

CODIFIED ORDINANCES OF THE TOWNSHIP OF LAWRENCE PARK

PART SIXTEEN - FIRE PREVENTION CODE

Chap. 1610. Fire Protection and Other Emergency Services.

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CHAPTER 1610

Fire Protection and Other Emergency Services

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CROSS REFERENCES

Water for fire protection - see 1st Class Sec. 1502-XIV
 Adoption of fire prevention regulations - see 1st Class Sec. 1502-XVI
 Fireproof construction of buildings - see 1st Class Sec. 1502-XX
 Open fires - see 1st Class Sec. 1502-LXVI; GEN. OFF. 668.03
 Volunteer Fire Department - see ADM. Ch. 244
 Sale or use of fireworks - see GEN. OFF. 678.06
 Industrial performance standards - see P. & Z. 1286.17(d)(7)
 Fire safety requirements for dwelling units - see B. & H. 1448.03

1610.01 PURPOSE AND SCOPE OF AUTHORITY.

The purpose of this chapter is to provide fire protection and other emergency services in Lawrence Park Township; ensure basic oversight, conform to the 2008 legislative amendments requiring the emergency service organizations to provide the Township with itemized listings of all expenditures, ensure control measures, procedures and regulations governing conditions which could impede or interfere with effective fire services in the Township; to authorize and permit activities for fire fighter personnel for workers' compensation purposes; and to establish a fire prevention code for the Township. The volunteer fire department is a separate entity authorized by the Township Board of Commissioners, to provide fire and emergency services. Notwithstanding anything contained in this chapter to the contrary, neither the recognition of the fire company nor the authorization or permission herein granted to the fire company shall be construed as constituting the fire company as an agent, agency, department or employee of Lawrence Park Township, except insofar as such effect is provided under the provisions of the Pennsylvania Workers' Compensation Act, and the First Class Township Code, as referred to in 53 P.S. § 56534 Ambulance Services and 53 P.S. § 56579 Emergency Services.
(Ord. 502-10. Passed 10-12-10.)

1610.02 DEFINITIONS.

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

- (a) "Bureau of Fire Prevention," wherever used in this chapter or the Fire Prevention Code, shall be held to mean the Lawrence Park Volunteer Fire Department.
- (b) "Capital expenditure" is an outlay of funds to acquire fixed assets or additions to them; construction of buildings and similar permanent structures; major building improvements; and infrastructure improvements in existing buildings; the purchase of land; the purchase of major equipment or components of that equipment; engineering or architectural studies and services related to improvements of buildings and all outlays financed by long or short term debt. For purpose of this chapter a capital expenditure is an item that costs in excess of one thousand five hundred dollars (\$1,500) and has a useful life of multiple years.
- (c) "Corporation counsel," wherever used in this chapter or the Fire Prevention Code, shall be held to mean the Township Solicitor.
- (d) "Dispatched" includes the authority to report to a fire or emergency as given by any of the following means: 1) by radio from the main base station K6D-395 or from base station KLM-657, from any transmitter operated by any political subdivision in Erie County, Pennsylvania, under terms of the Erie County Mutual Aid Agreement; 2) by sounding of an authorized bell in the fire station or in the homes of personnel of the volunteer fire department; 3) by the sounding of any authorized whistle or siren within the Township of Lawrence Park designated as an emergency whistle or siren; or 4) by telephonic or verbal advice

to proceed in the absence of or due to the failure of, any of the means described in the preceding methods.

- (e) “Drill” means any educational program for personnel of the fire company, including, but not limited to, educational activities at the fire station, the Erie County Fire School, the Pennsylvania State Fire School, or any other location approved by the Chief or Assistant Chief of the fire company.
- (f) “Fire” or “Emergency” means any and all fires, accidents or other emergency situations requiring the services of the Lawrence Park Volunteer Fire Department, including false alarms, when dispatched as herein provided.
- (g) “Fire company” means any organized fire company which responds in Lawrence Park Township for the purpose of extinguishment of a fire or other emergency involving protection of life and/or property or when its assistance has been requested by the officer in charge of the incident.
- (h) “Fire company vehicles” means any motor vehicle controlled by a volunteer fire company, the principal purposes of said vehicle being the fighting of fires or supplying of related services including emergency services, emergency medical services (EMS), ambulance, etc. Essential fire company vehicles include those such as a Class A pumper, tanker/pumper or rescue vehicle. All other vehicles are nonessential in nature.
- (i) “Inspection” or “Investigative duty” means any inspection or investigation made by any personnel of the Lawrence Park Volunteer Fire Department who have not been dispatched for such duty as herein provided.
- (j) “Municipality,” wherever used in this chapter or the Fire Prevention Code, it shall be held to mean the Township of Lawrence Park, Pennsylvania.
- (k) “Mutual aid” means a formal or informal agreement by two or more fire companies or other emergency services to agree to cooperatively provide upon request such aid, fire protection and suppression personnel and to make available such equipment or facilities as may be needed for the suppression of fires or the duties and responsibilities as may be needed for the suppression of fires or the duties and responsibilities associated with saving lives and property within the jurisdictional areas of the requesting department; provided that the personnel, equipment and facilities requested are not otherwise required within a fire company's jurisdiction.
- (l) “NFPA” is the National Fire Protection Association.
- (m) “Officer in charge” means the Fire Chief of the fire company or designee in whose district the emergency occurs or, in his or her absence, the next ranking officer following the chain of command established by the by-laws of the fire company in whose district the emergency occurs.
- (n) “Parade” means any exhibition or contest participated in by personnel of the Lawrence Park Volunteer Fire Department when such participation is authorized by the Commissioner of Public Safety of the Township of Lawrence Park and by the Chief of the Lawrence Park Volunteer Fire Department.

