

Chapter 7

Fire Prevention and Fire Protection

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Part 1

Fire Lanes

§7-101. Designation of No-Parking Areas.

Whenever the Fire Chief shall determine that the parking of motor or other vehicles on any portion of any public street or private street or land development requiring a site plan is hampering egress of occupants from buildings in case of fire, he shall designate such areas in writing, including the use of maps or sketches, numbered consecutively to the Zoning Administrator. The Zoning Administrator shall consider such recommendations of the Fire Chief and shall either approve or disapprove each of such designated locations. Once approved, each such location shall be added to a list, numbered consecutively and maintained in the municipal offices of the Township. Such lists may be modified, added to or reduced from time to time after written recommendations by said Fire Chief.

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

§7-102. Marking of Fire Lanes; Time Limit for Compliance.

Once fire lanes are established as set forth, such fire lanes shall be marked, under the direction of the Fire Chief, by the following appropriate methods: [*Ord. 820*]

A. By posting signs in such areas reading FIRE LANE - NO-PARKING in accordance with State regulations.

B. By the painting of lines 4 inches in width on the road or parking surface indicating the area.

C. By painting the words "FIRE LANE - NO-PARKING" in letters 3 feet in height on the roadway or parking lot structure.

(1) The designation by whatever means is the responsibility of the property owner within 30 days of notification. Whenever the state or Township regulations for marking fire lanes change, the property owner shall comply with the new standards within 90 days of notification.

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

§7-103. Temporary No-Parking Areas.

In the event of an emergency or special condition whereby the Fire Chief shall determine that the parking of vehicles is likely to interfere with the operation of the fire company in any public street or private street or land development requiring a site plan, such Fire Chief shall direct the posting of signs in such areas reading "NO PARKING - TEMPORARY FIRE REGULATIONS - BY ORDER OF THE FIRE CHIEF" Such signs shall be removed at the direction of the Fire Chief when such emergency or special condition ceases.

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

§7-104. Violations and Penalties.

It shall be unlawful and a violation of this Chapter for any person to park or leave standing any vehicle within any fire lane established and marked as set forth in this chapter or in any temporary no-parking area, and any such person shall, upon conviction before a District Justice be sentenced to pay a fine of not less than \$15 and costs of prosecution. The continued violation of this Chapter for a period of more than 2 hours shall constitute a new and separate offense for each successive additional 2 hour period.

(*Ord. 374, 1/10/1989*)

§7-105. Notice of Violation; Time Limit for Payment of Fine.

1. It shall be the duty of the Fire Chief and police officers of the Township, on finding any vehicle in violation of the provisions of this Chapter, to report:

- A. The state or province license number attached to such vehicle.
- B. The location and nature of the parking violation.
- C. The time and date of such violation.
- D. Any other relevant facts attending such violation.

[*Ord. 820*]

2. On finding a vehicle parked in violation of the provisions of this Chapter, such Fire Chief or police officer shall also attach to such vehicle, where possible, a notice that such vehicle was parked in violation of this Chapter and instructing such owner or operator to report to the Municipal Office of the Township in regard to such violation.

3. Each owner or operator receiving such notice may within 48 hours of the time when such notice was attached to such vehicle, pay to the Municipal Office of the Township as a penalty and in full satisfaction of such violation the sum of \$15. The failure of payment being made within such 48 hour period shall render such owner or operator subject to prosecution in accordance with the Pennsylvania Rules of Criminal Procedure and, upon conviction thereof, to be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

(*Ord. 374, 1/10/1989; as amended by Ord. 820, 12/8/2003*)

Part 2

Fire Hydrants

§7-201. Installation of Fire Hydrants.

The Board of Supervisors may install fire hydrants along the streets (as defined in the Subdivision and Land Development Ordinance [Chapter 22]), or portions thereof, within the Township in accordance with one of the three following procedures:

A. A petition of the surface property owners of a majority of the lineal feet frontage along any street, or portion thereof, within the Township may request the installation of fire hydrants, by petition, on a form provided by the Township, and the Board of Supervisors decides to install fire hydrants in accordance with such petition.

