TOWNSHIP OF PLAINFIELD
NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 440

AN ORDINANCE OF THE TOWNSHIP OF PLAINFIELD, NORTHAMPTON COUNTY, PENNSYLVANIA, ESTABLISHING A RESTRICTED FIRE APPARATUS FUND FOR THE EXCLUSIVE PURPOSE OF PURCHASING A LADDER TRUCK, PUMPER TRUCK OR TANKER TRUCK FOR THE PLAINFIELD TOWNSHIP VOLUNTEER FIRE COMPANY; ESTABLISHING PERMITTED AND PROHIBITED USES; PROVIDING FOR FUNDING, APPROPRIATIONS, ACCOUNTING, INVESTMENT, PROCUREMENT, REPORTING, YEARLY FINANCIAL STATEMENT REPORTS, AUDIT AND PUBLIC OVERSIGHT; RESTRICTING THE TRANSFER OR DIVERSION OF FUND MONIES; PROVIDING FOR COMPLIANCE WITH APPLICABLE COMMONWEALTH LAW; AND PROVIDING FOR SEVERABILITY, REPEALER AND AN EFFECTIVE DATE.

WHEREAS, Plainfield Township, Northampton County, Pennsylvania ("Township"), is a township of the second class governed by the Pennsylvania Second Class Township Code, as amended; and

WHEREAS, the Board of Supervisors of Plainfield Township ("Board") is authorized under the Second Class Township Code to exercise the powers of the Township, manage Township finances, enact ordinances and provide for the health, safety and welfare of Township residents; and

WHEREAS, Section 1553 of the Second Class Township Code establishes responsibilities of the Township with respect to ensuring fire and emergency medical services and authorizes appropriate financial and administrative assistance for such services; and

WHEREAS, Section 1803 of the Second Class Township Code expressly authorizes the Board to appropriate monies for fire companies located within the Township, including for the purchase of fire apparatus; and

WHEREAS, Sections 706, 1508, 3202, 3204 and other applicable provisions of the Second Class Township Code authorize and regulate Township funds, capital reserves, appropriations, budgeting, investment and use of monies collected for special purposes; and

WHEREAS, the Board finds that establishing a dedicated and restricted source of funding for the purchase of a ladder truck, pumper truck or tanker truck for the Plainfield Township Volunteer Fire Company is in the best interests of the public health, safety and welfare; and

WHEREAS, the Board intends that monies placed in the Fund established herein be used exclusively for the purchase of a ladder truck, pumper truck or tanker truck and not for unrelated Township expenditures or unrelated fire company expenditures;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Plainfield Township, Northampton County, Pennsylvania, as follows:

SECTION 1. SHORT TITLE.

This Ordinance shall be known and may be cited as the **"Plainfield Township Fire Apparatus Fund Ordinance."**

SECTION 2. PURPOSE AND INTENT

The purpose of this Ordinance is to establish a dedicated, restricted municipal fund to provide a stable and accountable source of funding for the purchase of a ladder truck, pumper truck or tanker truck for the Plainfield Township Volunteer Fire Company.

It is the express intent of the Board that monies deposited into the Fire Apparatus Fund shall be expended solely for the purposes expressly authorized by this Ordinance and shall not be used as a source of general operating revenue for either the Township or the Plainfield Township Volunteer Fire Company.

SECTION 3. DEFINITIONS

For purposes of this Ordinance:

"Apparatus" or "Fire Apparatus" shall mean only a ladder truck, pumper truck or tanker truck purchased for use by the Plainfield Township Volunteer Fire Company.

"Apparatus-Related Expense" shall mean a cost directly and reasonably attributable to the purchase or financing of Fire Apparatus.

"Board" shall mean the Board of Supervisors of Plainfield Township.

"Company" shall mean the Plainfield Township Volunteer Fire Company.

"Fund" shall mean the Plainfield Township Fire Apparatus Fund established by this Ordinance.

"Township" shall mean Plainfield Township, Northampton County, Pennsylvania.

SECTION 4. ESTABLISHMENT OF FIRE APPARATUS FUND.

A separate restricted municipal fund is hereby created, maintained as a separate account, and shall be known as the **"Plainfield Township Fire Apparatus Fund."**

SECTION 5. SOURCES OF FUNDING

Subject to all restrictions imposed by applicable law, monies may be deposited into the Fund from:

A. Annual or supplemental appropriations lawfully made by the Township;

B. Revenues lawfully appropriated for fire protection or fire apparatus purposes;

C. Proceeds of any fire-protection tax or other special tax lawfully levied by the Township to the extent such proceeds may lawfully be used for Fire Apparatus;

D. Public grants designated for Fire Apparatus;

E. Private grants, gifts, donations or contributions accepted by the Township and designated for Fire Apparatus;

F. Insurance proceeds, reimbursements, trade-in proceeds or proceeds from the lawful sale or disposition of Fire Apparatus when designated by the Board for deposit into the Fund;

G. Proceeds of lawful borrowing specifically undertaken for Fire Apparatus;

H. Investment earnings attributable to Fund monies; and

I. Any other lawful source which the Board expressly designates for Fire Apparatus purposes.

Nothing in this Ordinance shall itself levy any tax, authorize any borrowing or create any indebtedness. Any tax, borrowing or indebtedness shall be separately authorized in accordance with applicable law.

