

ORDINANCE NO: 14781

FILE OF CITY COUNCIL

BILL NO. 5 - 2010

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INTRODUCED BY THE ADMINISTRATION

JANUARY 20, 2010

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AN ORDINANCE

Amending Ordinance No. 306, establishing the Special Fire Police, now to be referred to as Article 175 in Part I, Administrative Code, of the Codified Ordinance, by adding residency and training requirements, reorganizing and modifying the by-laws, revising the command staff positions and providing for more oversight by the Police Department.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION ONE: That Article 175 of the Codified Ordinances, be amended to read as follows:

**ARTICLE 175**  
**~~BOARD OF SPECIAL FIRE POLICE~~**

175.01 Appointments  
175.03 Organization  
175.05 Powers  
175.07 Identification  
175.09 Volunteer Service; Donations

**175.01 APPOINTMENTS**

All members must belong to the Fire Police Organization. All Special Fire Police so nominated shall be confirmed and sworn in by the City Clerk before they enter upon their duties. (13047 §1 5/1/91; 14411 §1 8/4/06)

**175.03 ORGANIZATION OF THE ~~BOARD OF SPECIAL FIRE POLICE~~**

The members of the Special Fire Police may organize as a body known as the ~~Board of Special Fire Police~~ of the City of Allentown. (13047 §1 5/1/91; 14411 §1 8/4/06)

**175.05 POWERS**

A. Special Fire Police shall be authorized to exercise the following powers under the control of the Chief of Police.

1. Regulate traffic and keep crowds under control at or in the vicinity of any fire.
2. Exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen in extinguishing fires.
3. Exercise such police powers necessary to perform duties when functioning as Special Fire Police at any function, event or parade conducted by or under the auspices of the City provided the request for these services is made by the governing body of the City.
4. Exercise such police powers necessary to perform traffic or crowd control required as a result of accidents, floods or other emergencies until the arrival of proper state or city police authority. After the arrival of proper police authority, Special Fire Police may perform duties subject to the direction of such police authority until the emergency no longer exists.

B. Under no circumstances shall the Special Fire Police ~~have the right of power to use~~ possess firearms or other weapons in the exercise of Special Fire Police powers. (13047 §1 5/1/91)

#### **175.07 IDENTIFICATION OF SPECIAL FIRE POLICE**

Special Fire Police shall, in the performance of their duties, be identified by, at minimum, the displaying of a badge of authority and the wearing of a distinctive uniform consisting of a hat/~~hard hat~~, shirt, and/or jacket/~~vest~~ with the official City of Allentown Special Fire Police insignia. (13047 §1 5/1/91; 14411 §1 8/4/06)

#### **175.09 VOLUNTEER SERVICE; DONATIONS**

Persons serving as Special Fire Police shall receive no pay for their services, but they shall receive identifying insignia. A person functioning as Special Fire Police and performing a duty under any of the above conditions, shall be deemed to be performing the duties of their employment. The ~~Board of~~ Special Fire Police may receive an annual donation in an amount to be set forth by the City of Allentown. (13047 §1 5/1/91)

### **CONSTITUTION AND BY-LAWS**

#### **ARTICLE I**

This ~~corporation~~ organization shall be known by the name, style, and title of the ~~Board of~~ Special Fire Police of the City of Allentown, PA.

#### **ARTICLE II**

The seal of the ~~Board~~ Special Fire Police shall be the words "Incorporated 1902", encircled with the words, "~~Board of~~ Special Fire Police of Allentown". The motto is "Always be on Duty".

#### **ARTICLE III**

The officers of this ~~Board~~ the Special Fire Police shall be known as the Executive Committee and consist of a President, Vice President, Secretary, Treasurer, Captain, and First Lieutenant, ~~and three (3) other Lieutenants~~. The offices of Secretary and Treasurer may be combined into the office of Secretary-Treasurer if necessary, but should be avoided if at all possible. (14411 §1 8/04/06)

#### **ARTICLE IV**

**Section 1.** The following are to be nominated and elected- a President, Vice President, Secretary, Treasurer, Captain, and First Lieutenant, ~~and three (3) other Lieutenants~~.

**Section 2.** A nomination committee consisting of two (2) members shall be appointed by the President at the September meeting. No current officer holding an elected position shall be a member of the nomination committee.

**Section 3.** All of these officers shall be elected by ballot at the December regular stated meeting according to the City Digest, each and every year.

**Section 4.** The election of officers shall be conducted in the following manner, to wit: the President shall appoint a judge, two (2) tellers, and a clerk.

**Section 5.** The judge shall have the power as the President to preserve order during the election.

**Section 6.** The clerk shall make a true statement of the vote given and shall give the same to the judge, who shall declare aloud the result of the ballot.

