

**UPPER ALLEN TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF UPPER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA; REPEALING AND REPLACING THE CODE OF UPPER ALLEN TOWNSHIP, CHAPTER 26 (FIRE MARSHAL/FIRE PREVENTION OFFICER) ; PROVIDING FOR PURPOSES AND FINDINGS OF FACT RELATED TO THE ADOPTION OF THE AMENDMENT; ESTABLISHING CERTAIN GENERAL AND SPECIFIC STANDARDS RELATING TO THE ESTABLISHMENT OF DUTIES, ADOPTION OF CODE, INSPECTIONS, BURNING, FIRE ALARMS, PUBLIC SAFETY RADIO SYSTEM AMPLIFIERS, KEY LOCK BOX, INVESTIGATIONS AND VIOLATION PROTOCOL; APPROVAL OF CHANGES SHALL HEREBY REPEAL CHAPTERS 83 (ALARM SYSTEMS) AND 192 (PUBLIC SAFETY RADIO SYSTEM AMPLIFIERS); PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS; AND PROVIDING FOR AN EFFECTIVE DATE; AMENDING CHAPTER 112 (UNIFORM CONSTRUCTION CODES), SECTION 112-8, REVISIONS TO UCC STANDARDS; AND AMENDING CHAPTER 217 (STREETS AND SIDEWALKS), SECTION 217-8, CONSTRUCTION REQUIREMENTS.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Commissioners of Upper Allen Township, Cumberland County, Commonwealth of Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. REPEAL AND REPLACEMENT OF CHAPTER 26, “FIRE MARSHAL/FIRE PREVENTION OFFICER”.

Chapter 26 is hereby repealed and replaced in its entirety, and shall hereby be known as “Fire Prevention and Protection”, provided for as follows with Parts 1 through 9:

26-001. Definitions

The following words, terms and phrases shall have the following meanings unless otherwise noted in this Chapter.

800 MHZ BAND

Radio frequencies between 806 and 870 MHz.

APPROVED VENDOR

A vendor capable of installing a BDA or DAS who has a current FCC license (or equivalent) for two-way radio on file with the Department of Public Safety, Cumberland County, Pennsylvania.

AUTOMATIC PROTECTION DEVICE (ALARM SYSTEM)

Any mechanical or electrically operated device or instrument composed of sensory apparatus and related hardware which is designed or used for the detection of an unauthorized entry into a building, structure or facility or an attempt thereof or designed or used for alerting others of the commission or attempted commission of an unlawful act within a building, structure or facility or designed or used for the detection of fire, flames or smoke within a building, structure or facility, or any combination thereof, and which emits a sound or transmits a signal or message when activated. "Automatic protection device" includes but is not limited to audible alarms, automatic dialing devices, alarms connected directly to a communications center, alarms relayed through any

private central station and proprietary alarms. The following devices shall not be included under the definition:

A. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility such as those systems designed for the detection of equipment malfunctions.

B. Devices which are designed, used or provided for the sole purpose of evacuation of occupants of industries, institutions and other similar premises.

C. Devices which are designed for and installed upon motorized vehicles or trailers.

D. Devices maintained and/or operated by the Upper Allen Township Police Department and/or the Upper Allen Township Volunteer Fire Department used for the detection of unlawful acts or for demonstration purposes.

BDA

Bi-directional amplifier.

CCDPS

Cumberland County Department of Public Safety, Technical Systems.

COMMERCIAL BUILDING

Any large building or enclosure used or intended for use in the operation of one or more business enterprises for the sale and distribution of any product, commodity, article or service used or intended for use for any social, amusement, religious, educational, charitable or public purpose, and shall include institutional dormitories, individual condominium units and integral units within a single structure (such as "flex-space offices"). Includes the gross floor area, including storage areas, basements, attics, and stairwells.

COMMUNICATION CENTER

The Cumberland County Communications Center, the Upper Allen Township Police Department headquarters, any base of the Upper Allen Township Volunteer Fire Department or any other specifically authorized location.

DAS

Distributed antenna system.

