

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Fire Department****A. Fire Company Recognized****§7-101. Fire Company Recognized.**

The Leo Independent Fire Engine Company No. 1, organized and existing in the Borough of Red Lion, York County, Pennsylvania, is designated as the recognized fire company for the Borough.

(*Ord. 8/6/1952, 8/6/1952; as amended by Ord. 868-19, 8/13/1986*)

§7-102. Authorized Activities.

In addition to actually fighting fires or while engaged in going to or returning from any fire, the members of the fire company recognized by the Borough are authorized to do the following things:

A. Answer any type of fire alarm or call, whether general alarm, private call, or investigation of fire report or emergency call of any type, inside or without the Borough.

B. Engage in any type of drill, training, ceremonial, practice, test, or parade when duly called or authorized by a proper officer or officers of the fire company.

C. Engage in fundraising activities for the fire company, when authorized by a proper officer or officers of the fire company.

D. Engage in the performance of any other duty or activity authorized by any officer of the recognized Fire Department.

(*Ord. 8/6/1952, 8/6/1952; as amended by Ord. 868-16, 8/13/1986*)

B. Volunteer Firefighters' Relief Association**§7-111. Association Recognized; Purpose.**

The Volunteer Firemen's Relief Association of Red Lion, Pennsylvania, be and it is hereby officially recognized by the Borough Council of Red Lion as an organization formed for the purpose of maintaining an association for beneficial and protective purposes to its members and their families, in case of death, sickness, temporary or permanent disability or accident, from the funds collected therein.

(Ord. 12/5/1930, 12/5/1930)

§7-112. Moneys Payable to Association.

The aforesaid Volunteer Firemen's Relief Association of Red Lion be and it is hereby designated by the Borough Council of Red Lion as the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania, from the 2 percent tax on premiums from foreign fire insurance companies.

(Ord. 12/5/1930, 12/5/1930)

§7-113. Appropriations.

There is hereby annually appropriated from the Borough Treasury all such sum or sums of money that may hereafter be paid into the aforesaid Borough Treasury, by the Treasurer of the State of Pennsylvania, on account of taxes paid on premiums by foreign fire insurance companies in pursuance to an Act of Assembly in such case made and provided.

(Ord. 12/5/1930, 12/5/1930)

Part 2**Fire Insurance Proceeds Escrow****§7-201. Certificate Required.**

No insurance company, association, or exchange (hereinafter the “insurer”) doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurer is furnished by the Borough’s Treasurer with a certificate pursuant to §508(b) of the Insurance Company Law of 1921, as amended by Act 98 of 1992 and Act 93 of 1994 (collectively, the “Act”), 40 P.S. §638, and unless there is compliance with the procedure set forth in §508(c) and (d) of the Act.

(Ord. 961-1, 1/10/1996)

§7-202. Payment of Delinquent Charges.

1. Where there are delinquent taxes, assessments, penalties, or user charges against the property (municipal claims) or there are expenses which the Borough has incurred as cost for the removal, repair, or securing of a building or other structure on the property (collectively, “municipal expenses”), the Manger of the Borough shall immediately render a bill for such work, if he has not already done so. Upon written request of the named insured specifying the tax description of the property, the name and address of the insurer and the date or receipt by the insurer of a loss report of the claim, the Treasurer shall, within 14 working days after the request, furnish to the insurer a certificate (or at his discretion an oral notification confirmed in writing), either:

A. Stating that there are no unpaid municipal claims or municipal expenses against the property.

B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts. Taxes, assessments, penalties, and user charges shall be deemed delinquent, for this purpose, if a lien could have been filed for such claims under applicable law.

2. Upon receipt of a certificate and bill pursuant to subsection .1.B, the insurer shall transfer to the Treasurer an amount from the insurance proceeds sufficient to pay such sums prior to making payment to the named insured, subject to the provisions of §7-203.

(Ord. 961-1, 1/10/1996)

§7-203. Payment of Claims.

When all municipal claims and municipal expenses have been paid pursuant to §7-202 of this Part, or where the Treasurer has issued a certificate described in §7-202.1.A indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured; provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or

structure, the following procedures must be followed:

A. The insurer shall transfer from the insurance proceeds to the Treasure, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.

B. If, at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Borough, a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Treasurer from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro rata basis by all insurers insuring the building or other structure.

C. Upon receipt of the above-described portion of the insurance proceeds, the Treasurer shall do the following:

(1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Borough to be required in removing, repairing, or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal, or administrative costs incurred by the Borough in connection with such removal, repair, or securing or any proceedings related thereto.

