

BOROUGH OF ST. CLAIR  
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 428

AN ORDINANCE OF THE BOROUGH OF ST. CLAIR,  
SCHUYLKILL COUNTY, PENNSYLVANIA, AMENDING AN  
EXISTING FIRE DEPARTMENT ORDINANCE TO FURTHER  
DEFINE THE ELIGIBILITY FOR ELECTION OF PERSONS FOR  
THE OFFICE OF FIRE CHIEF OR ASSISTANT FIRE CHIEF TO  
INCLUDE INDIVIDUALS WHO ARE MEMBERS IN GOOD  
STANDING OF THE ST. CLAIR FIRE DEPARTMENT AND  
RESIDE WITHIN ONE (1) MILE OF THE BOROUGH LIMITS.

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the  
"Borough"), hereby enacts and ordains as follows:

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled "General  
Powers", authorizes the Borough to make and adopt ordinances necessary for the proper  
management, care and control of the Borough, and the maintenance of the health and welfare of  
the Borough and its citizens; and

WHEREAS, Section 1202 of the Borough Code, found at 53 P.S. §46202, entitled  
"Specific Powers", authorizes the Borough to adopt ordinances to secure the safety of persons or  
property within the Borough; and

WHEREAS, the Borough adopted Fire Department Ordinance No. 285 on November 10,  
1982; and

WHEREAS, the said Fire Department Ordinance was codified by action of the Borough  
and currently appears under Chapter 10 of said codification; and

WHEREAS, the Borough Council wishes to further define the eligibility for election to  
the office of Fire Chief and Assistant Fire Chief.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY the Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.) and the statutes noted above, as follows:

**Section 101. Title.**

This Ordinance shall be known as the "St. Clair Borough Fire Department Ordinance".

**Section 102. Citation**

This Ordinance may be cited as the "St. Clair Borough Fire Department Ordinance".

**Section 103. Scope.**

This Ordinance is meant to amend and update an existing ordinance concerning the establishment of the Fire Department within the Borough as well as the election of officers and other administrative matters.

**Section 104. Establishment**

The several volunteer fire companies now in service in the Borough of St. Clair, namely the Alert Fire Company, the Columbia Hose Company, the Rescue Hook and Ladder Company, the Phoenix Fire Company of East Mines and the West End Fire Company, and any additional fire companies located therein which may hereafter be recognized by the Borough Council, shall together form the Fire Department of the Borough of St. Clair, hereinafter designated as the "Fire Department".

**Section 105. Officers.**

The Fire Department shall be under the superintendence and direction of an officer to be known as the "Fire Chief" and two (2) Assistant Fire Chiefs.

**Section 106. Election of Officers.**

The Fire Chief and the Assistant Fire Chiefs shall be elected in the following manner:

A. The President of the Borough Council shall name three (3) members of the Council as delegates and each of the fire companies comprising the Fire Department shall designate three (3) delegates (trustees) to meet in joint convention every four (4) years on the third Monday of November for the purpose of electing the Fire Chief and two (2) Assistant Fire Chiefs.

B. The delegates (trustees) shall present written evidence of their authorization to participate in said convention to the President of the Borough Council, who shall act as Chairman of said convention but who shall not have a vote thereat unless he is one (1) of the three (3) delegates from the Council.

C. A majority of such delegates (trustees) shall constitute a quorum and shall be necessary for the election of the Fire Chief and two (2) Assistant Fire Chiefs.

D. No person shall be considered for or elected to the office of Fire Chief or Assistant Fire Chief who lacks any of the qualifications for such offices as hereinafter set forth.

**Section 107. Results of Election.**

A. The names of the persons elected at such convention to the positions of Fire Chief and Assistant Fire Chief shall forthwith be transmitted to the Borough Secretary.

B. In case such convention shall not elect any person to fill any of such offices in the Fire Department, the candidates for said offices shall submit to an examination by the State

Fire School. The Borough Council shall then appoint, as soon as practicable, a qualified person to fill the office, taking under advisement the results of the examination given by the State Fire School.

**Section 108. Eligibility for Election.**

No person shall be eligible for the office of Fire Chief or Assistant Fire Chief unless they are a member in good standing of a St. Clair fire company and reside within one (1) mile of the Borough limits, nor shall any person be eligible to any such office who is not an active experienced firefighter in good standing in his or her respective company, as determined by the sole discretion of the Borough Council, and a member of the Fire Department for at least two (2) years.