DELIVERED AUDIO QUALITY (DAQ)

A. DAQ 1: Unusable. Speech present but not understandable.

B. DAQ 2: Speech understandable with considerable effort. Requires frequent repetition due to noise or distortion.

C. DAQ 3: Speech understandable with slight effort. Requires occasional repetition due to noise or distortion.

D. DAQ 3.4: Speech understandable without repetition. Some noise or distortion present.

E. DAQ 4: Speech easily understandable. Little noise or distortion.

F. DAQ 4.5: Speech easily understandable. Rare noise or distortion.

G. DAQ 5: Perfect. No distortion or noise discernible.

ECC

Emergency Communications Center.

FALSE ALARM

Any activation of an automatic protection device signal or notification of such activation by any means resulting in or expecting the response of the Upper Allen Township Police Department and/or the Upper Allen Township Volunteer Fire Department where an emergency does not or did not exist at the time of such activation. The term does not include alarms caused by hurricanes, tornados, earthquakes, floods or other violent acts of God.

FCC

Federal Communications Commission.

FIRE DEPARTMENT

Any and all officers, members and equipment of the Upper Allen Township Volunteer Fire Department.

FIRE CHIEF

The Chief of Fire of the Upper Allen Township Volunteer Fire Department or his designated representative.

FIRE OFFICIAL

An officer appointed by the Board of Commissioners or his designated representative. The Municipal Fire Official may also be referred to as the fire code official or fire marshal.

FREQUENCY RANGE

Frequency range(s) being used will be determined by the Cumberland County Department of Public Safety, Technical Systems (CCDPS).

LARGE BUILDING

Buildings that meet one or more of the following characteristics:

- A. Gross building size of 32,000 square feet or more.
- B. High concentration of steel or machinery.
- C. Hospitals.
- D. Nursing homes.
- E. Schools or colleges, including elementary, secondary, post-secondary, public and private.

MINIMAL SIGNAL STRENGTH FOR PUBLIC SAFETY

Minus (-) 95 dBm (milliwatts) or as set forth by Cumberland County Department of Public Safety.

NFPA

National Fire Protection Association.

PERSON

Any person, group, firm, partnership, association, corporation, company or organization of any kind.

POLICE CHIEF

The Chief of Police of the Upper Allen Township Police Department or his designated representative.

POLICE or POLICE DEPARTMENT

All members of the Upper Allen Township Police Department.

PUBLIC SAFETY PERSONNEL

Police, fire and emergency medical personnel, and as set forth by the Upper Allen Township Board of Commissioners.

RECORDS

The reports, incidents, statistics or files of the Upper Allen Township Police Department and/or the Upper Allen Township Volunteer Fire Department.

TIA/TSB

Telecommunications Industry Association/Telecommunications Systems Bulletin.

TROUBLE ALARM

A condition whereby an automatic protection device is in a pre-alarm condition, commonly referred to as a "trouble setting," and a communications center receives notification of such a condition. In the absence of an actual emergency, a trouble alarm shall be considered a false alarm.

Part 1

Municipal Fire Official

26-101. Establishment and duties of Municipal Fire Official.

- A. The fire code and all aspects within this chapter shall be enforced by the Township Municipal Fire Official.
- B. The Municipal Fire Official shall be appointed by the Board of Commissioners.
- C. The Municipal Fire Official may detail such members of the fire companies as assistants and as inspectors as from time to time shall be necessary.
- D. The Municipal Fire Official shall enforce all ordinances relating to the following subjects:
 - (1) Inspection of potential fire hazards.
 - (2) Abatement of existing fire hazards.
 - (3) Investigation of the cause, origin, and circumstances of fires.
 - (4) Control and use of flammable liquids and flammable articles.
 - (5) The enforcement of the provisions of the International Fire Code as adopted by the Township.
- E. A report of the Municipal Fire Official shall be made annually and transmitted to the Board of Commissioners of the Township of Upper Allen with such statistics, recommendations and suggested amendments as the Municipal Fire Official may desire to include therein.
- F. The Municipal Fire Official shall serve as a member of the Public Safety/Fire Committee of the Board of Commissioners in an advisory capacity only. He/she shall report their activities directly to the Public Safety/Fire Committee and/or the full Board of Commissioners. The Municipal Fire Official shall act as a liaison between the Public Safety/Fire Committee or

