

CHAPTER 7

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PART 1

FIRE PREVENTION

§7-101. Outdoor Fires Restricted.

No person shall burn or cause to be burned any paper, boxes, leaves, limbs, rubbish or other materials or substances of any kind out of doors within the Borough other than substances specifically designed for and utilized for the purpose of cooking edible foods.

(Ord. 888, 3/2/1981, §1; as amended by Ord. 965, 7/8/1996, Art. I; and by Ord. 989, 9/11/2000, Art I)

§7-102. [Reserved]

(Ord. 888, 3/2/1981, §1; as amended by Ord. 965, 7/8/1996, Art. II; and by Ord. 989, 9/11/2000, Art II)

§7-103. Disposal of Brush and Yard Waste.

The Borough of Philipsburg provides a service to Borough residents in that all leaves, brush and other yard waste is collected and composted by the Borough at the Borough yard waste recycling site located at Project 70. Borough residents may also dispose of yard waste at this site for recycling purposes. The finished compost will be made available to Borough residents and to others designated by Borough Council.

(Ord. 888 3/2/1981, §1; as added by Ord. 989, 9/11/2000, Art. III)

§7-104. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 888, 3/2/1981, §1; as amended by Ord. 965, 7/8/1996, Art. III; by Ord. 989, 9/11/2000, Art IV; and by A.O.

PART 2

FIRE PROTECTION

§7-201. Fire Department Organization.

The several volunteer fire companies now in service and those which may hereafter be organized and recognized by the Borough shall, together, form the Fire Department of the Borough of Philipsburg, Pennsylvania, each company recognized by the Borough to be furnished with a certificate from Council, signed by the Mayor and Borough Secretary and sealed with the Borough seal. Said certificates to be framed by each company and hung up in a conspicuous place in their regular meeting room.

(Ord. 22, 9/13/1888, §1; as amended by Ord. 690, 3/7/1969, §1)

§7-202. Fire Chief and Assistant Fire Chiefs.

Said Department so organized shall be under the superintendence and direction of an officer of the Borough, to be styled the Fire Chief and First and Second Assistant Fire Chiefs. The Chief shall be elected every two years by the Fire Department at the first regular meeting in June and shall take office in January and shall have power to appoint two assistants who shall take office upon confirmation by the Council. Upon removal of the Fire Chief or Assistant Fire Chiefs by Council, their successors shall be selected by the Fire Department.

(Ord. 22, 9/13/1888, §2; as amended by Ord. 690, 3/7/1969, §1; and by Ord. 970, 12/9/1996, Art. I and III)

§7-203. Term of Office of Fire Chief and Assistant Fire Chiefs.

The Fire Chief shall hold the respective office for a 2 year term from his/her confirmation and until his/her successor is elected and qualified. The Assistant Chiefs will serve a one-year term and will be elected by the Company. In the case of the death or resignation of the Fire Chief, the First Assistant shall assume the duties of Fire Chief and exercise his/her function. In case the office of either of the Assistant Fire Chiefs is vacated, it shall be the Company's duty to elect another Assistant Fire Chief.

(Ord. 22, 9/13/1888, §3; as amended by Ord. 690, 3/7/1969, §1; by Ord. 816, 3/33/1975, §1; and by Ord. 970, 12/9/1996, Art. II)

§7-204. Removal and Replacement of Fire Chief and Assistant Fire Chiefs.

In case of the removal from office of either the Fire Chief or Assistant Fire Chiefs by the Council for incompetency, neglect of duty or other cause, which may be done by a major-

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ity vote of Council, Council shall at once and at the same session select successors as provided in the preceding Section.

(Ord. 22, 9/13/1888, §5; as amended by Ord. 690, 3/7/1969, §1)

§7-205. Oath of Fire Chief and Assistant Fire Chiefs.

Before entering upon the duties of their position, the Fire Chief and Assistant Fire Chiefs shall each be duly sworn before the Mayor faithfully to perform all duties of their respective offices.

(Ord. 22, 9/13/1888, §5; as amended by Ord. 690, 3/7/1969, §1)

§7-206. Qualifications of Fire Chief.

No person shall be eligible to the office of Fire Chief who is not at least 30 years of age and has had at least two years of experience as a line officer.

(Ord. 22, 9/13/1888, §6; as amended by Ord. 690, 3/7/1969, §1; and by Ord. 970, 12/9/1996, Art. IV)

§7-207. Qualifications of Assistant Fire Chiefs.

No person shall be eligible to the office of Assistant Fire Chief who is not at least 25 years of age and has had at least one year of experience as a line officer.

(Ord. 22, 9/13/1888; as amended by Ord. 690, 3/7/1969, §1; and by Ord. 970, 12/9/1996, Art. V)

§7-208. Records of Fires; Inspections; Practices; Reports.

