

**FILE OF THE CITY CLERK**

**ADMINISTRATIVE ORDINANCE NO. 12 - 2010**

**ADMINISTRATION BILL NO. 12 - 2010**

**INTRODUCED –JULY 13, 2010**

**ADOPTED BY COUNCIL – JULY 27, 2010**

(As Amended)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA RE-WRITING AND AMENDING CHAPTER 142 – FIRE PREVENTION AND TO ADOPT THE 2009 INTERNATIONAL FIRE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC. AND ALL OF ITS INCORPORATED STANDARDS AND CODES AS AMENDED AND REPUBLISHED FROM TIME TO TIME AND TO MAKE AMENDMENTS, ADDITIONS AND/OR DELETIONS THERETO; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.**

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED** by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

**SECTION 1.** The Code of the City of Lancaster – Chapter 142 – Fire Prevention be and hereby is rewritten as follows:

**“CHAPTER 142. FIRE PREVENTION**

**GENERAL REFERENCES**

**§ 142-1. Purpose; adoption of code.**

A. The purpose of this chapter is to provide the City with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

B. In accordance with Section 608 of the Optional Third Class City Charter Law, 53 P.S. § 41608, 53 P.S. § 41101 et seq., and the Third Class City Code, 53 P.S. § 35101 et seq., there is hereby adopted by the City that certain 2009 International Fire Code, as published by the International Code Council, Inc., and all of its incorporated standards and codes, if any, as

amended or republished from time to time, even with new year numbers, by the International Code Council, Inc. (the "Fire Code") for the purposes set forth therein and above. The aforesaid Fire Code and its incorporated standards and codes hereby adopted are incorporated herein by reference as if set out at length. Copies of the Fire Code are on file in the offices of the City Clerk and the Fire Chief where they are available for public examination. The provisions set forth in this chapter of the Code of the City of Lancaster and the Fire Code adopted herein shall be controlling within the limits of the City of Lancaster.

**§ 142-2. (Reserved)**

**§ 142-3. (Reserved)**

**§ 142-4. (Reserved)**

**§ 142-5. (Reserved)**

**§ 142-6. (Reserved)**

**§ 142-7. (Reserved)**

**§ 142-8. (Reserved)**

**§ 142-9. (Reserved)**

**§ 142-10. (Reserved)**

**§ 142-11. Fire Chief to make report.**

The Fire Chief shall make an annual report of all activities of City fire officials acting pursuant to this chapter and shall transmit this report to the Chief Executive Officer of the City. The report shall contain such statistics as the Chief may wish to include therein.

**§ 142-12. (Reserved)**

**§ 142-13. Applicability.**

The provisions of the Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.

**§ 142-14. Police powers of City.**

This chapter shall be deemed an exercise of the police powers of the City for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of the Fire Prevention Code shall be liberally construed for that purpose.

**§ 142-15. Board of Appeals.**

A Board of Appeals is hereby established consisting of three members and one alternate member who shall be appointed by the Mayor with the consent of Council by reason of education, experience and knowledge, who are deemed to be competent to sit in judgment on matters concerning the Fire Prevention Code and its enforcement. The members shall serve terms of three years or until their successor is appointed and confirmed. The present members of the Board of Appeals appointed pursuant to the existing Fire Prevention Code (Ordinance No. 14-1983, as amended), being repealed hereby, shall serve as the Board of Appeals for the duration

of their existing terms, and thereafter, their successors shall be appointed pursuant to this chapter.

**§ 142-16. Amendments.**

The 2009 International Fire Code is amended and changed in the following respects:

A. Section 101.1 is amended to read as follows:

**101.1 Title.** These regulations shall be known as the Fire Code of the City of Lancaster, hereinafter referred to as "this code."

B. Section 103.1 is amended to read as follows:

**103.1 General.** The Fire Chief of the Lancaster Fire Bureau shall be responsible for the enforcement of this code. The Fire Chief shall be responsible for the direct administration and enforcement of this code. The Chief may designate such members of the Lancaster Fire Bureau as technical inspectors as shall from time to time be necessary. The Chief may designate the Fire Marshal and such other Fire Bureau members ("Fire Officials") as he deems necessary to assist in the performance of the responsibilities and duties placed hereunder upon the Chief. Any such appointments by the Chief may be referred to as Deputy Fire Code Officials and have the powers set forth in this code for the same. The Fire Chief and all designated Fire Officials shall be and have the authority, having jurisdiction for the City of Lancaster, to enforce all provisions of this code. Such officials, in the performance of their official duties under this code, shall have the powers and authorities of a police officer of the City of Lancaster as conferred by law upon police officers of cities of the third class; provided, however, that under no circumstances shall they have the power of arrest.