- Board, and the Upper Allen Township Fire Department, Volunteer Firemen's Association and Township ambulance company or companies, if any.
- G. The Municipal Fire Official shall serve as an advisor to the Public Safety/Fire Committee, and/or the Board, to develop a coordinated Township-wide management plan for the operation of fire services. Included, but not limited to, will be financial and personnel management, assisting in equipment selection, fire protection engineering, fire prevention, fire safety education, research and planning, maintenance, training, community relations, safety and health and other related activities.
 - H. The Municipal Fire Official shall act in an advisory capacity in relation to all activities of the Upper Allen Township Fire Department relating to training. Specifically, the appointee shall:
 - (1) Assist the Department in establishing and maintaining a training and education program with a goal of preventing occupational accidents, deaths, injuries, and illnesses.
 - (2) Assist the Department in providing a written training program indicating the areas in which training will occur and the frequency of training.
 - I. The Municipal Fire Official shall act in an advisory capacity at the scene of any fire or emergency. When responding on the initial alarm, and no designated area officer is responding, the Municipal Fire Official shall take the appropriate action to provide the level of protection needed. He/she shall offer advice to or respond to requests for advice from the Fire Chief or line officer of the Fire Department or other company or companies in attendance. The appointee shall have no authority to require or mandate a chief, line officer or company to act in any specific manner at the scene of a fire or emergency unless he/she becomes aware of a decision or observes an action that is clearly inappropriate and puts at risk lives or property.
 - J. The Municipal Fire Official shall act as a liaison between the property owners of the Township and the Fire Department and other fire companies serving them in relation to securing plans of the premises to be utilized by fire companies in firefighting and emergency situations, to recommend actions to be taken at the property to facilitate fighting of fires or providing of emergency service, as well as related matters.
 - K. The Municipal Fire Official shall use his/her best efforts to keep the Fire Department informed on pertinent data relating to fighting of fires and providing of other emergency services. The Municipal Fire Official shall not be required to give the Fire Department advice on financial matters or the internal operations or running of it not otherwise provided for in this chapter.

Part 2

Smoke/Fire Detection Equipment

26-201. Automatic fire detection devices required.

- A. Automatic fire detection devices approved by the Municipal Fire Official of Upper Allen Township, designed to give early warning of incipient fires, shall be installed as set forth in section 26-202 in all buildings constructed in Upper Allen Township from and after the date of adoption of this part and in all multiple occupancy and/or multiple use preexisting buildings having a total floor area greater than 2,000 square feet within one year after the date of adoption of this part or upon change of occupancy after the date of adoption of this part, whichever comes first.
- B. The installation, maintenance and use of such fire/smoke warning systems shall conform to the Uniform Construction Code. Subsequent editions of this publication may be adopted in substitution thereof or by resolution of the Board of Commissioners.
- C. All equipment used in the automatic fire detection devices of this section shall be approved by a nationally recognized testing laboratory.

26-202. Alarm requirements.

- A. Single-family attached and detached dwellings. In all preexisting single-family attached and detached dwelling units, smoke detectors shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of a family living unit, including basements, crawl spaces and unfurnished attics. In addition, in all new construction smoke detectors shall be wired directly to the dwelling unit's power supply.
- B. Multifamily attached and detached dwellings. A listed and labeled smoke detection system, which shall be approved by the Municipal Fire Official, shall be installed, and maintained to protect each separate sleeping area in the entire premises of all multifamily attached and detached dwellings such as apartments, dormitories, nursing and convalescent homes, homes for the aged, medical and health centers or any other building where sleeping facilities are provided. All detectors in the system shall be interlocked and coupled to an alarm with means for producing an alarm of at least 85 dBA at 10 feet throughout the premises. If the premises is protected throughout by a sprinkler system approved by the Municipal Fire Official, the detection system need not be interlocked, but each detector shall provide an alarm which is clearly audible in the sleeping area in which the detector is located over the background noise level with all intervening doors closed and no less than 85 dBA at 10 feet. Furthermore, said smoke detector system shall include approved, listed, and labeled smoke and heat detectors which shall be approved by the Municipal Fire Official and shall be installed and maintained throughout all hallways, corridors, basements, subbasements, crawl spaces, trash rooms, storage rooms, locker rooms, stairwells, recreation rooms, libraries, gymnasiums, kitchens, attics, utility rooms, and garages of the aforementioned buildings. All detectors in the system shall be interlocked and coupled to means for producing an alarm of at least 85 dBA at 10 feet throughout the entire premises.
- C. All other buildings. A listed and labeled smoke and/or heat detection system shall be approved by the Municipal Fire Official and shall be installed and maintained to protect every room of the entire premises in all places of assembly, including, inter alia, restaurants, bowling lanes, shopping malls, shopping centers including merchandising marts, indoor places of amusements including sports arenas or rinks, clubs, lodges of fraternal organizations or similar occupancies, lumberyards and building supplies, educational or religious institutes, and all other offices, commercial or industrial premises having a total floor area greater than 2,000 square feet. All detectors in the system shall be interlocked and coupled to means for producing an alarm of at least 85 dBA throughout the entire premises, including an outside alarm. The provisions of this part shall not apply to those structures encompassed by this part which are protected by a sprinkler system approved by the Municipal Fire Official.
- D. The following devices shall not be included under the definition:
 - (1) Devices which are not designed or used to register alarms that are audible, visible, or perceptible outside of the protected building, structure, or facility such as those systems designed for the detection of equipment malfunctions.
 - (2) Devices which are designed, used, or provided for the sole purpose of evacuation of occupants of industries, institutions, and other similar premises.
 - (3) Devices which are designed for and installed upon motorized vehicles or trailers.
 - (4) Devices maintained and/or operated by the Upper Allen Township Police Department and/or the Upper Allen Township Volunteer Fire Department used for the detection of unlawful acts or for demonstration purposes.