**Section 7.** The tellers shall receive and count the votes in a fair and impartial manner.

## **ARTICLE V Membership**

### **Section 1. Qualifications of Application of Membership**

All applicants shall meet the following guidelines as a minimum for membership:

1. Be a current US citizen.
2. Be a minimum of 18 years old.
3. Be of good moral character.
4. Fill out an application
5. Reside at an Allentown street address within the 18101, 18102, 18103, 18104, 18106, and 18109 zip codes.
  - a. Any current member at the time of these by-laws are approved that does not meet this requirement shall be allowed to continue being a member of the Allentown Fire Police.
  - b. Any member that re-locates outside of this requirement will be required to resign from the Allentown Fire Police. If any member that did live outside this requirement at the time of approval, relocated, this second relocation must be with the zip codes specified above or they will be required to resign.
6. Submit to and pass a Police background check.
7. Consent to and undergo a drug test with a drug-free result.
8. Submit a fee for drug testing which coincides with the rate at the time of application.
9. Possess a valid Pennsylvania driver's license.
10. Receive a majority vote of the ~~elected officers~~ members for approval.

### **Section 2. Probationary Membership**

1. ~~For any member wishing to respond to Emergency calls,~~ There will be a six (6) month minimum probation period during which the member:
  - A. Must maintain a 75% minimum attendance of all meetings.
  - B. Must complete Pennsylvania State Fire Academy Basic Fire Police Course and provide ~~two (2) copies~~ one (1) copy of the Certificate of Completion to the ~~President Captain or designated Training Officer~~ of the ~~Board of Special Fire Police~~. ~~One copy shall be forwarded to the Assistant Police Chief of Support Services or his designee.~~
  - C. Successfully complete NIMS 100 AND 700 courses.
2. The Probation period may be extended, at the discretion of the Executive Committee of the ~~Board of Special Fire Police~~ of the City of Allentown, until all of the requirements have been met.

3. May vote on any issue except the election of officers.
4. Can not nominate officers.

### **Section 3. Active Membership**

1. Any member who has met the requirements of Probationary membership, qualifies as an Active member. Complete the probationary period.
2. To maintain Active Status, a member must attend six (6) meetings and perform twenty (20) hours of Special Fire Police duty each year. Attend 50% of all regularly stated monthly meetings.
3. Failure to meet the attendance and duty requirements, with the exception of absences due to work, illness or injury, school or school related activities, will result in expulsion from the Board of Special Fire Police of the City of Allentown. The Secretary shall call for the badge, identification card, uniform, radio, and any other Special Fire Police property of any such member. The Captain and First Lieutenant are required to enforce this rule. (14411-§1 8/04/06) Respond to calls for a minimum of twenty-five (25) hours per year including fifteen (15) emergency calls per year.
4. Accept assignment at least three (3) of the following major annual events:
  - a. St. Patrick's Day Parade
  - b. LVRH Half Marathon
  - c. July 4<sup>th</sup> Fireworks
  - d. VIA Marathon
  - e. Halloween Parade
5. Must keep the following certifications current:
  - a. Basic First-Aid
  - b. CPR
  - c. Hazardous Materials Awareness
6. Failure to keep the above listed certifications current is cause for the member to be placed on the inactive status, until all certifications are current.

### **Section 4. Inactive Member**

1. Former Active Member that can no longer respond to calls due to work, health reasons, or medical condition.
2. Former Active Member that did not meet the requirements of an Active Member the preceeding year.
3. Person(s) to serve only as a dispatcher. Dispatcher does not need to possess a valid Pennsylvania Driver's License.
4. Cannot nominate officers
5. Cannot vote on the election of officers.

### **Section 5. Liaison Officer**

1. Allentown Police Department's Traffic Control or Special Events Officer or designee as determined by the Chief of Police.
2. The Liaison Officer, or designee, is not eligible to vote on Allentown Special Fire Police business.
3. The Liaison Officer shall serve as the communication conduit between the Allentown Police Department and the Allentown Special Fire Police.
4. The Liaison Officer shall provide training assistance to the Captain of the Allentown Special Fire Police.
5. Serve as the chairman of any disciplinary hearing of a fire police officer.

**Section 1.** The President shall preside at all meetings, preserve order, put motions to vote when seconded, draw all orders on Treasurer when sanctioned by the Board membership, and at the written request of five (5) members shall convene special meetings.

**Section 2.** He shall, previous to convening meetings, require a written statement of the object of said meeting, which shall be read at the opening of the meeting.

**Section 3.** He shall appoint all committees except when balloting is required. He shall be a member of all committees but shall have no vote, except on the By-law committee or any administrative committee where he must be the chairperson.

**Section 4.** It shall be his duty to authorize the sending of flowers to deceased members and spouse and members in the hospital.

