

**BOROUGH OF NORTH APOLLO**

**Ordinance 329 of 2017**

**AN ORDINANCE OF THE BOROUGH OF NORTH APOLLO, COUNTY OF ARMSTRONG, AND COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE 313 OF 2013, AMENDING CHAPTER SEVEN (7) OF THE NORTH APOLLO BOROUGH CODE OF ORDINANCES, FIRE PREVENTION AND FIRE PROTECTION TO REGULATE THE DISBURSEMENTS OF THE FIRE PROTECTION SERVICE FEE.**

**WHEREAS**, Section 1202.2 of the Borough Code, 52 P.S. Section 46202 (2), provides the Borough with the power to make and regulate changes of the Borough's facilities and services to the public; and,

**WHEREAS**, Chapter Seven (7) of the North Apollo Borough Code of Ordinances, Fire Protection and Fire Prevention regulates the Fire Protection and Fire Prevention within the Borough; and,

**WHEREAS**, the Borough of North Apollo adopted Ordinance 313 of 2013 on the 1<sup>st</sup> day of April, 2013 which amended Chapter Seven (7) of the North Apollo Borough Code of Ordinances, Fire Prevention and Fire Protection, to establish a Fire Protection Services Fee and regulate the collection and disbursement of the Fire Protection Services Fee; and,

**WHEREAS**, the Borough has a financial interest and obligation to the tax paying citizens of North Apollo Borough to ensure that fees disbursed to the North Apollo Borough Volunteer Fire Department, which have been collected from the citizens of North Apollo Borough, are used for certain necessary and desirable purposes furthering the goal of fire protection and fire prevention; and,

**WHEREAS**, the Borough enacts this Ordinance pursuant to the powers granted by the Borough Code of the Commonwealth of Pennsylvania, 8 Pa.C.S. Section 101, et seq.; and,

**NOW THEREFORE**, the Borough Council of North Apollo does hereby ORDAIN and ENACT the following amendment to Ordinance 313 of 2013:

**SECTION 1.** Section 3-602 of Ordinance 313 of 2013, responsibilities of North Apollo Borough Volunteer Fire Department, is hereby repealed in full and replaced with the following language:

Section 3-602: Responsibilities of North Apollo Borough Volunteer Fire Department.

1. The North Apollo Borough Volunteer Fire Department shall submit a monthly report to Borough Council, which details the manner in which funds obtained from the Fire Protection Service Funds were disbursed in the preceding month. This report shall be due prior to or on the first Monday of the each month. The report shall, at a minimum, contain the following information:

- a. The beginning monthly balance, for the preceding month, of the funds in the possession or control of the North Apollo Borough Volunteer Fire Department, which were acquired from the Fire Protection Services Fee.
  - b. The carryover balance of Fire Protection Services Fee Funds (end of the month balance).
  - c. A list of all expenditures including a detailed description of each purchased item and expenditure of funds and the purpose for which it is purchased, referencing the list contained in Section 7-301.4 Ordinance 313 of 2013.
  - d. All supporting documentation for each expenditure including but not limited to all receipts and/or other records of expenditures shall be attached to said report.
2. All monthly reports provided to Borough Council shall be considered public information and may be openly discussed at the North Apollo Borough Council meeting.
  3. Any Failure on the part of the North Apollo Borough Volunteer Fire Department to provide timely monthly reports, evidencing expenditures from the Fire Protection Service Funds, which Borough Council deemed appropriate pursuant to Section 7-301 Paragraph Four (4) of Ordinance 313 of 2013, shall be deemed to be unsanctioned expenses and the North Apollo Volunteer Fire Department, upon demand of Council, shall repay the full value of the unsanctioned expense prior to receiving any further distribution from the Fire Protection Service Fee.
  4. The Borough shall have the right to freeze or hold payments or disbursements to the North Apollo Borough Volunteer Fire Department for failing to provide timely reports and/or for failing to repay unsanctioned expenditures after demand.
  5. The North Apollo Volunteer Fire Department shall amend its bylaws to permit all North Apollo Borough residents to attend its monthly meeting without imposition of a membership requirement.

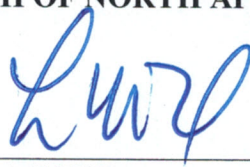
**SECTION 2. REPEALER.** All remaining parts or portions of Ordinance 313 of 2013, not in conflict with this Ordinance, shall remain in full force and effect.

**SECTION 3. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance, is for any reason, found to be unconstitutional, illegal or invalid, such unconstitutional, illegal or invalid part or portion shall be removed and shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that it is the intent of the Borough of North Apollo that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not been included herewith.

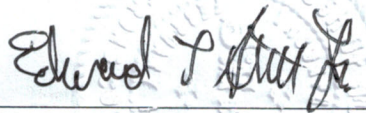
**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be effective upon adoption.

This Ordinance, being ordained and enacted, this 15<sup>th</sup> day of Sept, 2017  
by the Council of North Apollo Borough.

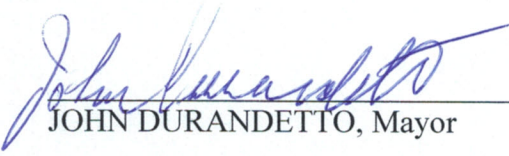
**BOROUGH OF NORTH APOLLO**

BY:   
LAURA FORD  
Council President

ATTEST:

 (SEAL)  
EDWARD L. STITT, JR.  
Borough Secretary

APPROVED:

  
JOHN DURANDETTO, Mayor