

ORDINANCE NO. 2023-06

AN ORDINANCE OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, REPEALING CHAPTER 21 OF THE CODIFIED ORDINANCES OF LOWER ALLEN TOWNSHIP IN ITS ENTIRETY AND ENACTING A NEW CHAPTER 21 ESTABLISHING THE GOVERNANCE, RULES AND REGULATIONS FOR ALL FIRE RESCUE SERVICE ACTIVITIES WITHIN LOWER ALLEN TOWNSHIP.

WHEREAS, in accordance with the First-Class Township Code, the Board of Commissioners may take all necessary means to secure the safety of persons or property within Lower Allen Township (“the Township”); and

WHEREAS, the Township has determined that the establishment of the Division of Fire Rescue Services (DFRS) under the Department of Public Safety is necessary to promote the general health, public safety, and welfare of the community; and

WHEREAS, the Township has determined it is in the best interest of the health, public safety, and welfare of the community that the Lower Allen Department of Public Safety Division of Fire Rescue Services be responsible to oversee all operations, training, response, facilities, apparatus, staffing, equipment, coordination, and other associated activities related to fire rescue services in the Township community; and

WHEREAS, by ordinance or resolution, the Board of Commissioners may make rules and regulations for the governance of fire companies and their officers providing fire protection to the Township; and

WHEREAS, the Township desires to continue to recognize the Lower Allen Fire Company No. 1 (LAFC) and the Lisburn Community Fire Company (LCFC) as volunteer provider organizations of the Township’s fire rescue services, recognized by the Township on June 17, 1993, in Ordinance 93-4.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

Chapter 21 of the Codified Ordinances of Lower Allen Township is hereby repealed in its entirety and replaced with a new Chapter 21 as follows:

CHAPTER 21

FIRE RESCUE SERVICES

Article 1 Division of Fire Rescue Services, (DFRS)

Section 21-1. Establishment of the Division of Fire Rescue Services (DFRS) under the Department of Public Safety.

There is hereby created within Lower Allen Township, Cumberland County, Pennsylvania, a Division of Fire Rescue Services which shall be responsible for the coordination of services rendered by the Lower Allen Fire Company No. 1, the Lisburn Community Fire Company, and any successor agency providing emergency fire rescue services to the Township as designated by Resolution of the Lower Allen Township Board of Commissioners.

Section 21-2. Appointment of the Chief of DFRS

The Board of Commissioners may appoint a Chief of DFRS who is the chief operations officer of the Division. The Chief of DFRS shall report to the Director of Public Safety or his/her designee.

Section 21-3. Powers and Duties of the Chief of DFRS

The Chief of DFRS shall have all powers and duties assigned to him/her by the Director of Public Safety and pursuant to Section 1502.7 of the 2020 First Class Township Code,

provided that nothing contained herein shall affect the corporate status of LAFC or LCFC as independent, nonprofit corporate entities as they continue to meet the responsibilities of recruiting, volunteer staffing, retention, and training qualified members to support the mission of the Division of Fire Rescue Services. The Chief of DFRS duties may include:

- A. The Chief of DFRS shall be responsible for the fire apparatus, program delivery, conduct, training, and operations including incident command at fire rescue emergency incidents, when determined necessary by the Chief of DFRS, of all fire rescue service operations in the Township under the direction of the Public Safety Director.
- B. The Chief of DFRS shall be responsible for developing and administering the fire operations and capital budgets, under the direction of the Public Safety Director, for all fire rescue related services and shall maintain fiscal management of such budget line items, subject to the financial practices of the Township, including funds budgeted for the fire operations of LAFC and LCFC.
- C. The Chief of DFRS will assess community hazards and risks, establish Division performance goals, and recommend response deployment plans that will ensure a safe and effective force for fire suppression, rescue services, and specialty response situations. This will include the recommendation of response plans (box cards) to be submitted to the Public Safety Director for approval, as needed. Reports on these criteria shall be made as determined by the Public Safety Director.
- D. The Chief of DFRS will develop programs to track emergency incident responses to determine response effectiveness of Township fire resources, staffing, and operational response systems; and reported on a regular basis as determined by the Public Safety Director. This will include assessing volunteer resources, Township resources, and automatic/mutual aid resources as deemed necessary by the Public Safety Director.
- E. The Chief of DFRS may recommend and establish such programs or activities deemed necessary to meet emergency response metric goals and/or to improve volunteer response to emergency incidents.
- F. The Chief of DFRS will work with LAFC and LCFC to encourage and assist in the recruitment and retention of members.
- G. The Chief of DFRS will be responsible for developing and administering the selection of all fire rescue officers that respond to fire rescue incidents and perform command and control functions. All DFRS Chief Officers will be appointed by the Board of Commissioners. Company Level Officers, as needed, may be appointed by the Public Safety Director, with the approval of the Township Manager.
- H. The Chief of DFRS in consultation with the Public Safety Director will develop and enforce Standard Operating Guidelines (SOGs), Standard Operating Procedures (SOPs), General and Special Orders, rules, regulations, procedures, and practices for Fire Rescue administration and operations within the Township which shall be binding on operations of LAFC and LCFC. These policy documents shall be issued under the signature and authority of the Lower Allen Township Public Safety Director.
- I. To the extent other regulations promulgated by LAFC and LCFC are inconsistent with the SOGs, SOPs, orders, rules, regulations, procedures or practices, the Chief of DFRS shall engage the LAFC Executive Officers and LCFC Executive Board to resolve the differences. In the event DFRS and LAFC, or LCFC, are unable to resolve the differences, the Public Safety Director, or their designee, shall be engaged to resolve the differences.
- J. The Chief of DFRS shall work collaboratively with the Public Safety Director to develop and implement progressive discipline procedures including appeals processes for violations of DFRS's SOGs, SOPs, orders, rules, regulations and/or practices, which shall include the ability of identified personnel to suspend LAFC or LCFC fire members charged with an infraction. Discipline shall be imposed by the Public Safety Director in consultation with the Township Manager and may include temporary or permanent suspension from use of any Township property, facilities, equipment, or any fire rescue related apparatus.

