

BOROUGH OF JERMYN
ORDINANCE NO. 2.00

AN ORDINANCE AUTHORIZING JUNIOR FIREFIGHTERS TO ENGAGE IN FUNDRAISING ACTIVITIES AND PROVIDING REGULATIONS REGARDING SAME.

By the powers granted to the Borough of Jermyn, Lackawanna County, Pennsylvania ("the Borough") by the Pennsylvania Borough Code, 53 P.S. Section 45101 et seq., including, but not limited to, the power to regulate the streets, 53 P.S. 46202(17), 53 P.S. 46731, and the power to make and adopt all such ordinances as may be expedient or necessary for the proper management, care and control of the Borough and its finances, and the maintenance of the peace, good government, safety and welfare of the Borough and its trade, commerce and manufactures, 53 P.S. 46202(74), be it ENACTED and ORDAINED, and it is hereby ENACTED and ORDAINED, by the authority of the Jermyn Borough Council as follows:

Section I. Title.

This Ordinance shall be known as the "Ordinance Authorizing Junior Firefighters to Engage in Fundraising Activities."

Section II. Policy.

Pursuant to its authority under 53 P.S. Section 46202(17), as amended, to regulate the streets, public squares, common grounds, sidewalks and curbs of the Borough; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to make such regulations as may be necessary for the health, safety and general welfare of the Borough and its residents; pursuant to its authority under 53 P.S. Section 46202(6), as amended, to impose fines and penalties; pursuant to its authority under 53 P.S. Section 46202(74), as amended, to make and adopt all such ordinances as may be expedient or necessary for the proper management, care or control of the Borough and the maintenance of peace, good

government, safety and welfare of the Borough and its citizens; and pursuant to its authority under 53 P.S. Section 46006(3), as amended, to enact and amend such ordinances as it shall deem beneficial to the Borough, and to provide for the enforcement of same; it is the desire and intent of the Jermyn Borough Council to ensure that the safety and general welfare of the Borough and its citizens is in the best possible condition for both safety and financial reasons.

Therefore, the Jermyn Borough Council enacts this Ordinance.

Section III. Definitions.

A. BOROUGH - "Borough" shall be defined as the Borough of Jermyn, Lackawanna County, Pennsylvania; the Mayor of the Borough of Jermyn; the Jermyn Borough Council and any duly authorized member or agent of any of the above.

B. JUNIOR FIREFIGHTER - "Junior Firefighter" shall be defined as minors under the age of 16 regardless of whether same has completed a fire-training course and as minors the age of 16 or 17 who have completed a fire training course, and who voluntarily participate in firefighting activities under the direct supervision of the fire chief or of an experienced line officer.

Section IV. Junior Firefighters Under Age 16, and Age 16 or 17 Who Have Not Completed a Fire-Training Course

Junior Firefighters under the age of 16, and age 16 or 17 who have not completed a fire-training course, are restricted by law and by this Ordinance to the following activities:

1. First-aid.
2. Clean-up service at the scene of a fire, but only outside of the structure and only after the fire has been declared under control by the fire official in charge.
3. Providing coffee wagon and food services.
4. Engaging in training.

Junior Firefighters under the age of 16 regardless of whether same has completed a fire-training course are specifically **prohibited** by law and by this Ordinance from the following activities:

1. Operating an aerial ladder, or platform, or hydraulic jack.
2. Using rubber electrical gloves, insulated wire gloves, insulated wirecutters, lifenets or acetylene cutting units.
3. Operating the pumps of any fire vehicle at the scene of a fire.
4. Driving a firetruck, ambulance or other official fire vehicle.
5. Entering a burning structure.
6. Operating high-pressure hose lines except during training.
7. Ascending ladders except during training.

Junior Firefighters under the age of 16, and age 16 or 17 who have not completed a fire-training course, are prohibited from engaging in fire company activities while school is in session and between the hours of 7:00 p.m. and 7:00 a.m. during the school term (or between the hours of 10:00 p.m. and 7:00 a.m. during school summer vacation). Such junior firefighters may, however, attend firefighting classes as part of a training program after 7:00 p.m. during the school year.

Section V. Junior Firefighters Ages 16 and 17

Such junior firefighters are **prohibited** from any of the following activities:

1. Operating an aerial ladder, or platform, or hydraulic jack.
2. Using rubber electrical gloves, insulated fire gloves, insulated wirecutters, lifenets or acetylene cutting torches.
3. Operating the pumps of any fire vehicle at the scene of a fire.
4. Driving a firetruck, ambulance or any other official fire vehicle.
5. Entering a burning structure.

Such junior firefighters are **prohibited** from serving as firefighters between the hours of 12 midnight and 6 a.m. (or between the hours of 1 a.m. and 6 a.m. on Friday and

Saturday nights and during school term vacations), with no night restriction during summer vacations. Such junior firefighters who answer a fire call before the 12 midnight or 1 a.m. deadline may continue to respond to the call past said deadline. Such volunteers may not answer any new calls after 12 midnight or 1 a.m.

Section VI. Authorization to Engage in Fund-raising

The Borough by and through this Ordinance specifically authorizes Junior Firefighters as defined herein to participate in and to be a part of fundraising activities on behalf of the fire companies located in the Borough.

Section VII. Employment Certificates.

All Junior Firefighters must obtain an employment certificate in order to participate as members of a volunteer fire company. Such certificates may be obtained through the junior firefighters' local school district.

Section VIII. High School Graduates.

Individuals who are 17-years-old or older and who have graduated from high school are no longer considered minors under the Child Labor Law. Therefore, 17-year-old Junior Firefighters who are high-school graduates are not subject to any of the above restrictions. This exemption also applies to 17-year-old individuals who have been declared by the chief school administrator to have achieved their academic potential.

Section IX. Severability and Amendment.

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, then such decision shall not affect any other section, clause, provision or portion of this Ordinance, so long as the Ordinance remains workable minus the invalid portion.

Section X. Repeal of Conflicting Ordinances.

This Ordinance supersedes and repeals all former and prior ordinances or parts thereof which conflict with or are inconsistent with the provisions of this Ordinance, and to the extent that any prior or existing ordinances of the Borough are inconsistent with the

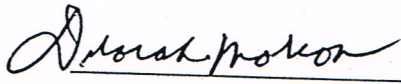
terms of this Ordinance, said inconsistent ordinances or inconsistent portions thereof are hereby repealed.

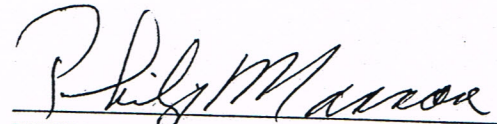
Section XI. Effective Date.

This Ordinance shall become effective thirty (30) days from the date of its enactment herein.

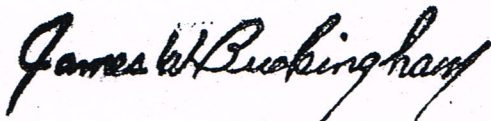
ENACTED AND ORDAINED THIS 4-13 DAY OF _____
2000.

JERMYN BOROUGH COUNCIL

 (SEAL)
DEBORAH MORCOM
MANAGER


PHILIP MARRARA
PRESIDENT

EXAMINED AND APPROVED THIS 13 DAY OF April
2000.


BY: _____
JAMES BUCKINGHAM
MAYOR