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**Part 1****Recognition of Volunteer Fire Companies****§7-101. Companies Recognized.**

Each of the hereinafter designated volunteer fire companies is officially accorded the status of volunteer fire company by the Township of Ross which they serve and each of the hereinafter named volunteer fire companies are recognized as official fire companies for the Township of Ross:

- A. Laurel Gardens Volunteer Fire Company, Inc.
- B. Keating Volunteer Fire Company.
- C. Berkeley Hills Fire Company.
- D. Perrysville Volunteer Fire Company, Inc.
- E. Quail District Firemen's Association.
- F. Fairview Volunteer Fire Department, Inc.
- G. Seville Volunteer Fire Company.
- H. Evergreen Fire Company, Inc.

*(Ord. 1804, 5/24/1993, §1)*



**Part 2****Rapid Access Key Boxes and Security Connection Caps****§7-201. Mandatory Key Boxes, Fire Suppression and Standpipe Systems.**

When a building within the Township of Ross is protected by an automatic fire suppression or standpipe system it shall be equipped with a key box. The key box shall be at a location approved by the Township of Ross Fire Marshal. The key box shall be a UL type and size approved by the Fire Marshal.

(*Ord. 2065, 6/24/2002, §501; as amended by Ord. 2288, 4/12/2010*)

**§7-202. Mandatory Key Boxes for Automatic Alarm Systems.**

When a building is protected by an automatic alarm system and/or access to or within a building, or an area within that building, is unduly difficult because of secured openings, and where immediate access is necessary for life saving or firefighting purposes, the Fire Marshal shall require a key box to be installed at a location approved by the Township of Ross Fire Marshal. The key box shall be a UL type and size approved by the Fire Marshal.

(*Ord. 2065, 6/24/2002, §502; as amended by Ord. 2288, 4/12/2010*)

**§7-203. Key Tamper Box Switch.**

The Fire Marshal may require a key box tamper switch connected to the building's fire alarm system.

(*Ord. 2065, 6/24/2002, §503; as amended by Ord. 2288, 4/12/2010*)

**§7-204. Security Padlocks.**

When a property is protected by a locked fence or gate and where immediate access to the property is necessary for life saving or firefighting purposes, the Fire Marshal may require a security padlock to be installed at a location approved by the Township of Ross Fire Marshal. The padlock shall be a UL type and size approved by the Fire Marshal.

(*Ord. 2065, 6/24/2002, §504; as amended by Ord. 2288, 4/12/2010*)

**§7-205. Security Caps.**

When a building is protected by an automatic sprinkler system or standpipe system and the fire department connection is exposed to undue vandalism the Fire Marshal may require that a Fire Department connection security cap(s) be installed. The Fire Department connection security cap(s) shall be a type approved by the Fire Marshal.

(*Ord. 2065, 6/24/2002, §505; as amended by Ord. 2288, 4/12/2010*)

**§7-206. Nonapplicability to Certain Dwellings.**

The term "building" used herein means any building or structure located in the Township of Ross, whether privately or publicly owned including, without limitation, any building owned by the Township of Ross, the North Hills School District or any

other public, quasi-public, or private entity or person; provided, however, that this Part shall not apply to owner-occupied one and two-family dwellings.

(*Ord. 2065, 6/24/2002, §506*)

**§7-207. Rapid Response Key Boxes.**

The rapid key boxes shall contain the following current information together with the designated equipment, viz.:

- A. Current keys to locked points of egress, whether in interior or exterior of such buildings.
- B. Keys to the locked mechanical rooms.
- C. Keys to the locked elevator rooms.
- D. Keys to the elevator controls.
- E. Keys to any fence or secured area.
- F. Keys to any other areas that may be required by the Fire Marshal. [*Ord. 2288*]
- G. A card containing the current emergency contact people and current phone numbers for such building.
- H. In addition, a current floor plan of the rooms within the building may also be required.

(*Ord. 2065, 6/24/2002, §507; as amended by Ord. 2288, 4/12/2010*)

**§7-208. Time for Compliance.**

All existing buildings shall comply with this Part 6 months from its effective date. All newly constructed buildings, not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy, shall comply immediately. Location of the key box is at the discretion of the Fire Marshal.

(*Ord. 2065, 6/24/2002, §508; as amended by Ord. 2288, 4/12/2010*)

**Part 3****Fireworks Displays****§7-301. General Provisions.**

1. *Scope.* The manufacture of fireworks is prohibited within the Township. The display or discharge of consumer or display fireworks shall comply with the requirements of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the provisions of the International Fire Code, 2006 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

2. *Permit Required.* A permit shall be obtained from the Township for the display or discharge of consumer and display fireworks in compliance with the provisions of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the International Fire Code, 2006 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

3. *Permit Applications.* Application for permits shall be made in writing at least 15 days in advance of the date of the display. Application for said permit shall be made pursuant to the procedure provided in the International Fire Prevention Code, 2006 edition, as amended, supplemented or replaced. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

4. *Definition.*

*Consumer fireworks -*

(1) Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (relating to commercial practices) or any successor regulation and which complies with the provisions for “consumer fireworks” as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.

