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## PART 1

### OUTDOOR FIRES

#### §7-101. General Regulations; Exceptions.

1. **General Prohibition.** No person, corporation, partnership, association, organization, or other group shall burn any materials of any kind in the Borough of Aspinwall, except as authorized by the Borough.
2. **Authorized Fires.** The regulations regarding burning set forth in subsection .1, above, shall not apply to the use of "small open fires." Small open fires shall be defined as grills, outdoor barbeques, fireplaces or other similar devices which burn charcoal, natural gas or wood for the purposes of noncommercial preparation of food for human consumption; or any other fire from which air contaminants are emitted directly into the air without first passing through a structural chimney. An adult property owner may authorize and allow on his or her property small open fires solely for the purposes of non-commercial preparation of food for human consumption, light, ornament or recreation.
3. **Permitted Receptacles and Containers.** Small open fires authorized under §7-101.2; above, must be contained in a grill, barbeque, fireplace, stone perimeter, non-combustible fire ring, drum, or other similar noncombustible receptacle, container or device or in a fire pit. Fire pits can be no larger than three feet in diameter and no less than 18 inches deep.
4. **Permitted Locations.** Grills, outdoor barbeques or fireplaces used strictly for the purposes of noncommercial preparation of food for human consumption shall be a minimum of 8 feet from a house, structure, inhabited area, roadway, utility or property line. Any other authorized fire shall be located a minimum of 15 feet from the nearest house, structure, inhabited area, roadway, utility, property line, trees or other combustible materials.
5. **Permitted Materials.** All authorized fires must use charcoal, natural gas, or other clean burning fuels such as dry and clean logs, twigs, or other wood products. Only smokeless fuels, or small kindling may be used to start a fire. Painted or chemically treated woods, plastics, cardboard boxes, paper, household wastes, or toxic or noxious materials, cloth, leaves, green yard waste or other materials that tend to cause excessive emissions or excessive smoke may not be used to start or maintain an authorized fire.
6. **Maximum Size.** In all cases, the authorized fire must be completely contained within the perimeter of the authorized receptacle. In no case may the combustible material and flame be greater than 3 feet in diameter or higher than 2 feet. Also, a fire shall not be burned that creates excessive smoke, excessive odor, or malodorous emissions. Smoke and odors will be considered excessive if they are perceptible beyond the property line of the source of the fire.

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7. **Adult Supervision, Control, and Extinguishment.** Only an adult property owner or other adult authorized by the property owner may burn or cause to be burned an authorized fire and must be present at all times to tend to the authorized fire from ignition through extinguishment. In addition, adequate means to control and extinguish the authorized fire must be readily available at all times during the burning of the authorized fire and, suitable covering or means of disposal of ashes must be provided to prevent them from becoming airborne.
8. **Police Authority.** Any police officer or other duly authorized law enforcement officer of the Borough of Aspinwall may, upon investigation, order that any fire be immediately extinguished, abated, diminished, or corrected (in his or her sole discretion) if in the officer's sole judgment, the fire: is emitting excessive smoke, excessive odor or malodorous emissions; contains prohibited materials or is using a prohibited containment device; is in a prohibited location or size; or is emitting sparks or hot ashes that may pose a fire threat to the Borough and its residents.

(*Ord. 964*, 4/12/2000, §7001; as amended by *Ord. 1031*, 7/8/2009, §1)

### **§7-102. Violations and Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 964*, 4/12/2000, §7002; as amended by *Ord. 995*, 12/10/2003)

**PART 2**

**SECURITY FOR FIRE LOSS CLAIMS**

**§7-201. General Purpose.**

The Borough, through provisions of this Part, hereby incorporates the provisions of §638 of the Insurance Company Law, 40 P.S. §638, as amended, which provides the Township with the authority to require security in the form of insurance proceeds from an insurance company, association or exchange (hereinafter the "insuring agent"), doing business in Pennsylvania, for the removal, repair and securing of fire damaged buildings and other structures subject to fire loss claims.

