organization shall continue to be responsible for the maintenance, efficiency, and conduct of their respective company's personnel and equipment with respect to services provided within Upper Providence Township.

§ 85-6. Chief of Fire and Emergency Services, Duties of.

- A. The Chief of Fire and Emergency Services shall be a duly-sworn officer of the Township, hired by the Township and as fully equipped as circumstances permit.

- B. The Chief of Fire and Emergency Services shall have the authority to establish policies and procedures for the Department, and Contract Emergency Service Providers, such policies and procedures to be consistent with this ordinance.
- C. The Chief of Fire and Emergency Services, after consulting with the Township Manager, shall be authorized to recommend disciplinary actions for any volunteer member of the Department or Contract Emergency Service Provider in violation of implemented policies and procedures. Said discipline may include but not be limited to verbal or written reprimand and /or suspension and/or permanent removal from responding to and operating at fires and emergencies within the municipal boundaries of Upper Providence Township.
- D. The Chief of Fire and Emergency Services shall be responsible for determining proper dispatching of emergency units to any fire or emergency and shall coordinate communications to and from Montgomery County Emergency Dispatch Services regarding emergency assignments, and similar matters.
- E. The Chief of Fire and Emergency Services shall be the designated liaison between the Township elected officials, the Department, and all Contract Emergency Service Providers.
- F. The Chief of Fire and Emergency Services, when on scene, shall have the authority to assume the role of Incident Commander and shall have direct oversight of the Department, the Office of the Fire Marshal, the Office of Emergency Management and any and all related employees.
- G. The Chief of Fire and Emergency Services shall prepare at the request of the Township Manager a budget for the annual operation of the Department for approval by the Board of Supervisors.
- H. The Chief of Fire and Emergency Services shall, annually, render a report to the Township Manager.
- I. The Chief of Fire and Emergency Services shall have earned a Bachelor's Degree of art or science in Fire Department Administration, Fire Science, Public Policy or similar discipline. Additionally, the Chief of Fire and Emergency Services shall meet the implemented training and certification standards for the position of Fire Chief.
- J. The Chief of Fire and Emergency Services may be a standalone position or a dual role position involving simultaneous employment such as the Chief Fire Marshal or Deputy Fire Marshal as deemed appropriate by the Township Manager.

§ 85-7. Office of the Fire Marshal.

- A. The Chief Fire Marshal shall be a duly-sworn officer of the Township, hired by the Township Manager and as fully equipped as circumstances permit.
- B. The Office of the Fire Marshal shall consist of the Chief Fire Marshal, Deputy Fire Marshal(s) and Assistant Fire Marshal(s), as appointed and assigned.
- C. The Chief Fire Marshal, Deputy Fire Marshal(s) and Assistant Fire Marshal(s) shall function as Fire Code Officials as provided for in the adopted Township Fire Code, and shall enforce all laws, ordinances, codes and regulations with respect to:
 - (1) The Code of the Township of Upper Providence, as amended,
 - (2) The Township's Fire Code, as amended,
 - (3) The Township's Building Code, as amended,
- D. Duties and Responsibilities
 - (1) The Chief Fire Marshal, Deputy Fire Marshal(s) and Assistant Fire Marshal(s) shall be duly-sworn officers of the Township.
 - (2) The Office of the Fire Marshal shall work in cooperation with the Department of Planning and Zoning, and shall perform the following duties:
 - a. Permitting of Fire Code related items in new construction,
 - b. Plan review of new construction and alterations and renovations of existing systems,
 - c. Inspections of permitted commercial construction as it relates to fire/life safety components,
 - d. Annual inspections of commercial properties,
 - e. Permitting of special events,
 - f. Service request processing of fire-related items, and
 - g. Review and comment on proposed developments.
 - (3) The Fire Marshal's Office shall be responsible for the investigation of the origin, cause and circumstances of fires and explosions that occur within the Township's borders, in support of and in cooperation with law enforcement.
 - (4) The Fire Marshal's Office shall be responsible for overseeing the collection and reporting of all statistical data as it relates to the National Fire Incident Reporting System (NFIRS). The Chief Fire Marshal shall be the sole distribution officer for any and all requested information as it relates to emergency incidents in the Township.
 - (5) Training Required. The Chief Fire Marshal and Deputy Fire Marshal(s) shall obtain, and maintain as current and in-force, the following certifications:

- a. PA Labor & Industry certification as a Building Construction Code Official
 - b. ICC Fire Inspector I and II,
 - c. ICC Fire Plans Examiner
 - d. ICC Accessibility Inspector/Plans Examiner,
 - e. ICC Building Plans Examiner,
 - f. ICC Commercial Building Inspector, and
 - g. ICC Commercial Mechanical Inspector.
 - h. NFPA 1021 certification as Fire Officer II.
 - i. NFPA 1033 certification as a Fire Investigator.
- (6) All Office of the Fire Marshal personnel, regardless of rank, shall routinely respond to and operate at fires and emergencies as directed by the Chief of Fire and Emergency Services.

§ 85- 8. Office of Emergency Management.

- A. The Emergency Management Coordinator (the “Coordinator”) shall be appointed by the Township Board of Supervisors and confirmed by the Governor upon the recommendation of the Chief of Fire and Emergency Services. The Coordinator shall report to and work for the Chief of Fire and Emergency Services as assigned by the Township Manager.
- B. The Coordinator shall be professionally competent and capable of planning, effecting coordination among operating agencies of government and controlling coordinated operations by local emergency preparedness forces.
- C. The Office of Emergency Management shall consist of the Coordinator and Deputy Coordinator, if assigned.
- D. Each appointed coordinator shall:
 - (1) Attend and successfully complete the first phase of the career development program as prescribed by the Pennsylvania Emergency Management Agency within one year after appointment, and
 - (2) Attend and successfully complete the second phase of the career development program as prescribed by the agency within three years after appointment, and
 - (3) Attend basic and advanced seminars, workshops and training conferences called by the State director and/or official having responsibility for providing the coordinator with in-service training, and

- (4) All Office of Emergency Management personnel, regardless of rank, shall routinely respond to and operate at fires and emergencies as directed by the Chief of Fire and Emergency Services.
- E. Failure to attend the instruction described in section (D) or failure to attend a prescribed training conference for a period of two consecutive years shall be cause for replacement.
- F. The Coordinator and Deputy Coordinator shall operate under the authority of Title 35 “Health and Safety,” as amended.

§ 85-9 Incident Command.

- A. The incident command structure to be used by the Department, and Contract Emergency Service Providers, shall be the National Incident Management System.

§ 85-10 Member Qualifications of the Department and Contract Emergency Service Providers.

- A. Each member within the Department, and Contract Emergency Service Providers, shall be qualified to their position as outlined through policy established by the Chief of Fire and Emergency Services.

§ 85-11. Appropriations and Audits.

- A. Appropriations may be made by the Board of Supervisors to any emergency service organization as the Board of Supervisors may see fit.
- B. Any fire or emergency service agency, regardless of how defined in the chapter, receiving annual funding from the Township, shall, enter into a written agreement with the Township.
- (1) Failure to provide the required reporting and documentation in accordance with these reporting requirements and other regulations of the Department as outlined in any written agreement(s) will result in the forfeiture of the allocated funding for that year.

SECTION 2: Repealer. All other ordinances or resolutions or parts or ordinances or resolutions, insofar as they are inconsistent herewith, are repealed.

SECTION 3: 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 being the intent of the Board of Supervisors that the remainder shall be and shall remain in full force and effect. Should the repeal of prior Chapter 85 be found infirm by a court of competent jurisdiction, then the prior Chapter 85 will remain in full force and effect in its entirety until further repealed or revised.

SECTION 4: Effective Date. This ordinance shall become effective five days after adoption.

ENACTED AND ORDAINED into an ordinance this _____ day of _____, A.D., 2017 by the Board of Supervisors of Upper Providence Township, Montgomery County, Pennsylvania in Lawful Session duly assembled.

Lisa A. Mossie, Chairman

ATTEST: _____
Timothy J. Tieperman, Secretary