- (o) "Personnel" means all active or probationary members, in good standing of the Lawrence Park Volunteer Fire Department, as defined by the bylaws of said organization.
- (p) "Volunteer fire companies" means a fire company organized, recognized and existing under the laws of the Commonwealth of Pennsylvania, located within Lawrence Park Township and authorized to act within Lawrence Park Township by township ordinance or mutual aid agreement.
- (q) "Volunteer fire fighter" is an active member of a volunteer fire company who is a member in good standing of said volunteer company and possesses the appropriate qualifications and/or certificates to operate the appropriate and necessary equipment and perform duties commensurate with their certification, and in compliance with NFPA codes and standards, Federal, State and local laws.
(Ord. 502-10. Passed 10-12-10.)

1610.03 FIRE COMPANY RECOGNIZED.

The Lawrence Park Volunteer Fire Department (hereafter "fire company") organized and existing in the Township of Lawrence Park, Erie County, Pennsylvania, is hereby designated as the officially recognized fire company for the Township, unless by resolution of the Board of Commissioners it is determined to no longer be officially recognized. The Lawrence Park Volunteer Fire Department is recognized as a governmental agency and/or entity independent of Lawrence Park Township.
(Ord. 502-10. Passed 10-12-10.)

1610.04 AUTHORIZED DUTIES AND PERMITTED ACTIVITIES OF FIRE COMPANY.

Volunteer fire fighters in the Township, including any paid firefighter who performs the services of a volunteer firefighter during off-duty hours, are insured by the Township for the purpose of workers' compensation, only when actively engaged in authorized duties as fire fighters; or while going to or returning from a fire emergency call which the fire company has attended, including travel from and the direct return to a fire fighter's home, place of business or other place where he/she shall have been when the call or alarm was received. Other authorized duties and activities listed in this chapter, subsections (a), (b), and (d) hereof, are the sole duties and activities recognized by the Board of Commissioners of the Township to be performed by fire companies or fire fighters. Such activities performed by fire companies or fire fighters, unless as provided in this chapter, subsections (a), (b), and (d) hereof, shall be deemed as outside the scope of the office or duties of fire company and undertaken at the sole risk of the fire company and individual fire fighters, unless authorized in writing by the Board of Commissioners. Authorized duties and activities are as follows:

(a) The fire company is hereby authorized to provide such services to the Township as may be necessary for the protection of property and persons situated therein, which include, by way of example and not of limitation, the extinguishments and prevention of loss of life and property from fire, motor vehicle accident, medical emergencies, hazardous materials incidents and other dangerous situations.

(b) The fire company is permitted to provide non-emergency and public service functions, either within the Township, elsewhere within the County of Erie when authorized by the Erie County Mutual Aid Agreement, and outside of the County of Erie when authorized by the Board of Commissioners of the Township or by the Chief or the Acting Chief of the fire company, such as, by way of example and not of limitation, removing water from property after storms and assisting in the removal, abatement and prevention of damage or injury to persons or property, whether through natural causes or man-made situations.

(c) The fire company is permitted to conduct and participate in such training activities and drills, either within the Township, elsewhere within the County of Erie when authorized by the Erie County Mutual Aid Agreement, and outside of the County of Erie when authorized by the Board of Commissioners of the Township or by the Chief of the Acting Chief of the fire company, as may be deemed necessary by the officer of the fire company to maintain proficiency in providing services.

(d) The fire company is permitted to respond to emergency calls and provide services to municipalities elsewhere within the County of Erie when authorized by the Erie County Mutual Aid Agreement, and outside of the County of Erie when authorized by the Board of Commissioners of the Township or by the Chief or the Acting Chief of the fire company who deems the fire company services necessary in a given situation.

