

THE BOROUGH OF WEST EASTON

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE BOROUGH OF WEST EASTON, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, RECOGNIZING THE WEST EASTON VOLUNTEER FIRE COMPANY NO. 1 AS THE FIRE DEPARTMENT SERVING THE BOROUGH OF WEST EASTON; PROVIDING FOR ITS FINANCIAL SUPPORT; AUTHORIZING IT TO PROVIDE COMMUNITY EMERGENCY FIRE AND RESCUE SERVICES; AND SETTING FORTH RULES AND REGULATIONS GOVERNING ITS ORGANIZATION AND OPERATIONS.

WHEREAS, on June 1, 1981, the Borough of West Easton enacted Ordinance 334 recognizing the Safety First Volunteer Fire Company No. 1 a non-profit corporation as the fire department serving the Borough of West Easton; and

WHEREAS, for many years, the Safety First Volunteer Fire Company No. 1 operated both a fire company and a social hall; and

WHEREAS, in or about October 2019, the West Easton Volunteer Fire Company No. 1 was incorporated as a non-profit corporation; and

WHEREAS, in December 2021, the Safety First Volunteer Fire Company and the West Easton Volunteer Fire Company No. 1 petitioned the Northampton County Orphans Court for approval of a Plan of Merger and a Plan of Division pursuant to which the West Easton Volunteer Fire Company No. 1 would become the firefighting organization in the Borough of West Easton and would receive a transfer of funds and real property incident thereto; and

WHEREAS, said plans were approved by an Order of Court entered on December 13, 2021, by the Honorable Samuel P. Murray; and

WHEREAS, the Borough of West Easton desires to recognize, fund and authorize the West Easton Volunteer Fire Company No. 1 as the fire department in the Borough of West Easton;

NOW THEREFORE, THE BOROUGH COUNCIL OF THE BOROUGH OF WEST EASTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Designation of Fire Services Provider. The West Easton Volunteer Fire Company No. 1 is hereby designated as the Fire Department for the Borough of West Easton.

Section 2. Direction of Department. The Fire Department shall be under the superintendence and direction of an officer to be known as the Fire Chief, who shall be elected; and one Assistant Fire Chief, who shall be appointed by the Fire Chief. The Fire Chief shall be elected bi-annually at the November meeting of the Fire Department of odd years. The term of office of the Fire Chief will be for two years with the term beginning in January of even years. The Fire Chief shall appoint the Assistant Fire Chief and other officers as necessary from time to time.

Section 3. Confirmation by Borough Council; Alternative Appointment. At any time when a new person shall be elected to the position Fire Chief, or appointed to the position of Assistant Fire Chief, the name of said person shall be transmitted to Borough Council, which shall confirm such election or appointment at its first regular meeting in January. If the Fire Department shall fail to elect any person to fill the office of Fire Chief, then such office shall be filled, as soon as practicable, by Borough Council. If the Fire Chief shall fail to appoint any person to fill the office of Assistant Fire Chief, then such office shall be filled, as soon as practicable, by Borough Council.

Section 4. Eligibility for Office. No person shall be eligible for the office of Fire Chief or Assistant Fire Chief who is not an active, experienced firefighter, a member in good standing of the Fire Department, and a resident of the Borough of West Easton.

Section 5. Vacancies. In the case of the death, resignation, or removal from office of the Fire Chief, the Assistant Fire Chief shall assume and exercise the office of Fire Chief until the vacancy created is filled by an election held as provided in his ordinance. Such election shall be held at the first regular meeting of the Fire Department following notice of such vacancy, and the result of the election shall be promptly made known to the Borough Council. Confirmation of the same shall be made by the Borough Council at the next regular meeting, or special meeting following such election. If the office of the Assistant Fire Chief is vacated, then the Fire Chief shall appoint a replacement promptly and the name of the appointee shall be promptly made known to the Borough Council. Confirmation of the same shall be made by the Borough Council at the next regular meeting, or special meeting, following such appointment.

Section 6. Removal by Borough Council. The Borough Council shall have the authority to remove the Fire Chief or Assistant Fire Chief for incompetence, neglect of duty, or any other just cause touching upon the powers and duties of such officer and his relations to the Fire Department.