*(Ord. 964, 4/12/2000, §7010)*

**§7-202. Designated Borough Officer.**

The Borough Treasurer, or such official's designee, shall be the designated officer authorized to carry out all responsibilities and duties stated herein. Any reference to "Borough Treasurer" or "Treasurer" shall be defined to include the Treasurer and/or the Treasurer's official designee.

*(Ord. 964, 4/12/2000, §7011)*

**§7-203. Payment of Insurance Proceeds.**

No insuring agent shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insuring agent is furnished with a municipal certificate from the Borough Treasurer pursuant to §638(b) of the Insurance Company Law, as amended, and unless there is compliance with the provisions of this Part.

*(Ord. 964, 4/12/2000, §7012)*

**§7-204. Procedure.**

1. **Issuance of Certificate Where Delinquent Taxes or Charges are Due and/or Costs Have Been Incurred by Borough Related to the Fire Damaged Building or Structure.** Where pursuant to §638(b)(1)(ii) of the Insurance Company Law, as amended, the Borough Treasurer is requested to issue a certificate to the insuring agent regarding property that is subject to delinquent taxes, assessments, penalties and user charges, the Treasurer shall issue such certificate along with a bill showing the amount of delinquent taxes, assessments, penalties and user charges against the subject property that have not been paid as of the date of the Treasurer's certificate and also showing, as of the date of the Treasurer's certificate,

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the amount of the total costs, if any, certified to the Treasurer that have been incurred by the Borough for the removal, repair or securing of a damaged building or other structure on the property.

- A. The Borough shall be responsible for certifying to the Treasurer any such costs incurred by the Borough for removal, repair or securing of a damaged building or other structure on the property.
  - B. The insuring agent shall, upon receipt of such certificate and bill, return the bill to the Borough Treasurer and transfer to the Treasurer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill.
  - C. The Borough shall, upon receipt of such amount, apply or credit the amount to payment of the items shown on the bill.
2. **Issuance of Certificate Where No Delinquent Taxes or Charges Are Due and No Costs Have Been Incurred by Township Related to the Fire Damaged Building or Structure.** Where pursuant to §638(b)(1)(i) of the Insurance Company Law, as amended, the Borough Treasurer is requested to issue a certificate to the insuring agent, or, at the discretion of the Borough Treasurer, a verbal notification confirmed in writing by the insuring agent, regarding property that is not subject to delinquent taxes, assessments, penalties or user charges, the Treasurer shall issue such a certificate which indicates that there are no delinquent taxes, assessments, penalties or user charges against the property, and that as of the date of the Treasurer's certificate or verbal notification, the Borough has not certified any amount as total costs incurred by the Borough for the removal, repair or securing of a damaged building or other structure on the property, and the insuring agent shall pay the claim of the named insured; provided, however, that if the loss as agreed upon by the named insured and the insuring agent equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the insuring agent shall transfer proceeds, as security, to the Borough in accordance with subsections (3) and (4), which conform to §§638(c) and (d) of the Insurance Company Law.
3. **Transfer of Proceeds.** In accordance with §638(c) of the Insurance Company Law, as amended, the insuring agent shall transfer from the insurance proceeds, as security, to the Borough Treasurer:
- A. An amount in the aggregate of \$2,000 for each \$15,000 of a fire loss claim and for each fraction thereof; however, if the amount of such claim is \$15,000 or less, the amount transferred to the Township shall be \$2,000.
  - B. If at a time of the loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure that is in an amount less than the above formula, the insuring agent shall transfer to the Borough the amount specified in the estimate.

