

Also see Res. No. 53 of 2019 Council of the City of York, PA
establishing related fees and Session 2019
Res. No. 62 of 2019 for agreement Bill No. 12
with PA Recovery Services for
billing services related to said fees. Ordinance No. 11



INTRODUCED BY: Edquina Washington

DATE: June 4, 2019

AN ORDINANCE

Amending Article 149 "Fire Department" of the City of York Codified Ordinances to authorize the Department of Fire/Rescue Services to recover costs and expenses for its fire and emergency services.

WHEREAS, Section 12101 of the Third-Class City Code, Act of June 23, 1931, P.L. 932, No. 317, as amended, authorizes the City of York Council to provide fire protection within the City and make appropriation for the maintenance of the fire bureau; and

WHEREAS, the City of York previously created the Fire Bureau, commonly known as the "City of York Department of Fire/Rescue Services," which is operating under the jurisdiction of the City; and

WHEREAS, the City of York recognizes that the duties of the City of York Department of Fire/Rescue Services requires the use of general supplies and specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment, hazardous abatement materials, and fire suppression tools and equipment during their emergency responses and services, including, but not limited to, firefighting, rescue, hazardous materials response, emergency medical services, motor vehicle accidents, land and water rescues, or action to prevent or mitigate any risk or threat to public health, safety, or welfare; and

WHEREAS, the City of York also recognizes that the costs of maintenance and replacement of this equipment of the City of York, and the City of York Department of Fire/Rescue Services added to the replacement costs of damaged or expended materials and places an increasing financial burden on the City of York and its citizens; and

WHEREAS, the City of York hereby intends to grant the City of York and the City of York Department of Fire/Rescue Services the authority to seek recovery of all reasonable costs of responding to such emergency incidents, as allowed by applicable law; and

WHEREAS, the City of York wishes to receive reimbursement for any and all costs and/or expenses incurred by the City of York Department of Fire/Rescue Services which may be obtainable by the said department by submitted claims to the individual, commercial, and industrial property owner(s) and/or occupier(s) as well as those involved in accidents and motor vehicle collisions insurance carrier(s);

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that Article 149 "Fire Department" be hereby amended as follows:

ARTICLE 149
Fire Department

149.01	Composition, control and appointments.	149.13	Application.
149.02	Qualifications of Fire Chief.	149.14	Election and duties of trustees.
149.03	Fire Chief powers and duties.	149.15	Treasurers to file reports.
149.04	Fire Prevention Inspectors; authority.	149.16	Insurance for employees.
149.05	Duties of Inspectors.	<u>149.17</u>	<u>Billing for reimbursement authorized.</u>
149.06	Declaration of fire hazard.	<u>149.18</u>	<u>Costs for recovery.</u>
149.07	Proper condition of equipment.	<u>149.19</u>	<u>Deposit of funds received.</u>
149.08	Service of orders.	<u>149.20</u>	<u>Emergency services not to be refused.</u>
149.09	Appeal.	149.1721	Use of fire apparatus outside City.
149.10	Elimination of fire hazard.	149.1822	Compliance with rules.
149.11	Report to Bureau of Health.	149.99	Penalty.
149.12	Construction of words and phrases.		

CROSS REFERENCES

Organization and maintenance - see 3rd Class §2101 (53 P.S. §37101)
Platoon system; time of service - see 3rd Class §2103 (53 P.S. §37103)
Powers of Fire Marshal - see 3rd Class §2104 (53 P.S. §37104)
Firemen's Pension Fund - see ADM. Art. 171
Fire Code enforcement - see FIRE PREV. 1501.02

149.01 COMPOSITION, CONTROL AND APPOINTMENTS.

(a) The Fire Department shall consist of not more than eighty-three members and shall be under the direct supervision and control of the Mayor or his designee.

(b) All appointments to the Fire Department shall be in accordance with the Civil Service provisions of the Third Class City Code and shall be subject to approval of Council. (Ord. 23-1972 §1, 2. Passed 12-5-72.)

149.02 QUALIFICATIONS OF FIRE CHIEF.

The Fire Chief shall be appointed by the Mayor. The Fire Chief shall not engage in nor follow any other occupation or business, but he shall devote his entire time and attention to the duties of his office. The Fire Chief shall take the oath of office required to be taken by City officials, before assuming the duties of his office. (Ord. 54-1960 §1. Passed 9-2-60.)

