

Chapter 85

FIRE PREVENTION

ARTICLE I Fire Prevention Code

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[HISTORY: Adopted by the Borough Council of the Borough of Upland as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

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| Building construction — See Ch. 60. | Electrical standards — See Ch. 81. |
| Outdoor burning — See Ch. 64. | Conduct at fires — See Ch. 87. |
| Certificates of occupancy — See Ch. 69. | Property maintenance — See Ch. 143. |
| Uniform construction codes — See Ch. 71. | |

ARTICLE I Fire Prevention Code

[Adopted 8-13-1996 as Ord. No. 3-1996]

§ 85-1. Adoption of standards. [Amended 8-10-2004 by Ord. No. 7-2004]

A certain document, one copy of which is on file in the office of the Borough of Upland, being marked and designated as the "International Fire Code, 2003 Edition," published by the International Code Council, be and is hereby adopted as the Fire Code of the Borough of Upland in the Commonwealth of Pennsylvania for regulating and governing the safeguarding

of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuances of permits amid collections of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Borough of Upland are hereby referred to, adopted and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in § 85-2 of this article.

§ 85-2. Additions, insertions and changes. [Amended 12-10-1996 by Ord. No. 9-1996; 8-10-2004 by Ord. No. 7-2004]

- A. Section 101.1: Insert "Upland Borough."
- B. Section 109.3: Insert "summary offense," "penalty of \$300 and not more than 30 days imprisonment."
- C. Section 111.4: Insert "fines of not less than \$300 nor more than \$1,000."
- D. Section 3204.3.1.1: Insert "Upland Borough."
- E. Section 3204.2.9.5.1: Insert "Upland Borough."
- F. Section 3406.2.4.4: Insert "Upland Borough."
- G. Section 3804.2: Insert "Upland Borough."

§ 85-2.1. Severability. [Added 8-10-2004 by Ord. No. 7-2004]

If any section, subsection, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The Upland Borough Council hereby declares that it would have passed this article, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

§ 85-2.2. Repealer. [Added 8-10-2004 by Ord. No. 7-2004]

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§ 85-2.3. When effective. [Added 8-10-2004 by Ord. No. 7-2004]

The Borough Manager/Secretary shall certify to the adoption of this article and cause the same to be published as required by law; and this article shall take full force and effect immediately upon the date and time of final passage and approval by the Upland Borough Council.

§ 85-3. Establishment of limits. [Amended 8-10-2004 by Ord. No. 7-2004]

The limits referred to in 3003.2 of the International Fire Prevention Code, in which the storage of explosive materials is prohibited are hereby established within the entire limits of the Borough of Upland.

§ 85-4. Construal of provisions.

No provision of this section shall be construed to impair any common law or statutory cause of action or legal remedy therefrom of any person for injury or damage arising from any violation of this section or from other law.

§ 85-5. Fire hydrants.

The National Standard Thread (NST) will be the only acceptable thread type for all existing and future fire hydrants within the Borough of Upland.

§ 85-6. Enforcement. [Added 3-11-2008 by Ord. No. 4-2008]

- A. The code hereby adopted shall be enforced by the Borough Council of the Borough of Upland or any person that said Borough Council shall designate.
- B. Fire lane enforcement. Fire lane regulations shall be enforced by the Fire Marshal and/or his or her duly authorized representative or any Upland Borough police officer. **[Added 2-10-2009 by Ord. No. 1-2009]**
 - (1) It is hereby found that there exists in certain areas of the Borough of Upland certain streets and/or parking zones, or portions thereof, which because of their inadequate width restrictions, limited passage areas for fire emergency vehicles and/or posted fire zone areas are likely to affect the public health, safety and general welfare, whether it be on private or public sectors of the Borough of Upland.
 - (2) It shall hereafter be unlawful and in violation of this subsection for any person to park any car, truck, bus, tractor, trailer or any other motor vehicle of any kind or nature in any firesafety zone in the Borough of Upland.
 - (3) Any person violating any provisions of this subsection, for each and every such violation, shall pay a fine of \$15 and any cost of prosecution. Such fines shall be paid to the Borough of Upland in the form of United States currency. Failure to pay such fine shall constitute further prosecution at the local District Magistrate's office.
 - (4) In addition to the penalties provided herein, the said illegally parked vehicle shall be towed, at the owner's expense, in accordance with Upland Borough Code Chapter 173, Vehicles and Traffic, Article IV, Removal and Impounding of Certain Vehicles.

§ 85-7. Modification of provisions. [Added 3-11-2008 by Ord. No. 4-2008]

- A. The Borough Council of the Borough of Upland shall have the power to modify any of the provisions of the Code hereby adopted upon application in writing by the owner or the lessee of a particular premises or by his or her authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code aforementioned, 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 Borough Council of the Borough of Upland thereon shall be entered upon the records of the Borough of Upland and a signed copy shall be furnished to the applicant.
- B. This Code may be modified from time to time, by a resolution of the Council of the Borough of Upland.