4. **Pro Rata Transfer.** The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the damaged building or structure.
5. **Post Transfer Contractor's Estimate.** After the transfer of proceeds, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the damaged building or other structure, and the Borough Treasurer shall return the amount of secured proceeds in excess of the estimate to the named insured, if the Borough has not otherwise commenced removing, repairing or securing the damaged building or other structure.
6. **Accounting Procedure for Transferred Proceeds.** Upon receipt of security under this Section, the Borough shall conform to the following procedure, pursuant to §638(d) of the Insurance Company Law:
  - A. The Borough Treasurer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the damaged building or structure incurred by the Borough. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removing, repairing or securing of the building or any procedure related thereto.
  - B. When transferring the proceeds, it is the obligation of the insuring agent to provide the Borough with the name and address of the named insured, whereupon the Borough Treasurer shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this Section and §638(d) of the Insurance Company Law shall be followed.
  - C. The proceeds shall only be returned to the named owner upon the following stated occurrences: the damaged building or other structure has been properly repaired, removed or secured in accordance with all applicable laws, regulations and requirements of the Borough; the requisite proof of such completion has been received by the Borough Treasurer; and the Borough has not incurred any costs associated with repairing, removing or securing the damaged building or other structure.
  - D. If the Borough has incurred costs associated with repairing, removing or securing the building or other structure, such costs shall be paid from the secured funds. If excess funds remain, the Borough Treasurer shall transfer the remaining funds to the named insured.
  - E. Any interest earned on proceeds held by the Borough that are not returned to the named insured shall belong to the Borough. Any interest earned on proceeds that are returned to the named insured shall be distributed to the named insured at the time said proceeds are returned.
7. **Borough's Ability to Recover Deficiency.** Nothing in this Part shall be construed to limit the ability of the Borough to recover any deficiency.

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8. **Agreement with Named Insured.** Nothing in this subsection shall be construed to prohibit the Borough and the named insured from entering into an agreement which permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

*(Ord. 964, 4/12/2000, §7013)*

### **§7-205. Additional Rules and Regulations.**

The Borough may by resolution adopt procedures and regulations to implement §638 of the Insurance Company Law, as amended, and this Part, and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to §638 of the Insurance Company Law, as amended, and this Part including, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

*(Ord. 964, 4/12/2000, §7014)*

### **§7-206. Violations and Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$300 nor more than \$1,000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

*(Ord. 964, 4/12/2000, §7015; as amended by Ord. 995, 12/10/2003)*

**PART 3**

**REIMBURSEMENT OF EMERGENCY SERVICE COSTS**

**§7-301. Definitions.**

For the purposes of this Part, the following terms shall be defined in accordance with this Section:

**FIRE DEPARTMENT** - shall be defined as the Aspinwall Volunteer Fire Department and/or any other volunteer fire department authorized to provide service in the Borough.

**HAZARDOUS MATERIALS** - any substances or materials in a quantity or form which poses an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, and shall include, but not be limited to, such substances as explosives, radioactive materials, petroleum products or gases, poisons, etiologic (biologic) agents, flammable, corrosives or materials listed in the hazardous substances list of the Pennsylvania Department of Labor and Industry. This definition shall also conform to the corresponding definition contained in the Hazardous Material Emergency Planning and Response Act, 35 P. S. §6022.103.

*(Ord. 964, 4/12/2000, §7020)*

**§7-302. Authorization of Borough.**

The Borough, through its emergency services, is authorized to clean up, dispose or abate, or cause to be cleaned up, disposed, or abated the effects of any hazardous materials or substances spilled or deposited upon or into properties or facilities within the municipal boundaries of the Borough or having a direct identifiable effect on persons or property within the municipal boundaries of the Borough including, but not limited to, traffic control, evacuation, relocation, substance monitoring, establishment of medical care facilities and other costs incurred in the mitigation of the emergency situation.

*(Ord. 964, 4/12/2000, §7021)*

**§7-303. Emergency Service Costs Subject to Reimbursement.**

Any person who intentionally, negligently, accidentally or otherwise causes a hazardous material or substance spill, deposit, or any other act or omission necessitating the providing of emergency services by the Borough or by the Fire Department within the boundaries of the Borough or the service areas of the Fire Department shall be liable for all reasonable costs incurred by the Borough and/or the Fire Department as a result of such spill, deposit, or other act or omission. The remedy provided by this Part shall be in addition to any other remedies provided by law.