SECTION 6. EXCLUSIVE PERMITTED USES

Monies in the Fund may be expended only for the purchase of a ladder truck, pumper truck or tanker truck for the Plainfield Township Volunteer Fire Company, limited to:

A. Purchase of a new or used ladder truck, pumper truck or tanker truck;

B. Purchase of a replacement ladder truck, pumper truck or tanker truck;

C. Lawfully authorized installment purchases, lease-purchase arrangements, financing costs, principal and interest payments or other acquisition financing attributable exclusively to Fire Apparatus;

D. Pumps, tanks, aerial devices, hydraulic systems, generators and other systems incorporated into the ladder truck, pumper truck or tanker truck as part of the purchase;

E. Engineering, specification development, professional consulting and legal services directly related to the purchase or financing of Fire Apparatus.

SECTION 7. PROHIBITED USES

The Fund shall not be used for any purpose other than the purchase of a ladder truck, pumper truck or tanker truck.

Without limiting the foregoing, Fund monies shall not be used for:

A. Construction, acquisition, expansion or general maintenance of a fire station, social hall or other real property;

B. General fire company utility expenses or building expenses;

C. General salaries, stipends, benefits or compensation;

D. Fundraising expenses, social activities or ceremonial expenses;

E. General administrative expenses of the Company;

F. General firefighter training unrelated to a particular apparatus acquisition or modification;

G. Personal protective equipment, uniforms or other personnel equipment except where an item is an integral component of or is specifically purchased and permanently assigned to an apparatus as authorized in Section 6;

H. Any police, parks, recreation, administrative or other Township governmental expense;

I. Road construction or maintenance;

J. Advances to another Township department or entity for unrelated purposes;

K. Repair, maintenance, refurbishment, operation or equipping of any apparatus, including a ladder truck, pumper truck or tanker truck, except as provided in Section 6;

L. Purchase of any apparatus or vehicle other than a ladder truck, pumper truck or tanker truck; or

M. Any other expenditure not expressly qualifying as a Fire Apparatus or Apparatus-Related Expense under this Ordinance.

SECTION 8. RESTRICTION AGAINST TRANSFER OR DIVERSION

To the fullest extent permitted by law, monies deposited into the Fund are dedicated exclusively to the purposes established by this Ordinance.

Any proposal to broaden the permissible uses of the Fund shall require enactment of an ordinance in accordance with all procedures then required by Pennsylvania law.

Notwithstanding any later amendment or repeal of this Ordinance, monies that are independently restricted by a special tax, grant agreement, donor restriction, borrowing instrument or other applicable law shall remain subject to those restrictions.

Nothing herein shall be construed to authorize any use prohibited by Section 706 of the Second Class Township Code.

SECTION 9. REQUEST AND APPROVAL OF EXPENDITURES

The Company may submit requests to the Township for expenditures from the Fund. Except in circumstances where the Township directly initiates an apparatus purchase, each material request should identify the apparatus or project, its anticipated cost, the proposed vendor or procurement method when known, the reason for the expenditure and such supporting documentation as the Township reasonably requests.

The existence of money in the Fund shall not constitute automatic authorization for expenditure.

All expenditures shall be lawfully appropriated and authorized by the Board to the extent required by the Second Class Township Code, the adopted Township budget, Township policy or other applicable law.

Emergency procurement may be undertaken only to the extent and in the manner authorized by applicable law.

SECTION 10. METHOD OF PROVIDING FIRE APPARATUS FUNDING

The Township may, as permitted by law:

A. Purchase Fire Apparatus directly;

B. Reimburse the Company for an approved Apparatus-Related Expense;

C. Appropriate or grant monies to the Company for an approved Apparatus-Related Expense;

D. Participate in a lawful cooperative purchasing program;

E. Enter into a lawful financing or lease-purchase arrangement; or

F. Use any other lawful method approved by the Board.

The ownership of any Fire Apparatus purchased in whole or in part with Fund monies shall be established by the applicable purchase documents, grant agreement, financing documents or other written agreement approved by the Board. Nothing in this Ordinance alone shall determine or transfer title to any apparatus.

