

ARTICLE 149
Fire Department

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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, and to take all necessary steps to apply for and receive reimbursement from any insurance carriers where a property owner or occupant thereof is or may be insured to reimburse the City of York Department of Fire/Rescue Services for costs 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 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. (Ord. 11-2019. Passed 7-16-19.)

149.18 COSTS RECOVERY.

(a) Any person, entity 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) 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, the City, attorney, or the third-party billing service shall be hereby authorized to collect reasonable interest, legal, administrative and any other costs associated with collecting said fees.

(c) The fees associated with this article must be introduced and sit for one meeting before approval by Council in accordance with Article 111.10(c).
(Ord. 11-2019. Passed 7-16-19.)

149.19 DEPOSIT OF FUNDS RECEIVED.

All funds received pursuant to this Article shall be used for public safety.
(Ord. 11-2019. Passed 7-16-19.)

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.
(Ord. 11-2019. Passed 7-16-19.)

149.21 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; Ord. 11-2019. Passed 7-16-19.)

149.22 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; Ord. 11-2019. Passed 7-16-19.)

(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.)