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*(Ord. 964, 4/12/2000, §7022)*

### **§7-304. Emergency Service Costs Defined.**

For the purpose of this Part, reasonable costs incurred by the Borough and/or the Fire Department for emergency services shall include, but not be limited to, the following: actual labor costs of Borough and Fire Department personnel including, but not limited to, worker's compensation benefits, insurance, fringe benefits and administrative overhead; cost of equipment operation; cost of repair or replacement of damaged equipment; cost of special fire extinguishing agents; cost of materials and/or supplies; and any costs of any contracted labor and materials.

*(Ord. 964, 4/12/2000, §7023)*

### **§7-305. Fire Suppression Services Not Subject to Reimbursement.**

The authority to recover reasonable costs under this Part shall not include actual fire suppression services which are normally or usually provided by the Fire Department.

*(Ord. 964, 4/12/2000, §7024)*

### **§7-306. Procedure for Reimbursement.**

For purposes of this Part, the charges for use of the Borough's or the Fire Department's emergency services equipment, materials and personnel shall be billed by the entity incurring the costs, provided that such charges or costs shall not be billed without the prior approval of the Borough Treasurer. Payment of said charges shall be remitted within 30 days of receipt of the entity's bill or invoice. If such charges are not paid within 30 days, the billing entity may initiate an appropriate action in any tribunal of competent jurisdiction for the collection of any amounts due hereunder plus attorneys fees, interest and costs, provided that any such legal action shall not be commenced without the prior approval of the Borough Treasurer.

*(Ord. 964, 4/12/2000, §7025)*

**PART 4**

**FIRE DEPARTMENT**

**A. Establishment of Fire Department**

**§7-401. Establishment.**

Fire protection for the Borough of Aspinwall shall be provided by the Aspinwall Volunteer Fire Department, Inc., (the “Fire Department” or “Department”), a nonprofit corporation incorporated under the laws of the Commonwealth of Pennsylvania, which is hereby designated as the official fire protection agency for the Borough of Aspinwall. The Fire Department of the Borough shall consist of one Chief, one Assistant Chief and two companies.

(*Ord. 742*, 11/5/1980, §1901; as amended by *Ord. 846*, 3/8/1989, §1901; and by *Ord. 995*, 12/10/2003)

**§7-402. Appointment and Qualifications; Chief, Assistant Chief.**

1. **Appointment.** The Chief and Assistant Chief of the Fire Department shall be appointed by the Borough Council and shall continue in their offices for terms of 3 years, but may be suspended or removed by the Council for inattention or neglect of duty or for other proper causes. The Fire Department shall submit to the Borough Council one nominee each for consideration for appointment to the offices of Chief and Assistant Chief. The terms of the Chief and Assistant Chief shall run concurrently.
2. **Qualifications.** Any person appointed to the office of Chief or Assistant Chief of the Fire Department shall, at the time of such appointment, meet the qualifications set forth in the By-Laws of the Fire Department. [*Ord. 1028*]

(*Ord. 742*, 11/5/1980, §1902; as amended by *Ord. 846*, 3/8/1989, §1902; by *Ord. 962*, 2/9/2000, §1902.02; by *Ord. 995*, 12/10/2003; and by *Ord. 1028*, 4/9/2008, §1)

**§7-403. Jurisdiction and Power of Chief, Assistant Chief.**

1. **Jurisdiction, Chief.** The Chief of the Fire Department shall have sole command and control over all officers and members of the Fire Department at all times, and over all persons who may be present at the fire. The Chief shall take proper measures for the prevention and extinguishing of fires, for the protection of life and property, for the preservation of order, and for the observance of Borough ordinances, the parliamentary by-laws and the Chief’s rules of the Fire Department. [*Ord. 962*]
2. **Jurisdiction, Assistant Chiefs.** The Assistant Chief of the Fire Department shall, under the supervision of the Chief, exercise general command over all officers,

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members, fire apparatus and equipment of the Fire Department. In the absence or incapacitation of the Chief, the Assistant Chief shall assume all powers and duties of the Chief.