**Section 5.** ~~The Vice President in the absence of the President shall perform all the duties appertaining to the office.~~ Be an Active Member of the Allentown Special Fire Police for a minimum of four (4) years.

**Section 6.** Cannot simultaneously hold any other elected office or the ranks of Captain or First Lieutenant.

**Section 7.** May authorize an expenditure not to exceed one hundred dollars (\$100.00) for equipment, repairs, and/or supplies without membership approval that is deemed immediately necessary and may pose a safety

## ARTICLE VII

### Duties of the Secretary—Office of the Vice President

**Section 1.** ~~The Secretary shall keep justly, truly, and impartially the minutes of the proceedings of the Board of Special Fire Police at all their meetings.~~ The Vice President in the absence of the President shall perform all the duties appertaining to the office.

**Section 2.** ~~It shall be his duty to call the roll of Officers and members of the Board of Special Fire Police at all stated and special meetings and mark the absentees. He shall also read the Captain's report at appointed meetings. He shall call no special meeting except by order of the President. In case of special meetings all members shall be notified. He shall preserve all papers, books, etc., in his care.~~ Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years.

**Section 3.** ~~He shall on leaving his office transmit all property of the Board of Special Fire Police entrusted to his care to his successor.~~ Cannot simultaneously hold any other elected office or the ranks of Captain or First Lieutenant.

**Section 4.** Is not authorized to approve any expenditures without membership approval.

## ARTICLE VIII

### Duties of the Treasurer—Office of the Secretary

**Section 1.** ~~It shall be his duty of the Treasurer to pay all orders directed to him by the Board of Special Fire Police, if there are any funds from which to make such payments. Said orders shall be signed by the President and attested by the Secretary and by others. The Treasurer shall receive all monies~~

belonging to the Board of Special Fire Police and hold the same until the expiration of the term of his office unless otherwise ordered by the Board of Special Fire Police. The Secretary shall keep justly, truly, and impartially the minutes of the proceedings of the Board of Special Fire Police at all their meetings.

**Section 2.** He shall keep a full and correct account of all monies received and expended by him. It shall be his duty to call the roll of Officers and members of the Special Fire Police at all stated and special meetings and mark the absentees. He shall also read the Captain's report at appointed meetings. He shall call no special meeting except by order of the President. In case of special meetings all members shall be notified. He shall preserve all papers, books, etc., in his care.

**Section 3.** He shall on leaving his office transmit all monies and papers and whatever else is in his care belonging to the Board of Special Fire Police to be turned over to his successor. He shall on leaving his office transmit all property of the Special Fire Police entrusted to his care to his successor.

**Section 4.** Cannot simultaneously hold any other elected office or the rank of First Lieutenant or Captain.

**Section 5.** Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years.

## **ARTICLE IX**

### **Duties of the Captain Office of the Treasurer**

It is the duty of the Captain to see that all officers are at their regular assigned duty during the emergency or event, record the names of officers that are at the fire, emergency, or event, and report at the next regular stated meeting.

**Section 1.** It shall be his duty of the Treasurer to pay all orders directed to him by the Special Fire Police, if there are any funds from which to make such payments. Said orders shall be signed by the President and attested by the Secretary and by others. The Treasurer shall receive all monies belonging to the Special Fire Police and hold the same until the expiration of the term of his office unless otherwise ordered by the Board of Special Fire Police.

**Section 2.** He shall keep a full and correct account of all monies received and expended by him.

**Section 3.** He shall on leaving his office transmit all monies and papers and whatever else is in his care belonging to the Special Fire Police to be turned over to his successor.

**Section 4.** Cannot simultaneously hold any other elected office or the rank of First Lieutenant of Captain.

**Section 5.** Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years.

## **ARTICLE X**

### **Duties of Lieutenants Office of the Captain**

It is the duty of all Lieutenants to assist the captain at all fires, emergencies, or assigned events. The First Lieutenants shall take the Captain's place, in case the Captain is not there, and perform all duties of the captain and report at the next regular stated meeting.

**Section 1.** Be a resident of the City of Allentown.

Section 2. Except in the sudden and unexpected vacation of this position, must have been a Lieutenant in the Allentown Special fire Police for at least three (3) years.

- a. If a sudden and unexpected vacation of this position does occur, the First Lieutenant assumes this position as Acting Captain for the remainder of the term.
- b. The Acting Captain then appoints one of the Lieutenants to the position of First Lieutenant for the remainder of the term.

Section 3. It is the duty of the Captain to see that all officers are at their regular assigned duty during the emergency or event, record the names of officers that are at the fire, emergency, or event, and report at the next regular stated meeting.

Section 4. Appoint two (2) Lieutenants, and (2) Sergeants. The Captain is not required to completely fill these positions.

