

CITY OF SHARON, PENNSYLVANIA

BILL NO. 04-10B

ORDINANCE NO. 04-10B

Introduced by, Mr. Heutsche - August 19, 2010

Passed finally,

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SHARON, COUNTY OF MERCER, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND RE-STATING ADMINISTRATIVE CODE, CHAPTER 240. DEPARTMENT OF FIRE-RESCUE.

BE IT ORDAINED AND ENACTED by the Council of the City of Sharon and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. AMENDMENT AND RE-STATEMENT - Administrative Code -Chapter 240.

**DEPARTMENT OF FIRE/RESCUE**

The department shall be headed and directed by a Fire Chief and shall perform the following duties:

- A. Coordinate response to all fires and public emergencies.
- B. Maintain all equipment of the Department of Fire/Rescue in a continual operating condition.
- C. Perform all life-safety functions of the City as may be assigned to it from time to time by the City Manager.

**DUTIES OF FIRE CHIEF**

The Fire Chief shall be responsible for all life-safety functions of the city, including but not limited to:

- A. Fire prevention, fire inspection and fire investigation functions.
- B. Plans and coordinates the work of fire personnel engaged in fires, public emergencies, fire prevention, and education.
- C. Establishes and coordinated training programs for fire personnel.
- D. Performs investigations to determine causes and origins of fires.
- E. Schedules all fire personnel and assigns related duties.

- F. Perform such other life-safety related matters as may be assigned from time to time by the City Manager.

### **SPECIAL QUALIFICATIONS OF FIRE CHIEF**

The Fire Chief shall have a minimum of ten years firefighting and fire prevention experience; certification by the Pennsylvania Professional Firefighter Qualification Board as a Level I Firefighter; and must demonstrate good leadership and administrative qualities.

### **240.02 SPECIAL QUALIFICATIONS OF FIRE FIGHTER**

The Firefighter shall be a citizen of the United States, at least 21 years old, and must be of good reputation and moral character, including but not limited to:

- A. Must have a valid drivers license.
- B. Vision must be not more than 20/40 uncorrected.
- C. They must not be a former firefighter removed for cause.
- D. They must pass all written examinations, physical examinations, mental examinations, police background checks, and psychological evaluations.
- E. Requires residency within Sharon City limits within six months of hire.

### **FIRE FIGHTER HIRING PROCEDURE**

The applicant will have to pass all required tests to be considered for the position of firefighter;

- A. The Applicant must pass a written exam.
- B. The Applicant must pass a physical agility examination, including a 100 foot aerial ladder climb, find their way through a maze wearing a self contained breathing apparatus, and complete a firefighter obstacle course.
  - 1. Ladder climb and self contained breathing apparatus maze will be pass/fail; applicant must complete each task successfully to continue with agility exam.
  - 2. Agility exam will be timed and scored.
- C. Applicants whom pass the written and physical agility exams shall receive an oral interview by the Fire Chief, and a background check conducted by the Sharon Police Department.
- D. Exams and interviews will be considered in choosing the applicant to be hired to the position of firefighter.

### **PROMOTION PROCEDURE**

When the position of fire captain or lieutenant becomes available, a written exam, and oral interview, and a review of past job performance will be considered in making the promotion.

- A. A written exam shall be given by the Fire Chief. The applicant must pass the exam with a minimum score of 70 percent to be considered for promotion.
- B. Oral interviews will be conducted by the Fire Chief for the applicants who qualified for the promotion.
- C. A performance evaluation will be conducted by the Fire Chief examining the past job performance of the applicant.

#### **NONRESIDENT SERVICE**

- A. The City Manager is hereby authorized to direct the members of the Department of Fire/Rescue and other departments, divisions or bureaus of the City, to give aid and assistance to all surrounding municipalities and also all military installations within a radius of twenty-five miles of the City of Sharon when called upon by the proper officials of the municipally or military installation within a twenty-five mile radius of the City requesting aid from the Sharon Department of Fire/Rescue or other departments, divisions or bureaus of the City, and to use the equipment in fighting fires or in giving other aid and assistance as is possible.
- B. The employees of the Department of Fire/Rescue and all other employees of the City of Sharon, when directed by the City Manager or a particular department head to proceed to an adjoining municipality or military installation within a twenty-five mile radius in order to render aid and assistance, shall be considered an employee of the City of Sharon and if injured while engaged in such activities shall have all rights as though such injury or condition arose while they were so occupied within the corporate limits of the City of Sharon.