- K. The Chief of DFRS, or appointed representative(s), will be responsible for developing and administering a training program that meets the training needs of all staff and volunteers to ensure qualified fire rescue personnel to perform essential operational skills.
- L. The Chief of DFRS will be responsible for determining qualifications and developing an approval process for all fire rescue personnel, under the direction of the Public Safety Director, who respond to fire rescue incidents on Township owned fire apparatus; and perform emergency and non-emergency fire rescue functions.
- M. The Chief of DFRS, or appointed representative, will be responsible for developing and administering a fire prevention and inspection program that identifies existing hazards to life and property, providing explanations on how to correct the hazard(s) and maintain compliance with the Fire Code, and providing Fire and Life Safety education to the community at large to reduce the occurrence of fires and life safety hazards in the Township.

Article 2 Volunteer Fire Companies

Section 21-4 Official Recognition.

The Lower Allen Fire Company (LAFC) and the Lisburn Community Fire Company (LCFC), organized and existing in Lower Allen Township, Cumberland County, Pennsylvania, are hereby designated as the officially recognized volunteer fire companies for the Township consistent with the roles, responsibilities, parameters, authorities, and limitations of this ordinance.

Section 21-5 Authorization to Provide Services

- A. LAFC and LCFC members are hereby authorized to provide such volunteer services to the Township as may be necessary for the protection of property and persons situated therein, which include, by way of example and not of limitation, the extinguishment of fire and prevention of loss of life and property from fire, automobile accidents, emergency medical services, fire police services, hazardous material incidents, and other dangerous or emergency, or disaster situations. LAFC and LCFC, its officers, members, and fire police, may also provide nonemergency and public service functions, such as, again by way of example and not of limitation, removing water from property after storms, and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or man-made situations. All services shall be conducted under the authority and direction of the Chief of DFRS, and policies established by the Department of Public Safety.
- B. LAFC and LCFC may conduct and participate in such training activities and drills, either within or outside the Township as may be deemed necessary by DFRS to maintain proficiency in providing services and may also respond to fire and other emergency calls and provide services to municipalities outside the Township, pursuant to DFRS direction.
- C. The Township shall provide Workers' Compensation insurance coverage to volunteer members of LAFC and LCFC and shall provide general liability coverage to LAFC and LCFC and its officers and members who respond to fires, engage in rescue and other emergency services, and participate in DFRS approved activities and functions.

Section 21-6 Authorized Activities.

In addition to participating in the activities of the fire company as authorized above, or in going to or returning from any activity, the officers, members, and fire police of LAFC and LCFC are also authorized to do the following things:

- A. Engage with Township resources in any type of drill, training, ceremony, practice, test, or parade, when duly called for or authorized by the Chief of DFRS pursuant to the SOGs or other Orders.

- B. Participate with Township resources in parades, ceremonies, conferences, or trade shows, provided that the participation in each ancillary event is approved in advance by the Chief of DFRS pursuant to the SOGs or other Orders and to engage in the foregoing ancillary activities when the activities are additionally approved by the Chief of DFRS.
- C. The Chief of DFRS is to be notified of any functions or activities that would have an effect on fire protection coverage and the fire company is to ensure the activity does not adversely impact the fire protection coverage in the Township.

Section 21-7 Rules and Requirements for LAFC and LCFC.