Section 5. Cannot simultaneously hold any other elected office.

Section 6. Be responsible for the creation and maintenance of all Standard Operating Procedures (SOP).

Section 7. Be responsible for the maintenance of all Fire Police equipment and the training of all Fire Police personnel. The captain may designate these responsibilities to members of his command staff, which consists of the First Lieutenant, Lieutenants, and Sergeants.

Section 8. May authorize an expenditure not to exceed one hundred dollars (\$100.00) for equipment, repairs, and/or supplies without membership approval that is deemed immediately necessary and may pose a safety hazard if delayed for membership approval.

- a. This amount cannot be combined with the President's authorization expenditure amount to purchase the same.
- b. A receipt for such expenditure is required.
- c. Expenditures of this type shall not exceed a total of three hundred dollars (\$300.00) per calendar year.

## ARTICLE XI

### General Duties of Fire Police Office of the First Lieutenant

~~Duties of the Special Fire Police shall include, but not be limited to, provide any assistance as requested by the City of Allentown at any fire or emergency that should arise and/or any city sponsored function at which Special Fire Police services are requested by the City of Allentown. Personnel will not leave their assigned post until they are notified to do so by the Allentown Police Officer or Fire Department Officer in charge of the scene. In the absence of an Allentown Police or Fire Department Officer, personnel will not leave their assigned post until they are notified to do so by an officer of the Allentown Special Fire Police, with an officer being defined as Captain or Lieutenant or designated Special Fire Police member.~~

Section 1. Must have been a Lieutenant in the Allentown Special Fire Police for a minimum of two (2) years.

Section 2. The First Lieutenant shall take the Captain's place, in case the Captain is not present, and perform all duties of the captain and report at the next regular stated meeting.

Section 3. Perform all duties assigned by the Captain.

Section 4. Cannot simultaneously hold any other elected office.

## **ARTICLE XII** **Amendments–Office of the Lieutenant**

~~No Articles of the Constitution shall be altered or amended unless a proposition in writing, signed by three (3) members, be made at a stated meeting, when it shall be read and a vote taken thereon. It shall then require a two-thirds vote of the members present to adopt it.~~

Section 1. Appointed by the Captain

Section 2. Must have been a Sergeant for a minimum of two (2) years or previously have been a Lieutenant in the Allentown Special Fire Police.

Section 3. Must have completed NIMS 200 and 800 course in addition to the Pennsylvania State Fire Academy Legal Concepts Course prior to being appointed.

Section 4. It is the duty of all Lieutenants to assist the Captain at all fires, emergencies, or assigned events.

Section 5. Perform all duties assigned by the Captain or First Lieutenant.

Section 6. May simultaneously hold any administrative elected office.

Section 7. Before a Lieutenant can install red light or siren on their personal vehicle they must complete and pass the Pennsylvania State Fire Academy emergency Vehicle Operators Course.

## **ARTICLE XIII** **Meetings–Office of Sergeant**

~~Section 1. The stated meetings of the Board of Special Fire Police shall be held every second Wednesday of each at the Allentown Police Academy month except during July and August when there will be no meeting. The hour of the meeting shall be half past seven o'clock (7:30) PM. Appointed by the Captain.~~

~~Section 2. Six (6) members shall constitute quorum if assembled at the time and place of meeting. In case of a quorum not being present within a half hour after the calling of the roll, those present may adjourn. (14411 §1 8/4/06) Be an Active Member of the Allentown Special Fire Police for a minimum of three (3) years.~~

~~Section 3. At the hour appointed for the meeting, if a quorum be present, the following order of business shall be followed, unless when a special meeting is called, when the business for which the Board of Special Fire Police is convened shall be transacted:~~

- ~~1. Call meeting to order.~~
- ~~2. Pledge of Allegiance to the Flag~~
- ~~3. Calling roll of Officers.~~
- ~~4. Reading the minutes of the last stated and special meeting (Secretary report).~~
- ~~5. Report from the Treasurer.~~
- ~~6. Report of Special Committee.~~
- ~~7. Report of Standing Committee.~~
- ~~8. New members.~~

9. ~~Report of Officers.~~
10. ~~Captain's report.~~
11. ~~Collection of fines and badge check. Failure to provide badge results in a one dollar (\$1) assessment.~~
12. ~~Nomination of Officers.~~
13. ~~Election of Officers.~~
14. ~~Unfinished business~~
15. ~~New business~~
16. ~~Verbal communications and bills.~~
17. ~~Announcement of location of the next month's meeting.~~
18. ~~Anything for the good of the Board.~~
19. ~~Roll call of members.~~
20. ~~Adjournment.~~

**Section 3.** Must have completed the Pennsylvania State Fire Academy Advanced Fire Police Course prior to being appointed.

