

CHAPTER 7 FIRE PREVENTION AND FIRE PROTECTION

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Part 1
Outdoor Burning

§101. Burning of Certain Materials Prohibited.

No person, firm, or corporation shall within the Township burn any garbage or noxious or offensive materials of any kind, including but not limited to automobile, truck, and tractor tires; animal hides, bones, fat, or parts; paints or any other highly inflammable or explosive material.

§102. Hours and Days for Burning Set.

No person, firm, or corporation shall within the Township burn anything at any time except between the hours of 6:00 A.M. and 6:00 P.M. on Wednesday and Saturday.

§103. Exceptions.

This Part shall not apply to any burning within the Township by any person, firm, or corporation which takes place within the interior of a building in any stove, furnace, fire place, or incinerator.

§104. Outdoor Cooking Devices.

This Part 1 shall not prohibit use of outdoor cooking devices such as barbecue pits or grills or similar cooking devices when used for cooking, but such devices shall not be used for burning otherwise prohibited by this Part 1.

§105. Outdoor Burning on Private Property.

This Part 1 shall not apply to burning of any materials by any person, firm, or corporation within the Township on land which is owned by it at a place which is more than 500 feet, measured in a straight line, from any home or building owned or used by others than the person, firm, or corporation doing the burning.

§106. Landowners' Responsibility.

It shall be a violation of this Part 1 for any landowner to conduct or permit any burning prohibited by this Part 1 or to actively or passively permit others to conduct such burning upon land of such owner.

§107. Violation Defined.

It shall be a violation of this Part 1 for any person, firm, or corporation to assemble materials for a burning prohibited by this Part 1 or to ignite such materials or to otherwise foster or add to such burning, by whoever started.

§108. Validity.

Should any section or provision of this Part be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other parts thereof.

§109. Penalty.

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00

for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

Part 2 Smoke and Carbon Monoxide Detectors

§110. Smoke Detectors - Residential Occupancy

A. All buildings and structures used for residential occupancy, including but not limited to single-family dwellings, multifamily dwellings, multifamily apartment houses, condominiums, boardinghouses, lodging homes, rooming houses, tourist homes, bed-and-breakfast homes, dormitories, hotels, motels and residential buildings, shall have smoke detectors installed in each sleeping area of said building or structure. Where bedrooms or rooms habitually used for sleeping are separated by other use areas, such as kitchens, living rooms or dining rooms, they shall be considered as separate sleeping areas for the purpose of this section. Additionally, in each multifamily dwelling, condominium building, or apartment house containing three (3) or more units and in each boardinghouse, lodging home, rooming house, bed-and-breakfast home, tourist home, dormitory, hotel, motel and resident building, smoke detectors shall be installed in the cellar and/or basement and on every floor in common areas (e.g., basements, cellars, hallways, corridors, etc.) in addition to those placed in sleeping areas.

B. It shall be the responsibility of the owner of each new residential occupancy unit and each existing residential occupancy unit in any structure having at least one (1) occupant to install smoke detectors as heretofore provided. It shall be the joint responsibility of the owner and the tenants/residents in all occupied units, and of the owner in all other cases, to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electric source so that they remain capable of transmitting an audible signal in the presence of smoke.

§111. Smoke Detectors - Non-Residential Occupancy

A. In all buildings and or structures in the Township for which a use and/or occupancy permit has been issued, and is not a building or structure used for residential occupancy and in compliance with Section 110 above, smoke detectors shall be installed and placed so as to provide adequate coverage for the structure in accordance with standards set forth in the Uniform Construction Code, and International Fire Code, and all other such Codes as adopted pursuant to Township of Sewickley Code Chapter 5 Section 401.

B. It shall be the responsibility of the owner of each new structure and each existing structure having at least one (1) occupant, other than those buildings and structures used for residential occupancy and in compliance with Section 110 above, to install smoke detectors as heretofore provided. It shall be the joint responsibility of the owners and

tenants/occupants in all such occupied units, and of the owner in all such unoccupied units, if any, to maintain said smoke detectors. Such maintenance shall include keeping the smoke detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electrical source so that they remain capable of transmitting an audible signal in the presence of smoke.