(e) The fire company is permitted to engage in inspections and tours of private property in the Township, when invited, for fire prevention, planning and training purposes, preplanning, public education programs, testing of fire protection equipment or systems, open houses, and other fire prevention activities, when authorized by the Fire Chief or his/her designee.

(f) The fire company may conduct scheduled special work details at the fire stations related to maintenance activities and recruitment programs.

(g) Engage in fund-raising activities for the fire company when authorized by an officer or officers of the fire company or the Board of Commissioners, and attend parades and similar civic activities.

(Ord. 502-10. Passed 10-12-10.)

1610.05 OTHER ACTIVITIES OF FIRE FIGHTERS.

In addition to actually participating in the activities of the fire company, pursuant to the Pennsylvania Public Charities Act, as authorized in Section 1610.04, the fire fighters of the fire company are also authorized by the Township to do the following: (Reserved).

(Ord. 502-10. Passed 10-12-10.)

1610.06 INSURANCE COVERAGE BENEFITS.

Personnel of the fire company shall be entitled to any and all benefits of workers' compensation insurance coverage (as applies to volunteer firefighters per 53 P.S. § 56523) and accidental death and dismemberment insurance coverage maintained by the Township for the protection of its employees immediately upon being dispatched or otherwise engaged in activities authorized in Section 1610.04(a), (b), and (d), regardless of location, and as provided under the provisions of the Pennsylvania Workers' Compensation Act and the First Class Township Code.

(Ord. 502-10. Passed 10-12-10.)

1610.07 INTERFERENCE WITH FIRE-SUPPRESSION FORCES.

(a) Interference with Fire Company Operations. In accordance with Pennsylvania Title 18 and this chapter, it shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the mobility of, or block the path of travel of any fire company emergency vehicle in any way or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any volunteer fire company operation.

(b) Compliance with Orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the officer in charge or designee to interfere with the compliance attempts of another individual.

(c) Vehicles Crossing Fire Hose. A vehicle shall not be driven or propelled over any unprotected fire hose of a fire company when laid down on any street, alleyway, private drive or any other vehicular roadway without the consent of the officer in charge or designee of said operation.

(d) Unlawful Boarding or Tampering with Fire Company Emergency Equipment. A person shall not, without proper authorization from the officer in charge or designee of said fire company emergency equipment, cling to, attach himself to, climb upon or in to, board or swing upon any fire company emergency vehicle, whether the same is in motion or at rest, sound the siren, horn, bell or other sound-producing device thereon or manipulate or tamper with or attempt to manipulate or tamper with any levers, valves, switches, starting device, brakes, pumps or any equipment or protective clothing on or a part of any fire company and/or emergency vehicle.

(e) Unlawful or Inappropriate Use of Preemption Devices at Signalized Intersections.
(Ord. 502-10. Passed 10-12-10.)

1610.08 CONTROL OF EQUIPMENT AND FUNDS.

(a) All appropriations made by Lawrence Park Township to or for the use of the fire company, whether of money or property, and all equipment purchased by the fire company by use of such appropriations, or purchased by Lawrence Park Township for use by the fire company, shall be deemed to be and shall continue to be the property of the Township.

(b) None of the fire fighting apparatus or equipment shall be temporarily removed from the Township without the prior knowledge and approval of the Public Safety Commissioner or the Board of Commissioners, except when elsewhere within the County of Erie when authorized by the Erie County Mutual Aid Agreement, and outside of the County of Erie when authorized by the Board of Commissioners of the Township or by the Chief or the Acting Chief of the fire company, as may be deemed necessary by the officer of the fire company to maintain proficiency in providing services, except where the Lawrence Park Volunteer Fire Department has made prior arrangements for adequate fire coverage during their absence.

(c) No capital expenditures shall be made by the fire company, which shall require its borrowing of money or the pledge of its assets purchased with any Township monies to secure credit without the prior approval of the Board of Commissioners.

(d) On or prior to November 1, 2010, and each year thereafter, the fire company shall submit to the Township Board of Commissioners its proposed budget of revenues and expenses for the forthcoming fiscal year for review, to adequately determine if there is need for Township funds, and, if so determined, for approval of Township funding by the Board of Commissioners. Failure to comply may result in funding being reduced or eliminated, except as required by the Pennsylvania Workers' Compensation Act and/or the First Class Township Code.
(Ord. 502-10. Passed 10-12-10.)

