

ORDINANCE NO. _____

AN ORDINANCE OF TOBYHANNA TOWNSHIP AMENDING PART I, CHAPTER 9 OF THE CODE OF THE TOWNSHIP OF TOBYHANNA, BY AMENDING ARTICLE I, SECTION 9-1 FIRE COMPANY RECOGNIZED BY PROVIDING FOR BOARD OF SUPERVISORS APPOINTMENT BY RESOLUTION OF RECOGNIZED OFFICIAL FIRE PROTECTION UNIT FOR THE TOWNSHIP OF TOBYHANNA AND AMENDING ARTICLE III, SECTION 9-8 COMMISSION MEMBERSHIP TO CREATE TWO NON-VOTING POSITIONS TO BE HELD BY THE CHIEF OF TOBYHANNA TOWNSHIP VOLUNTEER FIRE COMPANY AND THE PRESIDENT OF TOBYHANNA TOWNSHIP VOLUNTEER FIRE COMPANY AND PROHIBITING ACTIVE FIREFIGHTERS FROM MEMBERSHIP ON THE COMMISSION.

NOW, THEREFORE, the Tobyhanna Township Board of Supervisors, in accordance with Pennsylvania law, hereby *ENACTS* and *ORDAINS* the following Ordinance amending the Code of the Township of Tobyhanna as follows:

ARTICLE I.

Part I, Chapter 9, Article I, Section 9-1 of The Code of the Township of Tobyhanna is hereby amended to read as follows:

§9-1. Fire Company Recognized

The Tobyhanna Township Board of Supervisors shall recognize an official fire protection unit by resolution. Fire protection units unrecognized by resolution of the Tobyhanna Township Board of Supervisors shall no longer be official fire protection units for Tobyhanna Township and are unauthorized to respond to any fires or emergencies within Tobyhanna Township.

ARTICLE II.

Part I, Chapter 9, Article III, Section 9-8 of The Code of the Township of Tobyhanna is hereby amended by to read as follows:

§9-8 Commission Membership

The Commission shall consist of five individuals appointed by the Board of Supervisors at their reorganization meeting each year and two non-voting positions held by the Chief of the

Tobyhanna Township Volunteer Fire Company and the President of the Tobyhanna Township Volunteer Fire Company. None of the appointed individuals shall be active firefighters. The term of each member shall be for one year. No more than two of the members may be members of the Board of Supervisors. The members need not be a resident of Tobyhanna Township but has a background in delivery of emergency services. At the first meeting of the Commission in each calendar year, the Commission shall elect a Chair, Vice-Chair and Secretary.

ARTICLE III.

Interpretation. The words, phrases and provisions of this Part 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.

ARTICLE IV.

Purpose. The provisions of this Part 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.

ARTICLE V.

Repealer. All ordinances, parts of ordinances, and amendments thereof are hereby repealed insofar as they are inconsistent with this Ordinance.

ARTICLE VI.

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 part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Tobyhanna, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ARTICLE VII.

Effective Date. This Ordinance shall become effective five days after its adoption.

ENACTED AND ORDAINED this 7th day of January, A.D., 2019.

TOBYHANNA TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Anne M. Lamberton

By: _____
Julie Heilakka
Township Secretary

John J. Holahan III

Heidi A. Pickard

Brendon J.E. Carroll

David Carbone