*TOWNSHIP OF WAYNE*

*SCHUYLKILL COUNTY, PENNSYLVANIA*

*ORDINANCE NO. 2022 No. \_\_\_*

*AN ORDINANCE AUTHORIZING THE USE OF TOWNSHIP EQUIPMENT AND EMPLOYEES TO ASSIST FIRE COMPANIES AND STATE POLICE IN THE EVENT OF FIRES, ACCIDENTS OR OTHER EMERGENCIES TO PLOW, SALT AND CLEAR ACCESS FOR FIRE AND EMERGENCY RESPONSE VEHICLES*

***WHEREAS****,* the general powers of the Second Class Township Code authorizes the Supervisors to adopt ordinances necessary for the health and welfare of the Township and its citizens; and

***WHEREAS***, the Second Class Township Code also authorizes the Board of Supervisors to adopt ordinances to secure the safety of persons or property within the Township; and

***WHEREAS,*** the Supervisors have determined that it is in the interest of safety of persons and property within in the Township to adopt this Ordinance authorizing the use of township equipment and personnel to snowplow, salt, and otherwise clear access between township and state highways and the scene of fires, accidents or other emergencies when determined to be necessary as provided in this Ordinance; and

***WHEREAS,*** the Fire Companies located in Wayne Township have requested that under the circumstances described in this Ordinance that the fire company officer in charge at the scene of a fire, accident or other emergency be authorized to request assistance of the Township road crew to clear access to enable emergency response equipment to more effectively respond and reach the scene of a fire, accident or emergency when the emergency response vehicles are otherwise unable to attain access without such assistance.

***NOW, THEREFORE, BE IT ENACTED AND ORDAINED*** by the Board of Supervisors of Wayne Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

1. For the reasons and purposes determined in the above Whereas recitals, the Township is authorized to use Township equipment and personnel to assist fire companies responding to fires, accidents and other emergencies within the Township as provided in this Ordinance, including going on private property to snowplow, salt, and clear access along lanes, driveways or otherwise in such emergency situations as provided in this Ordinance.
2. When a fire, accident or other emergency occurs within Wayne Township, the Friedensburg Fire Company or the Summit Station Fire Company, may request by telephone call made by the fire company official in charge of the response scene (as determined under the practices and procedures adopted by the Fire Companies from time to time) the assistance of Wayne Township for the purposes described in the Whereas recitals and Section 1 above.
3. The Township roadmaster and the fire chiefs of the two Fire Companies shall establish procedures from time to time designating the titles of the fire company officials who will be authorized from time to time to request the assistance of the Township and establishing the Township employees and alternates to be contacted in the event of an emergency and request of the type described in this Ordinance.
4. Although the requests should be made by the Fire Company officer in charge of the scene, if the Fire Companies have not been dispatched, the request may be made and the Township may respond to a request by Schuylkill County 911 Emergency Management Agency to an emergency scene located within Wayne Township.
5. The use of Township equipment and personnel shall be limited to responding to emergencies when the emergencies are occurring as described in this Ordinance and not authorize any maintenance or other activities not on Township roads.
6. Although the Pennsylvania Department of Transportation is responsible for snowplowing, salting and maintaining state highways, the request by the Fire Companies under this Ordinance may include such snowplowing and salting on state highways but only to the extent needed to assist the Fire Companies in accessing the fire, accident or emergency scene.

7. The responding Township employee can assess the situation upon arrival at the scene. If the employee believes, in his discretion, that there is a danger of injury or damage to the Township employee, the Township equipment, the property or other persons, the Township employee has the discretion and is authorized to decline to perform the requested services or limit the scope of services performed pursuant to this Ordinance.

8. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

9. 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 of this Ordinance. It is hereby declared as the intent of Wayne Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had been included herein.

10. This Ordinance shall be effective upon the date of adoption but shall not be enforced until such times as the restriction signs have been erected.

ENACTED AND ORDAINED INTO AN ORDINANCE this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 2022 by the Board of Supervisors of Wayne Township in lawful session duly assembled.

**WAYNE TOWNSHIP BOARD OF**

**SUPERVISORS**

**Stanley L. Fidler, Chairman**

**Charles J. Ferguson, Vice-Chairman**

**ATTEST:**

**Kathy A. Wanamaker, Secretary Ralph H. Fidler, Supervisor**