

Chapter 35: Fire Department

[HISTORY: Adopted by the Borough Council of the Borough of Bellefonte 4-6-2009 by Ord. No. 040609-02; amended in its entirety. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fire Prevention Bureau — See Ch. **39**.

False alarms — See Ch. **185**, Art. **I**.

Fire limits — See Ch. **294**.

Conduct at fires — See Ch. **302**.

Chapter 35: Fire Department

§ 35-1 **Establishment; certificate of recognition of fire companies.**

§ 35-2 **Establishment and duties of Executive Committee.**

§ 35-3 **Authority of Department Chief and Assistants.**

§ 35-4 **Tenure of Department Chief.**

§ 35-5 **Filling vacancies in office of Department Chief; declaration of vacancy.**

§ 35-6 **Investigation of complaints against Department Chief or Chief of fire company; hearings.**

§ 35-7 **Oath of Department Chief and Chiefs of companies.**

§ 35-8 **Control of firefighters, apparatus and equipment at fires.**

§ 35-9 **Exclusion of persons interfering with functions of Fire Department at fires.**

§ 35-10 **Inspections by Department Chief; reports.**

§ 35-11 **Drivers, operators and members.**

§ 35-12 **Rules and regulations.**

§ 35-13 **Appointment and duties of Fire Police.**

§ 35-14 **Oath of members of Fire Police; authority while in line of duty.**

§ 35-15 **Conditions for removal of fire apparatus and equipment from Borough.**

§ 35-16 **Council members ineligible for election as Department Chief.**

§ 35-1 Establishment; certificate of recognition of fire companies.

- A.** All fire companies now in existence and recognized in the Borough as belonging to and being a part of the Fire Department of the Borough, and any which may hereafter be organized or chartered and recognized by the Borough, shall together form the Fire Department of the Borough.

- B.** Each of the companies now recognized as forming a part of the Fire Department of the Borough shall be issued a certificate of recognition by Council, signed by the President and attested by the Borough Secretary, on which the corporate or common seal of the Borough is affixed. A similar certificate may be granted by Council to any new company which may be formed and thus recognized by Council as forming a part of the Fire Department and which shall be required to comply with the same conditions applicable to the present companies.

§ 35-2 Establishment and duties of Executive Committee.

- A.** The purpose of this Committee shall include, but not be limited to, the following:
 - (1) Review and recommend changes in the Borough codes pertaining to the Fire Department, the Bureau of Fire Prevention and Fire Codes.
 - (2) Establish and enforce Fire Department standard operating procedures and/or guidelines.
 - (3) Keep Council informed relative to the Fire Department; oversee operation of Bellefonte Fire Department and provide assistance to Department Chief as needed.
 - (4) Establish ten-year strategic plan for the Bellefonte Fire Department.
 - (5) Review and approve all expenditures for major purchases as defined as those that require advertised bids under the Pennsylvania Borough Code.

- (6) Review and recommend the annual budget for the Bellefonte Fire Department.
 - (7) Ensure that the Bellefonte Fire Department is functioning in an efficient and fiscally responsible fashion.
- B.** Meetings of this Committee will be conducted at least once every other month, or more often if needed, to take care of business, and will be held in the Bellefonte Borough Building whenever possible.
- C.** The Bellefonte Fire Department Executive Committee is comprised of the following members:
- (1) Benner Township Supervisor, Spring Township Supervisor, Marion Township Supervisor or, in each respective instance, his/her designee, Bellefonte Councilperson Safety Chairman, Chair of the BFDEC
 - (2) Department Chief (Only votes in the event of a tie)
 - (3) Undine Company Chief
 - (4) Logan Company Chief
 - (5) Undine Company Deputy Chief and two at-large members of the fire company
 - (6) Logan Company Deputy Chief and two at-large members of the fire company
- D.** Meetings can be called by the Department Chief, Borough Manager, Bellefonte Borough Safety Chair, or at the request of four or more members of the board.
- (1) A quorum consists of a minimum of seven (7) voting members excluding the Department Chief. Decisions are made by a simple majority vote.
 - (2) The members at-large of the fire companies (5 and 6) shall be appointed based on criteria established
 - (3) Effective January 2013, the following criteria shall be used by each fire company for selecting their respective members at-large to sit as active members for the BFDEC

- (4) Must have been an active member of either company for a minimum of four (4) consecutive years. An active member includes firefighter, Fire Officer, or Administrative Officer;
- (5) Must have been a firefighter technician level as defined by the Department SOGs during their time;
- (6) Must have served at least one year in an operations level position (Department Chief, Chief Director, Deputy/Assistant Chief or Captain) or an administrative (President, Vice President, Treasurer, or Trustee)
- (7) One at large member from each Company may be appointed solely based on outside qualifications without the need to meet the minimum Fire Fighter requirements.
- (8) The Committee member must maintain membership status within his/her respective organization;
- (9) The Committee member cannot miss more than 25% of meetings, which includes special meetings;
- (10) The Committee member can hold successive terms if he/she meets the above criteria;
- (11) Each appointed member will declare at the November meeting if he/she is interested in serving the following year.