(2) Mail to the named insured, at the address received from the insurer, a notice that the proceeds have been received by the Borough and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Borough a contractor's signed estimate of the costs of removing, repairing, or securing the building or other structure, in which event the Treasurer shall, if such estimate is deemed by the Treasurer to be reasonable, return to the insured the amount of the funds transferred to the Borough in excess of that required to pay the municipal expenses, provided that the Borough has not commenced to remove, repair, or secure the building or other structure, in which case the Borough will complete the work.

(4) Pay to the Manger, for reimbursement to the Borough's general fund, the amount of the municipal expenses paid by the Borough.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Codes Enforcement Officer of the Borough that the repair, removal, or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Borough.

D. Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or equity, to enforce the codes of the Borough or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Borough may deem reasonable.

(Ord. 961-1, 1/10/1996)

§7-204. Violations and Penalties.

Any owner of property, any named insured, or insurer who violates the provisions of this Section or who shall fail to comply with any of the requirements hereof shall be liable, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. (*Ord. 961-1, 1/10/1996; as amended by Ord. 9711-6, 11/12/1997, §136-4; and by Ord. 2009-09-02, 9/14/2009*)

§7-205. Filing of Copies.

The Secretary of the Borough shall transmit a certified copy of this Part promptly to the Center for Local Government Services.

(*Ord. 961-1, 1/10/1996; as amended by Ord. 9711-6, 11/12/1997, §136-5*)

Part 3**Smoke Detectors****§7-301. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

Leased and/or rented dwelling unit—any dwelling designed for permanent living quarters including, but not limited to, one-family dwellings, two-family dwellings, one-family semi-detached dwellings, row dwellings and multi-family dwellings, which is occupied by non-owners on a lease/rental basis. This Part shall not apply to any owner-occupied dwelling unit.

Owner—person, persons or entity which holds legal title to real estate in question, according to the records in the Office of the Recorder of Deeds of York County, Pennsylvania, or according to the Red Lion Borough Property Registry.

Smoke detector—a device which, operating on the ionization principal, emits an audible signal when activated by smoke or fire. The smoke detector must meet or exceed the standards set forth by Factory Mutual Research Corporation or Underwriters' Life. The smoke detector must have a self-contained power supply and must be capable of emitting an audible signal of at least 85 decibels at a range of 10 feet.

(Ord. 7911-14, 11/14/1979)

§7-302. Location Within Dwelling Units.

1. The smoke detector shall always be installed on ceilings, but never closer than 12 inches from corners of interior walls. At least one smoke detector shall be installed in each dwelling unit and should be installed at the top of stairways or at a point between sleeping areas and potential fire sources. In addition, in multi-family dwellings, smoke detectors shall be installed in all common hall areas. In the event that said common hall area is more than 20 feet in length, one smoke detector shall be required for every 20 feet or portion thereof of common hall area.

2. Upon written request, the Fire Chief of Leo Independent Fire Company of Red Lion shall designate the proper location for placement of smoke detectors within a dwelling unit.

(Ord. 7911-14, 11/14/1979)

§7-303. Responsibility of Property Owners; Conditions for Removal or Deactivation.

1. It shall be the owner's responsibility and duty to:

A. Install smoke detectors.

B. Periodically inspect smoke detectors to ensure working condition, such inspection to be made at least semi-annually, and to maintain a log of such inspections on a standardized form available at the Borough Office, said log to be made available to the Fire Chief of Leo Independent Fire Company upon request.

C. Maintain smoke detector in proper working condition.

D. Inform all persons residing in the dwelling unit of the presence and purpose of the smoke detector.

2. Should any owner or tenant or any other person wish to relocate or temporarily render inoperative any smoke detector, he must first obtain written approval from the Red Lion Fire Chief.

(Ord. 7911-14, 11/14/1979)

§7-304. Inspecting and Testing.

The Chief of Leo Independent Fire Company No. 1 or any person designated by him is hereby authorized and empowered to inspect each smoke detector installed under the terms of this Part within a dwelling unit annually, or upon the occurrence of a fire within the leased or rented dwelling unit, to determine the capability of the smoke detector to fulfill the requirements of this Part. The Chief and his agents shall not, however, be required to make such inspections and shall be immune from civil or criminal liability for any acts or omissions in connection with the inspection, maintenance and testing of any smoke detector within the Borough.

(Ord. 7911-14, 11/14/1979)

§7-305. Installation Required.

Smoke detectors must be installed in any new leased or rented dwelling unit within the Borough, either constructed or converted at any time after the effective date of this Part.

(Ord. 7911-14, 11/14/1979)

§7-306. Tampering Prohibited.

No person shall tamper with a smoke detector so as to render it inoperative or incapable of performing the function for which it is intended.

(Ord. 7911-14, 11/14/1979)

§7-307. Violations and Penalties.