**Section 4.** Perform all duties assigned by the Captain, First Lieutenant, or Lieutenant.

**Section 5.** May simultaneously hold any administrative elected office.

#### **ARTICLE XIV** **General Duties of Fire Police Officers**

**Rule 1.** ~~No member shall be interrupted while speaking except by the President, when he shall think it proper to call him to order, or admonish him to a closer adherence to the subject under consideration, or for a violation of the rules of decorum. Any member refusing obedience when called to order shall be fined two dollars (\$2).~~

**Rule 2.** ~~When any member is addressing the President or any business of the Board of Special Fire Police is transacted, the others shall preserve silence.~~

**Rule 3.** ~~When two or more members rise at the same time, the President shall determine who shall speak by calling him by name.~~

**Rule 4.** ~~The President shall repeat any motion made by a member and duly seconded by another member and the said motion shall then and not otherwise become a subject for debate.~~

**Rule 5.** ~~When a question, resolution, or motion is under debate, no other motion shall be entertained unless it is a privileged question.~~

**Rule 6.** ~~No personal reflection shall be allowed in the meetings of the Board of Special Fire Police.~~

**Rule 7.** ~~The majority of the members present may change the order of business but motions to that effect must be decided without debate.~~

**Rule 8.** ~~All resignations shall be handed to the Secretary in writing, signed by the member who offers the same.~~

**Rule 9.** Questions of order shall be decided by the President, but in case of an appeal from his decision by any member, seconded by another, the Board of Special Fire Police shall determine without debate.

**Rule 10.** When an alarm of fire or other emergency is given, it shall be the duty of all officers to be there and do their duty.

**Rule 11.** The election of officers shall be conducted in the following manner, to wit: the President shall appoint a judge, two (2) tellers, and a clerk.

**Rule 12.** The judge shall have the power as the President to preserve order during the election.

**Rule 13.** The clerk shall make a true statement of the vote given and shall give the same to the judge, who shall declare aloud the result of the ballot.

**Rule 14.** The tellers shall receive and count the votes in a fair and impartial manner.

**Rule 15.** No alteration shall be made to these by-laws unless due notice be given one month previous to making of such alteration and only then by two thirds of the members present.

**Rule 16.** The Board of Special Fire Police for the City of Allentown shall not discriminate against individuals on the basis of race, religion, color, sex, age, disability, national origin, sexual orientation, income, or political affiliation when approving membership. (14411 §1 8/4/06)

**Rule 17.** Should any man presently holding the position as a Special Fire Police and having attained the age of 65 years or better, may continue in that capacity, however, new appointees or newly elected members to the Board of Special Fire Police shall not exceed the age of 65 years. (14411 §1 8/4/06)

**Rule 18.** The badge and by-laws are the property of the City of Allentown and any member receiving a badge and book of by-laws shall, at the expiration of his term, turn over the same to the Secretary of the Board of Special Fire Police. Should such member fail to do so the amount of the badge and book shall be charged against him and shall be deducted from any amount due him for his services as a member of the Board of Special Fire Police at the time of his retirement. Should nothing be due to him, the amount shall be collected by law. Any member who loses their badge shall pay the Secretary the amount of the badge.

**Rule 19.** No badge shall be transferable.

**Rule 20.** All Special Fire Police members and officers will give the Secretary their names, address, and telephone number. Any change in the above information must be conveyed to the Secretary within two (2) weeks of any such change. Noncompliance with this rule shall constitute grounds for expulsion from the Board of Special Fire Police.

**Rule 21.** Upon recommendation of the executive committee and approved by the membership at any stated meeting, a member who has held an elected office for two (2) years, or has been a member for four (4) years, and during said time has performed the duties of his elected office and/or as a member of the Board of Special Fire Police may be accepted as a member at large. This membership may be held as long as the member performs the duties of the Board of Special Fire Police.

**Rule 22.** The annual dues for the Board of Special Fire Police shall be \$10.

Duties of the Special Fire Police shall include, but not be limited to, provide any assistance as requested by the City of Allentown at any fire or emergency that should arise and/or any city sponsored function at which Special Fire Police services are requested by the City of Allentown. Personnel shall not leave their assigned post until they are notified to do so by the Allentown Police Officer or Fire Department Officer in charge of the scene. In the absence of an Allentown Police or Fire Department Officer, personnel shall not leave their assigned post until they are notified to do so by an officer of the Allentown Special Fire Police, with an officer being defined as Captain, First Lieutenant, Lieutenant, Sergeant, or designated Special Fire Police member.