B. The Board of Supervisors may, by resolution, decide to install fire hydrants along any street, or portion thereof, within the Township.

C. A developer who includes fire hydrants in a subdivision or land development plan shall install the fire hydrants and shall be responsible for the expense of such installation.

(Ord. 449, 3/19/1990)

§7-202. Assessment for Installation.

In the event that the fire hydrants are installed in accordance with §7-201.A. or B., above, each property owner whose property is within 780 feet of any fire hydrant within the Township shall be assessed, for installation, of an amount determined by the Board of Supervisors by resolution, which assessment shall be levied against all similarly situated property owners based upon a front foot basis. In the case of a lot fronting on more than one street which is subject to assessment, then the assessment shall be determined only on the longest side of the lot subject to assessment. No such assessment shall be levied against farm land or land used as an aviation field or against other property not benefitted thereby. Vacant lots between built up sections of the street, whether tilled or untilled, shall not be deemed to be farm lands.

(Ord. 449, 3/19/1990)

§7-203. Assessment for Operation.

Each property owner whose property is within 780 feet of any fire hydrant within the Township shall be assessed, for operation, of an amount determined annually by the Board of Supervisors by resolution, which assessment shall be levied against all similarly situated property owners based upon a front foot basis. In the case of a lot fronting on more than one street which is subject to assessment, then the assessment shall be determined only on the longest side of the lot subject to assessment. No such assessment shall be levied against farm land or land used as an aviation field or against other property not benefitted thereby. Vacant lots between built up sections of street, whether tilled or untilled, shall not be deemed to be farm lands.

(Ord. 449, 3/19/1990)

§7-204. Collection of Assessments.

1. It shall be the duty of the Tax Administrator to collect and receive the assessments imposed by this Part; it shall also be the duty of the Tax Administrator to keep a record showing the amount received from each property owner.

2. The Tax Administrator is hereby charged with the administration and enforcement of the provisions of this Part, and together with the Board of Supervisors, or its duly qualified designee, is hereby empowered to prescribe, adopt, promulgate, and enforce rules and regulations relating to any manner pertaining to the administration and enforcement of this Part. Any person aggrieved by any decision of the Tax Administrator shall have the right of appeal to the Court of Common Pleas of Centre County, as in any other case.

3. In the event that any assessment under this Part remains due and unpaid for 30 days after the due date, the Tax Administrator may sue for recovery of any such assessment due and unpaid under this Part, together with interest and penalty.

4. If, for any reason, the assessment is not paid within 75 days of the due date, interest thereon shall accrue from the date such assessments were due. Further, the Township Solicitor may enter the amount due, including all interest along with 5% attorney's commission, as a municipal lien against the delinquent property owner in a like manner as municipal liens are by law filed and collected.

5. The Board of Supervisors may assign some or all of the duties of the Tax Administrator, pursuant to this Part, to the entity which collects any item of taxation for the Township.

(Ord. 449, 3/19/1990)

Part 3

Fire Company

§7-301. Fire Company Recognized.

The Alpha Fire Company of State College, Pennsylvania (hereinafter called the “company”), organized in the Borough of State College, Centre County, Pennsylvania, and existing in the Borough of State College, and the Townships of Patton and College, is hereby designated as the officially recognized fire company for the Township of Ferguson.

(*Ord. 891, 10/1/2007, §1*)

§7-302. Authorized Activities of the Company.

1. The company is authorized to provide fire, rescue, and related services to Township of Ferguson as may be necessary for the protection of persons and property situated therein. These services include, by way of example and not of limitation: the extinguishment of unwanted fires, prevention or reduction of loss of life or injury to persons or damage to property from fires, emergency response and rescue to traffic accidents, building collapses, hazardous materials incidents; the conduct of fire prevention and other safety programs; the support of emergency operations, and other assistance to other dangerous situations.

