

BOROUGH OF CONSHOHOCKEN
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CONSHOHOCKEN, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 7 FIRE SERVICE, BY ADDING THE APPOINTED POSITION OF FIRE CAPTAIN TO THE HIERARCHY OF AUTHORITY AS IT APPLIES TO FIRE SERVICES IN THE BOROUGH; REPEALING PRIOR INCONSISTENT ORDINANCES AND PARTS OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of Conshohocken is duly empowered by the Borough Code to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of Conshohocken;

WHEREAS, the Borough Code, 8 Pa.C.S. § 101, *et seq.*, specifically empowers Borough Council to take such action as shall be necessary to ensure that adequate fire and emergency medical services are provided within the Borough;

WHEREAS, the Borough's Code of Ordinances addresses fire services at Part 7 *FIRE SERVICE*, of Chapter 1 *Administration and Government*;

WHEREAS, the Borough has received input from its current firefighting personnel, including its Fire Chief, that a new position, that of Fire Captain, would serve the best interests of the Borough and its residents, businesses, and visitors; and

WHEREAS, the Borough Council of the Borough of Conshohocken wishes to create the position of Fire Captain, to be filled by appointment of Borough Council, and to otherwise amend Part 7 *FIRE SERVICE* as needed to create said position.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Conshohocken as follows:

SECTION 1.

Chapter 1 *Administration and Government*, Part 7 *FIRE SERVICE*, section 1-702 *Office of Fire Chief*, is hereby amended by repealing subsection 6 in its entirety and replacing it with the following new subsection 6:

6. The Fire Chief shall have control and supervision over the Deputy Fire Chief, the Assistant Fire Chiefs, the Battalion Chief, the Fire Captain, the Fire Safety Officers (except to the extent National Fire Protection Association standards provide otherwise), and the Fire Police; provided, however, that the Fire Chief shall have no supervisory authority over employees of the Borough unless such employees are engaged in firefighting activity during a fire call.

The remaining subsections of section 1-702 *Office of Fire Chief* shall remain in full force and effect.

SECTION 2.

Chapter 1 *Administration and Government*, Part 7 *FIRE SERVICES*, is hereby amended by adding a new section 1-703.1A *Fire Captain* with the following provisions:

§ 1-703.1A Fire Captain.

1. Borough Council shall appoint one Fire Captain. Said Fire Captain shall serve until their successor is appointed and qualified.
2. In addition to the authority granted pursuant to the chain of command set forth in § **1-703.3**, the Fire Captain shall perform such duties as the Fire Chief may assign to them.
3. The compensation of the Fire Captain shall be fixed from time to time by Borough Council.

SECTION 3.

Chapter 1 *Administration and Government*, Part 7 *FIRE SERVICES*, is hereby amended by repealing the provisions of section 1-703.3 *Chain of Command* and replacing them with the following provisions:

§ 1-703.3 **Chain of Command.**

1. When at the scene of fires or in the event of an absence from the community for more than 24 hours, the relative authority of those holding the positions established by section **1-702** (Fire Chief), section **1-702.1** (Deputy Fire Chief), section **1-703** (Assistant Fire Chiefs), section **1-703.1** (Battalion Chief), section **1-703.1A** (Fire Captain), and section **1-703.2** (Safety Officers), shall be subject to the chain of command structure set forth in section 2.
2. The chain of command shall be as follows, with each level on the chain of command taking over command in the absence of those higher in rank on the chain of command, until such time as those higher on the chain of command arrive on the scene or in the case of absence from the community, return to the community. From highest to lowest rank, the chain of command shall be:

Fire Chief

Deputy Fire Chief

Assistant Fire Chiefs (2)

Battalion Chief

Fire Captain

Safety Officers (2)

3. Those of equal rank in the chain of command shall assume command as follows:
 - a. At the scene of a fire, the first to arrive at the scene shall take command until such time as command is relinquished to an officer of higher rank on the chain of command.
 - b. With respect to absence from the Borough, command shall be assigned by the Mayor.

SECTION 4.

Any and all other ordinances or parts of ordinances in violation or in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 5.

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this ordinance.

SECTION 6.

This ordinance shall become effective at the earliest time permitted by Pennsylvania Law.

ORDAINED and **ENACTED** an ordinance of the Borough of Conshohocken this _____ day of _____, 2024.

BOROUGH OF CONSHOHOCKEN:

TINA SOKOLOWSKI, COUNCIL PRESIDENT

ATTEST:

STEPHANIE CECCO,
BOROUGH SECRETARY

Approved this _____ day of _____,
2024

YANIV ARONSON, MAYOR