(*Ord. 742*, 11/5/1980, §1903; as amended by *Ord. 846*, 3/8/1989, §1903; and by *Ord. 962*, 2/9/2000, §1903.01)

### **§7-404. Powers of Chief During Alarms.**

Upon an alarm of fire, the Chief of the Fire Department shall become the supreme police officer of the Borough for the subject scene of a fire and/or alarm, and shall continue in such capacity until the fire is extinguished and/or the alarm is cancelled. It shall be the duty of the police officer(s) of the Borough on duty to immediately report to the Chief or other officer or member of the Fire Department in charge at the scene of a fire and/or alarm and to act under his/her direction. Said police officer(s) shall not absent themselves temporarily nor permanently from the scene of a fire and/or alarm without permission from the Chief or other officer or member of the Fire Department acting in the Chief's absence.

(*Ord. 742*, 11/5/1980, §1904; as amended by *Ord. 846*, 3/8/1989, §1904; by *Ord. 962*, 2/9/2000, §1904; and by *Ord. 995*, 12/10/2003)

### **§7-405. Duties of Chief Relative to Equipment and Apparatus.**

The Chief of the Fire Department shall have charge of all fire apparatus and fire equipment of the Borough, and shall examine into its condition and report said condition to Council monthly or when so directed by Council. He/she shall report to Council all fires and the causes thereof, the amount of damage done and the names of the owners and occupants of the property burned. He/she shall also report to the Borough Council any property, building, condition or practice which is not in accordance with the ordinary provisions for fire prevention or protection.

(*Ord. 742*, 11/5/1980, §1905; as amended by *Ord. 846*, 3/8/1989, §1905)

### **§7-406. Chief's Rules of Fire Department.**

The Chief of the Fire Department shall adopt such rules and regulations as he/she may deem necessary and proper for the government of the same. These rules and regulations shall be known as the Chief's Rules. Before these Chief's Rules shall be operative, they must be approved by the Borough Council.

(*Ord. 742*, 11/5/1980, §1906; as amended by *Ord. 846*, 3/8/1989, §1906; and by *Ord. 1028*, 4/9/2008, §1)

### **§7-407. Chief's Inventory of Equipment; Care of Equipment.**

Within 30 days after assuming office, the Chief of the Fire Department shall file with the Borough Manager an itemized list of all fire apparatus and equipment coming into his/her control and possession. He/she shall see that such equipment is kept in good repair and at the expiration of his/her term of office by lapse of time, removal or otherwise, shall turn over to the Borough said property and equipment and secure a receipt for same.

(*Ord. 742*, 11/5/1980, §1907; as amended by *Ord. 846*, 3/8/1989, §1907)

**§7-408. Ordering of Supplies; Procedure for Payment.**

Supplies for the use of the Fire Department may be obtained only upon order of the Chief. Bills shall be certified by him/her to the Borough Council for payment, but bills of a greater amount than \$200 in any 1 month shall not be contracted by him/her without the consent of the Public Safety Committee of Council. This shall not apply to expenditures of funds of the parliamentary organization of the Fire Department.

(*Ord. 742*, 11/5/1980, §1908; as amended by *Ord. 846*, 3/8/1989, §1908; by *Ord. 962*, 2/9/2000, §1908; and by *Ord. 995*, 12/10/2003)

**§7-409. Membership of the Fire Department.**

Qualifications for membership in the Fire Department shall be determined by the By-Laws of the Fire Department.

(*Ord. 742*, 11/5/1980, §1909; as amended by *Ord. 846*, 3/8/1989, §1909; by *Ord. 962*, 2/9/2000, §1909; by *Ord. 995*, 12/10/2003; and by *Ord. 1028*, 4/9/2008, §1)

**§7-410. Limitation of Classes of Membership. [*Ord. 1028*]**

1. The active membership of the Department shall be limited by resolution of the active membership of the Department, subject to the approval of the Chief and the Borough Council.
2. The combined total of probationary and junior members shall not exceed ½ the number of active members.