26-203. Ordinances, regulations and/or statutes imposing greater restrictions shall be controlling.

In interpreting and applying the provisions of this part they shall be held to be the minimum requirements for the regulation of conditions hazardous to life and property from fire and for the promotion of the public health, safety, and general welfare. Where the provisions of any duly enacted statute, other ordinance or regulation impose greater restrictions than this part, the provisions of such statute, part or regulation shall be controlling.

26-204. Prohibited Acts

A. Excessive false alarms.

- (1) Except as otherwise provided in this chapter, it shall be prohibited for any person to accumulate more than four false alarms in a period of 12 months. A twelve-month period shall run from January 1 to December 31, inclusive, on any given year. The number of false alarms during any twelve-month period shall be ascertained from the records of the Police Department or Fire Department, Municipal Fire Official, or both.
- (2) When a person has accumulated two false alarms, the Police Chief or Municipal Fire Official shall send a letter to said person stating such. The letter shall also inform the person that the Police Chief or the Municipal Fire Official can schedule a physical examination of the alarm system as the case may be, if the person desires such service. Also, the person will be permitted to furnish proof, to the satisfaction of the Police Chief or Municipal Fire Official, that said person is taking steps to correct the false alarm problem. If such person requests the alarm system examination or shows proof of corrective action, the Police Chief or Municipal Fire Official may exempt such person from the requirements of this chapter for a period not to exceed 20 days to allow for the repair and/or improvement of the alarm system. Only one such exemption shall be granted during a twelve-month period.

- B. Testing without permission. It shall be prohibited for any person to conduct any test or demonstration of any automatic protection device designed to make direct connection to the communications center at any time without first obtaining the express permission of the communications center or the police. Such permission is not required where the device to be tested or demonstrated is not connected to a communications center and the receipt of the alarm or signal is not relayed to the Police Department or Fire Department by any means.
- C. Connection of automatic dialing service. It shall be prohibited for any person to authorize and/or connect or interconnect an automatic dialing device to a communications center telephone line not designated for such connections. Connections to designated telephone lines shall not be made without the express permission of the communications center involved.
- D. Operation of automatic protection device when privilege suspended or revoked. It shall be prohibited for any person to operate or maintain an automatic protection device at any time when the privilege to do so has been suspended or revoked in accordance with the provisions of this chapter.

26-205. Fees.

A fee shall be paid in accordance with the Township's fee schedule as approved by the Board of Commissioners.

26-206. New methods or devices permitted.

Nothing in this part is intended to prevent the use of new methods or devices, provided that sufficient technical data is submitted to the authority having jurisdiction to demonstrate that the new methods or device(s) are equivalent in quality, effectiveness, durability, and safety to that prescribed by this standard.

26-207. Floor plans submitted for approval.

As required by the Municipal Fire Official, completed information regarding the fire detectors, including specification and floor plans showing the location of the detectors, shall be submitted for approval prior to installation of the detectors.

26-208. Testing and installation.

Upon completion of installation, a satisfactory test of the detector(s) shall be made in the presence of the Municipal Fire Official or his representative, and the installing contractor shall furnish a written statement to the effect that the detector(s) have been installed in accordance with the manufacturer's specifications.