§112. Carbon Monoxide Detectors

- A. Carbon monoxide detectors shall be installed in all occupied buildings and structures within fifteen (15) feet of any fossil fuel burning fireplace, appliance, furnace, heating source and any other fossil fuel burning device, and any attached garage. Fossil fuel shall include, without limitation, gasoline, coal, propane, natural gas, heating oil, and other similar fuels, and shall also be defined to include wood, wood pellets, corn kernels, pits, and other similar combustible fuel used to heat homes or otherwise be combusted.
- B. It shall be the responsibility of the owner of each new occupancy unit, residential, commercial or otherwise, and each existing occupancy unit in any structure having at least one (1) occupant to install carbon monoxide detectors as heretofore provided. It shall be the joint responsibility of the owner and the tenants/residents in all occupied units and of the owner in all other cases to maintain said carbon monoxide detectors. Such maintenance shall include keeping the carbon monoxide detectors units serviceable by replacing batteries when necessary or by keeping them connected to an electric source so that they remain capable of transmitting an audible signal in the presence of carbon monoxide.

§113. Specifications; maintenance.

- A. Each smoke detector shall be capable of sensing visible or invisible particles of combustion and shall be capable of producing an audible alarm thereof. Each carbon monoxide detector shall be capable of detecting carbon monoxide through the use of a biometric sensor or other operable sensor. Each detection device utilized shall be maintained in operable condition and shall be of a type certified by a nationally recognized inspection agency, such as Underwriter's Laboratories, Inc., as a properly operating fire and/or carbon monoxide detection device for the protection of life and safety.

§114. Prohibited acts.

- A. In addition to any owner or tenant who fails to carry out the obligations imposed hereby, any person or persons who remove or destroy any smoke and/or carbon monoxide detector(s) (except the owner or tenant for the purpose of immediate replacement) shall be deemed in violation of this chapter.

§115. Power supply.

- A. In any new construction, smoke and/or carbon monoxide detectors shall be hard-wired directly to the building's power supply.
- B. In all existing structures, it is preferred that smoke and/or carbon monoxide detectors be

hard-wired to the building's power supply; however, a battery powered detectors are acceptable where a hardwired smoke and/or carbon monoxide detector is not economically feasible.

- C. All areas of existing structures that are renovated, including the opening of any wall or ceiling, shall be constructed to include hard wired smoke and/or carbon monoxide detectors.
- D. All additions to existing structures shall be constructed to include hardwired smoke and/or carbon monoxide detectors, where appropriate under this Part 2 of Chapter 7.

§116. Alternative fire detection and/or prevention systems.

- A. Alternative fire and/or carbon monoxide detection and/or prevention systems may be installed as a substitute for the smoke and/or carbon monoxide detectors required hereunder, provided that such alternative smoke and/or carbon monoxide detectors/prevention system has been individually approved and a permit therefore issued by the Code Enforcement Officer of the Township (or such other persons as the Township Board of Supervisors shall designate by resolution). Alternate smoke and/or carbon monoxide detection and/or prevention systems installed and in operation prior to and on the effective date of this Part of this Chapter are hereby deemed acceptable, provided that such systems are in conformance with the standards of this Part of this Chapter.

§117. Effect on Other Provision of the Code

- A. This Part is intended to establish a minimum requirement for fire detection devices in buildings and structures located within the Township. Residents and building owners in the Township are encouraged to research fire safety and install addition smoke and/or carbon monoxide detectors exceeding the requirements of the Part, if appropriate. The standards provided herein are additional to the provisions of the Codes adopted pursuant to the Township of Sewickley Code Chapter 5 Section 401 and any other provision of the Township of Sewickley Code. To the extent that the standards provided in other Sections of this Code are more stringent, or in the alternative the provisions of this Part 2 of Chapter 7 are more stringent, the more stringent provisions shall be controlling.