§ 85-8. Storage limits. [Added 3-11-2008 by Ord. No. 4-2008]

The limits referred to in Section 74A of the International Fire Code in which storage of flammable liquids in outside, aboveground storage tanks is prohibited without permit, and the limits referred to in Section 114 of the International Fire Code in which bulk storage of liquefied petroleum is restricted, are hereby established as the storage limits for flammable liquids in outside, aboveground storage tanks and bulk storage limits of liquefied petroleum within the Borough of Upland.

§ 85-9. Duties of enforcing officer. [Added 3-11-2008 by Ord. No. 4-2008]

- A. It shall be the duty of the person designated by the Borough Council of the Borough of Upland, who shall be appointed to the position of Fire Marshal, to enforce this article or to enforce any other such ordinances covering the following:
- (1) The prevention of fires.
 - (2) The storage and use of explosives and flammables.
 - (3) The installation and maintenance of automatic fire alarm systems and fire extinguishing equipment.
 - (4) The maintenance and regulation of fire escapes.
 - (5) The means and adequacy of exit, in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphiaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose.
 - (6) The investigation of the cause, origin and circumstances of fires.
 - (7) The maintenance of fire cause and loss records.

- B. He, she or they shall have other such powers and perform such other duties as are set forth in other sections of this article and as may be conferred and imposed from time to time by ordinance, enactment, regulation, statute or law.

§ 85-10. Recommendations. [Added 3-11-2008 by Ord. No. 4-2008]

It shall be the duty of the Borough Council of the Borough of Upland or the person that said Borough Council shall designate to investigate and to recommend to said Borough Council such additional ordinances or resolutions or amendments to existing ordinances as he or she or they may deem necessary for safeguarding life and property against fire.

§ 85-11. Investigations. [Added 3-11-2008 by Ord. No. 4-2008]

It shall be the duty of the Borough Council of the Borough of Upland or the person that said Borough Council shall designate to investigate the cause, origin and circumstances of every fire occurring in the Borough of Upland, by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin, as reasonably practicable, after the occurrence of such fire. The person designated by said Borough Council or the Police Department of the Borough of Upland shall take charge immediately of the physical evidence and shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and the prosecution of the case. Every fire shall be reported in writing to the Borough Council within 30 days after the occurrence of the same by the person designated by said Borough Council under this article. Such report shall contain a statement of facts relating to the cause, origin and circumstances

of such fire, the extent of damage thereof and the insurance upon such property, and such other information as may be required, including the injury, death or rescue of persons.

§ 85-12. Inspections. [Added 3-11-2008 by Ord. No. 4-2008]

- A. The person designated by the Borough Council under this article shall make periodic inspections, when ordered to do so by the Borough Council or when circumstances warrant an inspection and shall make such orders as may be necessary for the enforcement of the laws and ordinances which mandate the protection and safeguard of life and property from fire.
- B. The person designated by Borough Council under this article may, at all reasonable hours and not less than once yearly, enter any public building or any private building used for any business, commercial or industrial purpose and any apartment or converted home with two or more apartments for the purpose of making any inspection or investigation which he or she or they may deem necessary for the prevention of fire and to secure the safety of persons from fire.

§ 85-13. Inspection fee. [Added 3-11-2008 by Ord. No. 4-2008]

There shall be a fee of \$100 paid by the owner of the subject premises, payable to the Borough of Upland, for the performance of inspection services provided in § 85-12B. Such fee, from time to time, may be regulated by the Borough of Upland Council, by resolution of same.

§ 85-14. Dangerous conditions. [Added 3-11-2008 by Ord. No. 4-2008]

- A. Whenever the person designated by the Borough Council under this article shall find, in any building or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials especially liable to fire, and which are so situated as to endanger property, or shall find obstruction to or repairs needed for or lack of fire escapes, stairs, passageways, doors or windows, leaving the same liable to interfere with the operations of fire-fighting crews or egress of occupants in the event of a fire, he or she or they shall order the same to be removed, remedied or repaired and such order shall forthwith be complied with by the owner of the building or the occupant of such premises or buildings.
- B. Any owner or occupant failing to comply with such order within the time specified on the violation notice after the service of said order shall be liable for the penalties hereinafter provided.
- C. The services of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the same to such occupant personally or by delivering the same to and leaving with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of a premises, such order may be served either by

delivering to and leaving with said person a copy of said order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy of certified mail to the owner's last known post office address.

§ 85-15. Recordkeeping. [Added 3-11-2008 by Ord. No. 4-2008]

The person designated by the Borough Council under this article shall keep records of all inspections and fires and of all facts concerning the same.

§ 85-16. Immediate fire hazards. [Added 3-11-2008 by Ord. No. 4-2008]

If, in the opinion of the person designated by the Borough Council under this article, an immediate fire hazard or condition dangerous to human life or property exists, the person designated by the Borough Council under this article is empowered to order an immediate evacuation of the premises and to secure the premises until such hazard or condition has been corrected.

