

## **CHAPTER 7**

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**Part 1**

**Fire Department**

**§101. Fountain Hill Fire Department Established.**

The Fountain Hill Fire Department, established originally under Provisions of Ordinance 41, is hereby re-created and re-established. It shall be the function and duty of the Fire Department and every member thereof, to extinguish accidental or destructive fires and to prevent the occurrence or spread of such fires. (Ordinance 41, May 20, 1912, as amended and reenacted by Ordinance 348, January 4, 1982)

**§102. Composition of Department.**

The Fire Department shall consist of the active firefighters of the Fountain Hill Volunteer Fire Department. Borough Council shall appoint a Fire Chief, two Assistant Fire Chiefs, one Fire Marshal, two Captains, two Lieutenants and other such officers as Council shall hereinafter appoint, none of whom shall be employees of the Borough or subject to civil service. A stipend may be paid to those serving as officers.

(Ordinance 348, January 4, 1982; as amended by Ordinance 715, September 6, 2005, §102)

**§103. Duties of the Fire Chief.**

1. The Fire Chief shall have the control, subject to the order and direction of Borough Council, of the Fire Department and all fire apparatus belonging to the Borough; "Apparatus" shall mean all personal property of the Department including, but not limited to, trucks, equipment, gear, clothing and the like.
2. The Fire Chief shall inspect and maintain all apparatus, specifically including fire alarm systems, in good working order. He shall promptly report to the chairman of the fire committee whenever repairs or supplies may be necessary for the Department, but such repairs shall not be made, nor supplies ordered, unless approved by appropriate action of Borough Council.
3. The Fire Chief shall report to Borough Council on a monthly basis as to all fires and alarms that occurred during the month, the origin of same, if possible, the value of the property destroyed and the insurance thereon.
4. In case of fire, the Fire Chief shall personally respond as promptly as possible and shall have control over all the members and apparatus, and shall issue and enforce such orders as in his judgement may seem best for the protection of life and property, the extinguishment of fire, and the welfare of the department members.

## FIRE PREVENTION AND FIRE PROTECTION

5. The Fire Chief shall have full power and authority to suspend at once, and recommend for dismissal, any officer or employee of the Department for misconduct, insubordination, or disobedience of orders or for any other valid and legal cause; provided, however, that any such officer or employee so suspended may appeal such suspension to Borough Council at its next regular meeting. After considering the facts presented by the Fire Chief and any witnesses he chooses to present, and the facts presented by the suspended member, and any witnesses he chooses to present, Borough Council shall determine whether to reinstate, further suspend, or discharge such employee from his position.

(Ordinance 348, January 4, 1982)

### **§104. Duties of Assistant Fire Chiefs.**

It shall be the duty of the Assistant Fire Chiefs when an alarm of fire is sounded at a fire or any practice, to assist the Fire Chief in the performance of his duty, obey all his orders and see that they are faithfully carried out, and in his absence, take his place with the authority and power of the Fire Chief in the respective fire district. They shall report to the Fire Chief any matter concerning the efficiency and welfare of the Department.

(Ordinance 348, January 4, 1982)

### **§105. Duties of Fire Marshal.**

1. The Fire Marshal of the Department shall execute the orders of the Fire Chief and Assistant Fire Chiefs. The Fire Marshal shall work with the Code Enforcement Officer to inspect, prevent and deter fires in the Borough. The Fire Marshal shall also investigate all fires occurring in the Borough, in coordination with the State Fire Marshal and Police Department, if so needed.
2. The Fire Marshal, in the absence of the Chief or Assistant Fire Chiefs, shall take charge until their arrival on the scene. The Fire Marshal shall report to the Fire Chief any matter concerning the efficiency and welfare of the Department. The Fire Marshal shall assist the chief for safety and training on the fire ground.
3. The Fire Marshal, under the direction of the Chief, shall report on a monthly basis to Borough Council all inspections and/or violations that occurred during the month and status thereof.

