

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Requiring Creation of Fire Equipment Substations for New Tall Buildings****§7-101. Statement of Purpose.**

The Borough of Swissvale is served completely by the Swissvale Fire Department (the "Department"). It is the desire of the Borough Council to assist the Department by creating this Part providing for Fire Department Substations. As firemen carry out their duties all measures should be taken to provide them with essential fire fighting equipment as may be necessary to protect their well-being. The creation of equipment substations will also enable the Department to more effectively fight building fires by having equipment readily accessible. The Borough of Swissvale has adopted the Uniform Construction Code [Chapter 5, Part 1]. The creation of the Fire Equipment Substation Ordinance will supplement the adopted Uniform Construction Code providing for the betterment of all Swissvale residents.

(*Ord. 93-6, 6/9/1993, §1; as amended by Ord. 05-02, 6/1/2005*)

§7-102. New Structures Shall Provide Fire Equipment and Fire Substation Area.

All new buildings four stories or higher or 45 feet or higher shall provide fire equipment and fire substation storage areas at the rate of one fire substation for every three stories. All fire equipment substations shall be located as to give access to stairway doors.

(*Ord. 93-6, 6/9/1993, §2*)

§7-103. Substations Determined by the Fire Chief.

The placement of all fire equipment substations shall be determined by the Fire Chief.

(*Ord. 93-6, 6/9/1993, §3*)

§7-104. Owner Responsible for Maintenance and Equipment.

The owner or owners of qualifying structures (the "owner") shall be responsible for the purchase and maintenance of all equipment stored in the substation.

(*Ord. 93-6, 6/9/1993, §4*)

§7-105. Approval by Fire Chief for Equipment and Property.

1. Equipment to be furnished and property maintained shall be approved by the Fire Chief for each substation as follows:

A. At least three self-contained units of breathing apparatus as set forth by standards of the Department.

B. At least two pick-head fire axes as set forth by the standards of the Department.

C. At least 200 feet of double jacket rubber lined fire hose as set forth by the standards of the Department.

D. At least two combination fog nozzles as set forth by the standards of the Department.

E. At least three fire service hand lanterns as set forth by the standards of the Department.

F. At least one forcible entry device as set forth by the standards of the Department.

(*Ord. 93-6, 6/9/1993, §5*)

§7-106. Owner to Cooperate With Inspections.

The owner shall cooperate with the proper fire officials in the periodic inspection of fire equipment substation after reasonable notice. The Borough shall arrange for such periodic inspections and assist the owner and the Fire Chief in performing their responsibilities in accordance with the terms of this Part.

(*Ord. 93-6, 6/9/1993, §6*)

§7-107. Removal, Tampering or Disturbance of Fire Equipment Prohibited.

No person shall remove, tamper, or otherwise disturb any fire appliance or equipment maintained pursuant to this Part except for the purpose of extinguishing fire, for training, testing, repair or other proper purpose.

(*Ord. 93-6, 6/9/1993, §7*)

§7-108. Violation and 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. 93-6, 6/9/1993, §8; as amended by Ord. 05-02, 6/1/2005*)

Part 2

Smoke Detectors

§7-201. Intent and Purpose.

It is the intent and purpose of this Part to set requirements for installation of automatic smoke detector fire alarms (hereinafter "smoke detectors") to supplement existing provisions of State law and existing ordinances including ordinances adopting the requirements of the BOCA Basic Building Code with respect to automatic fire alarm systems.

(*Ord. 86-7, 7/9/1986, §1*)

§7-202. Basic Requirement.

It shall be the responsibility of the contractor or builder of any new structure or building in the Borough of Swissvale to install smoke detectors in such structures, including all family dwelling, units as hereinafter provided before such structure is occupied. Said smoke detectors shall be capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm thereof. Further, they shall be installed in the manner hereinafter provided, unless a different method of installation is required by Allegheny County ordinance or State or Federal law.

(*Ord. 86-7, 7/9/1986, §2*)

§7-203. Location.

1. At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of a family dwelling unit in which the bedrooms or sleeping rooms are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas, such as kitchens or living rooms, but not bathrooms or closets, they shall be treated as separate sleeping areas for the purposes of this Section.

2. At least one smoke detector shall be also installed at the top of each stairway that leads to an occupied area. The smoke detector shall be installed in such a manner to assure that rising smoke is not obstructed in reaching the detector and that the detector intercepts rising smoke before it reaches a sleeping area.

(*Ord. 86-7, 7/9/1986, §2*)

§7-204. Installation.

Smoke detectors that are installed in new buildings and structures shall be wired directly, (i.e., hardwired) to the building's power supply. Where smoke detectors are installed in existing multi-family dwellings of ten units or more, the detectors shall be installed in accordance with the multi-family building power source requirements of State law and any requirements of other ordinances covering installation of smoke detectors in existing dwellings. Where smoke detectors are installed in existing dwelling units not governed by other ordinances, the smoke detectors should be wired directly to the power supply, where possible. Detectors installed in these buildings however, may be powered by self-monitored battery or operated in a plug-in outlet

which is fitted with a plug restrainer device, provided the outlet is not controlled by any switch other than the main power supply. Smoke detectors installed in accordance with this Part must be Underwriters Laboratory approved and meet the requirements of one of the following Underwriters Laboratory tests: UL167, UL168 or UL217.

