

RUSH TOWNSHIP, SCHUYLKILL COUNTY  
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 191

AN ORDINANCE OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS FOR THE GOVERNMENT OF FIRE COMPANIES WHICH ARE LOCATED WITHIN RUSH TOWNSHIP BY PROHIBITING PERSONS WITH CERTAIN CRIMINAL HISTORIES FROM JOINING AND BEING MEMBERS OF FIRE COMPANIES LOCATED WITHIN RUSH TOWNSHIP.

WHEREAS, Section 1803 of the Second Class Township Code, 53 P.S. 66803, allows the Board of Supervisors of Rush Township to make rules and regulations by ordinance for the government of fire companies which are located within Rush Township; and

WHEREAS, the Board of Supervisors of Rush Township is sensitive to the reality that members of the fire companies located within Rush Township are relied upon by the residents of Rush Township as emergency service providers, and therefore hold positions of trust in that they are often invited into the residents' homes at times when the residents are most vulnerable; and in addition members of fire companies also are tasked with tremendous and dangerous responsibilities in protecting the public and fighting fires; and in addition members of the fire companies also often handle sums of money, both in the form of public money appropriated from Rush Township, and private donations made by residents of Rush Township; and

WHEREAS, the Board of Supervisors believe it is appropriate to establish certain rules and regulations concerning who may become members of the Rush Township fire companies, specifically to prohibit persons who have demonstrated by either their commission of certain criminal offenses, or their having been charged with certain criminal offenses and entering into probationary pre-trial disposition programs for those offenses, their unworthiness to hold the positions of trust and protection as described above; and

WHEREAS, Rush Township presently contains 2 fire companies, the Hometown Fire Company and the Quakake Volunteer Fire Company, which hereafter throughout this Ordinance shall be referred to generally as "fire company" or "fire companies", which term is also meant to encompass any future fire companies which may arise within Rush Township;

NOW, THEREFORE, be it ORDAINED as follows:

Section 1. No person who has been convicted or adjudicated delinquent of an offense graded as any degree of felony in the Commonwealth of Pennsylvania, or who has had a felony offense disposed of by acceptance into a program of accelerated rehabilitative disposition in the Commonwealth of Pennsylvania, or who has been convicted or adjudicated delinquent of an offense in another jurisdiction which would be graded as any degree of felony if that offense occurred in the Commonwealth of Pennsylvania, or who has had an offense which would be a felony offense if

committed in the Commonwealth of Pennsylvania disposed of by a probationary program similar to the accelerated rehabilitative disposition program in another jurisdiction, shall serve as a member of a fire company in Rush Township.

Section 2. If any present member of, or applicant for membership in, a fire company in Rush Township is charged with an offense(s) graded as any degree of felony in the Commonwealth of Pennsylvania, or is charged with an offense in another jurisdiction which would be graded as a felony in the Commonwealth of Pennsylvania, that member shall be suspended from membership until the resolution of the offense(s). If the resolution implicates Section 1 of this Ordinance, the member shall have his membership permanently terminated. If the resolution does not implicate Section 1 of this Ordinance, the member may be re-instated.

Section 3. No person who has been convicted of an offense graded as any degree of misdemeanor under Chapter 33 (relating to Arson, Criminal Mischief and other Property Destruction), Chapter 35 (relating to Burglary and other Criminal Intrusions), Chapter 39 (relating to Theft and Related Offenses) or Chapter 41 (relating to Forgery and Fraudulent Practices) of Title 18 of Pennsylvania Consolidated Statutes Annotated (Pa.C.S.A.), or who has had such an offense disposed of by acceptance into a program of accelerated rehabilitative disposition in the Commonwealth of Pennsylvania, or who has had been convicted of an offense in another jurisdiction which would be an offense as described above if committed in the Commonwealth of Pennsylvania, or who has had an offense which would be as described above if committed in the Commonwealth of Pennsylvania disposed of by a probationary program similar to the accelerated rehabilitative jurisdiction program in another jurisdiction, shall serve as a member of a fire company in Rush Township.

Section 4. If any present member of, or an applicant for membership in, a fire company in Rush Township is charged with an offense(s) graded as any degree of misdemeanor under Chapter 33, Chapter 35, Chapter 39 or Chapter 41 of Title 18 of Pennsylvania Consolidated Statutes Annotated (Pa.C.S.A.), or charged with an offense in another jurisdiction which would be graded as a misdemeanor under one of those Chapters in the Commonwealth of Pennsylvania, that member shall be suspended from membership until the resolution of the offense(s). If the resolution implicates Section 3 of this Ordinance, the member shall have his membership permanently terminated. If the resolution does not implicate Section 3 of this Ordinance, the member may be re-instated.

Section 5. A charge or conviction of Attempt (18 Pa.C.S.A. §901), Solicitation (18 Pa.C.S.A. §902) or Conspiracy (18 Pa.C.S.A. §903), where the underlying offense would implicate Sections 1, 2, 3 or 4 of this Ordinance, shall likewise carry the same effect under Sections 1, 2, 3 or 4 of this Ordinance as if the underlying offense itself were charged or convicted.

Section 6. No person who has been convicted or adjudicated delinquent of an offense where the victim is a fire company, or who has had any offense where the victim is a fire company disposed of by a program of accelerated rehabilitative disposition or a similar probationary program, in the Commonwealth of Pennsylvania or any other jurisdiction, shall serve as a member of a fire company in Rush Township.



Section 7. Any person who is disqualified from membership in any fire company in Rush Township shall be allowed to present a request to the Board of Supervisors of Rush Township to waive the disqualification and allow an otherwise disqualified person to become a member of a fire company in Rush Township. Any action taken by the Board of Supervisors to waive a disqualification shall be approved at a public meeting and shall be adopted via Resolution.

Section 8. The officer and members of the fire companies in Rush Township are directed to take necessary steps, such as revising an application for membership form to include a question asking applicants whether they are disqualified for membership based on this Ordinance, or altering by-laws or similar self-governing documents, to insure that all persons seeking and holding membership are not disqualified pursuant to this Ordinance.

Section 9. The members of the fire companies of Rush Township may adopt rules and regulations governing membership in their respective fire companies which are more restrictive than the provisions of this Ordinance.

Section 10.

A. Any person acting as a member of a fire company in Rush Township in violation of any provision of this Ordinance, or any person violating any provision of this Ordinance, in addition to being subject to removal under Section 10B of this Ordinance, is subject to prosecution by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person found in violation of any provision of this Ordinance shall pay a fine of not less than \$50.00 nor more than \$500.00, plus court costs, and/or be sentenced to a term of imprisonment either for a violation of any provision of this Ordinance or for failure to pay a fine or costs imposed for a term not to exceed 30 days.

B. This Ordinance may be enforced through an action in equity.

Section 11. If any section, part, sentence, clause or portion of this Ordinance is found by a court of competent jurisdiction to be illegal or unenforceable, the rest and remainder of this Ordinance shall be given full force and effect as if adopted by Rush Township without the section, part, sentence, clause or portion found illegal or unenforceable.

Section 12. All prior Rush Township ordinances or portions thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give effect to this Ordinance.

Section 13. This Ordinance shall be effective upon enactment or on the first day allowed by law thereafter, whichever occurs first.

ENACTED and ORDAINED this 19 day of February, 2015.

ATTEST:

Denise M. Dopl  
Secretary

RUSH TOWNSHIP  
BOARD OF SUPERVISORS

[Signature]  
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Jeanine Motroni