(*Ord. 742*, 11/5/1980, §1910; as amended by *Ord. 846*, 3/8/1989, §1910; by *Ord. 962*, 2/9/2000, §1910; and by *Ord. 1028*, 4/9/2008, §1)

**§7-411. Election of Company Officers; Duties and Powers.**

The Department shall have the power to elect, for a period of 1 year, a Captain, a First Lieutenant, and a Second Lieutenant for each company who shall, at the time of election, meet the qualifications set forth in the By-Laws of the Fire Department. The Captain shall, under the supervision of the Chief and Assistant Chief, and in accordance with the

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By-Laws of the Department and the Chief's Rules adopted by the Borough Council, have command of all officers and members of the Department. He/she shall see that the fire apparatus and equipment of the Department are kept in good order, preserve order and discipline therein, and perform such other duties as the Chief and/or Assistant Chief may direct. The Lieutenants, in order of their rank, shall assist the Captain in his/her duties and take command in his/her absence in accordance with the By-Laws of the Department and the Chief's Rules adopted by the Borough Council. They shall perform such other duties as the Chief, Assistant Chief, or Captain may direct.

(*Ord. 742*, 11/5/1980, §1911; as amended by *Ord. 846*, 3/8/1989, §1911; by *Ord. 962*, 2/9/2000, §1911; by *Ord. 995*, 12/10/2003; and by *Ord. 1028*, 4/9/2008, §1)

### **§7-412. Oath of Office Required.**

The Chief, Assistant Chief, Captains, Lieutenants and all new members, before entering upon their duties, shall subscribe an oath or affirmation before the Mayor, or other official authorized by law to administer oaths, that they and each of them will observe the laws of the Commonwealth of Pennsylvania, the ordinances of the Borough of Aspinwall relating to their offices, the By-Laws adopted by the Department, and the provisions of the Chief's Rules adopted by the Borough Council, and do and perform all the duties of their offices faithfully and to the best of their ability. Said oath shall be administered to the aforementioned officers and members not later than the January 31 following their election or appointment.

(*Ord. 742*, 11/5/1980, §1916; as amended by *Ord. 846*, 3/8/1989, §1916; by *Ord. 962*, 2/9/2000, §1917; and by *Ord. 1028*, 4/9/2008, §1)

### **§7-413. Procedure for Reporting for Alarms; Leaving the Scene.**

1. It shall be the duty of all officers and all active, probationary, and junior members of the Fire Department, whenever an alarm of fire is sounded, to report to the fire stations promptly and thence, with the fire apparatus and equipment to the scene of the fire, in accordance with the provisions of the Chief's Rules adopted by the Borough Council. [*Ord. 962*]
2. If the apparatus has already gone to the scene of fire, they shall report thence as soon as possible to the Chief or other officer or member of the Fire Department in command and shall not under any circumstances whatever discontinue their duties nor leave the scene of fire without permission of the Chief or other officer or member acting for him/her. Junior members shall respond as above but in accordance with the provisions of the laws of the Commonwealth of Pennsylvania governing the activities of junior firefighters.

(*Ord. 742*, 11/5/1980, §1917; as amended by *Ord. 846*, 3/8/1989, §1917; and by *Ord. 962*, 2/9/2000, §1918)

**§7-414. Tampering with Department Property, Hindering Firefighters; Penalty.**

Any person or persons who shall deface or destroy any property of the Fire Department, or who shall hinder, obstruct or prevent in any manner any fire company or member thereof from freely passing along the streets or property of the Borough to or from an alarm or practice, or any member of the same from operating at an alarm or practice, or who shall refuse to obey or willfully violate the instructions of the Chief or other officer or member of the Fire Department in command at the scene of a fire and/or alarm shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 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.