§118. Violations and penalties.

- A. Any person who violates this chapter shall, upon conviction thereof before any District Justice of the Township or any other court having jurisdiction over the same, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution for each offense and, in default of payment of such fine and costs, to imprisonment on the county jail for not more than thirty (30) days.
- B. Any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith who may have assisted in the commission of any such violation shall each be guilty of a separate offense and, upon conviction thereof before any District Justice in the Township or other court having jurisdiction over the same, be sentenced to pay a

fine of not more than one thousand dollars (\$1,000.) and costs of prosecution for each offense and, in default of payment of such fine and costs, to imprisonment on the county jail for not more than thirty (30) days.

- C. Each day that a violation continues shall be deemed a separate offense.

Part 3 Fire Insurance Escrow Requirements

§119. Designated Officer.

The Township Secretary, or such official's designee, is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.

§120. Fire Loss Certificate.

No insurance company, association or exchange (hereinafter the "Insuring Agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of Sewickley (hereinafter "Municipality") where the amount recoverable for the fire loss to the structure under all policies exceeds Seven Thousand Five Hundred (\$7,500.00) Dollars, unless the Insuring Agent is furnished by the municipal treasurer with a municipal certificate pursuant to Section 508 (B) of Act 98 of 1992 as amended and unless there is compliance with Section 508 (C) of Act 98 of 1992 as amended and the provisions of this Ordinance.

§121. Fire Loss Procedure.

Where pursuant to Section 508 (B)(1)(I) of Act 98 of 1992, as amended, the municipal treasurer issues a certificate indicating that there are not delinquent taxes, assessments, penalties, or user charges against real property, the Insuring Agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the Insuring Agent equals or exceeds sixty (60%) percent of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

1. The Insuring Agent shall transfer from the insurance proceeds to the designated officer of the Municipality in the aggregate of \$2,000.00 for each \$15,000.00 of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is \$15,000.00 or less, the amount transferred to the Municipality shall be \$2,000.00; or
2. If at the time of a proof of loss agreed to between the named insured and the Insuring Agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the Insuring Agent shall transfer to the Municipality from the insurance proceeds the amount specified in the estimate.
3. The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges insuring the building or other structure.
4. After the transfer, the named insured shall submit a contractor's signed estimate within sixty (60) days of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds

transferred to the Municipality in excess of the estimate to the named insured, if the Municipality has not commenced to remove, repair or secure the building or other structure.

5. Upon receipt of the proceeds under this section, the Municipality shall do the following:
 - a) The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the Municipality. Such costs shall include, all reasonable and customary engineering, legal or administrative costs incurred by the municipality in connection with such removal, repair, or securing of the building or any proceedings related thereto; and
 - b) It is the obligation of the Insuring Agent when transferring the proceeds to provide the Municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, certify that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed; and
 - c) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Municipality and the required proof of such completion received by the designated officer, and if the Municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Municipality has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Municipality shall transfer the remaining funds to the named insured; and
 - d) To the extent that interest is earned on proceeds held by the Municipality pursuant to this Section, and not returned to the named insured, such interest shall belong to the Municipality. To the extent that the proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
6. Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

§122. Additional Procedures and Regulations.

The Board of Supervisors may by Resolution adopt procedures and regulations to implement Act 98 of 1992 as amended and this Ordinance and may by Resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 as amended and this Ordinance, including but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

§123. Enforcement.

Any owner of property, any named insured or any Insuring Agent who violates this Ordinance shall be subject to a penalty of up to \$1,000.00 per violation.

§124. Severability.

The provisions of this Ordinance shall be severable and, if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

§125. Conflicting Law.

All Ordinances or parts of Ordinances conflicting with any of the provisions of this Part 2 of Chapter 7 of the Township of Sewickley Code are hereby repealed insofar as the same affect this Ordinance.