#### **INSURANCE PROCEEDS AS SECURITY AGAINST COST RE FIRE-DAMAGED PROPERTY**

- A. The City Manager or his or her designee (hereinafter referred to as the City Officer) is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein.
- B. As used in the section, "fire loss" or "claim for fire damage" means any loss occurring after the effective date of this section, and covered under a policy of fire insurance, including any endorsements or riders to such policy.
- C. No insurance company, association or exchange (hereinafter referred to as the insurer) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand, five hundred dollars (\$7,500), unless the insurer is furnished by the City Officer with a Municipal certificate pursuant to the provisions of this section.
- D. After full compliance with the requirements of this section, the insurer shall pay the claim of the named insured, provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds sixty percent of the aggregate limits of liability on all fire policies covering the building structure, the following procedures shall be followed:
  - 1. The insurer shall transfer from the insurance proceeds to City Officer the aggregate of two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) of a claim and for each fraction of that amount of a claim, provided that this section is to be applied such that if the claim is fifteen thousand dollars (\$15,000) or less, the amount transferred to the City shall be two thousand dollars (\$2,000), and that if, at the time of a 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 in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the City from the insurance proceeds the amount based upon the estimate.
  - 2. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the buildings or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
- E. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.
- F. Upon receipt of proceeds under this section, the City shall do the following:
  - 1. The City Officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the City. Such

costs shall include, without limitation, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings relating thereto.

2. It is the obligation of the insurer, when transferring the proceeds, to provide the City with the name and address of the named insured, Upon receipt of the transferred funds and the name and address of the named insured, the City Officer shall contact the named insured, certify that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed.
  3. When removal, repair or securing of the building or other structure has been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion has been received by the City Officer, and if the City has not incurred any costs for removal, repair or securing of the building or other structure, the fund shall be returned to the named insured. If the City has incurred costs for removal, repair or securing of the building or other structure, the costs shall be paid from the fund and, if excess funds remain, the city shall transfer the remaining funds to the named insured.
  4. To the extent that interest is earned on proceeds held by the City pursuant to this section, and retained by it, such interest shall belong to the City. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
- G. Nothing in this section shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this section shall be construed to prohibit the City and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.
- H. Council may, by resolution, adopt procedures and regulations to implement this section and may, by resolution, fix reasonable fees to be charged for Municipal activities or services provided pursuant to this section, including, but not limited to, the issuance of certificates and bills, the performance of inspections and the opening of separate fund accounts.

#### **INSURANCE PROCEEDS FOR PAYMENT OF DELINQUENT TAXES**

- A. The City Manager or his or her designee (hereinafter referred to as the City Officer) is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the City stated herein.

- B. As used in the section, "fire loss" or "claim for fire damage" means any loss occurring after the effective date of this section, and covered under a policy of fire insurance, including any endorsements or riders to such policy.
- C. No insurance company, association or exchange (hereinafter referred to as the insurer) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand, five hundred dollars (\$7,500), unless the insurer and the named insured comply with the provisions of this section.
- D. The City Officer shall, upon the written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date agreed upon by the insurer and the named insured as the date of the receipt of a loss report of the claim, furnish the insurer with either of the following within fourteen working days of the request:
  - 1. A certificate, or, at the discretion of the City, a verbal notification which shall be confirmed in writing by the insurer, to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the City Officer's certificate or verbal notification, the City has not certified any amount as total costs incurred by the City for the removal, repair or securing of a building or other structure on the property;
  - 2. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and use charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the City Officer's certificate, the amount of the total costs, if any, certified to the City Officer that have been incurred by the City for the removal, repairing or securing of a building or other structure on the property. For purposes of this paragraph, the City shall provide to the City Officer the total amount, if any, of such costs, if available, or the amount of costs known to the City at the time of the City Officer's certificate.

A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the City under applicable law.

- E. Upon the receipt of a certificate pursuant to paragraph (d)(1) hereof, the insurer shall pay the claim of the named insured in accordance with the policy terms.
- F. Upon the receipt of certificate and bill pursuant to paragraph (d)(2) hereof, the insurer shall return the bill to the City Officer and transfer to the City Officer an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties charges and costs as shown on the bill, or the full

amount of the insurance proceeds, whichever is the lesser amount. The City shall receive the amount and apply or credit it to payment of the items shown in the bill.

- G. Nothing in this section shall be construed to limit the ability of the City to recover any deficiency.
- H. The transfer of proceeds to the City Officer shall be on a pro rata basis by all insurers with applicable policies of insurance providing protection for fire loss.
- I. Council may, by resolution, adopt additional procedures and regulations to implement this section and may, by resolution, fix reasonable fees to be charged for Municipal activities or services provided pursuant to this section, including, but not limited to, the issuance of certificates and bills.

(Ord. 2-95. Passed 2-23-95.)

**PENALTY**

Whoever violates Section \_\_\_\_\_ or \_\_\_\_\_ shall be fined not more than one thousand dollars (\$1,000) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 3. REPEALER. All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective ten (10) days after final passage.

ORDAINED AND ENACTED finally into law by the Council of the City of Sharon, this 16<sup>th</sup> day of September, 2010 .

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President of Council

ATTEST:

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City Clerk