1610.09 ANNUAL FINANCIAL REPORTING; FIRE COMPANY REPORTING, APPROPRIATIONS AND DISBURSEMENTS.

(a) Required Financial Reporting and Township Appropriations. In accordance with § 56579(c) of the Pennsylvania First Class Township Code and as required herein, all fire companies recognized in Section 1610.03 shall annually submit to the Board of Commissioners a report of their use of appropriated monies for each completed year of operation before any further payments are made to, or on behalf of, the fire company for the current year in such sum(s) that in the opinion, and at the discretion, of said Board of Commissioners may be necessary in support of fire company facilities and training in

accordance with § 56579 of the Pennsylvania First Class Township Code. The financial reporting to be provided includes all Federal, State, and local reporting requirements for non-profit organizations (i.e., but not limited to, IRS forms 990s and all appropriate schedules/attachments, Pennsylvania Bureau of Public Charities, etc.).

(b) Disbursements. Funds derived from local taxes may be appropriated in accordance with § 56579 of the Pennsylvania First Class Township Code, after need is determined by the Board of Commissioners, and shall be disbursed by the Board of Commissioners to a fire company employing either of three methods:

- (1) Requests for funds to be paid directly to vendors shall be made to the Board of Commissioners prior to their regularly scheduled meetings. If approved by the Board of Commissioners, the Township shall disburse check(s) written to vendors for the fire company. Approval or disapproval shall be communicated by the Township to the fire company within thirty days, or less.
- (2) Reimbursement for expenses paid directly to vendors by the fire company shall occur after the Board of Commissioners has reviewed the list of invoices paid and approved such prepaid expenses at its regular scheduled meeting. The fire company shall communicate the expenses paid to the Board of Commissioners within thirty days of the fire company paying the vendor.
- (3) The Township may disburse funds directly to the fire company in installments or single annual payment, should the Township see fit and fiscally appropriate.
- (4) The Township may, as determined by the Board of Commissioners as needed, provide the fire company a list of goods and services for which the Township will reimburse the fire company or pay for directly.

(c) Workers' Compensation Insurance and Accidental Death and Disability Insurance. The Township will directly receive the invoice for the workers' compensation insurance and accidental death and disability insurance policies covering the fire company and directly pay the invoice to the workers' compensation insurance and accidental death and disability carrier(s), pursuant to 53 P.S. § 56523.

(d) Other Fire Company Regulations and Reporting Requirements. In accordance with § 56579 of the Pennsylvania First Class Township Code. The Board of Commissioners establishes the following regulations and reporting requirements for fire companies serving the Township. Compliance with the following standards by a fire company is required:

- (1) The fire company shall be recognized by the Township, as per Section 1610.03.

- (2) A charter has been granted to such fire company by the proper court under the laws of the Commonwealth of Pennsylvania.
- (3) The fire company shall, pursuant to 53 P.S. § 56510 (Public Safety), take all needful means for securing the safety of persons or property within the Township, including being capable of manning and operating apparatus assigned to it by the Township or own motorized apparatus which complies with today's minimum standards such as, but not limited to, current OSHA, NFPA codes and standards, or as licensed by the Pennsylvania State Department of Health. Applicable NFPA codes and standards include, but are not limited to, the following:
 - A. NFPA 450 - Guide for Emergency Medical Services and Systems;
 - B. NFPA 1001 - Standard for Fire Fighter Professional Qualifications;
 - C. NFPA 1021 - Standard for Fire Officer Professional Qualifications;
 - D. NFPA 1201 - Standard for Providing Emergency Services to the Public;
 - E. NFPA 1720 - Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments;
 - F. NFPA 1911 - Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Automotive Fire Apparatus;
 - G. NFPA 1932 - Standard on Use, Maintenance, and Service Testing of in-Service Fire Department Ground Ladders; and
 - H. NFPA 1962 - Standard for the Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose.
- (4) All apparatus owned by such fire company shall meet, or exceed, as a minimum the current standards of the NFPA codes and standards, NFPA 1201 (Standard for Fire Officer Professional Qualifications) and NFPA 1720 (standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Volunteer Fire Departments), and any and all Federal and Pennsylvania state standards, and as licensed by the Pennsylvania State Department of Health.
- (5) Such fire company shall have an alarm system that is adequate to alert its volunteer fire fighters without use of a device known as a house siren.
- (6) If the recognized fire company either owns, leases, or occupies another building it shall be within the boundaries of the Township and must be a suitable building of sufficient size to house fully equipped, approved apparatus meeting the requirements set forth in Section 1610.04. Said fire company presently occupies a Township building which is deemed adequate to meet such requirement. The status quo shall remain as long as the fire company is providing adequate fire protection services, as determined by the Township Board of Commissioners, to the Township.

