
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1325 Session of
2011

INTRODUCED BY WAUGH, ERICKSON, ALLOWAY, FONTANA, RAFFERTY,
SCHWANK, BOSCOLA, BAKER, PILEGGI, SOLOBAY, COSTA, BROWNE,
TARTAGLIONE AND FERLO, NOVEMBER 22, 2011

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
NOVEMBER 22, 2011

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for discontinuation of
3 volunteer emergency services.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 35 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 7505. Discontinuation of volunteer emergency services.

9 (a) General rule.--A municipality shall not discontinue the
10 services of a volunteer fire company or volunteer ambulance
11 service authorized by the municipality to operate within the
12 municipality except in accordance with this section.

13 (b) Notice of intent to discontinue.--The governing body of
14 the municipality shall publish in a newspaper of general
15 circulation once a week for two successive weeks a notice of
16 intent to discontinue the services of a volunteer fire company
17 or volunteer ambulance service. The notice shall contain the

1 name and address of the volunteer fire company or volunteer
2 ambulance service proposed to be discontinued and the date,
3 time, and location of the special public meeting as provided in
4 subsection (c). On the date of first publication, the notice
5 shall be posted at the principal office of the municipality and
6 mailed to the governing body of each adjoining municipality and
7 the presiding officers of all emergency service providers
8 operating within the municipality or within adjoining
9 municipalities.

10 (c) Special public meeting.--No later than 30 days after the
11 second publication as provided in subsection (b), the governing
12 body of the municipality shall commence a special public meeting
13 devoted solely to discussion of the discontinuation. The public
14 shall have an opportunity to comment during the meeting in
15 accordance with 65 Pa.C.S. § 710.1 (relating to public
16 participation). Notwithstanding any other provision of law,
17 representatives of emergency service organizations shall be
18 entitled to address the governing body at the meeting. The
19 meeting shall be continued and reconvened if necessary to permit
20 comment in accordance with this subsection, provided that in no
21 event shall the special meeting be concluded later than 30 days
22 after commencement.

23 (d) Vote on discontinuation.--No later than 30 days after
24 the conclusion of the special public meeting as provided in
25 subsection (c), the governing body shall vote on the issue of
26 discontinuation at a public meeting. If the procedures of the
27 municipality or any law require additional administrative action
28 or the enactment, amendment, or repeal of an ordinance or
29 resolution to effectuate the discontinuation, the procedures or
30 action may be initiated after, or in a manner to coincide with,

1 the vote, and the required additional action shall be undertaken
2 in conformity with the vote. The discontinuation shall occur no
3 sooner than 180 days after the vote as provided in this
4 subsection or the effective date of any required additional
5 action, whichever shall occur later, unless the discontinued
6 volunteer fire company or volunteer ambulance service agrees in
7 writing to a modification of the date specified.

8 (e) Limitation on applicability of section.--Except as
9 otherwise provided, nothing in this section shall be construed
10 to affect the powers and duties of municipalities to provide for
11 emergency services or emergency management in accordance with
12 this title or any other law, including the power to authorize an
13 emergency service provider formerly discontinued in accordance
14 with this section to operate within the municipality.

15 (f) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection unless the context clearly indicates otherwise:

18 "Discontinuation." The prohibition by a municipality of a
19 volunteer fire department or volunteer ambulance service from
20 providing emergency services in any part of the municipality.

21 "Emergency service organization." The Pennsylvania
22 Department of Health, a county communications center, the county
23 volunteer fire fighter's association, the county fire chief's
24 association, regional emergency medical services council, any
25 adjoining municipal governing body, and any municipal or
26 volunteer fire, rescue, ambulance or other emergency service
27 organization operating within, or immediately adjacent to, the
28 municipality considering discontinuation.

29 "Municipality." Any city, borough, incorporated town,
30 township, or a home rule municipality which was formerly a city,

1 borough, incorporated town, or township.

2 Section 2. This act shall take effect in 60 days.