(*Ord. 742*, 11/5/1980, §1918; as amended by *Ord. 806*, 6/11/1986; by *Ord. 846*, 3/8/1989, §1918; and by *Ord. 962*, 2/9/2000, §1919; and by *Ord. 995*, 12/10/2003)

**§7-415. Giving False Alarms; Penalty; Exception.**

1. Any person or persons who shall willfully create any false alarm of fire by means of the fire alarm system of the Borough, or otherwise shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. [*Ord. 995*]
2. This, however, shall not include the Fire Chief, who shall have the right and privilege at any time to create an alarm of fire for practice, discipline or for the purpose of increasing the efficiency of the Fire Department.

(*Ord. 742*, 11/5/1980, §1919; as amended by *Ord. 806*, 6/11/1986; by *Ord. 846*, 3/8/1989, §1919; by *Ord. 962*, 2/9/2000, §1920; and by *Ord. 995*, 12/10/2003)

**§7-416. Sending Second Alarms or Calls for Assistance; Penalty.**

No person or persons shall have the authority to send in a second or greater alarm in the Borough, nor to send nor call for assistance from outside the Borough limits, except the Chief or other officer or member of the Fire Department in charge at an alarm. Any person or persons willfully violating this provision shall, upon conviction thereof, be sentenced to pay a fine not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(*Ord. 742*, 11/5/1980, §1920; as amended by *Ord. 806*, 6/11/1986; by *Ord. 846*, 3/8/1989, §1920; by *Ord. 962*, 2/9/2000, §1921; and by *Ord. 995*, 12/10/2003)

**§7-417. Unauthorized Keys; Penalty.**

## FIRE PREVENTION AND FIRE PROTECTION

Any person or persons not authorized by the parliamentary by-laws of the Fire Department and the Chief's rules adopted by the Borough Council who shall have in his/her possession, or make or cause to be made, any key or keys for the fire stations of the Borough, or use or cause the same to be used, without the consent of the Chief or other proper officer of the Fire Department shall, upon conviction thereof, be sentenced to pay a fine not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(*Ord. 742*, 11/5/1980, §1921; as amended by *Ord. 806*, 6/11/1986; by *Ord. 846*, 3/8/1989, §1921; by *Ord. 962*, 2/9/2000, §1922; and by *Ord. 995*, 12/10/2003)

### **§7-418. Unauthorized Entry of Fire Stations or Misuse of Equipment; Penalty.**

No person or persons not connected with the Fire Department shall have authority nor power to enter in any manner any fire station of the Fire Department and use or cause to be used, or remove or cause to be removed, any fire apparatus or equipment, or portion thereof, without the consent of the Chief. Any person or persons who shall willfully violate this provision shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(*Ord. 742*, 11/5/1980, §1922; as amended by *Ord. 806*, 6/11/1986; by *Ord. 846*, 3/8/1989, §1922; and by *Ord. 962*, 2/9/2000, §1923; and by *Ord. 995*, 12/10/2003)

### **§7-419. Use of the Fire Stations; Adoption of House Rules.**

The fire stations of the Borough shall be, in addition to their use as fire houses, for the exclusive use of the Fire Department, and the Department may make such house rules as it may deem necessary for the proper government of its members. No fire station or part thereof may be occupied or used temporarily nor permanently for any other purpose, except by permission of the regularly elected Trustees of the Department, the President of Borough Council and the Chief of the Fire Department. This, however, shall not interfere with the present use by the Borough of the fire stations as polling places in precincts in which they are located.

(*Ord. 742*, 11/5/1980, §1923; as amended by *Ord. 846*, 3/8/1989, §1923; and by *Ord. 962*, 2/9/2000, §1924)

### **§7-420. Dismissal of Department Members for Failure of Duties.**

If the Fire Department shall fail to take proper care of the property of the Fire Department and Borough, or neglect to preserve discipline and good order, or shall fail to perform the services at alarms or practices as required by the Chief, the Borough Council shall, if it deems expedient, discharge any or all members of the Department from the service of the Borough.