26-209. Connection to approved system required.

As required by the Municipal Fire Official, automatic fire detection systems shall be connected to an approved central station system, proprietary system, or remote station system.

26-210 Authority and responsibilities of the Township.

- A. The enforcement and administration of this chapter shall be the responsibility of the Police Department, Fire Department or Municipal Fire Official through the authority of the Chief of Police or Municipal Fire Official or his designated representative.
- B. The Chief of Police or Municipal Fire Official may promulgate such rules as are necessary for administration and enforcement of this chapter. Any such rules shall be approved by a duly adopted resolution of the Upper Allen Township Board of Commissioners and shall be available for public inspection.
- C. Where an automatic protection device which is directly connected to a communications center is activated and continuously transmits a signal, either through malfunction or defect in the system, the police, firefighters, or Municipal Fire Official is authorized to order the disconnection of the automated device.

26-211. Nonliability of Township.

When the police or Municipal Fire Official disconnects an automatic protection device under the direction of this chapter, no liability shall incur to the Township of Upper Allen or any of its employees through such action.

26-212. Duties and responsibilities of persons possessing and using automatic protection device.

- A. Any person possessing and using an automatic protection device shall maintain such device in good working order.
- B. Any person possessing and using an automatic protection device shall furnish information to the appropriate entities' emergency contact in case of system malfunctions.
- C. Any person who has had an automatic protection device disconnected under direction of this chapter shall not reconnect the device without the permission of the Municipal Fire Official. Such permission shall not be withheld when proof of repair is shown.
- D. Any person who has had an automatic protection device disconnected under this chapter shall be deemed to have his privilege to operate or maintain such device suspended or revoked. Such suspension or revocation shall remain in full force and effect until the conditions of this chapter are met.
- E. Where an automatic protection device is installed or attached to a residence, business, warehouse, institution or other similar premises, the owner or person having the greatest operations power at that facility shall be held responsible for that false alarm when a false alarm is received by the Police Department or Fire Department.

26-213. Confidentiality.

The information furnished and secured pursuant to this chapter shall be confidential in nature and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to those persons charged with the administration of this chapter.

Part 3

International Fire Code

26-301. Adoption of standards.

In accordance with 103.1 Enforcement agency, International Fire Code 2018, The Municipal Fire Official shall be charged with the task of administering this code. A certain document, three copies of which are on file in the Municipal Fire Official's office of the Township of Upper Allen, being marked and designated as the "International Fire Code, 2018 edition," including appendix chapters being adopted - A, B, C, D, F, H, I, and J, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Township of Upper Allen in the Commonwealth of Pennsylvania, 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 issuance of permits and collection 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 Municipal Fire Official of the Township of Upper Allen are hereby referred to, adopted, and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, prescribed in section 26-302 of this Part.

26-302. Amendments; revisions.

The Municipal Fire Official shall seek approval for the newest code addition as it becomes available. All updates shall be taken into consideration via resolution or as deemed necessary.

26-303. Effect on new construction; conflicts with UCC.

- A. This part shall not apply to new construction that is otherwise regulated or under construction through permits issued under the Pennsylvania Uniform Construction Code and the International Codes which are mandatorily adopted by the Township of Upper Allen thereunder (collectively the "UCC").
- B. To the extent of any conflict between the provisions of the UCC (including, without limitation, the International Fire Code to the extent the International Fire Code is referenced by the International Building Code), the provisions of the UCC shall apply.

26-304. Modifications to Fire Code.

The Municipal Fire Official shall have the power to modify any of the provisions of the International Fire Code upon application, in writing, by the owner or lessee or a 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 Municipal Fire Official thereon shall be entered upon the records of the Township, and a signed copy shall be furnished to the applicant.

26-305. National Fire Protection Association standards.

The Township will use National Fire Protection Association ("NFPA") codes, standards and practices referenced in the Uniform Construction Code (including the codes encompassed therein such as the 2018 International Plumbing Code), and the 2018 International Fire Code in the manner directed by such codes.

26-306. State law and other regulations.

- A. In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws, or regulations shall control where the requirements thereof are the same as or in excess of the provisions of this article. This article shall control in all cases where the state requirements are not as strict as those contained herein.
- B. Whenever the provisions or requirements of this article are in conflict with other provisions or requirements of the ordinances of the Township of Upper Allen, the most restrictive or those imposing the higher standards shall govern except as otherwise provided herein.