149.03 FIRE CHIEF POWERS AND DUTIES.

(a) The Fire Chief shall be ex officio fire marshal of the City and shall have the powers and perform the duties imposed upon fire marshals by 53 P. S. §37104 et seq.

(b) It shall be the duty of the Fire Chief to attend all fires and alarms of fire in the City and he shall have charge and direct the operation of the respective fire companies, unless prevented by illness or other reasonable cause.

(c) He shall have full power and authority over all paid Fire Department employees and over all firemen on the fire ground. He shall plan the strategy in overcoming the fire and issue and enforce such orders as in his judgment may be necessary for the protection of property and the extinguishment of the fire. He shall give all orders on the fire ground through channels of authority, unless by reason of an emergency it becomes necessary to give direct orders to any fireman who may be available for immediate action. Where orders are to be communicated to the trustees of any fire company by mail, such mail shall be addressed to the trustees of such company, rather than the chairman of the trustees. He shall make weekly visits to each of the fire companies belonging to the Department. He shall have full charge of all apparatus and equipment, order all necessary repairs and see to it the apparatus and equipment are at all times in good serviceable condition. He shall, with the approval of the Director of Public Safety,

designate the location of all new fire hydrants and fire alarm boxes. He shall prepare rules and regulations for the operation of the Department at large and shall submit copies for the approval of the Director of Public Safety.

(d) It shall be the duty of the Fire Chief, Assistant Chiefs or other officers in charge at the scene of a fire, if in their judgment it becomes necessary, to rope off highways adjacent to such fire, in order to prevent interference by the public.

(e) The Fire Chief, and assistant fire chiefs are hereby invested with authority to make arrests and to have all the powers conferred by law upon police officers at the scene of the fire. (1944 Code Ch. 10 §8, 10, 13.)

149.04 FIRE PREVENTION INSPECTORS AUTHORITY.

In the interest of public safety and security from fire, the Fire Chief and the full-time Assistant Fire Chiefs are hereby designated as Fire Prevention Inspectors and shall have full power and authority:

- (1) To enforce all laws, ordinances, rules and regulations relating to the manufacture, sale, storage or transportation of flammable or explosive substances; and
- (2) At any and all reasonable times to enter upon and into any building or premises, within the City, for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to the presence, arrangement or location of all appliances, materials, substances, goods, wares, or merchandise therein to determine whether or not a fire hazard exists. (Ord. 33-1952 §1.)

149.05 DUTIES OF INSPECTORS.

Fire Prevention Inspectors shall inspect as often as may be necessary, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of law, ordinance, rule or regulation relating to fire hazards. The interiors of private dwellings are subject to the provisions of this article, except that inspection thereof shall be made only when the Fire Chief receives a written complaint of the existence of a fire hazard therein. (Ord. 33-1952 §2.)

149.06 DECLARATION OF FIRE HAZARD.

If a Fire Prevention Inspector finds upon inspection of any building or premises any rubbish, debris, waste, flammable or combustible materials and that the same or any appliances, goods, wares or merchandise are not so arranged or placed as to afford reasonable safeguard against the danger of fire, or finds that any thereof are so arranged and placed that the occupants or persons rightfully on or in such buildings or premises would not, because of such arrangement and disposition, be afforded reasonable access to the exits in case of fire, or finds that by reason of such arrangement or disposition, the members of the Fire Department would unnecessarily or unreasonably be interfered with in the exercise of their duties in case of fire, he shall declare the same a fire hazard and order in writing its elimination. (Ord. 33-1952 §3.)

149.07 PROPER CONDITION OF EQUIPMENT.

If a Fire Prevention Inspector finds that the equipment for protection against fire on or in any building or premises is not in proper condition and in conformity with all laws, ordinances, rules and regulations relating thereto, he shall order in writing that such equipment be placed in proper condition and in conformity with all laws, ordinances, rules and regulations relating thereto. (Ord. 33-1952 §4)

149.08 SERVICE OF ORDERS.

The service of orders shall be made upon the owner, lessee, occupant or agent of any of them, of the building or premises affected either by delivering to and leaving with such individual or any person in charge of the building or premises a copy of the same, or in case no such person is found, by posting a copy thereof in a conspicuous place on the premises. The

owner, lessee, occupant, person in charge, or agent of any of them, of such building or premises shall comply with such order or orders within forty-eight hours after service, unless an appeal is taken. (Ord. 33-1952 §5.)