C. Sections 103.2 and 103.3 of the International Fire Code be and hereby are deleted.

D. The International Fire Code be and hereby is amended by adding the following Section 105.7.15:

**105.7.15 Certificates of fitness.** The Fire Chief shall have the authority to require and issue certificates of fitness and collect fees for the same as established by resolution of City Council from individuals, companies or other entities performing activities related to fire or life safety, including but not limited to the following:

1. Fireworks and fireworks displays;
2. Servicing of portable fire extinguishers;

3. Heating systems;
4. Hood systems;
5. Suppression systems;
6. Tar kettle operations;
7. Sprinkler systems;
8. Cutting and welding;
9. Tent erection;
10. Proprietary supervising stations;
11. Special permits; and
12. Fire alarm systems.

All applications for such certificates of fitness shall be filed with and on forms provided by the Fire Chief along with any and all other documents and information required by the Fire Chief.

E. Section 109.1 of the International Fire Code is amended to read as follows:

**109.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code. Moreover, it shall be unlawful for any person, firm, corporation or other similar entity to permit or maintain such a violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Fire Code Official or such other Fire Official as designated by the Fire Code Official. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others.

F. Section 109.3 of the International Fire Code be and hereby is amended to read as follows:

**109.3 Violation penalties.**

1. In addition to any other section or remedial procedure provided, whoever violates any provision of this code; or who shall fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall erect, install, alter, repair, build, construct or do work in violation of any details, statements, specifications or plans submitted or approved thereunder; or who shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the Fire Chief or other designated fire officials by a court of competent jurisdiction within the time fixed herein shall, upon conviction thereof in a summary proceeding, be fined not less than \$100 and not more than \$1,000 for the first offense, not less than \$200 and not more than \$1,000 for the second offense and not less than \$300 and not more than \$1,000 for the third and all succeeding offenses and costs of prosecution for each offense, to be collected as other fines and costs are by law collectible and, in default of payment thereof, shall be imprisoned for not more than 90 days. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
2. In the case of continual and uncorrected violation of the same subsection of this code, a fine not less than \$300 nor more than \$1,000 shall be imposed for the first two continual and uncorrected violations and not less than \$1,000 nor more than \$5,000 for the third and any subsequent continual and uncorrected violation of the same subsection of this code on the same property, unless the violation is found to pose a threat to the public's health, safety or property, then, upon conviction thereof, penalties or fine shall be imposed as follows:
  - 2.1. Limited to no less than \$600 and no more than \$1,000 for the first two continual and uncorrected violations of the same subsection of this code on the same property and no less than \$1,000 and not exceeding \$10,000 for the third and any subsequent continual and uncorrected violation of the same subsection of this code on the same property or imprisonment for any term up to 90 days, or both.
3. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified,

the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. As used herein, the term "person" means an individual, firm, partnership, association, corporation, company or organization of any kind and includes the individual members, partners, officers and managers (or any of them) of partnerships, associations and similar entities and the officers, directors and managers (or any of them) of corporations.

4. Notwithstanding the foregoing, and as an additional remedy, the City may issue an administrative ticket and follow the enforcement provisions set forth in Ordinance No. 2-2008, adopted March 25, 2008. **Editor's Note: See Ch. [293](#), Violation Tickets.**

G. Section 111.4 of the International Fire Code is amended to read as follows:

**111.4 Failure to comply.** Any person, corporation, firm or other entity who shall continue any work after having been served with a stop-work order, except such work as that person, firm, corporation or entity is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of \$300 for the first offense, \$600 for the second offense and \$1,000 for each subsequent offense.

H. Section 108 of the International Fire Code be and hereby is amended by adding the following Section 108.4:

**108.4 Appeals fees and assessment of costs.** A fee of \$100 payable in advance, shall be paid for each appeal taken to the Board of Appeals from a decision of the Fire Code Official to defray some of the costs associated with the mailing of notices, convening the Board and hearing the appeal. The Board of Appeals may require the party bringing an appeal to pay all costs associated with hearing the appeal, including, but not limited to, advertising and stenographic services (where appropriate) when the Board partially or fully upholds the Fire Code Official's issuance of the appealed notice of violation.

I. Section 108 of the International Fire Code be and hereby is amended by adding the following Section 108.5:

**108.5 Hearings, decisions, court review and duties.**

**108.5.1 Appeals decision.** In deciding the appeals brought before it, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made.

**108.5.2 Hearings.** The Board of Appeals shall fix a time and place for

the hearing of appeals, and such hearings shall be had within a reasonable time after filing the notice of appeal. Notice of the time and place of hearing shall be sent by mail to the appellant or to his attorney of record, and such hearing shall not be less than six days after the mailing of the notice.