26-307. Additions, insertions, and changes.

The following sections of the 2018 International Fire Code are hereby revised as follows:

- A. The term "fire code official" within the 2018 International Fire Code shall be revised throughout to be referred to as the "Municipal Fire Official."
- B. Change Section 101.1, General, title. Insert "Upper Allen Township, Cumberland County, Pennsylvania" as the name of the jurisdiction.
- C. Change Section 103.1, General. Delete the entire section and insert in its place the following language: 103.1 General. The Department of Fire and Emergency Management is established within the jurisdiction under the direction of the Municipal Fire Official. The function of the department shall be fire suppression and emergency management, and implementation, administration, and enforcement of the provisions of this code. The department director will be herein referred to as the "Municipal Fire Official."
- D. Change Section 103.4, Liability. Delete the entire section and insert in its place the following language: 103.4 Liability. The Township of Upper Allen shall indemnify, save harmless and defend any fire official, officer or employee charged with enforcement of this code, while acting for the municipality and within the scope of their authority, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of office duties. Any suit instituted against any officer or employee because of an act for and under the provisions of this code shall be defended by the legal representative of the Township until the final termination of proceedings. The Fire Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code, acting in good faith or without malice, shall be free from liability for acts performed under any of its provisions or by reason of act or omission in the performance of official duties in connection therewith.
- E. Change Section 103.4.1, Legal defense. Delete the entire section and insert in its place the following language: 103.4.1 Legal defense. The liability of the Township of Upper Allen shall be limited to that imposed under the statutes and common law of the Commonwealth of Pennsylvania; Township of Upper Allen assumes no liability under this code for any damage to persons or property by reason of the inspection or reinspection of buildings, structure or equipment authorized herein or failure to inspect or reinspect such building, structures or equipment or by reason of the approval or disapproval of any building, structure or equipment authorized herein.
- F. Change Section 104.1, General authority, and responsibilities, general. Delete entire text and insert in its place the following language: 104.1 General authority and responsibilities, general. It shall be the duty and responsibility of the official or the duly authorized representatives to enforce the International Fire Code herein set forth. The designated enforcement officer of this code is herein referred to as the "Municipal Fire Official."

26-308. Appeals.

Whenever the Municipal Fire Official shall disapprove an application, refuse to grant a permit applied for, or shall issue an order to eliminate a dangerous or hazardous condition, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the International Fire Code have been misconstrued or wrongly interpreted, the applicant or person against whom such order has been issued may appeal from the decision of the Municipal Fire Official to an appeal board composed of the Board of Commissioners, or its authorized designees, within 10 days from the date of the decision of such action by the Municipal Fire Official. Should further code related review be needed the applicant may appeal to the Code Review Board of Appeals within 30 days after being given notice of the decision, action, or order of the official.

26-309. Other departments.

The Municipal Fire Official shall carry out the aforesaid enforcement provisions in cooperation with all other Township departments, including, but not limited to, Administration, Buildings and Code Enforcement, Fire Department and Police Department.

Part 4

Fire Safety Inspection Program

26-401. Annual inspection for certain occupancy classifications.

In accordance with the International Fire Code adopted by the Township, all Group A, A-1, A-2, A-3, A-4, A-5, B, E, F, F-1, F-2, H, H-1, H-2, H-3, H-4, H-5, I, I-1, I-2, I-3, I-4, M, R, R-1, R-2, R-3, R-4, S, S-1, S-2 and U occupancy classifications shall be inspected annually by the Municipal Fire Official, who shall issue a fire safety certificate, which certificate will be posted in a conspicuous location.

26-402. Residential rental unit inspection.

All residential rental units shall be inspected annually by the Municipal Fire Official, who shall issue a fire safety certificate.

26-403. Issuance of permit.

Fire safety inspection permits shall be issued only after the Municipal Fire Official and his/her designee (hereinafter referred to as "inspector") has inspected the premises and found the premises to be free from any violations of the Fire Code or any other state or local regulations concerning fire safety.

26-404. Term.

Fire safety inspection permits shall be valid for a period of one year.

26-405. Implementation.

The Municipal Fire Official shall devise a schedule for implementing the provisions of this part among the various uses and occupancies affected and shall devise and implement all plans and systems necessary to administer this program.