## **ARTICLE XV**

### **Charges and Expulsions Amendments**

#### **Section 1. Charges**

1. ~~Any member accused of conduct unbecoming a members or conduct prejudicial to the best interests of the Board of Special Fire Police of the City of Allentown may be brought up on charges.~~
2. ~~Any charges against a member must be filed within thirty (30) days of the incident.~~
3. ~~Charges of such conduct shall be made in writing signed by three (3) members and shall be referred to the Executive Committee.~~
4. ~~The member who against which the charges are being filed must be notified within seven (7) days of the filing of charges.~~
5. ~~The Executive Committee shall appoint an Officer to lead the investigation. Upon completion of the investigation, if there is sufficient evidence, the investigating officer shall call for a hearing. This process must be completed within fourteen (14) days of the notification of the charged member.~~
6. ~~A hearing will be held at which the accused member shall be given an opportunity to present evidences or witnesses in his or her own behalf. The Executive Committee shall have the right to summon witnesses.~~
7. ~~After hearing all testimony and considering the same, the Executive Committee may either dismiss the charges, or may suspend, or may expel the member against whom the charges were brought.~~
8. ~~A majority vote of all Executive Committee members shall be necessary for dismissal of the charges or suspension of the accused member. A two-thirds vote of all Executive Committee members shall be necessary for the accused member to be expelled.~~
9. ~~The Executive Committee shall report its final action to the members of the Board of Special Fire Police and the Allentown Police Department designee at the next general meeting.~~
10. ~~Any person feeling himself or herself aggrieved by the action of the Executive Committee may appeal to the Board of Special Fire Police as a whole, in which event, the action of the Executive Committee shall be reviewed at the next general meeting and shall be affirmed, reversed, or modified by a majority vote of all Active Members present at said general meeting. The accused will not be counted or permitted to vote, but will have the right to be present and be heard at said general meeting.~~

#### **Section 2. Expulsions**

1. ~~Any member guilty of conduct unbecoming a member may be expelled from membership.~~
2. ~~Any member guilty of conduct prejudicial to the best interest of the Board of Special Fire Police of the City of Allentown may be expelled from membership.~~
3. ~~Any member summoned by the Executive Committee to a hearing who refuses to appear and testify in obeying to such summons may automatically be expelled from the Board of Special Fire Police of the City of Allentown.~~

4. ~~Any member found guilty of any felony crime in any Criminal Court in the United States shall be expelled from the Board of Special Fire Police of the City of Allentown.~~
5. ~~Any member found guilty of possession of any controlled substance shall be expelled from the Board of Special Fire Police of the City of Allentown.~~

### **Section 3. Pending Charges**

~~Members against whom charges are pending shall be barred from answering any emergency call, attending any training session, or attending any meeting except the meeting at which the decision of the executive Committee regarding the charges is to be considered. Upon suspension or expulsion, all property of the Board of Special Fire Police of the City of Allentown must be turned into the President immediately following notification of the Disciplinary Action. Suspended members can return to active duty when their suspension has been completed.~~

### **Section 4. Grievances**

~~Any and all grievances or charges shall be acted upon within fourteen (14) days of the notification of the charged member.~~

### **Section 5. Re-application**

~~Any member expelled from the Board of Special Fire Police of the City of Allentown shall not be able to re-apply for membership for a minimum of one (1) year.~~

Kenneth Laudenslager,  
Chairman  
Kenneth Werley, President  
Captain John Bonetsky  
First Lieutenant Jeffery Gaumer

No Articles of the Constitution shall be altered or amended unless a proposition in writing, signed by three (3) members, be made at a stated meeting, when it shall be read and a vote taken thereon. It shall then require a two-thirds vote of the members present to adopt it.

## **ARTICLE XVI** **Meetings**

Section 1. The stated meetings of the Special Fire Police shall be held at a consistent location, day and time, decided upon by a majority vote of the body of the members.

Section 2. Six (6) members shall constitute quorum if assembled at the time and place of meeting. In case of a quorum not being present within a half-hour after the calling of the roll, those present may adjourn. (14411 §1 8/4/06)

Section 3. At the hour appointed for the meeting, if a quorum be present, the following order of business shall be followed, unless when a special meeting is called, when the business for which the Special Fire Police is convened shall be transacted:

1. Call meeting to order.
2. Pledge of Allegiance to the Flag
3. Calling roll of Officers.
4. Reading the minutes of the last stated and special meeting (Secretary report).
5. Report from the Treasurer.
6. Report of Special Committee.
7. Report of Standing Committee.
8. Membership Status
  - i. New Members

- ii. Resignations
- iii. Change of Status
- 9. Report of Officers.
- 10. Captain's report.
- 11. Collection of fines
- 12. Nomination of Officers.
- 13. Election of Officers.
- 14. Unfinished business
- 15. New business
- 16. Verbal communications and bills.
- 17. Announcement of location of the next month's meeting.
- 18. Anything for the good of the organization.
- 19. Roll call of members.
- 20. Adjournment.