It shall be the duty of the Fire Chief or whoever shall act as such to keep a record of all fires, their locations and time of occurrence and to ascertain, if possible, the cause of origin of all such fires, the amount of insurance and the actual loss. Such record shall be open at all times to the inspection of the Council. It shall be the duty of the Fire Chief once a month to inspect all fire apparatus and equipment of the Borough and of the various companies serving in the Borough and he shall have authority to order each company out for practice as often as he may deem advisable, but not less than twice a year. The Fire Chief, at the first regular meeting of Council in January of every year, shall render a report to the Council of the membership in the Fire Department, the fires occurring in the preceding year, the condition of the Fire Department and of its apparatus and equipment and other information that he deems important.

(Ord. 22, 9/13/1888, §10; as amended by Ord. 690, 3/7/1969, §1; and by Ord. 896, 6/7/1982)

§7-209. Rules and Regulations.

The Fire Chief and Assistant Fire Chiefs of the Department shall make such rules and regulations to regulate the performance of duties of the fire companies as they may think proper and necessary. A duly admitted member of any of the Philipsburg fire companies which form the Philipsburg Fire Department shall be permitted to engage in the performance of any duty authorized by such Fire Chief or Assistant Fire Chiefs of the Department.

(Ord. 22, 9/13/1888, §10; as amended by Ord. 690, 3/7/1969, §; by Ord. 896, 6/7/1982; and by Ord. 970, 12/9/1996, Art. VI)

§7-210. Apparatus to Remain in Borough Except When Fighting Fires in Vicinity.

1. The Department Chief and the Assistant Department Chiefs, in order of rank, shall at all times be in charge of and have complete control of all Borough, Moshannon Valley Fire Council and Philipsburg Fire Department owned or controlled fire equipment. Said equipment shall not be removed from quarters or removed from service, except for mechanical failure, without permission of the Department Chiefs. It is understood that all Chiefs shall exercise the within mentioned powers at the direction of the Moshannon Valley Fire Council. In the event of mechanical failure, the Chief or Assistant Chiefs shall immediately be notified. If no Department Chief officer is available, the ranking Company officer shall notify a member of the Moshannon Valley Fire Council and/or the Fire Council Purchasing Agent. Every effort will be made to notify the above, both by phone and radio.
2. At all alarms, incidents and/or department functions, the Department Chief and the Assistant Department Chiefs shall be in charge of all fire equipment, whether it is owned by the Philipsburg Borough, Moshannon Valley Fire Council, Philipsburg Fire Department or each of the companies which comprise the Philipsburg Fire Department. The Department Chief and the Assistant Department Chiefs shall also be in complete charge of all fire department personnel at all alarms, incidents and/or department functions.

(Ord. 22, 9/13/1888, §13; as amended by Ord. 690, 3/7/1969, §3; and by Ord. 970 12/9/1996, Art. VII)

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§7-211. Manner of Admission to Department.

The volunteer fire companies now in service or that may be hereafter organized shall express their desire to the Fire Department of Philipsburg, Pennsylvania, by petition to Council setting forth such desire, subscribing to the conditions hereinbefore set forth and agreeing to be governed by the same.

(Ord. 22, 9/13/1888, §14)

§7-212. Fire Extinguishers.

Fire extinguishers shall be inspected by the Fire Department and/or Ordnance Officer.

(Ord. 22, 9/13/1988; as added by A.O.)

§7-213. Fire Alarms and CO Alarms.

Refer to Chapter 5, Code Enforcement.

(Ord. 22, 9/13/1988; as added by A.O.)

PART 3

RECOGNIZING VOLUNTEER FIRE COMPANIES

§7-301. Recognition.

The Borough of Philipsburg hereby recognizes the Philipsburg Reliance Fire Company No. 1 and Hope Fire Company No. 2 which has been organized by residents of said Borough of Philipsburg. No other organization(s) dedicated to the fighting of fires are authorized to operate within the Borough of Philipsburg except for those acting under a mutual aid or other agreement approved by Borough Council.

(A.O.)

§7-302. Authority.

The Philipsburg Reliance Fire Company No. 1 and Hope Fire Company No. 2 are hereby given all power, so far as the Borough has power to grant the same, to enact such rules and regulations for the management and government of individual members thereof as shall be necessary for the proper maintenance and control of said Volunteer Fire Companies. Neither the grant of the aforesaid power nor the recognition set forth in §7-301 of this Part shall be construed as constituting the Philipsburg Reliance Fire Company No. 1 and Hope Fire Company No. 2 as an agent, Department or employee of the Borough except insofar as such effect is provided under the provisions of the Workers' Compensation Act, 77 P.S. §1 et seq., or 42 Pa. C.S.A., Ch. 85.

(A.O.)

§7-303. Officers.

The members of the Philipsburg Reliance Fire Company No. 1 and Hope Fire Company No. 2 may elect from their number such officers as may be provided by the bylaws of the fire company.

(A.O.)

§7-304. Control of Equipment and Funds.

All appropriations made by the Borough to or for the use of said fire companies, whether of money or property, and all equipment purchased by the Borough for the fire companies shall continue to be the property of the Borough. None of the fire apparatus or equipment so belonging to the Borough shall be permanently removed from the Borough without consent of the Borough Council thereof.

(A.O.)