- (7) The officer in charge and all designated line officers of such fire company are full-time residents of the Township or a municipality within a two mile radius the aforementioned building housing fire protection vehicles and equipment.
- (8) All bylaws, and amendments thereto, of a fire company authorized in Section 1610.03 shall be provided to the Township and kept current and on file with the Township Secretary. All amendments to any bylaws shall be presented to the Township within forty-five days of adoption.
- (9) Such fire company shall insure and annually provide to the Township a certification of insurance from its insurance carrier listing the vehicles insured, as well as the proper driver's licensing information for any insurance provided by the Township, which is the responsibility of the fire company to obtain.
- (10) Such fire company shall, beginning in October 2010 and annually thereafter, before August 31 of each year, provide to the Township a complete fire fighter list that will include the names of qualified officers and personnel who may be in charge and all designees or other ranked officers/positions. The list will also include all volunteer fire fighters in good standing with the fire company and who meet standards as provided in NFPA 450 (Guide for Emergency Medical Services and Systems) and NFPA 1001 (Standard for Fire Fighter Professional Qualifications), and any and all other NFPA codes and standards, and are qualified by training or other measures established by the fire company to be engaged during a fire call and perform fire-protection duties and activities authorized under Section 1610.04. The list will also designate all qualified apparatus drivers and summarize all training activities completed by the fire fighters, including, but not limited to, a listing of proper certification and duties commensurate with their certification, meeting or exceeding NFPA codes and standards.
- (11) Such fire company shall provide to the Township a listing of all fire apparatus (vehicles) that carry hose, ladders and contain pumps used in fire suppression in the Township. Such fire company shall annually test all fire equipment in accordance with NFPA 1911 (Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Automotive Fire Apparatus) and provide a test report to the Township Board of Commissioners indicating the date, time, duration and results of each pump test. The results of all pump tests shall be kept on record and readily available for a period of five years.
- (12) Such fire company will provide a registered inventory of all ladders owned by the fire company and used in fire suppression in the Township. Such fire company shall annually test or cause to be tested all ground ladders used in fire suppression in accordance with NFPA 1932 (Standard on Use, Maintenance, and Service Testing of In-Service Fire Department Ground

Ladders) and provide a report to the Township Board of Commissioners indicating the date, time, duration and results of each ladder test. The results of all ladder tests shall be kept on record and readily available for a period of five years.

- (13) Such fire company shall annually test or cause to be tested all fire hoses used in fire suppression in accordance with NFPA 1962 (Standard for Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose) and provide a report to the Township Board of Commissioners indicating the date, time, duration and results of each hose test. The results of all hose tests shall be kept on record and readily available for a period of five years.
- (14) Such fire company shall, at a minimum, provide activity reports and/or incident reports to the Board of Commissioners on a regular monthly basis illustrating the number of calls, type of calls and number of fire fighters responding and similar information in a standard presentation format. At the end of each year a standard activity report summary, compiling all activity and incident reports, will be provided to the Board of Commissioners for statistical review.
- (15) Such fire company shall provide on an annual basis copies of documents showing compliance with filing requirements of the Federal Internal Revenue Service, the Pennsylvania Charities Act, the Pennsylvania Department of Revenue and any other government filing that is required of a fire company operating as a non-profit corporate entity. If any of these documents are not required or cease to be required a letter shall be forwarded from the fire company to the Township containing an explanation of the reason for not filing.
- (16) For EMS services please refer to the Pennsylvania Code Title 28 Part VII - Emergency Medical Services and NFPA 450 (Guide for Emergency Medical Services and Systems).

(h) Other Financial Reporting. In order to determine and maintain an understanding of the fire company's financial needs, and to comply with the First-Class Township Code, the fire company shall annually submit a report of its financial condition for the calendar year as follows: an adopted budget for the fire company; a certified audit that has been completed by a certified public accountant; and the preceding year's IRS Form 990 and state filings, prior to the Board of Commissioner's preliminary budget meeting in November. The CPA audit must be completed within three months of the date of close of business of the fiscal year of the fire company, and submitted to the Township Secretary for review by the Board of Commissioners with the aforementioned time limit. (Ord. 502-10. Passed 10-12-10.)

1610.10 ELECTION OF OFFICERS.

The members of the fire company are further authorized to elect from their membership such officers as may be provided in the bylaws of the fire company. The fire company shall notify the Township of election results within thirty days, and notify the Township of when a vacancy is filled within thirty days.

(Ord. 502-10. Passed 10-12-10.)