SECTION 11. COMPANY ACCOUNTABILITY AND ANNUAL REPORTING

As a condition of receiving Township monies, the Plainfield Township Volunteer Fire Company shall comply with Sections 1553 and 1803 of the Second Class Township Code and all other applicable reporting requirements.

The Company shall provide an annual itemized accounting of Township monies received and expended and such additional documentation as the Township reasonably requires to establish that Fund monies were used for authorized purposes.

The Company shall submit to the Township a yearly financial statement report, within ninety (90) days following the close of each calendar year, setting forth the Company's receipts, expenditures and ending balances, including all Township monies and Fund monies received by the Company.

The Township may require invoices, purchase agreements, payment records, financing documents, titles, maintenance records or other documentation relating to expenditures from the Fund.

No additional appropriation or payment shall be made when prohibited by the reporting requirements of applicable law.

SECTION 12. BUDGETING AND APPROPRIATION

The Fund shall be included in the Township's annual budgeting and financial reporting process in accordance with Section 3202 of the Second Class Township Code and generally accepted governmental accounting practices.

No Fund monies shall be paid except pursuant to a lawful appropriation and authorization.

Unspent Fund balances shall remain dedicated to the Fund from year to year and shall not lapse to the General Fund merely because they were not expended during a particular fiscal year, subject to applicable law and any restrictions attached to their source.

SECTION 13. DEPOSIT AND INVESTMENT

Fund monies shall be deposited only in depositories lawfully designated by the Board.

Fund monies may be invested in accordance with Section 3204 of the Second Class Township Code and other applicable law.

Any investment earnings attributable to Fund monies shall be credited to the Fund and shall be subject to the same use restrictions as principal unless applicable law or the source of the funds requires otherwise.

SECTION 14. PROCUREMENT AND CONTRACTING

All purchases, contracts, public works, financing arrangements and related transactions undertaken directly by the Township using Fund monies shall comply with Article XXXI of the Second Class Township Code and all other applicable procurement laws, including then-current bidding and quotation requirements and lawful exceptions thereto.

Where applicable, expenditures shall also comply with Commonwealth requirements concerning public works, bonds, prevailing wages, cooperative purchasing, public bidding, conflicts of interest and any conditions imposed by federal, state, county or grant funding.

Nothing in this Ordinance creates an exemption from any competitive procurement requirement.

SECTION 15. RECORDS, AUDIT AND PUBLIC ACCOUNTABILITY

The Township shall maintain records sufficient to identify:

A. All monies deposited into the Fund;

B. The source and any legal restriction attached to each material receipt;

C. Investment earnings;

D. All appropriations and encumbrances;

E. All expenditures;

F. The apparatus or purpose for each expenditure; and

G. The Fund balance.

The Fund shall be subject to the Township's annual audit or financial examination as required by law.

The Township shall prepare a yearly financial statement report for the Fund, setting forth Fund receipts, expenditures and the year-end Fund balance, and shall present the report to the Board.

Records shall be retained and made available in accordance with the Pennsylvania Right-to-Know Law, applicable records-retention requirements and any lawful exemptions from disclosure.

SECTION 16. NO ENTITLEMENT OR GUARANTEE OF FUNDING

Nothing in this Ordinance shall create a contractual entitlement in favor of the Company or any vendor to any particular annual appropriation or Fund balance.

The Board shall retain discretion concerning the timing and amount of lawful Fire Apparatus expenditures, provided that monies within the Fund may only be used for purposes authorized by this Ordinance and applicable law.

SECTION 17. NO TAX OR DEBT CREATED

This Ordinance establishes the Fire Apparatus Fund only.

Nothing herein shall be construed as levying a tax, fixing a millage rate, authorizing indebtedness or pledging the taxing power of the Township.

Any such action shall be separately considered and authorized as required by law.

SECTION 18. RELATIONSHIP TO OTHER ORDINANCES

This Ordinance is intended to establish a new and separate restricted Fire Apparatus Fund.

Nothing herein shall be construed to amend or repeal any existing Plainfield Township Capital Reserve Ordinance or other fund except to the extent that an irreconcilable conflict exists.

SECTION 19. SEVERABILITY

If any section, subsection, paragraph, sentence, clause or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 20. REPEALER

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 21. EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED this _____ day of _____, **2026**.

ATTEST:

PLAINFIELD TOWNSHIP BOARD OF SUPERVISORS:

_____
Paige Stefanelli, Township Manager

By:_____
Glenn Borger, Chairman

By_____
Kenneth Field, Vice Chairman

By:_____
Nolan Kemmerer

By:_____
Jane Mellert

By:_____
Paul Levits

CERTIFICATION

I certify, as Manager of Plainfield Township, that the attached Ordinance is a true and correct copy of the original previously passed by the Board of Supervisors as indicated.

_____
Paige Stefanelli, Township Manager

DRAFT