(2) The term does not include devices as “ground and hand-held sparkling devices,” “novelties” and “toy caps” in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Township.

*Display fireworks -* as provided in 27 CFR §555.11 (relating to meaning of terms).

(Ord. 2288, 4/12/2010)

**§7-302. Display and Discharge.**

1. *General.* It shall be a violation of this Part for any person to conduct a public or private display of consumer fireworks and display fireworks within the Township except in accordance with a permit issued upon application as provided in §7-301.3 of this Part. Every such display shall be handled by a competent operator and shall be of

such a character and so located, discharged or fired as, in the opinion of the officer of the Township charged with enforcement of the International Fire Code, or such other officer of the Township as may be designated from time to time, in writing, after proper inspection, to not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, possession and use of consumer fireworks and display fireworks for such display shall be lawful for that purposes only. No permit shall be transferable.

2. *Bond for Display.* The permittee shall furnish a bond in an amount deemed adequate by the Board of Supervisors but not less than \$500, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

3. *Seizure of Fireworks.* Any police officer of the Township shall take, remove or cause to be removed at the expense of the owner, all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this Part or the Fireworks Law, 35 P.S. §1271 *et seq.* The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks. (Ord. 2288, 4/12/2010)

### **§7-303. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay 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 shall constitute a separate offense.

(Ord. 2288, 4/12/2010)

**Part 4****Fire Insurance Proceeds Escrow****§7-401. Use of Fire Insurance Proceeds.**

1. No insurance company, association or exchange (hereinafter “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 Township where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Township 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”) and unless there is compliance with the procedures set forth in 508(c) and (d) of the Act.

2. Where there are delinquent taxes, assessments, penalties or user charges against the property (“municipal claims,”) or there are expenses which the Township has incurred as a cost for the removal, repair or securing of a building or other structure on the property (collectively “municipal expenses,”) the Building Code Official of the Township 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 of receipt by the insurer of a loss report of the claim, the Treasurer shall furnish a certificate within 14 working days after the request, to the insurer, a certificate (or at his discretion an oral notice 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.

C. 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. Upon receipt of a certificate and bill pursuant to paragraph .A of this Section, 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 subsection .3 hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection .2 of this Section, or where the Treasurer has issued a certificate described in subsection .2.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 Treasurer, 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 Township, a contractor’s signed estimate of the cost 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 Township 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 Township 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 the proceeds have been received by the Township and that the procedures under this subsection shall be followed.

(3) After the transfer, the named insured may submit to the Township a contractor's signed estimate of the cost 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 Township in excess of that required to pay the municipal expenses; provided, the Township has not commenced to remove, repair or secure the building or other structure, in which case the Township will complete the work.

(4) Pay to the Building Code Official, for reimbursement to the Township general fund, the amount of the municipal expenses paid by the Township.

(5) Pay the remaining balance in the fund (without interest) to the named insured upon receipt of a certificate issued by the Building Code Official 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 Township.

(6) Nothing in this Section shall be construed to limit the ability of the Township 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 in equity to enforce the codes of the Township or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Township may deem responsible.

*(Ord. 2288, 4/12/2010)*

#### **§7-402. Limits of Liability.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make this Township, any Township official, a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal

liens or expenses other than as provided in this Part.

(Ord. 2288, 4/12/2010)

**§7-403. Insurance Company Rights Reserved.**

An insurance company, association or exchange making payment of policy proceeds under this Part for delinquent taxes or structure removal liens or removal expenses incurred by the Township shall have a full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 2288, 4/12/2010)

**§7-404. Construction.**

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

(Ord. 2288, 4/12/2010)

**§7-405. Notification of Pennsylvania Department and Economic Development.**

The Secretary of the Township shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

(Ord. 2288, 4/12/2010)

**§7-406. Penalty.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay 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 shall constitute a separate offense.

(Ord. 2288, 4/12/2010)

**§7-407. Saving Clause.**

The provisions of this Part, so far as they are the same as those of Ordinances enforced immediately prior to the enactment of this Part are intended as a continuation of such Ordinances and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall it affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Part.

(Ord. 2288, 4/12/2010)



**Part 5****Recreational Fires and Open Burning****§7-501. Intent.**

The purpose of this Part is to establish guidelines for recreational fires within the Township, thereby furthering the prevention and control of fires and fire hazards.