**108.5.3 Court review.** Any person aggrieved by any decision of the Board of Appeals, or any taxpayer or any officer, department or bureau of the City, may appeal the Board's decision to the Court of Common Pleas of Lancaster County by presenting to the Court of Common Pleas of Lancaster County a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petitions must be presented to the Court of Common Pleas of Lancaster County within 30 days after the filing of the decision by the Board.

**108.5.4 Additional duties.** In addition to the duties described above, it shall be the duty of the Board of Appeals to periodically review this Fire Prevention Code, at least every three years, in relation to the then current existing conditions insofar as the administration of it is concerned and to make recommendations to City Council concerning amendments thereto.

J. The following Section 301.3 be and hereby is added to the International Fire Code:

**301.3 NFPA 101.** Every new and existing building shall comply with NFPA 101, Life Safety Code, and this code.

K. Section 609.1 of the International Fire Code is amended to state as follows:

**609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the International Mechanical Code and shall be installed in accordance with the provisions of NFPA 96. Without exception, kerosene heaters shall be prohibited in the City.

L. The International Fire Code be and hereby is amended by adding the following Chapter 48:

## **Chapter 48**

### **INCIDENT, RESCUE AND FALSE-CALL CHARGES**

#### **SECTION 4801**

#### **SERVICE CALL INCIDENT CHARGES**

**4801.1.** Owners of structures and vehicles and other individuals or entities requiring the Fire Bureau to render a service call, as hereinafter defined, shall pay the Fire Chief the following service call incident charges:

1. Two hundred dollars per hour for one fire apparatus;
2. Four hundred dollars per hour for two fire apparatus;
3. Six hundred dollars per hour for three fire apparatus; and
4. Eight hundred dollars per hour for four or more fire apparatus.

**4801.2.** Each such individual or entity requiring a service call shall be billed for a minimum of one hour. Should the Fire Bureau's service call extend beyond one hour, the bill shall be for one hour, plus the amount of time in excess of one hour. Such charges and all other amounts authorized under Chapter [36](#) of the Code of the City of Lancaster shall be due and owing within 30 days after the service call and are collectible by the City of Lancaster in all manners allowable under law and/or in conformity with the procedures by which municipalities may collect municipal claims under the Pennsylvania Municipal Claims Act. **Editor's Note: See 53 P.S. § 7101 et seq.**

**4801.3.** The following services shall be deemed service calls for which a service call incident charge shall result:

1. Assisting an individual who has been locked out of a structure or a vehicle.
2. Providing water evacuation services.
3. Providing smoke odor removal.
4. Responding to unauthorized burnings, including unauthorized fires which are under control and are not endangering property.
5. Such other service calls of similar nature not classified above as determined by the incident commander.

**4801.4.** Any bill for such services provided for the benefit of a non-City-owned property shall be paid by the property owner in accordance with Chapter [36](#), Municipal Claims, of the Code of the City of Lancaster. Upon failure of the property owner to pay the amounts due the City in

accordance with said Chapter [36](#), the City shall be entitled to collect all amounts and pursue any or all of the remedies identified in Chapter [36](#), Municipal Claims, of the Code of the City of Lancaster.

## **SECTION 4802**

### **RESCUE CALL CHARGES**

**4802.1.** Individuals or entities responsible for requiring the Fire Bureau to render a rescue call, as hereinafter defined, shall be responsible for paying to the Fire Chief a charge defined in 4602C for each such rescue call. Such charge shall be due and owing from such individual or entity within 30 days after the rescue call. Such charge is due and owing regardless of the cause of the rescue call and is collectible by the City of Lancaster in all manner allowable under law and/or in conformity with the procedures by which municipalities may collect claims under the Municipal Claims Act of the Commonwealth of Pennsylvania. Should the individual or entity responsible for such charge have insurance which covers the same, at the request of such individual or entity, the Fire Chief shall bill the insurance carrier directly. Doing so will not, however, relieve such individual or entity from liability for the charge should the insurance carrier fail to pay the same to the City of Lancaster. Any bill for such services provided for the benefit of non-City-owned property shall be paid by the property owner in accordance with Chapter [36](#), Municipal Claims, of the Code of the City of Lancaster. Upon failure of the property owner to pay the amounts due the City in accordance with said Chapter [36](#), the City shall be entitled to collect all amounts and pursue any or all of the remedies identified in Chapter [36](#), Municipal Claims.