§ 85-17. Fire zones. [Added 3-11-2008 by Ord. No. 4-2008]

- A. Whenever the person designated by the Borough Council under this article shall determine that the parking of motor vehicles, trailers, etc., upon any public or private street, lane, alley, shopping district or other area of public property is liable to interfere with the operations of a firefighting or fire investigative agency or would hamper the egress of occupants of buildings in case of fire or other emergency, he, she or they shall post signs on such street, lane, alley, shopping district or area of private property, reading "Fire Zone — No Parking."
- B. The person designated by Borough Council under this article is hereby given authority to adopt and enforce temporary parking regulations to cover emergencies or special conditions on any public or private street, lane, alley, shopping district or other area of private property if he, she or they shall determine that the parking of motor vehicles, trailers, etc., is liable to interfere with the operators of fire-fighting or fire investigative agencies. He or she or they shall post signs on such street, lane, alley, shopping district or area of private property reading "Fire Zone – No Parking."
- C. Prosecutions under this section may be brought by either the person designated by the Borough Council under this article or by the Police Department of the Borough of Upland.

§ 85-18. Applicability. [Added 3-11-2008 by Ord. No. 4-2008]

The provisions of this article shall apply equally to both public and private property and shall apply to all structures and their occupancies.

§ 85-19. Inclusion of annexes and appendixes by reference. [Added 3-11-2008 by Ord. No. 4-2008]

All annexes and appendixes of the International Fire Code of the National Fire Protection Association presently in effect or hereinafter enacted are made a part of this article.

§ 85-20. Permits and licenses required. [Added 3-11-2008 by Ord. No. 4-2008]

- A. Permits shall be required by any person, corporation, firm, association, company or other like entity, whether for profit or not for profit, to have, keep, store, use, manufacture, sell or handle flammable, explosive, combustible, hazardous or other materials dangerous to human life or property.
- B. A permit shall constitute permission to establish, maintain, store, handle, use, manufacture, sell, have or keep flammable, explosive, combustible, hazardous or other materials dangerous to human life or property. The permit shall be specific as to location, conditions and the materials covered. The permit shall not be transferable, and any change in the use or occupancy of the premises shall require a new permit. The permit may be issued for a set time period with the power to revoke the permit at any time during said time period for a failure to comply with the regulations under this article and/or directions of the person designated by the Borough Council under this article.
- C. Permits required by this section shall expire on January 31 of each year. Applications for renewal, accompanied by the required annual fees shall be submitted by not later than January 15 and may consist of signed verification of the original application's contents, so long as there have been no changes.

§ 85-21. Inspections for permits. [Added 3-11-2008 by Ord. No. 4-2008]

Before permits may be issued or renewed as required by this article, the person designated by the Borough Council under this article shall inspect and approve the receptacles, processes, vehicles, buildings or storage places to be used for any such purpose.

§ 85-22. Permit form; filing of copies. [Added 3-11-2008 by Ord. No. 4-2008]

All permits required under this article shall be on a form obtained from the person designated by the Borough Council under this article and shall be obtained by the permittee upon payment of said fee as hereinafter established by the Borough of Upland. A record of all permits issued shall be kept by the person designated by the Borough Council under this article and copies of same shall be filed with the Borough Manager and the Borough's Emergency Management Coordinator at the end of March, June, September and December of each year.

§ 85-23. Compensation for inspector. [Added 3-11-2008 by Ord. No. 4-2008]

The person designated by the Borough Council under this article to do the above-mentioned inspections shall receive as compensation 50% of the fee for each permit issued.

§ 85-24. Standards and practices. [Added 3-11-2008 by Ord. No. 4-2008]

The recognized standards and practices for the prevention of fire, for all inspection and for the issuances of permits hereunder shall be held to mean the standard practices and requirements set forth by the International Fire Code as promulgated by the National Fire Protection Association.

§ 85-25. Responsibility of owner or occupant. [Added 3-11-2008 by Ord. No. 4-2008]

The owner, occupant or person in charge of or managing any building or premises covered by this article shall, forthwith, after notice by the person designated by the Borough Council under this article so to do, correct any condition in such building or premises so that the premises, building, processes or materials shall be in such condition as to comply with the recognized standards and practices set forth hereunder for the prevention of fire or other catastrophe.

§ 85-26. Failure to comply. [Added 3-11-2008 by Ord. No. 4-2008]

The failure or neglect of any person designated by this article to be responsible hereunder to comply with any order or directive issued by the person designated by the Borough Council under this article, within the time period specified and pursuant to the provisions of this article, shall be deemed to be a violation of this article.

§ 85-27. Violations and penalties. [Added 3-11-2008 by Ord. No. 4-2008]

Any person, firm, corporation, association, company or like entity, whether for profit or not for profit, who shall violate any provisions of this article shall upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and/or imprisonment for a term not to exceed 90 days. Every day that a violation of any provision of this article continues shall constitute a separate offense.