26-406. Fee.

The fee to be charged for the annual inspection and permit shall be set as determined from time to time by Township resolution.

Part 5

Public Safety Radio System Amplifiers

26-501 Administration.

- A. Upper Allen Township has determined to participate in an integrated and coordinated public safety radio system, involving police, fire, emergency medical services and other public safety users within Cumberland County and many municipalities located within said county.
- B. In order for the radio equipment to be employed by Upper Allen Township and other participating public safety personnel to communicate effectively from the belt of public safety personnel who may enter any structure, all buildings must have a minimum ninety-five-percent radio coverage with a reliability factor of 95% on each floor of the building, at a minimum signal strength in the 800 MHz band or other frequency range as approved by the Cumberland County Department of Public Safety, Technical Systems (CCDPS). The owner(s) and/or building contractor shall provide Upper Allen Township with a certification that the building has the minimum radio coverage meeting the requirements of this subsection.
- C. Upper Allen Township, in keeping pace with changes in building construction technology, has determined that there may be certain buildings located within Upper Allen Township which, due to the large size of the structure and/or other characteristics of the construction and/or design, may not be able to accommodate communications among public safety personnel who

may be called to the premises of such buildings and structures to respond to public safety situations.

- D. Whenever it is determined that the characteristics of a large building are such that the signal strength is not sufficient to allow public safety personnel to communicate reliably with the ECC, Upper Allen Township shall require the owner(s) and/or building contractor of said large building to install bidirectional amplifiers in or on the building to remedy the communications problem and reach the coverage criteria set forth in this chapter or otherwise required by the integrated public safety radio system.
- E. Upper Allen Township adopts Appendix A, "Emergency Radio Communications System In-Building Certification Requirements," and Appendix B, "Coverage/Acceptance Test Plan," as may be amended from time to time by resolution as the radio communication system in-building certification requirements and coverage/acceptance test plan and rules and regulations of the Township of Upper Allen Township. Appendixes A and B are on file in the Township office.

26-502 Enforcement and violations.

- A. The Upper Allen Township Code Enforcement Officer and the Upper Allen Township Municipal Fire Official are hereby appointed as the designated officials who are authorized to carry out all responsibilities and duties slated herein.
- B. Upon determination by the appropriate Township officials that bidirectional amplifiers must be installed in a large building in accordance with this chapter, then said Township officials shall give notice to the owner(s) of such large building to install the said bidirectional amplifier. In the event the applicable large building owner(s) fails to install the required speakers within 30 days of the said notice, then the appropriate Township officials shall bring an enforcement action before the Magisterial District Justice.

Part 6

Open Burning, Recreational Fires and Portable Outdoor Fireplaces

26-601 Regulation

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

- A. Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.
 - (1) Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.
- B. Permit required. A permit shall be obtained from the fire code official in accordance with this section prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land on which the fire is to be kindled.
- C. Extinguishment authority. Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.

26-602 Location

A. Open Burning

- (1) The location for open burning shall be not less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.
- (2) Exceptions:

- (a) Fires in approved containers that are not less than 15 feet from a structure.
 - (b) The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.
- B. Bonfires
- (1) A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.
- C. Recreational fires
- (1) Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- D. Portable outdoor fireplaces.
- (1) Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.
 - (2) Exception: Portable outdoor fireplaces used at one and two-family dwellings.

26-603 Attendance.

Open burning, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with a minimum rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization

Part 7

Key Lock Box

26-701 Key lock box required.

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, including but not limited to commercial and industrial structures, multifamily residential structures that have restricted access through a locked door or have a common corridor for access to the living units, governmental structures, health-care facilities and schools and churches, shall be equipped with a key lock box at or near the main entrance or in such other location approved by the fire code official or designee. Multiple lock boxes may be required, at the discretion of the fire code official or designee. This provision shall not apply to single-family residential dwellings. An approved lock shall be installed on gates or similar barriers where required by the fire code official.

26-702 Time of compliance.

The owner of each structure constructed after the effective date of this article and subject to this article shall have a key lock box installed and operational prior to the issuance of an occupancy permit. The owner of each structure in existence on the effective date of this article and subject to the requirement of this article shall have one year from the effective date of this article to have a key lock box installed and operational. The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed, or any other information has changed which would require information contained within the box to be considered invalid.

26-703 Key lock box type.

