

OFFICIAL**BOROUGH OF FOREST HILLS
ORDINANCE NO. 1015**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 7 OF THE FOREST HILLS BOROUGH CODE OF ORDINANCES, FIRE PREVENTION AND FIRE PROTECTION, TO ESTABLISH A FIRE PROTECTION SERVICES FEE AND TO REGULATE THE COLLECTION AND DISBURSEMENT OF THE FIRE PROTECTION SERVICES FEE.

WHEREAS, Section 1202(2) of the Borough Code, 53 P.S. §46202(2), provides the Borough with the power to make and regulate changes of the Borough's facilities and services to the public; and

WHEREAS, Chapter 7 of the Forest Hills Borough Code of Ordinances, Fire Prevention and Fire Protection, regulates fire prevention, fire protection and the Forest Hills Borough Volunteer Fire Department; and

WHEREAS, the Council of the Borough desires to amend Chapter 7 of the Forest Hills Borough Code of Ordinances, Fire Prevention and Fire Protection, to establish a fire protection services fee and to regulate the collection and disbursement of the fire protection services fee.

NOW, THEREFORE, the Council of Forest Hills Borough hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. Chapter 7 of the Forest Hills Borough Code of Ordinances, Fire Prevention and Fire Protection, is amended as follows inserting the underlined text:

Part 6**Fire Protection Services Fee****§7-601. Fire Protection Services Fee Established; Use of Generated Revenue**

1. A fee for providing fire protection services is hereby established and shall be charged to each owner of residential, multi-family and commercial property within the Borough. For purposes of this Part, each unit in a multi-family dwelling which contains a cooking stove or shares a common kitchen facility shall be considered a multi-family unit and shall be charged the fire prevention services fee.

2. The fire protection services fee shall be set from time to time by Resolution of Borough Council.

3. All revenues generated from the fire protection services fee shall be appropriated as follows: (1) payment of any capital expenditures by Borough Council related to the Forest Hills Borough Volunteer Fire Department, including the purchase or lease of fire fighting vehicles and equipment or the repair, maintenance or construction of the existing Forest Hills Borough Volunteer Fire Department building and its grounds located at 2071 Ardmore Boulevard; and (2) an annual payment to the Forest Hills Borough Volunteer Fire Department in an amount to be determined each year by Borough Council. Fifty percent (50%) of said annual payment shall be made to the Forest Hills Borough Volunteer Fire Department on or before March 1st of each calendar year and the remaining fifty percent (50%) of the annual payment shall be made to the Forest Hills Volunteer Fire Department on or before July 1st of each calendar year.

4. The Forest Hills Borough Volunteer Fire Department shall only use the funds generated by the annual payment of the fire protection services fee if it is in furtherance of the following emergency and non-emergency activities of the Forest Hills Borough Volunteer Fire Department:

A. Extinguishment of fires and the prevention of loss of life and property from fire;

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- B. Assistance at the scene of automobile accidents, medical emergencies, hazardous materials incidents, natural or man-made phenomena and other dangerous situations;
 - C. Any and all public safety activities undertaken by the responding members of the Forest Hills Borough Volunteer Fire Department to render care to the injured, prevent loss of life, provide comfort and security to victims and limit or prevent damage to or loss of property as circumstances may indicate;
 - D. Removing water from any property after storms;
 - E. Assisting in the abatement and prevention of damage or injury to persons or property whether through natural or man-made causes;
 - F. Recovery of animals;
 - G. Fire prevention activities, post-fire investigations, bomb searches and evacuation drills;
 - H. Assisting police by rendering assistance to police officers where such aid is specifically requested or done without request to protect the public welfare from imminent danger, including fire police duties;
 - I. Maintenance and repair work performed on a Forest Hills Borough Volunteer Fire Department vehicle, building, grounds or equipment;
 - J. Participation in drills, practices, training sessions and pre-fire planning activities as may be deemed necessary by the officers of the Forest Hills Borough Volunteer Fire Department to maintain proficiency in required services;
 - K. Preparation of the Forest Hills Borough Volunteer Fire Department for use as a temporary shelter or other emergency use;
 - L. The purchase of any of the following items:
 - (1) Protective equipment;
 - (2) General supplies;
 - (3) Office supplies;
 - (4) Janitorial supplies;
 - (5) Fire prevention supplies;
 - (6) Training materials;
 - (7) Publications related to fire fighting and emergency services;
 - (8) Printing and postage;
 - (9) Radios, communications and maintenance;
 - (10) Uniforms;
 - (11) Contracted services;
 - (12) Vehicle repairs maintenance and inspection;
 - (13) Equipment repairs and maintenance;
 - (14) Building maintenance and repair (interior);
 - (15) Vehicle tires;
 - (16) Dues and memberships;
 - (17) Meetings and conferences;
 - (18) Minor equipment purchase; and
 - (19) Major equipment purchase.
 - M. Any other activity specifically authorized by Borough Council.