1610.11 DELINQUENCY OF FIRE SERVICE.

(a) The Township Board of Commissioners provides for fire protection in the Township and requires that a fire company recognized under Section 1610.03 operate and be managed in accordance with the laws of the Commonwealth of Pennsylvania, this chapter, the fire company's bylaws, the standards of fire protection of the NFPA, Federal OSHA standards, NIOSH standards, EPA standards and PennDOT standards, and Federal and State financial reporting standards for non-profit associations, and procedures for public disclosure, as provided by the "Right to Know Law." Failure to adhere to these expectations and requirements or failure to do what law or duty requires constitutes a delinquency of service. If determined by the Board of Commissioners by reasonable cause, the Board of Commissioners may require an annual inspection by a neutral qualified individual to conduct an investigation/inspection to ensure the fire company is in compliance with this chapter. If there is any finding of non-compliance, a non-compliance letter of notification shall be sent to the fire company by the Township solicitor within thirty days. The fire company shall have thirty days to correct said non-compliance.

(b) If the non-compliance is not cured then the Board of Commissioners may hold a hearing and take testimony from the fire company officers and fire fighters regarding any continued non-compliance issues; said fire company agrees that should it be determined after hearing that there are still issues of non-compliance said fire company agrees to take all corrective actions necessary within thirty days.

- (1) By adoption of a resolution stating that the fire company has failed to operate as anticipated by this chapter and it is necessary to provide direct assistance and oversight to the fire company. If at any time that the Board of Commissioners determines that the failures have been corrected they may adopt a resolution granting the fire company the authority to again direct its affairs in furtherance of this chapter. When the Board of Commissioners has determined that direct assistance and oversight are necessary they may elect to utilize staff to provide assistance and oversight as they deem to be in the best interest of the community and the fire company as required by the First-Class Township Code.
- (2) If noncompliance is sustained, the Board of Commissioners by majority motion may issue a notice of delinquency of services and initiate the delinquency of service process outlined in this subsection (b) and other actions as provided in this section. The Board of Commissioners may also

engage other fire companies or emergency service providers to ensure public safety is maintained in the Township to the extent that the Board of Commissioners determines necessary to comply with the First-Class Township Code.

(c) Delinquency of Service. In the event that a fire company established to provide fire protection or other emergency services and recognized in Section 1610.03 by the Township, or any successor organization, shall at any time after the establishment of this chapter fail to maintain the fire-protection service with a reasonable level of working order, in accordance with the laws of the Commonwealth of Pennsylvania, this chapter, the fire company's bylaws, and numbered NFPA codes and standards provided in this chapter, the Board may serve written notice of delinquency of service upon the fire company and its officers, within thirty days, stating;

- (1) The manner in which the fire company has failed to maintain public fire protection service in a reasonable condition and issues related to noncompliance and delinquency of service.
- (2) A demand that such deficiencies, issues of noncompliance and delinquency of service related to this chapter and the fire protection of the Township be corrected within thirty days.
- (3) A schedule for presenting to the Board of Commissioners an explanation for such deficiencies, issues of noncompliance and delinquency of service related to this chapter and the fire protection of the Township.
- (4) The date and places of public hearing, which shall be held within forty-five days of the notice.

(d) Public hearing for delinquency of service. At such a hearing, the Board of Commissioners may amend the terms of the original notice of delinquency of service concerning the deficiencies and may give an extension of time within which the fire company shall correct them.

(e) Any and all reasonable costs to the Township incurs as a result of administering and operating the fire company in the event of a delinquency (e.g., mailing expenses, staff time, travel expenses, and compensation for expert witnesses) and any additional penalties or fees set by the Township shall be paid by the fire company, if the Township should prevail.

(f) Should there be no finding of delinquency, the Township shall repay the fire company any and all reasonable costs that they have incurred as a result of delinquency action taken against them.

(g) If the above procedures fail to correct the non-compliance problem(s) then the Township is free to petition the Court of Common Pleas for the appointment of an Administrator with all powers necessary to bring compliance.
(Ord. 502-10. Passed 10-12-10.)

1610.12 MUNICIPAL LIABILITY.

(a) Unless otherwise provided in this chapter or by action of the Township Board of Commissioners, no fire company recognized in Section 1610.03 or its officers, members, representatives, agents, servants or employees shall have the power or authority, either actual, apparent or implied, to contractually bind or create contractual liability on the part of the Township or any other municipal entity.

(b) It is recognized that a fire company is a governmental agency and that its officers, members, representatives, agents, servants or employees are included within the provisions of the Political Subdivision Immunity Act, 42 Pa.C.S.A. ' 8541 et seq., and, as such, said Township Fire Department, its officers, members, representatives, agents, servants and employees are entitled to immunity from tort liability under the Pennsylvania Political Subdivision Tort Claims Act and to all rights and privileges as provided in said Act.
(Ord. 502-10. Passed 10-12-10.)