2. The company may also provide non-emergency and public service functions, such as, by way of example and not limitation: traffic control after a storm, or related activities that assist in prevention, mitigation or abatement of injury, damage or other undesirable consequences, whether from natural or man-made situations.

3. The company may also conduct and participate in such training activities either within or outside of Township of Ferguson, as may be deemed necessary by the Centre Region COG Fire Director (hereinafter called the “Fire Director”), or by the Fire Chief or his/her designee to maintain proficiency in providing service.

4. The company may also respond to calls and provide services to jurisdictions outside of this Township.

5. The company may also conduct regular and special meetings, work details, maintenance activities, fund raising programs, and public education programs. Social events are the exclusive responsibility of the company.

6. The company may also participate in other activities as may be approved by the Centre Region COG.

(*Ord. 891, 10/1/2007, §2*)

§7-303. Authorized Activities of Members of the Company.

In addition to actually participating in the activities of the company as authorized above, or in going to or returning from any activity, the members of the company are also authorized to:

A. Engage in any type of drill, training, funeral detail, ceremony, practice,

test, or parade when authorized by the Fire Chief, President, or his/her designee.

B. Engage in fundraising activities for the company and programs aimed at securing and retaining company members, when authorized by the Fire Chief, President, or his/her designee.

C. Engage in inspections and tours of private property, when invited, for fire prevention, planning, and training purposes; pre-planning; public education programs; testing of fire protection equipment or systems; open houses; and other fire prevention activities, when authorized by the Fire Chief, President, or his/her designee.

D. Attend local, regional, state, and national fire association meetings, conferences, and conventions, when authorized by the Fire Chief, President, or his/her designee.

E. Engage in the performance of any other function, duty, or activity authorized by the Centre Region COG.

(Ord. 891, 10/1/2007, §3)

§7-304. Fire Chief.

1. The company shall select a Fire Chief and assistants, in accordance with its by-laws. The names of these individuals shall be forwarded to the Centre Region COG General Forum for approval and appointment, after which the Chief of the Alpha Fire Company shall be designated as the Fire Chief of Township of Ferguson. The Fire Chief shall be invested in powers under authority granted by Township of Ferguson, and shall carry a badge of authority when exercising his/her duties. The Fire Chief shall be responsible to the Fire Director for his/her actions, and shall report to the Centre Region COG General Forum as necessary in conducting his/her duties, at such times as requested to appear before it. Any changes in policies and procedures for fire, rescue, and related services within Township of Ferguson shall be coordinated with the Centre Region COG.

2. The term "Fire Chief" as used in this Part and the Articles of Agreement adopted by this Part means the Fire Chief and his/her designees. The designees of the Fire Chief shall be identified in the policies, procedures, or by-laws of the fire company.

3. When, in the opinion of the Fire Chief or Fire Director, there is actual and potential danger to the occupants or those in the proximity of any building, structure, or premises because of fire, unsafe structural conditions, or inadequacy of any means of egress, the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or materials, the Fire Chief or Fire Director shall order the immediate evacuation of said building, structure or premises, and persons shall not enter or re-enter until authorized to do so by the Fire Chief or Fire Director.

4. The Fire Chief and Fire Director are both empowered to direct such operations as may be necessary to extinguish, mitigate, or control any suspected or reported fires, gas leaks, rescue, or other hazardous conditions or situations, or of taking any other action necessary to save life, protect property, and prevent further injury or damage, in reasonable performance of his/her duty. The Fire Chief or Fire Director may prohibit any person, vehicle, or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle, or object which may impede or interfere with the operations of the company. The Fire Chief or Fire Director may remove or

cause to be removed any person, vehicle, or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the Fire Chief or Fire Director. The Fire Chief or Fire Director shall also have the power to call upon any municipal police officer to aid and assist in the carrying into execution any measure he/she may deem proper and expedient.

5. The Fire Chief and Fire Director shall both have the authority to establish barriers to control access in the vicinity of emergencies and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barrier. No person, except as authorized may cross such barriers.

6. The specific duties of the Fire Chief and his/her designees shall be as prescribed in the current agreement between the Alpha Fire Company and the Centre Region COG.

