

ORDINANCE NO. – 2018

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER AUTHORIZING THE BOROUGH TO ENTER INTO AN INTERMUNICIPAL FIRE SERVICES AGREEMENT WITH BIRMINGHAM TOWNSHIP, EAST BRADFORD TOWNSHIP, THORNBURY TOWNSHIP (CHESTER COUNTY), WEST GOSHEN TOWNSHIP AND WESTTOWN TOWNSHIP TO PROVIDE FIRE PROTECTION SERVICES TO CERTAIN PORTIONS OF EACH RESPECTIVE TOWNSHIP.

WHEREAS, pursuant to Chapter 7 of the Code of the Borough (the “Borough Code”), the West Chester Fire Department (the “Fire Department”) is comprised of those certain fire companies operating within the jurisdictional limits of the Borough; to wit, Fame Fire Company, First West Chester Fire Company, and Good Will Fire Company (collectively, the “Constituent Fire Companies”); and

WHEREAS, the Borough has the legal authority to enter into contracts with municipalities for mutual aid or assistance in fire protection, or for the furnishing to, or receiving from, the municipalities, aid and assistance in fire protection, and to make appropriations therefor; and

WHEREAS, pursuant to the Pennsylvania Second Class Township Code, 53 P.S. §66803(c), a Second Class Township is authorized to “contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the township; and

WHEREAS, the Borough and the Townships identified above had entered into separate respective agreements for the Fire Department to provide fire services in a defined geographic area of the Township pursuant to a Fire Services Agreement that will expire on December 31, 2018 (collectively, the “Prior Fire Services Agreement”); and

WHEREAS, each of the Townships deems that the continuation of such fire protection service is necessary for the protection of the health, safety and welfare of its residents; and

WHEREAS, under and pursuant to the terms, conditions, and provisions set forth in an Intermunicipal Fire Services Agreement which is attached hereto as Exhibit “A”, the Borough is desirous of continuing to provide fire protection service to each of the Townships; and

WHEREAS, pursuant to the Intergovernmental Cooperation Act of 1996, 53 Pa.C.S.A. §2301 et seq., the Borough and Townships may enter agreements with other municipalities and government agencies to perform governmental powers and duties upon the passage of an ordinance by the governing body;

NOW THEREFORE BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester, as follows:

SECTION 1. AUTHORIZATION. The Borough Council of the Borough of West Chester (the "Borough") is hereby authorized to enter into an Intermunicipal Fire Services Agreement (the "Agreement") with Birmingham Township, East Bradford Township, Thornbury Township, Chester County, West Goshen Township and Westtown Township in accordance with the terms and conditions authorized by this Ordinance and set forth in the Agreement, a copy of which is attached hereto as Exhibit "A" and is incorporated herein by reference. Furthermore, the appropriate officers of the Borough are hereby authorized to do whatever is necessary and appropriate to carry out the provisions of the Agreement and this Ordinance, and to comply with the purposes and intent of the Agreement and this Ordinance.

SECTION 2. CONDITIONS OF AGREEMENT. The Agreement is conditioned upon each Township's governing body enacting an Ordinance which authorizes such municipalities to execute the Agreement.

SECTION 3. DURATION AND TERM OF AGREEMENT. The term of the Agreement shall commence at 12:00 A.M. on January 1, 2019, and, unless earlier terminated by the Borough as to a given Township pursuant to Section 2.C. of the Agreement, shall terminate at 11:59 P.M. on December 31, 2023.

SECTION 4. PURPOSE AND OBJECTIVES OF THE AGREEMENT. The purposes and objectives of the Agreement are to authorize the Fire Department to provide fire protection services to certain portions of each of the Townships and to establish the respective municipality's share of the cost of such fire services.

SECTION 5. MANNER AND EXTENT OF FINANCING FOR THE AGREEMENT.

The fire protection services which will be provided by the Fire Department pursuant to the Agreement shall be shared and paid for by the respective municipalities in accordance with the payment terms specified in paragraph 2 of the Agreement.

SECTION 6. ORGANIZATIONAL STRUCTURE NECESSARY TO IMPLEMENT THE AGREEMENT.

Each municipality that enters the Agreement is governed by an elected governing body who shall oversee the implementation and enforcement of the Agreement. Moreover, the Borough has established a Police and Fire Committee which oversees the

Fire Department's operation. The Agreement contemplates that each Township shall appoint not more than two delegates to serve on the Police and Fire Committee.

SECTION 7. MANNER IN WHICH REAL OR PERSONAL PROPERTY SHALL BE ACQUIRED, MANAGED, LICENSED OR DISPOSED OF. The Fire Department or the constituent fire companies that comprise the Fire Department shall own all real property and personal property used for the provision of fire services pursuant to the Agreement.

SECTION 8. AUTHORITY TO ENTER INTO CONTRACTS OR POLICIES OF GROUP INSURANCE AND EMPLOYEE BENEFITS. The Borough and Fire Department are empowered to enter into contracts for policies of group insurance and employee benefits for any employees of the Fire Department.

SECTION 9. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

**COUNCIL FOR THE BOROUGH
OF WEST CHESTER**

Michael A. Perrone, Secretary

By: _____
Diane C. LeBold, President

APPROVED THIS _____ DAY OF _____, 2018.

Dianne T. Herrin, Mayor