(Ord. 2288, 4/12/2010)

**§7-502. Definitions.**

The following words and terms shall have the meanings set out herein:

*Contained fire* - any outdoor fire contained in a fireplace, brazier, pit, fire ring or other similar contained or enclosed structure.

*Cooking fire* - any fire for the purpose of cooking and contained in an outdoor barbecue, gas or other type of cooking grill which is freestanding and self contained.

*Enforcement Officer* - the Township Code Enforcement Officer, Fire Marshal, or such other persons designated from time to time by the Board of Commissioners, including the provider of police services for the Township, any of whom are authorized to enforce this Part and are designated as the Enforcement Officer for this Part.

*Fire* - any fire set or maintained outside a building.

*Grubbing waste* - tree parts, tree limbs, weeds, grass and other organic material.

*Person* - any individual, partnership, organization, association, agency, firm, estate or corporation and any other legal or commercial entity.

*Responsible adult* - any individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

*Township-designated fire company* - the Ross Township Volunteer Fire Company, or its successor, or any other fire company authorized, or designated by the Township Board of Commissioners, to fight fires within the Township.

*Uncontained fire* - any fire not included in the definition of "contained fire."

(Ord. 2288, 4/12/2010)

**§7-503. Prohibited Burning.**

The following are prohibited:

A. Burning of construction debris, plastics, by-products of manufacturing and processing operations, tires, waste from commercial operations and any other substances which are likely to emit noxious odors or dense smoke is strictly prohibited.

B. No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire extinguishing

apparatus or equipment.

C. No fire shall be allowed to burn within 50 feet of any building, property line, or street right-of-way line, except that cooking fires as defined herein may be less than 50 feet from a building, provided that reasonable safeguards are maintained.

D. No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds of the Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

E. Any fires restricted by §7-502 and §7-503 of this Part or whenever a burning ban is placed into effect by the Commonwealth of Pennsylvania, and/or Allegheny County and/or Ross Township. No burning ban imposed under this Part shall prohibit cooking fires, as defined in §7-502 of this Part.

F. Notwithstanding the provisions of §7-504, it shall be a violation of this Part for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner.

G. No person shall set or maintain any uncontained fire between sunset and sunrise.

H. Contained fires shall not be permitted to burn or smolder between the hours of midnight and 6 a.m.

I. Notwithstanding any of the provisions of §7-504 of this Part, no fire of any kind shall be permitted which results in smoke, fire, ash, cinders, or partly burned materials being carried onto or deposited on adjoining properties or at buildings on adjoining properties.

(Ord. 2288, 4/12/2010)

#### **§7-504. Permitted Fires.**

The following are permitted:

A. Cooking, recreation or ceremonial fires, so long as they are contained fires as defined herein.

B. Fires set for the purpose of providing firefighting training by Township-designated firefighting organizations.

C. Fires set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection or its designee, and tended and controlled by authorized personnel.

D. In the event it is necessary or desirable to have an uncontained fire of a size and/or at times other than permitted under this Part, such as a large uncontained recreational fire such as a bonfire, an operational fire permit shall be obtained in advance from the Ross Township Building Code Official with approval from the Ross Township Fire Marshal or his designee.

(Ord. 2288, 4/12/2010)

#### **§7-505. Extinguishing Fires; Costs.**

1. Any fire set in violation of this Part may be extinguished by the Township-

designated fire company, either at the request of the fire chief of such company, Fire Marshal, or the Township Enforcement Officer, as defined in §7-502. The Township Board of Commissioners expressly authorizes the Fire Marshal, fire chief and the Township Enforcement Officer to make such decisions, and authorizes the extinguishment of fires on the basis of that authority.

2. In the event that any fire company is required to respond to a fire which violates the provisions of this Part, a service fee which reflects the reasonable costs incurred in fighting the fire may be levied by the responding fire company against any and all violators. Such fee is expressly authorized by this Part.

*(Ord. 2288, 4/12/2010)*

**§7-506. Penalties; Liability.**

1. Any person as defined in this Part who, upon the issuance of a summary citation or the commencement of a summary proceeding by the Township Enforcement Officer, shall be found to have violated any of the provisions of this Part in a summary proceeding before a magisterial district judge, shall be subject to a fine not to exceed \$1,000, together with costs, for each violation, and/or imprisonment to the extent permitted by law for the punishment of summary offenses. Each day of violation and each separate fire violating this Part shall constitute a separate violation.

2. No penalty contained herein shall prevent the Township from enforcing this Part by equitable, injunctive or other legal remedies.

3. Neither Ross Township nor its agents, officials and representatives, including the Township-designated fire company, shall be under any circumstances liable or responsible for damages caused to any person or property by reason of the provisions of this Part or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Part, or as a result of extinguishing or fighting any fire, whether such fire was started in violation of, or in compliance with, this Part. The person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

*(Ord. 2288, 4/12/2010)*