(*Ord. 742*, 11/5/1980, §1925; as amended by *Ord. 846*, 3/8/1989, §1925; and by *Ord. 995*, 12/10/2003)

**§7-421. Return of Property at Expiration of Office or Membership.**

The Chief, Assistant Chief, Captains, Lieutenants and all other officers and members of the Fire Department shall, at the expiration of their office or membership, turn over to the said Fire Department or Borough, or to their successor(s) in office, all property of the Fire Department or Borough which they may have in their possession or control.

(*Ord. 742*, 11/5/1980, §1926; as amended by *Ord. 846*, 3/8/1989, §1926)

**§7-422. Uniforms.**

The Fire Department may adopt a dress uniform, and for the protection of said uniform may adopt such rules regulating the use and time of wearing same as may be deemed advisable. Any member of the Department using or wearing, or causing to be used or worn, at any time contrary to the regulations adopted, unless by permission or direction of the Chief or other proper officer of the Department, or who shall when wearing said uniform, be guilty of conduct reflecting upon the honor of the Fire Department, shall be subject to such disciplinary action by the Chief as may be deemed advisable. Said uniform shall be the property of the Fire Department.

(*Ord. 742*, 11/5/1980, §1927; as amended by *Ord. 846*, 3/8/1989, §1927; and by *Ord. 962*, 2/9/2000, §1927)

**§7-423. Workmen's Compensation and Liability Insurance.**

The Borough will procure and maintain workmen's compensation insurance, third-party liability and fellow member liability insurance for the Fire Chief, Assistant Chief, officers and all members of the Fire Department, comparable to that provided to Borough employees.

(*Ord. 742*, 11/5/1980, §1928; as amended by *Ord. 846*, 3/8/1989, §1928)

**§7-424. Authorized Duties and Activities of the Fire Department.**

1. All calls to duty in the field of public safety, including going to and returning from such calls.
2. Participation in fire drills and training sessions including, but not limited to, emergency medical services, hazardous substance and fire control.
3. All activities performed while maintaining, repairing or working on or about the fire and emergency medical apparatus.

## FIRE PREVENTION AND FIRE PROTECTION

4. All activities performed while maintaining, repairing or working on or about the fire station and grounds. [*Ord. 995*]
5. Riding on or upon the fire or ambulance apparatus owned, used or contracted by the Borough or Fire Department. [*Ord. 995*]
6. Attending local association meetings, regional and state-wide conventions and parades, including travel to and from such events.
7. Participation in all fund-raising activities including, but not limited to, door-to-door solicitations, raffles, bingos, public dinners, fairs and any other activities to which the express purpose is to raise funds for the support of the fire and emergency medical services.

(*Ord 742*, 11/5/1980; as amended by *Ord. 995*, 12/10/2003)

**B. Volunteer Firemen's Relief Association.**

**§7-431. Recognition of Firemen's Relief Association.**

1. The Aspinwall Volunteer Fire Company's Relief Association is recognized as actively engaging in providing fire protection and/or emergency services in the Borough of Aspinwall. This Association has been formed and organized pursuant to the Volunteer Firemen's Relief Association Act, 53 P.S. §8501 *et seq.*, as amended, for the benefit of its members and their families in case of death, sickness, temporary or permanent disability or accident suffered in the line of duty. The Aspinwall Volunteer Firemen's Relief Association is designated a proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the Commonwealth of Pennsylvania from the tax on premiums from foreign fire insurance companies and such other related Commonwealth taxes or fees.
2. This recognition of the Aspinwall Volunteer Firemen's Relief Association shall continue as long as the Association is operated consistent with the requirements of the Volunteer Firemen's Relief Association Act, 53 P.S. §8501 *et seq.*, as amended.

(*Ord. 412*, 10/10/1932, §2720; as amended by *Ord. 995*, 12/10/2003)