(*Ord. 86-7, 7/9/1986, §4*)

§7-205. Sale, Rental or Improvement of Existing Structures.

No single- or multiple-family residence shall be sold or rented, nor shall any structural change or repair of a value in excess of \$1,000 be made thereto, unless and until the residence meets the requirements set forth in this Part.

(*Ord. 86-7, 7/9/1986, §5*)

§7-206. Certification at Change in Occupancy.

Upon any change of occupancy in any dwelling unit occasioned by or incidental to a sale, lease or sublease of said unit, it shall be the duty of the granter thereof, i.e., the seller, lesser or sublesser, to certify, before occupancy, to the new occupant that all smoke detectors required by this Section, or any other applicable law or ordinance, have been installed and are in proper working condition.

(*Ord. 86-7, 7/9/1986, §6*)

§7-207. Other Standards.

This Part is intended to be used with and supplemented by the applicable provisions of the National Fire Protection Association Standards, 72-E and 74 Editions, and existing ordinances governing installation of smoke detectors. Where there is any conflict between this Part and the existing standards, this Part and any rules and regulations adopted pursuant thereto shall prevail.

(*Ord. 86-7, 7/9/1986, §7*)

§7-208. 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. 86-7, 7/9/1986, §9; as amended by Ord. 05-02, 6/1/2005*)

§7-209. Relief From Personal Responsibility.

The Building Inspector, the Fire Chief, or any other employee charged with the enforcement of this Part, while acting for the Borough, shall not thereby be rendered liable personally, and these officials and employees are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that person in the lawful discharge of duties and under the provisions of this Part shall be defended by the legal representative of the jurisdiction until the final termination of the proceed-

ings. The Building Inspector and Fire Chief, and any of their subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted pursuant to the provisions of this Part; and any official or employee, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Ord. 86-7, 7/9/1986, §10)

Part 3**Fire Loss Insurance Proceeds Escrow****§7-301. Designation of Responsible Official.**

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

(*Ord. 95-5, 2/8/1995, §1*)

§7-302. Municipal Certificate to be Issued.

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Borough of Swissvale (hereinafter the "Borough") where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insuring agent is furnished by the Manager with a municipal certificate pursuant to §508 (B) of Act No. 1994-93 and unless there is compliance with §508(C) and (D) of Act No. 1994-93, the Insurance Company Law of 1921 and the provisions of this Part.

(*Ord. 95-5, 2/8/1995, §2*)

§7-303. Use of Fire Insurance Proceeds.

1. Where pursuant to §508(B)(1)(I) of Act No. 1994-93, the Manager issues to the insurer a certificate or verbal notification confirmed in writing by the insurer indicating that there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured, provided, however, that if the loss agreed upon by the named insured and the insuring agent equals or building structure, the following procedures must be followed:

A. The insuring agent shall transfer from the insurance proceeds to the Manager in the aggregate of \$2,000 for each \$15,000 of a claim and for each fraction of that amount of a claim, this Section to be applied such that if the claim is \$20,000 or less the amount transferred to the Borough shall be \$2,000.

B. If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate, in an amount less than the amount calculated under the foregoing transfer formula, of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Borough from the insurance proceeds the amount specified in the estimate.

C. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.

D. After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the Manager shall return the amount of the funds transferred to the Borough in excess of the estimate to the named insured, if the Borough has not commenced to remove, repair or secure the building or other structure.

E. Upon receipt of proceeds under this Section, the Borough shall do the following:

(1) The Manager shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing, or securing the building or structure which are incurred by the Borough. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing of the building or any proceedings related thereto.

(2) It is the obligation of the insuring agent when transferring the proceeds to provide the Borough with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the Manager shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this subsection shall be followed.

(3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Borough and the required proof of such completion received by the Manager, and if the Borough has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Borough has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Borough shall transfer the remaining funds to the named insured.

(4) To the extent that interest is earned on proceeds held by the Borough pursuant to this Section, and not returned to the named insured, such interest shall belong to the Borough. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

F. Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured of some other reasonable disposition of the damaged property has been negotiated.

G. For purposes of this Part, a tax assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property under applicable law.

(Ord. 95-5, 2/8/1995, §3)

§7-304. Additional Procedures.

The Borough Council may, by resolution, adopt additional procedures and regulations to implement Act No. 1994-93 and this Part and may, by resolution, fix reasonable fees to be charged for Borough activities or services provided pursuant to Act 1994-93 and this Part; including but not limited to, issuance of certificates and bills, performance of inspections and opening of separate fund accounts.

(Ord. 95-5, 2/8/1995, §4)

§7-305. Violation and Penalty.

Any owner of property, any named insured or any insuring agent who violates 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. 95-5, 2/8/1995, §5; as amended by Ord. 05-02, 6/1/2005*)