149.09 APPEAL.

Any person aggrieved by any order may, within forty-eight hours after such order has been served, appeal to the Director of Public Safety who shall make such order in the premises as he deems right and reasonable, and fix the time within which the same shall be complied with. (Ord. 33-1952 § 6.)

149.10 ELIMINATION OF FIRE HAZARD.

In addition to other lawful remedies, a Fire Prevention Inspector, together with workmen, may enter at any time any building or premises in the City for the purpose of eliminating a fire hazard, and he and they are hereby authorized and empowered to eliminate such fire hazard. The costs and expenses of the elimination of fire hazards shall be recoverable from the owner of such building or premises from which the hazard is eliminated, or from any person causing or maintaining the same in the same manner as fines and penalties for violation of an ordinance. The cost of removal may be entered as a lien against such property in accordance with existing provisions of law. (Ord. 33-1952 §8.)

149.11 REPORT TO BUREAU OF HEALTH.

Where a Fire Prevention Inspector finds a fire hazard condition to exist detrimental to life or health which has not been corrected within forty-eight hours after written notice, he shall report the same to the Bureau of Health, to take such action as they deem necessary. This procedure shall be additional to any other remedy granted in this article. (Ord. 33-1952 §9.)

149.12 CONSTRUCTION OF WORDS AND PHRASES.

Words and phrases in this article shall be construed according to rules of grammar and according to their common and approved usage. Technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in this article shall be construed according to such peculiar and appropriate meaning or definition. (Ord. 33-1952 § 10.)

149.13 APPLICATION.

The provisions of this article shall extend to, apply to, cover and regulate all buildings, premises, temporary structures, tents and other shelters on lands owned, controlled or managed by the City or an agency or bureau thereof within the corporate limits of the City. (Ord. 44-1955 § 1.)

149.14 ELECTION AND DUTIES OF TRUSTEES.

The various fire companies of the Fire Department shall, at their annual election of officers, elect a board of trustees, designating, in accordance with the provision of the by-laws of their respective companies, one member to act as chairman of the board. The trustees of the respective companies shall be the overseers of the buildings, shall be responsible for maintaining proper order, purchase all supplies or services necessary for proper maintenance and cleanliness, from appropriations made by Council. The firemen assigned to the respective fire houses shall be required to obey the rules and regulations of the board of trustees transmitted through the chairman only, with respect to chores to be done in and around the fire house, in addition to any rules and regulations deemed necessary for conducting the affairs of the company in an orderly manner. (1944 Code Ch. 10 §4.)

149.15 TREASURERS TO FILE REPORTS.

The treasurers of the respective companies shall, and are hereby required to, keep a correct account of the expenditures made by each company of the amounts annually appropriated by the City for their use and shall file the same with the City Controller not later than January 31 of each year. (1944 Code Ch. 10 §5.)

149.16 INSURANCE FOR EMPLOYEES.

In order to promote economy and uniformity in the matter of compensation insurance covering employees of the Fire Department, the City shall carry the necessary insurance for such purpose. (1944 Code Ch, 10 §16.)

149.17 BILLING FOR REIMBURSEMENT AUTHORIZED.

The City of York Department of Fire/Rescue Services is hereby authorized and directed, by and through its fire department officers, city administration, and authorized representatives, to request insurance information ascertain what insurance coverages may be applicable and available under any given circumstance, and to take all necessary and affirmative steps to apply for and receive reimbursement from any insurance carriers where a property owner or of occupant thereof is or may be insured to reimburse the City of York Department of Fire/Rescue Services for any costs and/or expense incurred for fire, rescue, and medical services, supplies and/or equipment used for or provided to or for the benefit of the property owner or occupant or occupant or one who is involved in any other kind of accident or incident requiring emergency services by the City of York Department of Fire/Rescue Services.

149.18 COSTS RECOVERY.

(a) Any person, or entity, as opposed to his, her, or its or their insurance company, shall be liable for the reimbursement of reasonable costs incurred by the City, as outlined in this Ordinance and fee schedule.

(b) ~~The Reasonable costs outlined in this Ordinance~~ Costs may be recovered from any identified insurance carrier or person(s), directly by the City of York or by an attorney, or through a third-party billing service acting as a contracted authorized agent for the collection of such costs. In addition, to the reasonable costs as set forth in the above-mentioned rate schedule, the City, attorney, or the third-party billing service shall be hereby authorized to collect, in addition to the reasonable costs, reasonable interest, legal, administrative and any other collection fees costs associated for with collecting said costs and fees.