Section 7. Duties and Authority of Chief. The Fire Chief, or in their absence, the Assistant Fire Chief, shall have full control over all fire apparatus and of the members of the Fire Department in service at fires. It shall be the duty of the Fire Chief, or the Assistant Fire Chief while serving in the stead of the Fire Chief, to superintend the Fire Department during the performance of its duties; to give officers general and specific directions as to the manner of fighting fires, the use of hose and apparatus, and the specific duties and assignments of the various members of the Fire Department in attendance thereat. The Fire Chief, or the Assistant Fire Chief if serving in the stead of the Fire Chief, shall keep or cause to be kept complete records of all fires in order to ascertain the causes of fires. The Fire Chief shall make an annual report, or at such intervals as requested by the Borough Council, of the condition of the Fire Department and the activities of the Fire Department since the preceding report.

Section 8. Rules, Regulations and Administration. The Fire Department shall make such rules and regulations, prepare such by-laws, and create such offices, exclusive of the offices created by this ordinance, and do all other such things necessary to conducting the business of and operating the Fire Department.

Section 9. Allocation of Budgeted Funds. The Borough Council shall allocate annually in the Borough Budget funds to be used for the operation of the Fire Department, including those funds allocated for specific purposes. Annually, the Fire Department shall submit a request for funds to the Borough Council for consideration and inclusion in the Borough budget. Said request shall be submitted before the Borough Council's first annual budget meeting in August of each year.

Section 10. Administration of Budgeted Funds. The Borough Council, through its designated officers, shall administer the funds allocated in Section 9 of this ordinance. The use of Borough funds for the Fire Department's purchase of equipment shall be preauthorized by the Borough Official designated by Council to provide such authorization. Said equipment shall be the property of the Borough.

Section 11. Equipment. The Fire Department shall at all times be responsible for the protection, proper operation, and proper maintenance of all Borough-owned firefighting equipment.

Section 12. Fiscal Responsibility. The Fire Department shall bear fiscal responsibility for all its operations and shall maintain detailed financial records showing all receipts and disbursements of the Department. Said records shall be audited annually. A copy of the annual audit report shall be submitted to the Borough Secretary as soon as practicable after the audit is completed.

Section 13. Insurance. The Fire Department will purchase adequate insurance for the Fire Station, housing the Borough-owned firefighting equipment. Separately, the Borough shall adequately insure the Borough-owned firefighting equipment.

Section 14. Services to Other Municipalities. The Fire Department shall have the authority to furnish fire protection to other municipalities providing that the said services in the Borough will be properly maintained. The Fire Department, together with the Borough Council, shall have the authority to make financial agreements with other municipalities covering the payment for such services.

Section 15. Use of Equipment in Other Municipalities. The Fire Department shall have the authority to take fire apparatus and equipment to other municipalities to aid in fighting fires and other emergencies, provided that adequate protection is maintained in the Borough of West Easton.

Section 16. Donations. The Fire Department shall have the authority to accept donations, conduct public fund drives, and engage in activities to fund the activities of the Fire Department. The Fire Department shall have the authority to take fire apparatus and equipment to other municipalities for the purpose of participating in parades and other civic events, provided that fire protection in the Borough will be maintained and providing that the Fire Department has sought and obtained the prior approval of Council.

Section 17. Right of First Offer/Right of First Refusal. All property including but not limited to vehicles and real property owned by The West Easton Volunteer Fire Company No. 1 is hereby subject to a (i) a right of first offer and (ii) a right of first refusal, in favor of the Borough. If the West Easton Volunteer Fire Company No. 1 seeks to sell any property, or if it receives an offer of purchase for the same from a third party which they would otherwise

entertain, it shall provide notice of the same to the Borough, which shall have the right to purchase the property in the first instance. If, within thirty (30) days of the aforementioned notice, the Borough does not elect to exercise said option and notify West Easton Fire Company No. 1 of the same in writing, the option shall expire and West Easton Fire Company No. 1 shall be entitled to offer the property for sale to, and to accept an offer of purchase from, any third party.

Section 18. Repealer. To the extent that Ordinance 334 or any other ordinance or parts of ordinances are in conflict herewith, they are hereby repealed.

Section 19. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The West Easton Borough Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases by declared unconstitutional.

Section 20. Effective Date. 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 immediately upon passage and adoption.

ORDAINED AND ENACTED this 14th day of March, 2022.

Borough Council
Borough of West Easton
County of Northampton
Pennsylvania



Paul James, Council President

ATTEST:



Joan L. Heebner, Borough Secretary

Approved this 14th day of March, 2022.



Daniel DePaul, Mayor