§ 35-3 Authority of Department Chief and Deputies.

- A. The Fire Department shall at all times be under the direction, control and supervision of an officer who shall be titled the Chief of the Fire Department. The Chief of each of the recognized fire companies, now or hereafter recognized as part of the Fire Department, shall be Deputies to the Department Chief. The Companies and their subordinate officers shall at all times be subject to the Department Chief's order and direction. All changes or repairs to any fire apparatus or equipment shall be authorized by the order of the Department Chief, who shall also authorize the purchase of all supplies by signing all vouchers for said purchases.
- B. Company Chiefs from both companies shall submit to the Bellefonte Fire Department Executive Committee a list of fire officers (Deputy Chiefs, Assistant Chiefs, and Captains).

§ 35-4 Tenure of Department Chief.

A. The Fire Department Executive Committee (B.F.D.E.C.) shall recommend for appointment to Borough Council the Chief of the Department to a three-year term, commencing July 1. The initial term shall be commenced in the year 2012. Prior to the expiration of a Chief's term on June 30 of a third year of the term, the BFDEC shall announce the vacancy by posting an announcement along with the job description during the month of April. At the May meeting, the BFDEC shall review the list of applicants' qualifications and make a determination and forward a recommendation to the Bellefonte Borough Council for appointment of a Chief of the Department for a three-year term. Borough Council shall vote on the recommendation at one of their two June meetings. With Council's approval, the appointment shall become effective July 1. An incumbent Department Chief is eligible to reapply at the end of a three-year term for up to no more than one additional term for a total of six consecutive years. Should a Chief be selected for two consecutive terms or six years, the individual is not eligible for any further appointment without a minimum three-year hiatus as Chief. The exception to this qualification is if there are no qualified applicants to fill the vacancy.

B. The qualifications for Department Chief shall be as follows:

- (1)** Must be an active member of the Fire Department for a minimum of six years;
- (2)** Must have been a chief officer for at least three years, with one of those years as the ranking Company Chief of one of the Bellefonte fire companies;
- (3)** Must be certified as either ProBoard or IFSAC Firefighter-1, and complete certification as either ProBoard or IFSAC Firefighter-2 by the completion of the individual's first term.

(4) Must have successfully completed ICS 100, ICS 200, ICS 700, ICS 800, and ICS 300;

(5) Must have successfully completed a course on Incident Safety Officer training.

(6) Must be certified as either ProBoard or IFSAC to the level of Haz-Mat Operations; or must have obtained the current operational level standard and/or certification at the operational hazardous materials level.

(7) Must be a legal resident within a radius extending 6.75 miles from the center of Bellefonte Borough. (Radius will be from the Court House to the max distance of primary coverage area based on Centre County GIS.

C. All eligible candidates wishing to be considered for the position of Fire Department Chief will be required to submit a cover letter, resume, and supporting documentation outlining their qualifications during the posting timeline, which will be the month of April on the year ending a three-year term.

D. All application packets will be reviewed by the selection committee, which is comprised of three members of the B.F.D.E.C. (two members to be appointed by the Company Chiefs and the third member to be appointed by a Municipal Representative.

E. In the event that no one meets the qualifications for Department Chief, the B.F.D.E.C. has the authority to reopen and/or extend the submission period with revised criteria.

F. The Department Chief may appoint a support staff as necessary

§ 35-5 Filling of vacancies in office of Department Chief; declaration of vacancy.

A. In the event of the vacancy of the office of Department Chief for any reason, the B.F.D.E.C. must convene a special meeting within seven (7) working days. Such vacancy shall be filled for the unexpired term by a recommendation of the B.F.D.E.C. This recommendation shall be forwarded to the Borough Council

within two weeks for approval. The BFDEC has seven (7) days to name an interim Department Chief and three (3) months to select a new Department Chief.

- B. The Department Chief position description is on file at the Municipal Building and shall be included in any vacancy announcement package.

§ 35-6 Investigation of complaints against Department Chief.

- A. Whenever a complaint is made against the Department Chief, the complaint shall be made in writing with required signature. The complaint shall be addressed to the B.F.D.E.C. The B.F.D.E.C. will take the necessary measures to investigate the complaint appointing Municipal members to investigate. Recusal is mandatory where a conflict of interest exists by virtue of the Investigative Committee Member's professional, financial or personal relationship with the Department Chief. The Bellefonte Borough Council upon receiving a signed complaint and recommendation of the BFDEC may place the Department Chief on administrative suspension pending investigation. If investigation is sustained and appropriate to do so, the BFDEC shall recommend dismissal of the Chief from office to the Bellefonte Borough Council for a decision. If a dismissal occurs pursuant to this section, the B.F.D.E.C. will recommend an interim Chief to Bellefonte Borough Council for approval of recommendation to fill the unexpired term.