7. The specific duties of the Fire Director shall be as prescribed in the current agreement between the Alpha Fire Company and the Centre Region COG.

(Ord. 891, 10/1/2007, §4)

§7-305. Fire Marshal.

1. In accordance with the Joint Articles of Agreement for the Fire, Rescue, and Related Services Program the Board of Supervisors of the Township of Ferguson herein authorizes the Executive Director of the Centre Region COG, with the advice and consent of the COG General Forum, to biennially appoint a Fire Marshal and assistants for Township of Ferguson, as well as the remaining member municipalities of the Centre Region COG, all of Centre County. For the purposes of insurance liability only, the Fire Marshal shall be considered an employee of the Centre Region COG and subject to terms and conditions of appointment as it may approve.

2. The Fire Marshal shall investigate or cause to be investigated every fire or explosion occurring within Township of Ferguson that is of suspicious nature or which involves the loss of life or serious injury or causes destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion; and, if it appears that such an occurrence is of a suspicious nature, the Fire Marshal shall take charge immediately of the physical evidence and, in order to preserve any physical evidence related to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure, or premises until such evidence has been properly processed. The Fire Marshal shall notify such persons designated by law to pursue investigations into such matters, and shall further cooperate with such authorities in the collection of evidence and prosecution of the case and shall pursue the investigation to its conclusion. The Fire Marshal shall provide for the preparation and submission of reports and other information relating to his/her duties, as may be requested by the Executive Director of the Centre Region COG.

(Ord. 891, 10/1/2007, §5)

§7-306. Emergency Operations.

1. No person shall obstruct the operations of the company in connection with

extinguishing or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief, Fire Director, or any lawful order of a Police Officer assisting the company.

(*Ord. 891, 10/1/2007, §6*)

§7-307. Special Fire Police.

1. In accordance with the Special Fire Police Act, the Board of Supervisors of the Township of Ferguson herein authorizes the General Forum of the Centre Region COG to confirm Special Fire Police when nominated by the company. Special Fire Police are subject to the terms and conditions of appointment as may be approved by the Centre Region COG. Special Fire Police may be removed by the COG Executive Director upon recommendation of the Fire Chief, Fire Director, or the Chief of Police.

2. After being nominated by the company, confirmed by the General Forum, and sworn, Special Fire Police members may engage in crowd control, traffic control, and related activities as described in the Special Fire Police Act. When on duty, all Special Fire Police shall display a badge of authority, and shall be subject to control of the Chief of Police of the municipality in which they are serving or, if none, a member of the Pennsylvania State Police.

3. On behalf of the governing body of the municipality in which they are serving, the Police Chief may request the Special Fire Police to perform traffic or crowd control at any event, function, or parade conducted by an organization other than Alpha Fire Company.

(*Ord. 891, 10/1/2007, §7*)

§7-308. Municipal Liability.

Unless otherwise provided in this Part or by the Board of Supervisors, neither the Alpha Fire Company nor 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 any municipal entity. However, it is recognized that the Alpha 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, the said Alpha Fire Company, its officers, members, representatives, agents, servants, and employees are entitled to immunity from tort liability, and to all rights and privileges as provided in said act.

(*Ord. 891, 10/1/2007, §8*)

§7-309. Penalty for Violations.

Any person, firm, or corporation, who shall violate any lawful order of the Fire Chief, Fire Director, Fire Marshal, or Special Fire Police authorized by this Part shall, upon conviction thereof, be subject to a fine of not less than \$100, nor more than \$1,000, or imprisonment for a term not to exceed 30 days, or both, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

(*Ord. 891, 10/1/2007, §9*)

§7-310. Articles of Agreement.

This Part hereby repeals the Joint Articles of Agreement for Fire, Rescue, and Related Services, dated November 27, 1995. The Joint Articles of Agreement for Fire, Rescue, and Related Services, dated May 10, 2007, are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part.

(Ord. 891, 10/1/2007, §10)