## **ARTICLE XVII**

### **General Rules**

**Rule 1.** No member shall be interrupted while speaking except by the President, when he shall think it proper to call him to order, or admonish him to a closer adherence to the subject under consideration, or for a violation of the rules of decorum. Any member refusing obedience when called to order shall be fined two dollars (\$2).

**Rule 2.** When any member is addressing the President or any business of the Special Fire Police is transacted, the others shall preserve silence.

**Rule 3.** When two or more members rise at the same time, the President shall determine who shall speak by calling him by name.

**Rule 4.** The President shall repeat any motion made by a member and duly seconded by another member and the said motion shall then and not otherwise become a subject for debate.

**Rule 5.** When a question, resolution, or motion is under debate, no other motion shall be entertained unless it is a privileged question.

**Rule 6.** No personal reflection shall be allowed in the meetings of the Special Fire Police. Any member doing so shall be fined two dollars (\$2.00).

**Rule 7.** The majority of the members present may change the order of business but motions to that effect must be decided without debate.

#### **Rule 8. Resignations**

- a. All resignations shall be handed to the Secretary in writing, signed by the member who offers the same during the Membership Status portion of the regular stated meeting.
- b. Due to the possibility of conflict of interest within the organization, upon submission of resignation, the member offering the resignation shall immediately become an inactive member until their effective date of official resignation is reached.

**Rule 9.** Questions of order shall be decided by the President, but in case of an appeal from his decision by any member, seconded by another, the Special Fire Police shall determine without debate.

Rule 10. When an alarm of fire or other emergency is given, it shall be the duty of all officers to be there and do their duty until relieved.

Rule 11. No member shall contact any municipal bureau or department requesting equipment or information for Fire Police use unless authorized to by the President or Captain of the Fire Police

Rule 12. All members are required to report any warning, citation they receive, contact with any law enforcement agency where they may be a suspect, or if they are arrested by any law enforcement agency to the Vice-President within seven (7) days of the incident. Failure to do so, depending on the seriousness of the offense may result in the immediate expulsion of the member. The Vice President shall confer with the First Lieutenant to recommend disciplinary measures to the President. Any disciplinary actions for these circumstances must be approved by the Allentown Police Department.

Rule 13. No alteration shall be made to these by-laws unless due notice be given one month previous to making of such alteration and only then by two-thirds of the members present.

Rule 14. The Special Fire Police for the City of Allentown shall not discriminate against individuals on the basis of race, religion, color, sex, age, disability, national origin, sexual orientation, income, or political affiliation when approving membership. (14411 §1 8/4/06)

Rule 15. Should any man presently holding the position as a Special Fire Police and having attained the age of 65 years or better, may continue in that capacity, however, new appointees or newly elected members to the Special Fire Police shall not exceed the age of 65 years. (14411 §1 8/4/06)

Rule 16. The badge, patches and by-laws are the property of the City of Allentown and any member receiving a badge and book of by-laws shall, at the expiration of his term, turn over the same to the Secretary of the Special Fire Police. Should such member fail to do so the amount of the badge and book shall be charged against him and shall be deducted from any amount due him for his services as a member of the Special Fire Police at the time of his retirement. Should nothing be due to him, the amount shall be collected by law. Any member who loses their badge shall pay the Secretary the amount of the badge.

Rule 17. All equipment is the property of the City of Allentown and issued to any member of the Special Fire Police shall be returned to the Captain at the time of retirement, resignation, suspension, or expulsion. Should such member fail to do so the President shall direct the Secretary to send such member a certified letter requesting the return of all equipment within a fourteen (14) day period of date of receipt of letter. Failure of such member to continue to refuse to return equipment shall be collected by the City using any and all legal means at its disposal.

Rule 18. No badge shall be transferable.

Rule 19. All Special Fire Police members and officers will give the Secretary their names, address, and telephone number. Any change in the above information must be conveyed to the Secretary within two (2) weeks of any such change. Noncompliance with this rule shall constitute grounds for expulsion from the Special Fire Police.

