

BILL NO. 2020- 04

ORDINANCE NO. 2020- xxx

CRANBERRY TOWNSHIP
BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE OF CRANBERRY TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, REPEALING CHAPTER 1, PART 3 (DEPARTMENT OF PUBLIC SAFETY) OF THE TOWNSHIP CODE OF ORDINANCES IN ITS ENTIRETY; AMENDING CHAPTER 7 (FIRE PROTECTION) REPEALING PART 1 (FIRE DEPARTMENT) IN ITS ENTIRETY AND REPLACING IT WITH A NEW PART 1 (DEPARTMENT OF FIRE AND EMERGENCY SERVICES AND PART 2 (VOLUNTEER FIRE DEPARTMENT), ESTABLISHING THE GOVERNANCE, RULES AND REGULATIONS FOR ALL FIRE AND EMERGENCY SERVICE ACTIVITIES WITHIN THE TOWNSHIP; THE EXISTING PART 2 (OPEN BURNING) SHALL REMAIN IN ITS ENTIRETY AND BE RENUMBERED AS PART 3 OF CHAPTER 7.

WHEREAS, the Township has determined that the establishment of the Department of Fire and Emergency Services (DFES) 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 Department of Fire and Emergency Services be responsible to oversee all operations, training, response, facilities, apparatus, equipment and other associated activities related to fire and emergency services in the community; and

WHEREAS, the Township desires to continue to recognize the Cranberry Township Volunteer Fire Company (CTVFC) as the provider of the Township's fire and emergency services, first recognized by the Township on April 11, 1959; and,

WHEREAS, CTVFC and Cranberry Township jointly initiated a "Strategic Plan to Sustain Our Professional Volunteer Fire Company to Meet the Future Fire Service Needs of Cranberry Township", via Township Resolution No. 2015-53A on June 4, 2015; and,

WHEREAS, following thirteen months of collaboration and study, assisted by outside professional consultants, the Board of Supervisors and CTVFC adopted the "Cranberry Township Volunteer Fire Company 2016 Long Range Strategic Plan" by Resolution No. 2016-14 on May 5, 2016; and,

WHEREAS, the said Strategic Plan provided for significant capital investment in the renovation of the two fire stations and fire fleet modernization which the Board fully implemented in the amount of \$3.6M, this is in addition to organizational changes, initially implemented with the

September 28, 21017 Agreement which expires on June 30, 2020, and now being fully implemented via this Ordinance; and,

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

SECTION 1. Chapter 1 (Administration and Government), Part 3 (Department of Public Safety) is hereby repealed in its entirety.

SECTION 2. Chapter 7 (Fire Protection) Part 1 (Fire Department) is repealed and replaced in its entirety with the following new Part 1 (Department of Fire and Emergency Services) and Part 2 (Volunteer Fire Department); the existing Part 2 (Open Burning) is retained in its entirety and is hereby renumbered as Part 3 of Chapter 7:

Part 1 Department of Fire and Emergency Services (DFES)

Section 7-101. Establishment of the Department of Fire and Emergency Services (DFES)

There is hereby created within the Township of Cranberry, Butler County, Pennsylvania, a Department of Fire and Emergency Services which shall be responsible for the coordination of services rendered by the Cranberry Township Volunteer Fire Company, the Emergency Management Agency, Cranberry Township Emergency Medical Services (CTEMS) and any successor agency providing emergency services to Cranberry Township.

Section 7-102. Appointment of the Chief of DFES

The Board of Supervisors may appoint a Chief of DFES who shall be the chief administrative and operations officer of the Department. The Chief of DFES shall report to the Township Manager or their designee.

Section 7-103. Powers and Duties of the Chief of DFES

The Chief of DFES shall have all powers and duties assigned to him/her by the Township Manager and pursuant to Section 1803 of the Second Class Township Code, provided that nothing contained herein shall affect the current corporate status of the Cranberry Township Volunteer Fire Company (CTVFC) and Cranberry Township Emergency Medical Services (CTEMS), as independent, nonprofit corporate entities. The Chief of DFES duties may include:

1. The Chief of DFES shall be in charge of the buildings, fire apparatus, program delivery, conduct, training, and operations including incident command at emergency incidents when determined necessary by the Chief of DFES, of all fire and emergency service operations in the Township.

2. The Chief of DFES shall be responsible for developing and administering the budget for all fire and emergency related services and shall maintain financial control of such funds, subject to the financial practices of the Township, including funds budgeted for the operations of CTVFC.
3. The Chief of DFES will develop and track emergency incident response metrics, including the establishment of response metric goals, and report the same to the Township Manager on a quarterly basis.
4. The Chief of DFES may establish such programs or activities deemed necessary to meet emergency response metric goals and/or to improve volunteer response to emergency incidents. The Chief of DFES will work with CTVFC to encourage recruitment and retention of members.
5. The Chief of DFES, in consultation with the CTVFC Board of Directors, is authorized to develop and to enforce Standard Operating Guidelines (SOGs), rules, regulations, procedures and practices for fire operations within the Township and which shall be binding on the operational aspects of CTVFC. To the extent other regulations promulgated by CTVFC are inconsistent with the SOGs, rules, regulations, procedures or practices, the Chief of DFES shall engage the CTVFC Board of Directors to resolve the differences, in the event DFES and CTVFC are unable to resolve the differences, the Township Manager, or their designee, shall be engaged to resolve the differences.
6. The Chief of DFES shall work collaboratively with the CTVFC Board of Directors to develop and implement progressive discipline procedures including an appeals process for violations of DFES's SOGs, rules, regulations and/or practices, which shall include the ability of identified personnel to suspend CTVFC members charged with an infraction. Discipline shall include temporary or permanent suspension from use of any Township property, facilities, equipment or any fire related apparatus.