Any person who violates any of the provisions of this Part shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Each violation of any provision of this Part and each day the same is continued shall be deemed a separate offense. In addition, said fines and penalties may be collected by a suit brought in the name of the Borough before any magisterial district judge in like manner as debts of like amount may be sued for by existing laws and to remit such fines and penalties.

(Ord. 7911-14, 11/14/1979; as amended by Ord. 2009-09-02, 9/14/2009)

Part 4**Coal and Wood Burning Stoves****§7-401. Title.**

This Part shall be known and may be cited as the “Wood/Coal Burning Stove and Chimney Ordinance.”

(*Ord. 8210-9, 10/13/1982*)

§7-402. Permits and Inspections.

1. No owner, agent, or tenant shall commence with the installation of any chimney, fireplace, stove pipe, or wood/coal burning stove or appliance unless first obtaining a building permit and guidelines from the Borough of Red Lion. Following completion of the installation and before placing the stove, appliance, chimney or fireplace into use, the permittee shall notify the Codes Enforcement Officer, who shall forthwith inspect the installation to determine that it is in compliance with the requirements of this Part.

2. The inspection fee shall be as set from time to time by resolution of the Borough Council. If found to be in compliance with this Part, the Codes Enforcement Officer shall countersign the permit and note the date of his inspection. If found to be in noncompliance, the Codes Enforcement Officer shall notify the permittee, in writing, of the nature of the noncompliance, and the stove, chimney, fireplace, or appliance shall not be placed into use until the condition has been corrected and reinspected by the Codes Enforcement Officer and the permit countersigned by him. [*Ord. 9711-6*]

(*Ord. 8210-9, 10/13/1982; as amended by Ord. 9711-6, 11/12/1997, §122-2*)

§7-403. Installation.

All wood/coal burning stoves or appliances shall be at least 36 inches from all combustible materials. Where clearance is less than 36 inches but more than 18 inches, the combustible surface shall be protected by ¼-inch asbestos millboard or approved equal spaced 1 inch or more from the combustible surface. Adequate space shall be provided to permit air circulation. If clearance is less than 18 inches but more than 12 inches, the combustible wall shall be protected with a 4-inch brick veneer wall extending 2 feet above and 2 feet beyond each side. All other installation shall be as follows:

A. All wood/coal burning stoves or appliances that have circulating devices shall be at least 24 inches from a combustible surface, unless the appliance has a rating for lesser distance from combustible surface.

B. If the distance of any circulating wood/coal burning stove or appliance is 12 inches to 24 inches from the combustible surface, the surface shall be protected by ¼-inch asbestos millboard spaced 1 inch or more from the walls with adequate 1-inch spacing from the floor to permit air circulation between wall and shield.

C. If the circulating wood/coal stove or appliance is 8 inches to 12 inches from the combustible surface, the surface shall be protected by ¼-inch asbestos millboard covered with 28-gauge sheet metal spaced 1 inch or more from the wall

and floor to permit air circulation.

D. Noncombustible floor material shall extend at least 18 inches beyond the opening from which ashes are removed and at least 6 inches beyond the sides and rear.

E. Where stove legs are at least 18 inches above a combustible surface, a 24-gauge sheet metal shall be used.

F. Where stove legs are between 6 inches and 18 inches above a combustible surface, a 24-gauge sheet metal over ¼-inch layer of asbestos millboard or other approved noncombustible material shall be used.

G. Where stove legs are 6 inches or less above a combustible surface, a 4-inch hollow masonry pad should be laid or an approved noncombustible surface of an inch thickness shall be used.

(Ord. 8210-9, 10/13/1982)

§7-404. Connection.

1. All stove pipes shall be equal or to larger than the appliance flue connector.
2. All connector pipe shall be of a minimum of 24-gauge black pipe or heavier.
3. All connector pipe shall rise from the stove toward the chimney at least ¼ inch per foot or more.

4. The crimped end of chimney connector pipe shall point toward the stove. Adapters may be used to permit the crimped end to point toward the stove.

5. No wood/coal burning stove or appliance may be connected to the same flue pipe as any other installation which serves as a primary heat source or as any other heat source which uses a different type of fuel.

6. Single wall connector pipe shall not pass through the floor or wall. However, when necessary, a connector may pass through a wall under the following conditions:

A. Where a ventilated type metal thimble is used and is 12 inches greater in diameter than the chimney connector.

B. Where a metal or burned fire-clay thimble is used and the thimble is surrounded on all sides by not less than 8 inches of brickwork or equivalent fireproofing material.

C. When all combustible material is removed for sufficient distance to provide not less than 18 inches clearance on all sides of the connector. Any materials used to close this opening must be noncombustible insulating material.

D. When the section of the connector pipe passing through the combustible material is replaced by a properly installed section of factory-built insulated Class A pipe for solid fuels.