(Ordinance 273, September 5, 1967, §6; as amended by Ordinance 348, January 4, 1982; and by Ordinance 715, September 6, 2005)

**§106. Duties of Captain.**

The Captain of the Department shall execute the orders of the Fire Chief and Assistant Fire Chiefs. The Captain shall report to the Fire Chief any disobedience of orders or neglect of duty on the part of any member of the Department. The first fireman arriving at the firehouse shall take charge of the apparatus until the Chief, Assistant Fire Chief, Fire Marshal, Captain or Lieutenant arrives.

(Ordinance 715, September 6, 2005, §106)

**§107. Duties of Lieutenant.**

The Lieutenant of the Department shall execute the orders of the Fire Chief, Assistant Fire Chiefs and Captains. The Lieutenant shall report to the Fire Chief any disobedience or orders of neglect of duty on the part of any member of the Department.

(Ordinance 715, September 6, 2005, §107)

**§108. Ownership and Use of Fire Apparatus.**

All fire apparatus, whether purchased, donated or provided to the Fire Department, shall become the property of the Borough subject to its exclusive possession, control and use. No property shall be purchased by the Department, nor accepted as a donation, without approval of Borough Council.

Fire apparatus is intended for the protection of life and property and for the extinguishment of fires within the Borough limits and shall be used solely for that purpose. With the approval of the Fire Chief, or in his absence, the Assistant Fire Chief or Foreman designated by the Fire Chief, the Fire Department may respond to a call for mutual aid by another community, provided that Borough Council previously entered into a written mutual aid agreement with said community. At no other time shall any apparatus leave the Borough without the approval of Borough Council.

(Ordinance 348, January 4, 1982; as amended by Ordinance 715, September 6, 2005)



## Part 2

### Prohibitions

#### **§201. Burning Prohibitions; Exception.**

No person shall kindle or maintain or burn any rubbish or any combustible material, waste or inflammable liquids, nor authorize the kindling, maintaining or burning thereof on or in any highway, alley, or public, or private ground at any time, except upon written permission of the Fire Chief. (Ordinance 272, May 1, 1967, §1)

#### **§202. Permission Refused.**

In the event that permission to kindle, maintain or burn rubbish, combustible material, waste, inflammable liquids, etc., is not granted by the Fire Chief, then such materials must be collected by the Borough Sanitation Department. (Ordinance 272, May 1, 1967, §2)

#### **§203. Permits Issued by The Fire Chief.**

It shall be at the sole discretion of the Fire Chief as to whether or not the permits above referred to shall be issued. (Ordinance 272, May 1, 1967, §3)

#### **§204. Unlawful to Tamper with Fire Alarm System.**

It shall be unlawful for any person to maliciously sound or raise a false alarm of fire or in any way interfere with the fire apparatus belonging to the Borough. (Ordinance 348, January 4, 1982)

#### **§205. Obstructing Fire Hydrants.**

It shall be unlawful to throw, shovel, deposit, or place any snow, earth, building material, or any other obstruction in front of or near any fire hydrant in such manner as to interfere with or obstruct the free approach of the Fire Department of the Borough thereto in order to use the same in case of fire. (Ordinance 348, January 4, 1982)

## FIRE PREVENTION AND FIRE PROTECTION

### **§206. Penalties.**

Any person violating any of the provisions of this ordinance shall for each and every offense or conviction thereof, pay a fine of not more than \$300, plus costs of prosecution, or to imprisonment in the Lehigh County Prison for a period not exceeding one day for each \$10 of the unpaid balance of fine and costs.

(Ordinance 272, May 1, 1967, §4; as amended by Ordinance 348, January 4, 1982)

**Part 3**

**BOCA Basic Fire Prevention Code**

**§301. Adoption of Fire Prevention Code.**

That certain document, three copies of which are on file in the Office of the Borough Secretary, being marked and designated as the “BOCA National Fire Prevention Code, Latest Edition,” be and is hereby adopted as the Fire Prevention Code<sup>1</sup> of the Borough of Fountain Hill. (Ordinance 585, September 9, 1993, §301)

**§302. Inconsistent Ordinances Repealed.**

Ordinance Number 489 of the Borough of Fountain Hill and all other ordinances or parts of ordinances in conflict herewith are hereby repealed, (Ordinance 585, September 9, 1996, §302)

**§303. Additions, Insertions, and Changes.**

The following sections are hereby revised as follows:

Section F-101.1 – (Page 1, second line). Borough of Fountain Hill.