- A. No equipment, fire apparatus or property, real or personal, of the LAFC or LCFC titled to the Township shall be purchased, sold, leased, or transferred without the consent of the Board of Commissioners.
- B. As a condition to the Township's recognition of, and grant of authority to, the LAFC and LCFC under Article 2, Section 21-4 and Section 21-5, LAFC and LCFC shall comply with all General Orders, Special Orders, SOGs, rules, regulations and procedures established by the Public Safety Director or Chief of DFRS.
- C. Under no circumstances are the volunteers, board of directors, or officers of the LAFC and LCFC considered agents or employees of the Township, except as may be defined for the purpose of the Workers' Compensation Law and when acting in their official capacity for the Township.
- D. LAFC and LCFC shall comply with approved budget procedures and follow all purchasing procedures for expending Township funds.

Section 21-8 Command Structure

- A. The Chief of DFRS shall recommend a command structure to the Public Safety Director for control of fire rescue, emergency scenes, training, and other operational authorities.
- B. The command structure may consist of any optional combination of deputy fire chiefs, district chiefs, battalion chiefs, assistant chiefs, captains, and lieutenants, or any combination thereof, to support DFRS operations.
- C. Command staff with employment status shall be appointed by the Board of Commissioners.
- D. Non-compensated command staff, including volunteer officers, shall be appointed, following a competitive process, including an evaluation of credentials, by Special Order of the Department of Public Safety.
- E. Appointed command staff shall have command authority at fire or other emergency scenes.

Section 21-9. Facilities.

The Township shall own and be responsible for real property and grounds, and maintenance of all real property and buildings utilized by LAFC, including Rupp Avenue Station 2 and the Municipal Services Center Station 1, and any future facilities that may be constructed and owned by the Township for the non-exclusive use by LAFC and LCFC (otherwise known as the "Facilities"). The Township may, at its sole discretion, locate and maintain within the Facilities, the offices of the DFRS Chief, and such subordinate DFRS positions as the Township shall establish. Further, the Township may, at its sole discretion, locate and maintain within the Facilities such equipment and personnel of other organizations as the Township deems necessary including, but not limited to, Lower Allen Township Emergency Medical Services, Inc. ("LAEMS"). The LAFC's and LCFC's use of the Facilities shall be for the housing of fire equipment, fire apparatus, conducting LAFC and LCFC business and training sessions, and to support the activities of LAFC, LCFC, and the DFRS. The Facilities may be used by members of the LAFC and LCFC with the prior approval of the DFRS Chief.

Section 21-10. Equipment.

- A. The Township shall own all equipment and apparatus provided for DFRS services, except for the 2009 KME pumper and the 2019 Tanker owned by LCFC, the 1955 Ford Darley owned by LAFC, items purchased by the Lower Allen Township Volunteer Fire Company Relief Association or the Lisburn Community Fire Company Relief Association, and items donated directly to LAFC and LCFC.
- B. All equipment provided by the Township solely for the use of LAFC and LCFC business and fire operations shall be maintained and managed by the Township through the DFRS. An inventory of equipment shall be prepared and maintained by LAFC and LCFC, on an ongoing and regular basis, open and subject to review by the Township.
- C. All Firefighters Relief Association purchases by LAFC or LCFC shall be made, maintained, and liquidated in accordance with the Management Guidelines for Volunteer Relief Associations' latest addition as published by the Pennsylvania Department of the Auditor General.

Section 21-11. Volunteer Entity Expenditure Funding and Audit Requirement

- A. The Township shall require each emergency services organization authorized under this ordinance receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds in a form prescribed by the Township before the township may consider budgeting additional funding to the organization.
- B. Volunteer organizations designated by the Board of Commissioners to provide services to the Township, and receive expenditure compensation, shall biennially schedule, and comply with an audit of their finances by an accounting firm and provide a certified completed audit to the Township Finance Director. The cost of any such audit shall be equally shared by the fire companies and Township.

Section 21-12 Prior Agreement.

Any prior agreement for fire and emergency services between LAFC, LCFC, and previously extended by mutual agreement, is hereby terminated. The provisions of this Ordinance and Chapter 21 of the Lower Allen Township Codified Ordinances shall govern the rules, regulations, and relationship of LAFC, LCFC, and the Township.

Section 21-13 Severability.

If any chapter, section, subsection, paragraph, sentence, or phrase of this Ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

Section 21-14 . Repealer.

Any ordinance, chapter, section, subsection, paragraph, sentence, or phrase of any ordinance conflicting with the provisions of this Ordinance shall and the same is hereby repealed to the extent of such conflict.

NOW THEREFORE, BE IT ENACTED AND ORDAINED that the Township Board of Commissioners does hereby approve establishing the governance and rules and regulations for all fire rescue service activities within Lower Allen Township effective thirty (30) days from the enactment of this ordinance.

ENACTED AND ORDAINED this 11th day of December 2023.

ATTEST:

**LOWER ALLEN TOWNSHIP
BOARD OF COMMISSIONERS**


Secretary


President