§7-602. Responsibilities of Forest Hills Borough Volunteer Fire Department.

1. On or before January 30th of each calendar year commencing on January 30, 2013, the Forest Hills Borough Volunteer Fire Department shall submit a report to Borough Council which details the manner in which the fire protection services fee funds were disbursed in the prior calendar year. The report shall, at a minimum, contain the following information:

- A. The beginning balance;
- B. The fire prevention services fee contribution amount;
- C. The carryover balance;
- D. A list of all expenditures including a description of each purchased item and the purpose for which it was purchased referencing the list contained in § 7-601.4 of this Part;
- E. All supporting documentation for each expenditure, including, but not limited to all receipts, invoices, and other records of expenditures; and
- F. The ending balance including any carryover.

2. The Borough shall have the right to conduct a financial audit of any accounts of the Forest Hills Borough Volunteer Fire Department which, at any time in the prior calendar year, contained any funds generated from the fire protection services fee . The Forest Hills Borough Volunteer Fire Department shall permit the financial audit to begin within seven (7) days of its receipt of a written request by the Borough.

§7-603. Collection Procedure; Penalty for Delinquent Accounts.

1. Commencing December 1, 2011, the fire protection services fee shall be billed and collected on an annual basis within 60 days of billing by the Borough or its designated agent.

2. In the event the fire protection services fee remains unpaid for a period of 60 days from the date of the billing, the fire prevention services fee shall be declared delinquent and a penalty of \$10 dollars shall be added. For each period of 30 days thereafter in which the fire prevention services fee remains unpaid, there shall be an additional penalty of \$10 dollars up to a maximum of \$100.00 dollars plus costs of collection.

3. Accounts not collected by the end of each calendar year shall be made the subject of suits in assumpsit or filed as municipal liens by the Borough Solicitor.

§7-604. Penalty.

1. Any person, firm, corporation or volunteer fire department that 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 dollars or more than \$1,000 dollars 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. Procedures for this collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

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.

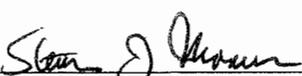
SECTION 2. All prior ordinances are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 3. This Ordinance shall take effect in accordance with applicable law.

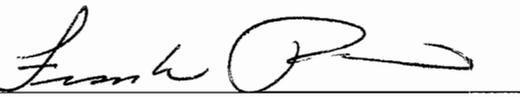
ORDAINED and ENACTED this 19th day of October, 2011, by the Council of Forest Hills Borough, in lawful session duly assembled.

ATTEST:

BOROUGH OF FOREST HILLS

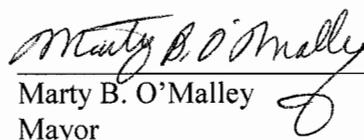


Steven J. Morus
Borough Manager/Secretary
(SEAL)

By: 

Frank Porco
President, Borough Council

EXAMINED and APPROVED this 19th day of October, 2011.



Marty B. O'Malley
Mayor