1610.13 FIRE PREVENTION CODE.

There is hereby adopted by reference, as if the same were fully described herein, the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 edition thereof, together with the November 1982, Amendments thereof. Such Code, as amended, together with the provisions of this chapter shall be the Fire Prevention Code of the Township, save and except for such portions thereof as are deleted, modified or amended, and from the date this chapter takes effect the provisions thereof shall be controlling within the limits of the Township. At least three copies of such Code, as amended, shall be on file with the Township Secretary for inspection by the public and copies shall be supplied upon demand, at cost.
(Ord. 502-10. Passed 10-12-10.)

1610.14 ENFORCEMENT OF THE FIRE PREVENTION CODE.

(a) The Lawrence Park Volunteer Fire Department shall be responsible for and is hereby charged with the enforcement of all provisions of this Fire Prevention Code.

(b) The duly elected Chief of the Lawrence Park Volunteer Fire Department shall be responsible for the enforcement of this Fire Prevention Code.

(c) The Chief of the Lawrence Park Volunteer Fire Department may detail such fire fighters of the fire company as inspectors as shall be necessary.
(Ord. 502-10. Passed 10-12-10.)

1610.15 STORAGE LIMITS.

(a) Explosives and Blasting Agents. The limits referred to in § 12.5b of the Fire Prevention Code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as the areas in which such storage is prohibited by the Planning and Zoning Code or by the Bureau of Fire Protection of the Pennsylvania State Police.

(b) Fireworks. The limits referred to in § 13.3a of the Fire Prevention Code, in which manufacture and storage of fireworks is prohibited, are hereby established as the areas in which such storage is prohibited by the Planning and Zoning Code or by the Bureau of Fire Protection of the Pennsylvania State Police.
(Ord. 502-10. Passed 10-12-10.)

1610.16 MOTOR VEHICLE ROUTES FOR TRANSPORTING EXPLOSIVES, DANGEROUS ARTICLES.

(a) Explosives and Blasting Agents. The routes referred to in § 12.7o of the Fire Prevention Code for vehicles transporting explosives and blasting agents, shall be all State highways in the Township.

(b) Hazardous Chemicals and Dangerous Articles. The routes referred to in § 20.14 of the Fire Prevention Code for vehicles transporting hazardous chemicals or other dangerous articles shall be all State highways in the Township and any routes reasonably necessary to be taken to carry out activities expressly authorized by the Township.
(Ord. 502-10. Passed 10-12-10.)

1610.17 FIRE LANES.

(a) The fire lanes referred to in § 28.16 of the Fire Prevention Code hereby adopted are hereby established as such areas as may be designated by the Board of Commissioners by ordinance.

(b) The parking of motor vehicles in the above mentioned fire lanes or their obstruction in any other manner is prohibited at all times.

(c) Whoever violates this section shall be subject to the penalty prescribed in § 460.99 of the Lawrence Park Township Codified Ordinances.
(Ord. 502-10. Passed 10-12-10.)

1610.18 AMENDMENTS TO THE FIRE PREVENTION CODE.

The Fire Prevention Code hereby adopted is hereby amended as follows:

A1A § 1.5. Orders to Eliminate Dangerous or Hazardous Conditions. (Amended)
Add after the first paragraph:

"Compliance with safe practices as outlined in the National Fire Codes, Volumes I, II, III, IV, V and VI, published by the National Fire Protection Association, shall be deemed prima facie evidence of compliance with this section."

Add to paragraphs e. find f.:

"Compliance with regulations of the Pennsylvania Department of Labor and Industry and with the Building Exits Code (101) of Volume III, National Fire Codes, shall be governing factors on safe exit requirements."

AIA § 1.7. Investigation of Fires. (Amended)

- C. The Township Solicitor and the Chief of the Lawrence Park Township Police Department shall assist the inspectors in the investigation of any fire which, in their opinion, is of suspicious origin.

AIA § 1.9. Permits. (Added)

- F. Permits required by this Code shall be in addition to any other permits which may be required by other agencies of the Township of Lawrence Park and may be issued in conjunction with such other permits.

AIA § 6.2. Permit Required. (Added)

- C. In addition to the permits required by this section, the requirements of the Bureau of Mines, Pennsylvania Department of Labor and Industry, shall be complied with.

AIA § 9.2. Permit Required. (Added)

- D. All persons engaged in the business of dry cleaning shall, in addition, comply with the regulations of the Pennsylvania Department of Labor and Industry.

AIA § 13.4. Bond and Responsibility for Fireworks Displays Required. (Amended)

- A. The Chief of the Bureau of Fire Prevention shall require a bond from the permittee in a sum not less than \$1,000.00 conditioned on compliance with the provisions of this Article. The Township will not be required to post a bond when granted a permit for fireworks display.

AIA ARTICLE 16 FLAMMABLE AND COMBUSTIBLE LIQUIDS.