**Section 109. Term of Officers; Vacancies.**

After election, the Fire Chief and the Assistant Fire Chiefs shall take office as such and shall hold office for four (4) years or until their respective successors shall take office. In case of death, resignation or removal from the office or from the Borough of the Fire Chief, the Borough Council shall appoint a qualified person to fill the office until the vacancy thus created is filled by an election held in the same manner as provided in Section 106 of this Ordinance. Such election shall be held on a date fixed by the Borough Council as soon as practicable after the Council has knowledge of such vacancy, and the result of such election shall promptly be made known to the Borough Secretary. Thereupon, the person elected to fill such vacancy shall assume such office. In case the office of an Assistant Fire Chief is vacated, it shall likewise be filled promptly in the same manner.

**Section 110. Oath of Office.**

Before assuming office as such, the Fire Chief and the Assistant Fire Chiefs shall take an oath, to be administered by the Mayor, to faithfully perform all the duties of their respective offices.

**Section 111. Removal of Officers.**

The Borough Council shall have the authority to remove the Fire Chief or the Assistant Fire Chiefs for incompetency, neglect of duty or any other cause touching upon the powers and duties of such officer and his relations to the Fire Department.

**Section 112. Compensation.**

The Fire Chief and the Assistant Fire Chiefs shall receive such compensation, payable from the borough treasury, as may be determined from time to time by the Borough Council.

**Section 113. Duties of Officers.**

In the absence of the Fire Chief from a fire, the Assistant Fire Chief first to arrive at the scene shall take command of fighting the fire until the Fire Chief arrives. The Fire Chief or, in his absence, an Assistant Fire Chief shall have full control over all fire apparatus and of the members of the Fire Department in service at fires. It shall be the duty of the Fire Chief, or an Assistant Fire Chief while serving as such, to superintend the Fire Department while doing public duty; to give general and specific directions as to the manner of fighting fires, the use of hose and apparatus and the specific duties and assignment of the various members of the Fire Department in attendance thereat. He may suspend any member of the Fire Department for insubordination at any fire. He shall keep or cause to be kept complete records of all fires,

with information as prescribed by the Borough Council in order to ascertain the causes of fires. The Fire Chief shall make a report to the Council, at each regular meeting thereof, of the condition of the Fire Department and the companies comprising such Department and the activities of the Fire Department since the preceding report. The Fire Chief and Assistant Fire Chiefs shall engage in such fire-prevention activities as may be directed by the Borough Council.

**Section 114. Severability.**

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of St. Clair Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

**Section 115. Repealer.**


The provisions of any prior ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Nothing contained in this Ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause of action existing prior the enactment of this Ordinance.

Section 116. Effective Date.

This Ordinance shall become effective five (5) days after the adoption hereof.

DULY ENACTED AND ORDAINED by Borough Council of the Borough of St.  
Clair, Schuylkill County, Pennsylvania, this 4<sup>th</sup> day of December, 2018,  
in lawful session duly assembled.

ST. CLAIR BOROUGH

  
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WILLIAM M. DEMPSEY  
Council President

ATTEST:

  
\_\_\_\_\_  
ROLAND PRICE, JR.  
Borough Secretary

Approved by me this 4<sup>th</sup> day of December, 2018.

  
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RICHARD E. TOMKO  
Mayor

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, COMMONWEALTH OF PENNSYLVANIA, AMENDING AN EXISTING FIRE DEPARTMENT ORDINANCE TO FURTHER DEFINE THE ELIGIBILITY FOR ELECTION OF PERSONS FOR THE OFFICE OF FIRE CHIEF OR ASSISTANT FIRE CHIEF TO INCLUDE INDIVIDUALS WHO ARE MEMBERS IN GOOD STANDING OF THE ST. CLAIR FIRE DEPARTMENT AND RESIDE WITHIN ONE (1) MILE OF THE BOROUGH LIMITS.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, on the 4<sup>th</sup> day of December, 2018.

SEAL



Roland Price, Jr., Secretary  
St. Clair Municipal Building  
16 South Third Street  
St. Clair, PA 17970  
Telephone No. (570) 429-0640



Handwritten text, possibly a signature or initials, oriented vertically.