(c) ~~The costs and fees associated with this article must be introduced and sit for one meeting before approval by Council in accordance with / / shall be proposed by the Administration and provided to Council at least one meeting in advance of the meeting upon which a vote is sought on such costs and fees.~~

149.19 DEPOSIT OF FUNDS RECEIVED.

All funds received pursuant to this Ordinance shall be used for public safety, deposited into the City of York Department of Fire/Rescue Services Capital Projects (50-600-46100-00000) line item for the sole use of replacing staff vehicles when needed.

149.20 EMERGENCY SERVICES NOT TO BE REFUSED.

Nothing in this article shall authorize any city department or city staff member to refuse or delay any rescue service to any person(s), firm, organization or corporation, due to lack of insurance coverage or ability to pay for said services.

149.1721 USE OF FIRE APPARATUS OUTSIDE CITY.

(a) No fire apparatus of the City shall be used outside of the City to fight fires in any political subdivision (city, borough or township) unless such use outside the City is ordered by one of the officials designated in this section.

(b) Use of the fire apparatus outside of the City may be ordered by the Fire Chief or, during his absence from the City, by the Assistant Fire Chief who shall be in charge of the Fire Department during the absence of the Fire Chief. If the Fire Chief, or in his absence the Assistant Fire Chief in charge of the Department, cannot be located, the Director of Public Safety may order such use outside of the City. (Ord. 41-1947 §1,2.)

149.1822 COMPLIANCE WITH RULES.

All members of the Fire Department shall conform with and abide by the rules and any subsequent rules or amendments adopted by the Fire Department, Civil Service Board, Director of Public Safety and Council. Failure of any member to conform to or abide by such rules shall subject such member to disciplinary action. (1972 Code §10-24.)
(EDITOR'S NOTE: Fire Department rules were adopted by Ordinance 61-1957.)

149.99 PENALTY.


Whoever violates any provision of this article or violates or fails to comply with any order or regulation made thereunder, or obstructs or prevents or attempts to obstruct or prevent a Fire Prevention Inspector in the discharge of his duties, shall, upon conviction thereof, be fined not more than one thousand dollars (\$1,000) for the first two offense(s) with costs, and not exceeding five thousand dollars (\$5,000) for the third and any subsequent offense and in default of payment thereof shall be imprisoned for not more than ninety days, or both. The imposition of a fine for any violation of this article or any order or regulation made thereunder shall not excuse the violation or permit it to continue and every person shall be required to obey the order within the time limit as specified heretofore. Every day upon which any person continues to violate any provision of this article or any order or regulation made thereunder, shall constitute a separate offense. The imposition of the above fine shall not be held to prevent the enforced change of prohibited condition at the cost of the person responsible therefor. (Ord. 1-2009. Passed 1-6-09.)

PASSED FINALLY: July 16, 2019

BY THE FOLLOWING VOTE:

YEAS: Washington, Buckingham, Nixon - 3, _____, _____

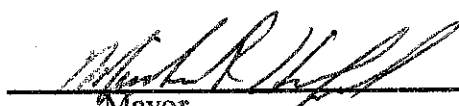
NAYS: None


Henry Hay Nixon, President of Council

ATTEST:


Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor this 18th day of July 2019.

APPROVED:  _____ 7/22/19
Mayor Date

VETOED: _____
Mayor Date

Council of the City of York, PA
Session 2019
Bill No.13
Ordinance No. 12

Judy A. Ritter-Dickson

INTRODUCED BY: Judy A. Ritter-Dickson

DATE: June 4, 2019

AN ORDINANCE

Amending the 2019 HOME Investment Partnerships Program budgets to reflect changes in revenue and expenses resulting from reallocations of funds and Program income in the amounts totaling \$75,000 to York Habitat of HUD disbursement.

WHEREAS, The Department of Economic & Community Development, Bureau of Housing Services, is requesting an amendment to the City Budget for fiscal year 2019 for HOME Investment Partnerships Program; and

WHEREAS, the City desires to amend the 2019 City Budget to reflect the changes resulting from rollover of funding from 2018; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of York, Pennsylvania, that the City of York's 2019 City Budget is hereby amended in accordance with the schedule attached hereto.