Section F-107.2.3 – (Page 4, third line). As per Resolution on file.

(Ordinance 585, September 9, 1996, §303)

**§304. Saving Clause.**

Nothing in this Part or in the Fire Prevention and Fire Protection Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, under any act or ordinance hereby repealed as cited in §302 of this Part; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Part. (Ordinance 585, September 9, 1996, §304)

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<sup>1</sup> Editor’s Note: Ord. 585 read “Mechanical Code.”



## Part 4

### Rapid Entry Systems and Cabinet Style Vaults

#### **§401. Definitions.**

**CABINET STYLE VAULT** – a locked container located either on the interior or exterior of a structure containing materials and information.

**HAZARDOUS MATERIALS** – any substance that, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating or otherwise harmful, is likely to cause injury or death.

**MSDS** – Material Safety Data Sheet and emergency and hazardous chemical inventory form required under SARA.

**OWNER** – each individual person who holds record title to real estate and, if the real estate is not owned by individual person(s), with respect to corporations, means the chief executive officer of the corporation, and with respect to partnerships and joint ventures, means each partner or joint venturer except that in limited partnership situations, the word "owner" shall mean managing partner(s) and shall exclude limited partners unless they are also managing partners.

**PERSON IN CONTROL** – each individual person in charge of the day-to-day operation and functioning of a structure. A business organization may designate the "person in control" by submitting a written and signed communication to the Executive Secretary of the Borough advising the name, address and daytime and nighttime telephone numbers of said person and, if such designation is made, the owner of the real estate shall not be subject to responsibility for compliance with this Part unless the designated "person in control" is no longer in charge of the day-to-day operation and functioning of the structure at the time of the violation.

**RAPID ENTRY SYSTEM** – a locked container mounted on the exterior of a structure containing keys for entry to the structure and other such items.

**SARA** – Subtitle B, §§311 and 312, of Title III of the Superfund Amendment and Reauthorization Act of 1968.

**STRUCTURE** – anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground except fixed and movable awnings. A building shall be construed to be a "structure."

**VAULT KEY** – a master key which gives access to multiple rapid entry systems.

(Ordinance 717, December 5, 2005, §401)

## FIRE PREVENTION AND FIRE PROTECTION

### **§402. Cabinet Style Vault and Rapid Entry System.**

1. The following structures shall be equipped with a rapid entry system and a cabinet style vault at or near the main entrance or such other location as designated by the Fire Chief:
  - A. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
  - B. Multifamily residential structures consisting of four or more units that have restricted access through locked doors and have a common corridor for access to the living units.
  - C. Governmental structures, hospital, hotels and nursing care homes and facilities, personal care homes, assisted living facilities and buildings used by similar health and/or personal care facilities regardless of what they call themselves or how they may be licensed by State or Federal agencies.
  - D. Structures required to file MSDS with the County of Lehigh under SARA.
2. Excepted from the requirements of Subsection 1 are structures operating on a twenty-four-hours-a-day, seven-days-a-week basis.
3. All newly constructed structures and/or additions and/or remodeling of structures subject to this Section shall have the rapid entry system and cabinet style vault installed and operational prior to occupancy and/or final inspection. All structures subject to this Section that have been in existence prior to the effective date of this Part shall have one year from the effective date of the ordinance to comply with the requirement to have a rapid entry system and cabinet style vault installed and operational.
4. If the cabinet style vault is located on the exterior of the structure it may also serve as the rapid entry system. The type and location shall be approved by the Fire Department and consistent with the standards set forth in §404.

(Ordinance 717, December 5, 2005, §402)

### **§403. Contents.**

1. The owner or person in control of structures subject to the regulations of this Part shall place in the rapid entry system keys and an emergency contact list for entry to the structure, elevator return and door opening, elevator rooms for alarm box, fire alarm box room, electric rooms and any other key necessary for access to occupied floors within the structure. All keys shall be clearly labeled.