(Deleted)

Article 16 is deleted in its entirety and the following substituted:

"All regulations concerning the use of flammable liquids shall comply with the Federal, State, and local regulations, and include but not be limited to the Bureau of Fire Protection, Pennsylvania State Police, and such regulations shall take precedence over any provisions of this section."

AIA § 28.1. Bonfires and Outdoor Rubbish Fires. (Amended)

"All regulations concerning bonfires and outdoor rubbish fires shall be as provided in § 668.03 of the Codified Ordinances of Lawrence Park Township."

(Ord. 502-10. Passed 10-12-10.)

1610.19 MODIFICATIONS OF THE FIRE PREVENTION CODE.

The Chief of the Lawrence Park Volunteer Fire Department shall have the power to modify any of the provisions of the Fire Prevention Code hereby adopted upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief thereon, shall be entered upon the records of the fire company and a signed copy shall be furnished the applicant.

(Ord. 502-10. Passed 10-12-10.)

1610.20 APPEALS.

(a) The owner or lessee of a building or structure, or his or her duly authorized agent, may appeal to the Board of Township Commissioners from a decision of the Chief of the Lawrence Park Volunteer Fire Department refusing to grant a modification of the provisions of the Fire Prevention Code hereby adopted. Application of appeal may be made when it is claimed that any of the following is true:

- (1) There are practical difficulties in the way of carrying out the strict letter of the Code and an equally good or better method can be used without violating the spirit of the Code or lessening public safety;
- (2) The Code has been incorrectly interpreted; or
- (3) The provisions of the Code do not fully apply.

(b) Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Township Board of Commissioners.

(c) All appeals made pursuant to this section shall be filed with the Board within thirty days from the date of the decision being appealed.

(d) No member of the Board of Commissioners shall pass on any question in which he or she has any personal interest.

(e) The Board of Commissioners shall affirm, modify or reverse the decision of the Chief. Actions of the Board of Commissioners shall be recorded by resolution. Certified copies of the actions shall be furnished to the appellant and to the Chief.

(f) The Chief shall take immediate action in accordance with the decision of the Board of Commissioners.

(g) Any person aggrieved by the decision of the Board of Commissioners, whether or not a previous party to the decision, may appeal the decision of the Board of Commissioners to the Court of Common Pleas within thirty days from the date of the decision of the Board of Commissioners.

(Ord. 502-10. Passed 10-12-10.)

1610.21 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Commissioner of Public Safety of the Township, the Chief of the Lawrence Park Volunteer Fire Department and the Zoning Administrator shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Fire Prevention Code. The Chief shall post such list in a conspicuous place in his or her office and distribute copies thereof to interested persons.

(Ord. 502-10. Passed 10-12-10.)

1610.22 FEE FOR PERMIT.

The fee for any permit required by the Fire Prevention Code hereby adopted shall be determined by the issuing authority on the basis of the investigating and enforcement time required pursuant to the issuance of such permit. However, in no event shall the fee for any one permit exceed the sum of fifty dollars (\$50.00).

(Ord. 502-10. Passed 10-12-10.)

1610.23 VIOLATIONS OF THE FIRE PREVENTION CODE.

No person shall:

- (a) Violate or fail to comply with any of the provisions of this chapter, including the Fire Prevention Code hereby adopted, and including any order of the Board of Commissioners or the Chief of the Lawrence Park Volunteer Fire Department or their authorized representatives made pursuant thereto;
- (b) Build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or
- (c) Fail to comply with an order as affirmed or modified by the Board of Commissioners or by a court of competent jurisdiction.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, a separate offense shall be deemed committed for each ten days that prohibited conditions are maintained or permitted to exist.

(Ord. 502-10. Passed 10-12-10.)

1610.24 PENALTY FOR VIOLATION OF THE FIRE PREVENTION CODE.

See Section 202.99 of the Codified Ordinances of Lawrence Park Township. The application of the penalty provided in Section 202.99 of the Codified Ordinances of Lawrence Park Township shall not be held to prevent enforced removal of prohibited conditions.

(Ord. 502-10. Passed 10-12-10.)

1610.25 SAVING CLAUSE.

Nothing in this chapter hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, nor shall any just or legal right or remedy or any character be lost, impaired or affected by this chapter.

(Ord. 502-10. Passed 10-12-10.)

1610.99 VIOLATIONS AND PENALTIES.

Any person who shall violate any provisions of this chapter, Section 1610.06 shall, upon conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000). Each day that a violation continues beyond the date fixed for compliance shall constitute a separate offense. It is further provided that, upon judgment against any person by summary conviction, or by proceedings by summons on default of payment of the fine or penalty imposed and the costs the defendant may be sentenced and committed to the county prison for a period not exceeding thirty days.

(Ord. 502-10. Passed 10-12-10.)