E. All stove pipe shall be a minimum of 18 inches from a combustible surface.

F. If stove pipe is 12 inches to 18 inches from a combustible surface, the surface shall be covered with ¼-inch asbestos millboard spaced 1 inch from the wall or ceiling used as a shield.

G. If stove pipe is 9 inches to 12 inches from a combustible surface, the surface shall be covered with ¼-inch asbestos millboard with a 28-gauge sheet

metal spaced 1 inch from wall or ceiling.

(*Ord. 8210-9, 10/13/1982*)

§7-405. Construction.

1. Except as herein provided, all chimneys in every building hereafter erected and all chimneys hereafter altered or rebuilt shall be constructed of brick, stone, or reinforced concrete or UL-listed Class A chimney. No masonry chimneys shall have walls less than 4 inches in thickness, and all chimneys shall be lined on the inside with fire clay chimney tile set in Portland cement mortar. The lining shall be continuous from the bottom of the flue to its extreme height. No chimney shall be corbeled out more than 6 inches from a brick wall, and corbeling shall consist of not fewer than five courses of brick, unless the chimney shall not be corbeled out to such extent that the center of gravity of the chimney would be located so as to endanger the structure.

2. All chimneys shall project at least 3 feet above the point of contact with a flat roof or 2 feet above any roof surface within 10 feet horizontally of the chimney. Portland cement may be used in the construction of chimneys with the addition of not more than 10 percent by volume of hydrated lime. No chimney in any building shall have wooden supports of any kind. Supports shall be noncombustible and shall rest upon the ground or foundation walls. Concrete footings under new chimneys shall be as hereinbefore specified for concrete footings under foundation walls. All chimneys which are dangerous from any cause shall be repaired and made safe or taken down.

3. The fire-back of every fireplace hereafter erected shall not be less than 8 inches in thickness of solid brickwork or air cell construction, nor less than 12 inches of stone lined with fire brick. When a grate is set in a fireplace, a lining of fire brick or soapstone, fireclay or cast iron may be used, if solidly backed with brick or concrete. All smoke pipes shall enter the chimney through a flue thimble or its equivalent such that the construction shall make a fire-tight joint with the chimney tile flue liner.

4. Flue holes when not in use shall be closed with tight-fitting metal covers. No wooden beams or joints shall be placed within 1 inch of the outside face of the chimney or flue whether the same is for smoke, air or any purpose, except for hot air flues for heating purposes. No woodwork shall be within 4 inches of the back wall of any fireplace except if a chimney is built such that the thickness from the flue liner is 8 inches or more. Necessary woodwork may be placed against the chimney by using asbestos sheeting between and around the wood so placed under the approval of the Codes Enforcement Officer.

(*Ord. 8210-9, 10/13/1982*)

§7-406. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 8210-9, 10/13/1982; as amended by Ord. 9711-6, 11/12/1997, §122-6; and by Ord. 2009-09-02, 9/14/2009*)

§7-407. Conflict with Other Provisions.

In any case where a provision of this Part is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code existing on the effective date of this Part, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Part is found to be in conflict with a provision of any other ordinance or code existing on the effective date of this Part which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Part shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Part. Any installations or alterations herein which may be caused directly or indirectly by the enforcement of this Part shall be done in accordance with all other applicable codes and ordinances.

(Ord. 8210-9, 10/13/1982)

Part 5**Key Lock Box Systems****§7-501. Systems Required.**

1. The following buildings shall be equipped with a key lock box at or near the main entrance or such other location approved by the Borough:

A. Commercial or industrial buildings protected by an automatic alarm system or automatic suppression system, or such buildings that are secured in a manner that restricts access during an emergency.

B. Government buildings, public buildings and nursing care facilities.

C. Multi-family residential buildings that have restricted access through locked doors and have a common corridor for access from the living units.

2. All newly constructed buildings subject to this Part shall have a key lock box installed and operational prior to the issuance of an occupancy permit.

3. All buildings in existence on the effective date of this Part and subject to this Part shall have 1 year from the effective date of this Part to have a key lock box installed and operational.

4. The Borough shall, by resolution, have the authority to adopt rules and regulations concerning the key lock box system, designate the type or brand of key lock box system to be implemented within the Borough, and require all applicable buildings and emergency response providers to use the designated system.

5. The owner or operator of a building required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the building.

(Ord. 2009-09-02, 9/14/2009)

§7-502. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, shall be sentenced, upon conviction of a violation thereof, to a fine of not more than \$1,000 and costs of prosecution for each and every offense and, in default of payment thereof, to imprisonment for not more than 30 days for each offense. Each day's continuance of such violation after the time for correction has expired shall constitute a separate offense punishable by a like fine or penalty.

(Ord. 2009-09-02, 9/14/2009)

