

City of Philadelphia



May 22, 2014

CERTIFICATION: This is to certify that Bill No. 140094, entitled “An Ordinance amending Title 4 of The Philadelphia Code, entitled ‘The Philadelphia Building Construction and Occupancy Code,’ by amending Subcode F (The Philadelphia Fire Code), by delineating the process to be utilized by the Philadelphia Fire Department in its consideration of temporary or permanent reductions or eliminations of fire companies that provide life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and by requiring input by fire fighters and emergency responders in that process,” was returned by the Mayor to City Council on the twenty-second day of May, 2014, “DISAPPROVED.”

The said bill having been considered again, was repassed on the twenty-second day of May, 2014. Two thirds of all of the members of City Council having voted in the affirmative, the said bill became law without the Mayor’s approval, pursuant to the provisions of Section 2-202 of the Philadelphia Home Charter.

A handwritten signature in cursive script, reading 'Michael A. Decker'.

Michael A. Decker
Chief Clerk of the City Council

(Bill No. 140094)

AN ORDINANCE

Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode F (The Philadelphia Fire Code), by delineating the process to be utilized by the Philadelphia Fire Department in its consideration of temporary or permanent reductions or eliminations of fire companies that provide life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and by requiring input by fire fighters and emergency responders in that process; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

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SECTION 1. Title 4 of The Philadelphia Code, Subcode F, The Philadelphia Fire Code, is hereby amended to read as follows:

CHAPTER 1 ADMINISTRATION

* * *

Section F-109. Reduction or Elimination of Life Safety and Fire Protection Services.

F-109.1. Limitation on reductions or eliminations of fire companies. The fire department shall not temporarily or permanently reduce or eliminate any ladder or engine company situated in the City unless all of the following requirements have been met:

1. The fire department has provided written notice of the proposed reduction or elimination to uniformed fire department personnel assigned to the affected company, to labor organizations representing those personnel and to members of the public served by the company where the proposed reduction or elimination will take place. The fire department may place an advertisement in a newspaper of general circulation within the affected area to provide the required public notice.

2. The fire department has secured a comprehensive study to be conducted by an independent third party which shall include, but be not limited to, detailed projections of savings to be achieved by the proposed reduction or elimination, and analyses of the impact of the proposed reduction or elimination on emergency response time, delivery of emergency services to the public and the safety of firefighters. Once the study has been completed, it shall be made available to any interested party that requests a copy.

3. The fire department has convened public hearings to receive feedback on the proposed reduction or elimination in firefighting and emergency services and the results of the study. The fire department shall accept written responses relating to the study's findings.

F-109.1.1. Independent third party. As used in this subsection, the term "independent third party" shall refer to an individual, association or corporation that has experience in the areas of public safety and firefighting.

F-109.2. Opposition to reductions or eliminations. When a labor organization representing uniformed fire department personnel registers its opposition to the findings contained within a study conducted under this subsection or to the proposed reduction or elimination of engine or ladder companies, through either oral testimony at a public hearing or in writing, the fire department shall not proceed with the reduction or elimination. Instead, the fire department must negotiate in good faith with the labor

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organization to resolve any disputes over public and firefighter safety arising from each proposed reduction or closure.

F-109.3. Resolution of disputes.

1. In the event that the fire department and the labor organization representing the uniformed fire department personnel do not resolve all issues related to the proposed reduction or elimination of any fire company, the labor organization may, within ninety days of commencement of the negotiation, submit any unresolved issues to final and binding interest arbitration.

2. Interest arbitration proceedings under this subsection shall be conducted before a three-person board of arbitrators, who will be selected utilizing the procedure under Section 4(b) of the Act of June 24, 1968 (P.L. 237, No. 111), referred to as the Policemen and Firemen Collective Bargaining Act. The determination of a majority of the board of arbitrators shall be final on the issue or issues in dispute and shall be binding upon the fire department.

3. Each proposed company-closure shall be subject to negotiation and arbitration, and no company may be reduced or eliminated absent an arbitration award concluding that the proposed reduction or elimination will not compromise fire personnel and public safety.

F-109.4. Collective bargaining. Nothing in this subsection may be construed to:

1. Preempt any provision in a mutually agreed upon or awarded collective bargaining agreement that provides for substantially the same or a greater right or protection for uniformed fire department personnel than that afforded under this Section; or

2. Prohibit the negotiation of any additional right or protection for a uniformed fire department member who is subject to any collective bargaining agreement.

SECTION 2. This Ordinance shall take effect immediately.

Explanation:

Italics indicate new matter.

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