## **ARTICLE XVIII** **Charges and Expulsions**

### **Section 1. Charges**

1. Any member accused of conduct unbecoming a member or conduct prejudicial to the best interests or violating any of the Standard Operating Procedures of the Special Fire Police of the City of Allentown may face disciplinary actions.
2. Any disciplinary actions against a member must be filed within fourteen (14) days of the incident by the Captain or the President as determined by the nature of the offense unless a Board of Inquiry is convened. If a board of Inquiry is convened, the disciplinary charge must be filed within seven (7) days of the Board of Inquiry.
3. The member who against which the disciplinary actions have been filed must be notified within seven (7) days of the filing of charges.
4. The President shall have the authority to convene a Board of Inquiry to determine if the facts warrant any disciplinary action. The composition of the Board of Inquiry shall normally consist of the Executive Committee. However, the President shall have the authority to revise the composition of the Board of Inquiry.
5. Notice to attend a Board of Inquiry shall be given within fourteen (14) days of the event being investigated.
6. All disciplinary actions shall be in accordance of the following procedure unless the seriousness of the offense is determined to warrant superseding the normal procedure.
  - a. First offense shall be a verbal warning by the Captain or the President as determined by the nature of the offense
  - b. Second offense of the same violation shall be a written warning that becomes a part of the officer's file.
  - c. Third offense of the same violation shall result in a hearing.
7. The hearing will be scheduled within fourteen (14) days of the accused being notified. The Police Liaison Officer shall serve as the judge for the hearing.
8. At the hearing the Executive Committee shall be present and shall be represented by the accusing authority. The Secretary shall record the minutes of the hearing.
9. At the hearing both the Executive Committee and the accused shall have the opportunity to present evidence and/or witnesses. They shall also both have the opportunity to question each other's witnesses.
10. After hearing all testimony and considering the same, Policy Liaison Officer may either dismiss the charges, or may assign the accused to a probationary period where the accused must be with another officer, may have the accused repeat a portion of their training, may suspend, may expel the member against whom the charges were brought.
11. Any person feeling himself or herself aggrieved by the hearing may appeal to the Special Fire Police as a whole, in which event, the hearing shall be reviewed at the next general meeting and shall be affirmed, reversed, or modified by a majority vote of all Active members present at said general meeting. The accused and the accuser shall not be permitted to vote, but will have the right to be present and be heard at said general meeting.
12. The President shall report the final action to the members of the Special Fire Police and the Allentown Police Department at the next general meeting if no appeal occurs.

## **Section 2. Suspensions and Expulsions**

1. Suspended members can return to active duty when their suspension has been completed.
2. Any member summoned to be present at a Board of Inquiry or a hearing who refuses to appear and testify in obeying to such summons may automatically be suspended or expelled from the Special Fire Police of the City of Allentown.
3. Any member found guilty of any felony crime in any Criminal Court in the United States shall be expelled from the Special Fire Police of the City of Allentown.
4. Any member found guilty of possession of any controlled substance other than doctor prescribed, shall be expelled from the Special Fire Police of the City of Allentown.
5. Any member that is arrested and found guilty of Driving Under the Influence shall be suspended for the same period of time his/her driver's license is suspended. A second offense

- of Driving Under the Influence shall result in an immediate expulsion for the Special Fire Police of the City of Allentown.
6. Upon suspension or expulsion, all property of the Special Fire Police of the City of Allentown must be turned into the President immediately following notification of the Disciplinary Action.

**Section 3. Re-application**

Any member expelled from the Special Fire Police of the City of Allentown shall not be able to re-apply for membership for a minimum of one (1) year.

Kenneth Laudenslager, President

Jeffery Gaumer, Captain

Barry Pope, First Lieutenant

John Hanzl, Secretary

Committee Members: Michael Scherff, Augustin Villegas

	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schweyer	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on February 3rd and signed by the Acting Mayor on February 9, 2010.

*Michelle P. Haker*

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CITY CLERK

- **What Department or bureau is Bill originating from? Where did the initiative for the bill originate?**

Forwarded to City Council by the Administration on behalf of the Allentown Fire Police President Ken Laudenslager.

- **Summary and Facts of the Bill**

Updates the By-laws for the Allentown Fire Police.

- **Purpose – Please include the following in your explanation:**

- **What does the Bill do – what are the specific goals/tasks the bill seek to accomplish**
- **What are the Benefits of doing this/Down-side of doing this**
- **How does this Bill related to the City's Vision/Mission/Priorities**

Allentown Fire Police Requested the changes to their by-laws for the following reasons:

- Residency requirements were added to reduce response times
- Required training was added for officers
- General reorganization of the by-laws
- Consistency of terminology
- More oversight by the Police Department
- Revised command staff positions.

- **Financial Impact – Please include the following in your explanation:**

- **Cost (Initial and ongoing)**
- **Benefits (initial and ongoing)**

N/A

- **Funding Sources – Please include the following in your explanation:**

- **If transferring funds, please make sure bill gives specific accounts; if appropriating funds from a grant list the agency awarding the grant.**

N/A

- **Priority status/Deadlines, if any**

N/A

- **Why should Council unanimously support this bill?**

Passage of this ordinance will allow the Allentown Fire Police to respond to the needs of the City of Allentown in a more controlled manner with quicker response time.

- **Committee Action**

- **Public Comments**

- **Body/Text of the Bill**

- **Exhibits**

- **Vote**