

ORDINANCE NO. 531

EAST NORRITON TOWNSHIP

AN ORDINANCE OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING WORKERS' COMPENSATION COVERAGE FOR VOLUNTEER FIRE PERSONNEL UNDER THE PENNSYLVANIA WORKERS' COMPENSATION ACT.

WHEREAS, East Norriton Township is a municipality governed by the Second Class Township Code (the "Code"); and

WHEREAS, the Code authorizes the Township to enact ordinances for the purpose of protecting the public health, safety and welfare; and

WHEREAS, the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), 77 P.S. §§ 1 – 1041.4 (hereafter the "Act"), provides for additional coverage for members of volunteer fire departments or volunteer fire companies who may be considered "employees" [sic] of a municipality for purposes of the Act, when such persons are engaged in the performance of duties enumerated in the Act, at Section 601 (a) (1) and (2), or when such persons are engaged in the performance of such other duties as authorized by the municipality served by such persons; and

WHEREAS, the Board of Supervisors declares as a matter of legislative determination and public policy, as necessary in the public interest, that the provisions hereinafter contained and enacted are for the benefit of those individuals dedicated to the protection of the inhabitants of the Township of East Norriton and are, therefore, in pursuance of and for the purpose of securing and promoting the public, health, comfort, convenience, safety and welfare of the inhabitants of the Township of East Norriton.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted as follows:

Chapter 10 FIRE DEPARTMENT

Chapter 10, Article I of the East Norriton Township Code is hereby amended by adding Section 10-13 to read as follows:

§ 10-13 Workers' Compensation Coverage.

A. All volunteer members of the Norriton Fire Engine Company (hereafter the "Fire Company"), which serves the inhabitants of the Township of East Norriton, shall be considered "employees" [sic] of the Township, for purposes of receiving compensation pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), 77 P.S. § 601 (a)(1), for injuries sustained while actively engaged in performing the following duties:

1. Responding to alarms, including all emergency and firefighting activities related thereto; auto rescue; water rescue; hazardous materials alarms; and assistance

to other municipalities (whether on an emergency scene in another municipality or on standby at the fire company when requested by another municipality); assistance to the fire police; and all special alarms as authorized by the Fire Chief or the Officer in Charge. For purposes of this paragraph, "responding to alarms" shall include the volunteer fire fighter's travel from and the direct return to a fire fighter's home, place of business or other place where he or she shall have been when he or she received the call or alarm.

2. Answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the Fire Companies.
3. Performing repair, maintenance of or other work on fire company equipment, buildings and property at the direction of the Fire Chief or Officer in Charge.
4. Participating in instruction fire drills and other training exercises pertaining to the operation and certification of the fire company, including training exercises in conjunction with fire companies in other municipalities, as authorized by the Fire Chief or Officer in Charge.
5. Participating in Fire Prevention Week activities in the Township and with fire companies in other municipalities, when authorized by the Fire Chief or the Officer in Charge.
6. Participating in fund-raising events sponsored by the Fire Company at their fire houses or on Township property. Participation in fund-raising activities of any kind at all other locations shall not be allowed without the prior written authorization of the Township Board of Supervisors or Manager acting on behalf of the Board.
7. Participating in parades, equipment housings and funerals for fire personnel within the Township of East Norriton, and in other municipalities only with the prior written authorization by the Township Board of Supervisors or the Manager acting for the Board.
8. Participating in any and all additional events or activities for which such participation is expressly pre-authorized in writing by the Township Board of Supervisors or the Manager acting for the Board.

Except where otherwise stated herein, nothing contained in this Section shall be considered to limit in any way the activities for which compensation is available to volunteer fire personnel pursuant to the Pennsylvania Workers' Compensation Act (Act of June 2, 1915, P.L. 736, as amended), as set forth in 77 P.S. § 601 (a)(1) and/or (a)(2).

SECTION 3: The words, phrases and provisions of this Ordinance are not to be interpreted in a way that results in an absurd construction of the meaning, or in a way that cause one provision to contradict another.

SECTION 4: The provisions of this Ordinance shall be construed to effectively carry out the purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

SECTION 5: Except as specifically hereby amended, Chapter 10, Article I of the Code is hereby ratified and affirmed in its entirety.

SECTION 6: All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, except that this Ordinance shall be construed as an amendment to the existing East Norriton Township Code.

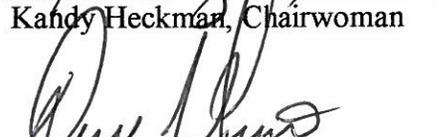
SECTION 7: The provisions of this Ordinance are severable, and if any portion thereof is held to be invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining portions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of East Norriton that this Ordinance would have been adopted if the invalid portion had not been included herein.

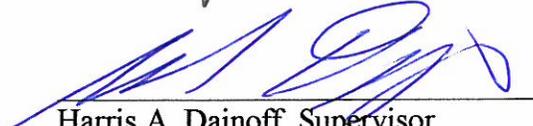
SECTION 8: This Ordinance shall become effective at the earliest possible date permitted by the East Norriton Township Code.

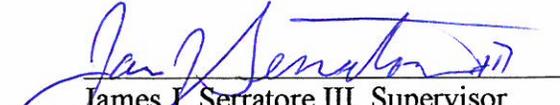
ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, on the 16th day of November 2010.

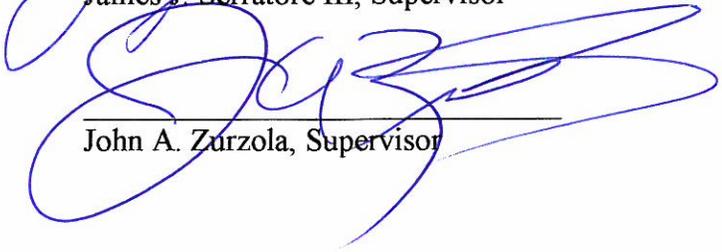
EAST NORRITON TOWNSHIP
BOARD OF SUPERVISORS


Kandy Heckman, Chairwoman


Donald J. Gracia, Vice-Chairman


Harris A. Dainoff, Supervisor


James J. Serratore III, Supervisor


John A. Zurzola, Supervisor

ATTEST:


Donald D. Delamater, Secretary