2. The owner or person in control of structures subject to the regulations of this Part shall place in the cabinet style vault the following information for emergency response personnel:
  - A. Current list of key facility personnel knowledgeable about safety procedures of materials on site, complete with telephone numbers for such personnel in the event of an incident after normal hours of facility operation.
  - B. Current emergency and hazardous chemical inventory form and a binder containing the material safety data (MSD) sheets, or, in the event that the volume of MSD sheets is too great to keep practically in the cabinet style vault, the information in the container shall give the location of the on-site MSD sheets and MSD sheets shall be readily available for use by emergency response personnel.
  - C. Facility site plan to include the following:
    - (1) The location of storage and use of hazardous materials on site.
    - (2) The location of on-site emergency firefighting and spill cleanup equipment.
    - (3) A diagram of the complete sewer system and water system, showing fire hydrants and water main locations and sizes.
    - (4) Any building floor plans.
  - D. MSDS.

(Ordinance 717, December 5, 2005, §403)

**§404. Specifications.**

1. Each rapid entry system and cabinet style vault shall meet UL 437 standards for safety key locks and UL 1610 standards for control station — alarm units for use with UL listed alarm systems, and the UL 1037 standard for antitheft alarms and device.
2. All cabinet style vaults shall have a minimum interior size of 14 inches high by 12 inches wide by two inches deep, except that the Fire Chief may permit smaller vaults upon written application.
3. Units serving as the rapid entry system shall be manufactured by the Knox Company, Irvine, California, or such other manufacturer designated by the Borough.

(Ordinance 717, December 5, 2005, §404)

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### **§405. Update and Notification.**

The owner or person in control of a structure subject to the regulations of this Part shall update the appropriate documents within the cabinet style vault on an annual basis on or before March 31 of each year or more frequently when deemed necessary by the Fire Department and shall send the Fire Department a copy of all updated material, including an updated copy of the emergency and hazardous chemical inventory form.

(Ordinance 717, December 5, 2005, §405)

### **§406. Inspections.**

Within six months after issuance of an occupancy permit for a new structure, the structure shall be inspected by the Fire Department to facilitate emergency response.

(Ordinance 717, December 5, 2005, §406)

### **§407. System Security.**

1. Each vault key shall be numbered.
2. All vault keys shall be kept only:
  - A. In Fire Department Vehicles in a locked mechanism which can be opened only by signal of the Emergency Dispatch Office of Lehigh County.
  - B. In a locked safe in the Fire Department to be released by the Fire Chief or Fire Marshal to Fire Department personnel designated by the Fire Chief.
3. The Fire Department shall maintain a log book in which shall be recorded the date and time any vault key is removed; the name and signature of the person to whom the key was given; the purpose for the removal, including the locations of any cabinet style vaults or rapid entry systems opened by the vault key; the date and time the vault key was returned; and the name and signature of the person to whom the key was returned.
4. The Fire Department shall maintain a schedule of the location of each vault key in its possession. The Fire Department shall maintain a record of the date and time of any request to the Emergency Dispatch Office of Lehigh County for release of vault keys and the location of any cabinet style vault or rapid entry system opened with such key.
5. At least annually the Fire Department shall conduct an inventory confirming the location of all vault keys.

(Ordinance 717, December 5, 2005, §407)

**§408. Penalties.**

1. Any person who owns or operates a structure subject to this Part shall be subject to the penalties set forth herein.
2. Enforcement of this Part shall be effected by an action brought by the Executive Secretary or the Borough Solicitor (on information received, if necessary) before the Magisterial District Judge having jurisdiction in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough Solicitor may assume charge of the prosecution pursuant to Pa. R. Crim. P. No. 454 (relating to trial and summary cases).
3. Any person(s) found guilty of violation of this public safety ordinance shall be liable to pay a fine of \$600 per violation to be paid to the Borough, and for conviction of a second offense shall also be subject to imprisonment to the extent allowed by law for the punishment of summary offenses.

(Ordinance 717, December 5, 2005, §408)