PASSED FINALLY: July 16, 2019

BY THE FOLLOWING VOTE:

YEAS: Washington, Buckingham, Nixon - 3, _____, _____

NAYS: None

Henry Hay Nixon
Henry Hay Nixon, President of Council

ATTEST:

Dianna L. Thompson-Mitchell
Dianna L. Thompson-Mitchell, City Clerk

Presented to the Mayor for approval this 18th day of July 2019.

APPROVED: *Michael R. Kopf* Mayor 7/22/19 Date

VETOED: _____ Mayor _____ Date

Account #	Description	Original Budget		Revised Budget	
		Revenue	Expense	Revenue	Expense
31-414-34040-20916	Home-Entitlement		0	31,317.91	
31-414-48274-20916	York Habitat				31,317.91
31-414-34040-20817	Home-Entitlement	31,271.31		20,995.45	
31-414-48217-20817	Homebuyer Assistance Program		31,271.31		20,995.45
31-414-34040-20917	Home-Entitlement	278,751.00		314,476.47	
31-414-48274-20917	York Habitat			0	43,682.09
31-414-48311-20917	Home-Danskin Residence State St		222,292.00		212,492.38
31-414-48310-20917	York Area Housing Group		56,459.00		58,302.00
31-414-34040-21117	Home-Entitlement	1,843.00		0	
31-414-48222-21117	CHDO		1843.00		0
31-414-34040-20818	Home-Entitlement	0		50,000.00	
31-414-48217-20818	Homebuyer Assistance Program			0	50,000.00
31-414-34040-20918	Home-Entitlement	78,674.00		20,880.25	
31-414-48310-20918	York Area Housing Group		78,674.00		20,880.25
31-414-34040-21118	Home-Entitlement	0		57,793.75	
31-414-48222-21118	CHDO			0	57,793.75
Total		390,539.31	390,539.31	495,463.83	495,463.83

Council of the City of York, PA

Session 2019

Bill No. 14

Ordinance No. 13

Judy A. Ritter-Dickson

INTRODUCED BY: Judy A. Ritter-Dickson

DATE: June 4, 2019

AN ORDINANCE

Amending the York City Budget for the year 2019 by appropriating revenue and expenditures for the Health Bureau in the amount of \$100,000.00 for comprehensive STD-related services in York City.

WHEREAS, the Health Bureau has been awarded an additional Federal Title X Family Planning funds from Family Health Council of Central Pennsylvania, Inc., in the amount of \$100,000.00 to provide family planning education and counseling and treatment of sexually transmitted diseases and a budget must be established for said funding; and

WHEREAS, the Finance Bureau has reviewed the budget and has determined that the budget must be amended.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of York, Pennsylvania, that the City of York 2019 Budget is hereby amended in accordance with the following schedule:

Account #	Description	Original Budget		Revised Budget	
		Revenue	Expense	Revenue	Expense
10-413-34180-10197	Miscellaneous Grant				
10-413-40010-10197	Salaries	25,000.00		125,000.00	
10-413-40020-10197	Part time Employees		0		7,449.93
10-413-41010-10197	FICA		0		8,225.00
10-413-43010-10197	Travel		0		7,911.37
10-413-43090-10197	Indirect Costs		0		2,500.00
10-413-44020-10197	Printing/Binding		0		10,529.61
10-413-44030-10197	Association/Conference Fees		0		3,000.00
10-413-44170-10197	Building Rent		0		2,500.00
10-413-44180-10197	Vehicle/Equipment Rental		0		10,255.00
10-413-44400-10197	Other Contractual Services		0		440.00
10-413-45020-10197	Office/Data Processing		0		32,100.00
10-413-45110-10197	Medical Supplies		0		900.00
10-413-45300-10197	Other Supplies/Materials		0		14,189.09
	Total	25,000.00	25,000.00	125,000.00	125,000.00

PASSED FINALLY: July 16, 2019

BY THE FOLLOWING VOTE:

YEAS: Washington, Buckingham, Nixon - 3

NAYS: None

ATTEST:

Dianna L. Thompson-Mitchell
Dianna L. Thompson-Mitchell, City Clerk

Henry Hay Nixon
Henry Hay Nixon, President of Council

Presented to the Mayor for approval this 18th day of July 2019

Approved: *Mark W. Stumpf* Mayor Date 7/22/19

Vetoed: _____ Mayor Date _____