Part 2 Volunteer Fire Department

Section 7-201. Official Recognition.

The Cranberry Township Volunteer Fire Company (CTVFC), organized and existing in Cranberry Township, Butler County, Pennsylvania, is hereby designated as the officially recognized volunteer fire company for Cranberry Township.

Section 7-202 Authorization to Provide Services

1. CTVFC, its officers, members, and fire police are hereby authorized to provide such services to Cranberry Township as may be necessary for the protection of property and persons situate therein, which include, by way of example and not of limitation, the extinguishment and prevention of loss of life and property from fire, automobile accidents, medical emergencies, hazardous material incidents, and other dangerous or emergency situations. CTVFC, 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.
2. CTVFC may conduct and participate in such training activities and drills, either within or outside Cranberry Township as may be deemed necessary by DFES 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 DFES direction.
3. The Township shall provide Workers' Compensation insurance coverage to members of the volunteers of CTVFC, and shall provide general liability coverage to CTVFC and its officers and members who respond to fires, engage in rescue, emergency, and other emergency services, and participate in DFES approved activities and functions.

Section 7-203 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 CTVFC are also authorized to do the following things:

1. Engage in any type of drill, training, ceremony, practice, test or parade, when duly called for or authorized by the Division Chief pursuant to the SOGs.
2. Participate in parades, ceremonies, conferences, or trade shows within 250 miles of Cranberry Township, provided that the participation in each ancillary event is approved in advance by the Division Chief pursuant to the SOGs and to engage in the foregoing ancillary activities when the activities are further than 250 miles if that participation is additionally approved by the Chief of DFES.

Section 7-204 Rules and Requirements for CTVFC.

1. No equipment, fire trucks or property, real or personal, of the CTVFC shall be sold, leased, or transferred without the consent of the Board of Supervisors.
2. As a condition to the Township's recognition of, and grant of authority to, the CTVFC under Section 7-201 and Section 7-202, CTVFC shall comply with all SOGs, rules, regulations and procedures established by the Chief of DFES pursuant to Part 1 of this Chapter.
3. Under no circumstances are the volunteers, board of directors, or officers of the CTVFC considered agents or employees of the Township, except as may be defined for the purpose of the Workers' Compensation Law.
4. The CTVFC shall support alternative staffing programs to include associate membership, on-station staffing models, and other staffing initiatives as recommended by the Chief of DFES.
5. The CTVFC shall provide flexible training opportunities and schedules for its members as recommended by the Chief of DFES.
6. CTVFC shall implement competency-based training programs as recommended by the Chief of DFES
7. CTVFC shall provide other community-based services including fire prevention and educational programs, attendance at community events and other activities that highlight the importance of the volunteer fire service to the community.
8. CTVFC shall comply with approved budget procedures and follow all purchasing procedures.

Section 7-205. Facilities.

The Township shall own and be responsible for real property and grounds, and maintenance of all real property and buildings utilized by CTVFC, including Haine Station, Park Station, and Public Safety Training Complex, and any future facilities that may be constructed by the Township for the non-exclusive use by the CTVFC (the "Facilities"). The Township may, at its sole discretion, locate and maintain within the Facilities, the offices of the DFES Chief and such subordinate DFES 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, Cranberry Township Emergency Medical Services, Inc. ("CTEMS"). The CTVFC's use of the Facilities shall be for the housing of fire equipment, fire apparatus, conducting CTVFC business and training sessions, and to support the activities of CTVFC and the DFES. The Facilities may be used by members of the CTVFC with the prior approval of the DFES Chief.

Section 7-206. Equipment.

The Township shall own all equipment and apparatus provided to CTVFC, except for the 1928 Pirsch Apparatus, the Fire Safety trailer, items purchased by the Cranberry Township Volunteer Fire Company Relief Association, and items donated directly to CTVFC. All equipment is provided solely for the use of CTVFC business, and shall be insured, maintained, and managed by the Township through the DFES. An inventory of equipment shall be prepared and maintained by CTVFC, on an ongoing and regular basis, open and subject to review by the Township.

SECTION 3. Prior Agreement.

The prior agreement between Cranberry Township and CTVFC executed on September 28, 2017 and previously extended by mutual agreement, is hereby terminated. The provisions of this Ordinance and Chapter 7 of the Cranberry Township Code of Ordinances shall govern the rules, regulations and relationship of CTVFC and the Township.

SECTION 4. 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 5. 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.

SECTION 6. Effective Date.

This Ordinance shall take effect on July 1, 2020.

Ordained and enacted this ____ day of _____, 2020, by the Board of Supervisors of the Township of Cranberry.

ATTEST:

CRANBERRY TOWNSHIP

Jerry A. Andree

Manager/Secretary

Richard M. Hadley, Chairman

Board of Supervisors