§ 35-7 Oath of Department Chief and Deputies.

- A. The Department Chief and Deputies, when appointed to such offices, shall be sworn into office by the Mayor to perform their respective duties with fidelity and to the best of their ability

§ 35-8 Control of firefighters, apparatus and equipment at fires.

- A. The Department Chief shall be responsible for the direction of all firefighters and all fire apparatus and equipment at the time of incidents. The Department Chief may delegate responsibility to either fire company Chief or their authorized fire ground officers.

B. The Department Chief may suspend any member for such period as he may deem proper, and not to exceed 90 days, subject to an appeal by such member to the B.F.D.E.C., which shall thereupon investigate the circumstances of such suspension and recommend concurrence of the action of the Department Chief or reinstatement of the member so suspended. Persons sitting on the B.F.D.E.C. who supervise or work under the accused party, or who initiated a complaint against the suspended member, shall recuse themselves from participating in such investigation. Recusal is also mandatory where a conflict of interest exists by virtue of the Committee Member's professional, financial or personal relationship with the accused party.

§ 35-9 Exclusion of persons interfering with functions of Fire Department at fires.

A. The Department Chief, or his/her delegate, is hereby authorized, with the aid of the Police Department and the Fire Police, hereinafter provided for, to prevent every person from in any manner interfering with the functions of the Fire Department while on duty at an emergency scene.

§ 35-10 Inspections by Department Chief; reports.

A. It shall be the duty of the Department Chief to verify through Company Chief certification that fire apparatus has been inspected based on the recommendation of the manufacturer and state mandates. It shall be the duty of the Department Chief to verify through Company Chief certification that fire equipment has been inspected based on the recommendation of the manufacturer of said fire equipment. Records of such tests shall be maintained by each respective company Chief for a minimum of five years.

B. At the first Bellefonte Council meeting in November each year, the Department Chief shall appear before Council and present a report detailing the state of the Department, the number and type of response incidents, the condition of apparatus and key equipment, personnel status, and proposed major purchases for the upcoming year.

§ 35-11 Drivers, operators and members.

A. By February 15th of each year the Department Chief shall submit to the Borough Police Department, for a background check, the names and operator's license numbers of members requesting to be qualified drivers

and operators of fire apparatus. After the background check has been completed, a copy of the list shall be given to the Borough Manager for addition of those approved names to the insurance records. Each company Chief shall be responsible for the training and testing of the operators of such companies.

- B. The Fire Department Chief shall submit a list of members of such companies who are qualified to act as drivers and operators of fire apparatus to Borough Council, Bellefonte Police Department, Spring Township Police Department and State Police entities within the Fire Department's jurisdiction.

§ 35-12 Rules and regulations.

- A. The Department Chief and the Chiefs of the fire companies, with the assistance of the B.F.D.E.C., shall make such rules and regulations as they deem proper and necessary to regulate the work of the recognized fire companies in the Department during training, upon arriving at incidents, while remaining at incidents and while returning from incidents and in caring for and preserving all property, apparatus and equipment of the Fire Department.

§ 35-13 Appointment and duties of Fire Police.

- A. The Department Chief shall annually appoint the Fire Police Captain and those members who are eligible to be and wish to be members of the Fire Department Fire Police. It shall be the primary duty of those fire police officers to aid in traffic and crowd control and to secure property as needed and to assist the Fire Department Chief during emergencies as needed and any other duties assigned by the Chief of the Department or the incident commander. Each fire police officer shall at all times be subject to and under the order and direction of each respective Company Chief.

§ 35-14 Oath of members of Fire Police; authority while in line of duty.

- A. Each member of the Fire Police shall be sworn before the Bellefonte Mayor.

§ 35-15 Conditions for removal of fire apparatus and equipment from Borough.

- A. At no time and under no circumstances shall any truck, fire apparatus or other equipment belonging to the Fire Department be removed from the BFD-primary coverage area without the consent of the Department Chief, unless the same is required to assist at a fire in a neighboring municipality, in which event the following regulations shall apply:

- B. The Department Chief and the company Chiefs are jointly responsible for the instruction of all officers of the Department in such a manner that the exercise of good judgment with respect to the authority granted in the preceding subsections will be assured so that trucks, fire apparatus and other equipment not necessary to fulfill the fire protection responsibility at any given fire will be available in reserve to meet other emergencies.

§ 35-16 Council members ineligible for election as Department Chief.

- A. A member of Council shall not be eligible for the election to the office of Department Chief of the Fire Department during the term of office for which he/she has been elected. No member of Borough Council who belongs to a Fire Company in the response area shall be appointed to the Fire Executive Committee and shall abstain from casting a vote at a Council meeting related to a motion affecting the Fire Department.

Revisions Completed on 8/1/19