The key lock box shall be an Underwriters Laboratory type and be compatible with an existing rapid entry key box system in use in the jurisdiction. The key lock box shall be equipped with a lock, which can be opened only with a key that is issued to the Township's emergency services or approved designees.

Emergency vehicles shall each be equipped with one key that is held in a special security device. The owner of the structure is prohibited from obtaining or otherwise possessing a key to open the lock box.

26-704 Location.

The key lock box shall be mounted on the structure entrance at a height of five to six feet and within three feet thereof or such other location approved by the fire code official. Flush-mounted or recessed key lock box installations shall be permitted, provided that the key lock box is clearly marked. Once the key lock box is installed, the owner of the structure shall contact the official during regular office hours to arrange for the inspection of the key lock box and install the access keys and any other items required by this article.

26-705 Contents of key lock box.

The key lock box shall contain keys to all locked entrances/rooms whether on the interior or exterior of the structure, contact information, site plans or other approved items. If any of the contents of the key lock box must be removed or anything is to be added thereto, arrangements shall be made to open the key lock box, inspect the items to be added to or removed, and then lock the box.

Part 8

Investigations

26-801 Assignment

The Municipal Fire Official/Fire Prevention Officer shall investigate or assist in the investigation of every fire or explosion occurring within Upper Allen Township that is of a suspicious nature, or which involves the loss of life or serious injury or causes destruction or damage to property, in accordance with the International Fire Prevention Code Chapter on Administration and Enforcement as adopted by the Township or its subsequent equivalent code. The authority to investigate under this section shall be secondary to any authority or jurisdiction of the State Municipal Fire Official, State Police or Township Police to conduct investigations. The Municipal Fire Official/Fire Marshal shall prepare reports of investigations and submit them to authorized agencies.

Part 9

Violations and penalties.

Any person, firm or corporation who shall violate any provision of any part of this chapter, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and attorneys' fees incurred by the Township in enforcing this chapter, but no violation shall be deemed to have occurred nor any judgment be commenced, imposed, or paid until a final determination is made in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. In case the defendant fails to pay or to appeal the judgment in a timely manner, the Township may enforce the judgment pursuant to applicable rules of civil procedure. Each day that the violation continues shall constitute a separate violation, unless it is determined that a good-faith basis existed for the violation, in which case there shall be deemed only one violation until the fifth day following the violation; thereafter, each day shall constitute a separate violation.

II. REPEAL OF CHAPTERS 83 “ALARM SYSTEMS” AND CHAPTERS 192 “PUBLIC SAFETY RADIO SYSTEM AMPLIFIERS”.

Chapters 83 and 192 are hereby repealed entirely. All provisions of each have been included within Chapter 26.

III. AMEND CHAPTER 112 “UNIFORM CONSTRUCTION CODES”, SECTION 112-8 “REVISIONS TO UCC STANDARDS”

Chapter 112 (Uniform Construction Codes), Section 112-8 (Revisions to UCC standards), subsection F is hereby amended as follows:

F. The text of the 2018 International Fire Code, adopted as a reference standard by the UCC, is hereby enforced within Chapter 26 of the Township Code.

Subsections within 112-8.F, known as (1) – (9) shall be deleted in their entirety.

IV. AMEND CHAPTER 217 “STREETS AND SIDEWALKS”, ARTICLE I “STREET OPENINGS AND EXCAVATIONS”, SECTION 217-8 “CONSTRUCTION REQUIREMENTS”.

Chapter 217 (Streets and Sidewalks), Article I (Street Openings and Excavations), Section 217-8 is hereby amended to insert the following language as subsection B.

B. Compaction testing of material shall be required and shall be performed in accordance with the Township Standard Construction and Material Specifications.

The subsections to Section 217-8 shall be relabeled alphabetically to account for the addition of the above language.

V. REPEALER. All other ordinances and parts of ordinances inconsistent with the proposed addition to the Township Code are hereby repealed.

VI. SEVERABILITY. The provisions of the Township Code are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the Township Code.

VII. EFFECTIVE DATE

All provisions of this Ordinance shall take effect and be in full force immediately upon enactment.

ENACTED AND ORDAINED this ____ day of _____, 2022.

ATTEST:

UPPER ALLEN TOWNSHIP

Scott Fraser, Secretary

Kenneth M. Martin, President
Board of Commissioners