**4802.2.** A "rescue call" is defined as a service rendered by Fire Bureau personnel requiring the use of Fire Bureau equipment, care or ingenuity in freeing a person from a vehicle, elevator, confined space, construction trenches and other entrapments, and other similar rescue calls not mentioned above. A rescue call shall not include any of the above services rendered to an individual or entity making normal use of a residential home.

**4802.3.** Rescue call charges:

1. Two hundred dollars per hour for one fire apparatus;
2. Four hundred dollars per hour for two fire apparatus;

3. Six hundred dollars per hour for three fire apparatus; and
4. Eight hundred dollars per hour for four or more fire apparatus.

## **SECTION 4803**

### **HAZARDOUS INCIDENT CHARGES**

**4803.1.** Any individual or entity who, at the Fire Chief's discretion, is deemed to be responsible for a hazardous condition, as hereinafter defined, requiring a response by the Fire Department shall pay to the Fire Chief the following hazardous condition incident charges:

1. Two hundred dollars per hour for a response requiring one fire apparatus;
2. Four hundred dollars per hour for a response requiring two fire apparatus;
3. Six hundred dollars per hour for a response requiring three fire apparatus; and
4. Eight hundred dollars per hour for a response requiring four or more fire apparatus.

**4803.2.** Such charge and all other amounts authorized under Chapter [36](#) of the Code of the City of Lancaster shall be due and owing from such individual or entity within 30 days after the hazardous condition response and is collectible by the City of Lancaster in all manner allowable under law and/or in conformity with the procedures by which municipalities may collect municipal claims under the Pennsylvania Municipal Claims Act.

**4803.3.** Any bill for such services provided for the benefit of non-City-owned property shall be paid by the property owner in accordance with Chapter [36](#), Municipal Claims, of the Code of the City of Lancaster. Upon failure of the property owner to pay the amounts due the City in accordance with said Chapter [36](#), the City shall be entitled to collect all amounts and pursue any or all of the remedies identified in Chapter [36](#), Municipal Claims.

**4803.4.** If Fire Bureau personnel are required to assist in the prevention, control or cleanup or to provide other services with respect to the following items, the same shall be deemed a hazardous condition subject to a hazardous condition incident charge:

1. Removal of explosive bomb.
2. Dealing with excessive heat.
3. Dealing with a downed or fallen power line.
4. Disconnecting of arcing or shorted electrical equipment.
5. Aircraft standby.
6. Dealing with chemical emergencies such as chemical spills and radiation leaks.
7. Dealing with spills or leaks with no ignition of dangerous substances such as gasoline.
8. Other hazardous conditions of a similar nature not included above as determined by the incident commanders.

## **SECTION 4804**

### **FALSE CALL CHARGES**

**4804.1.** Any individual or entity responsible for making false calls, as hereinafter defined, to the Fire Bureau shall pay to the Fire Chief the following false call charges in the event such individual has made or is responsible for more than one such false call in any one twelve-month period (an excessive false call):

1. One hundred and ten dollars for the first excessive false call.
2. Two hundred and ten dollars for the second excessive false call.
3. Three hundred and twenty dollars for the third excessive false call.
4. Four hundred and twenty dollars for the fourth excessive false call.
5. Five hundred and thirty dollars for each excessive false call thereafter.

**4804.2.** Such charge and all other amounts authorized under Chapter [36](#) of the Code of the City of Lancaster shall be due and owing from such individual or entity within 30 days following the excessive false call necessitating the charge and is collectible by the City of Lancaster in all manner allowable under law and/or in conformity with the procedures by which municipalities may collect municipal claims under the Pennsylvania Municipal Claims Act.

**4804.3.** Any bill for such services shall be paid by the owner in accordance with Chapter [36](#), Municipal Claims, of the Code of the City of Lancaster. Upon failure of the owner to pay the amounts due the City, the City shall be entitled to pursue any or all of the remedies identified in said Chapter [36](#), Municipal Claims, including but not limited to the imposition of a municipal lien, pursuit of an action in assumpsit, collection of interest, penalties, charges, expenses, fees and attorneys' fees in accordance with existing provisions of law.

**4804.4.** A false call is any call to the Fire Bureau or to another City of Lancaster department or agency requiring a response by Fire Bureau personnel as follows:

1. Any such call made in a malicious or mischievous manner or with a malicious or mischievous intent.
2. A call to respond to a system malfunction when no such malfunction exists.
3. Unintentional calls such as tripping an interior warning device accidentally, and running a drain test without knowledge of the alarm connection.
4. Other calls of similar nature not described above.

**4804.5.** False alarms. Any fire alarm company or sprinkler company which, or whose employee, contractor or technician, causes a false fire response shall pay to the Fire Chief the following false alarm charges:

1. One hundred and ten dollars for the first false alarm call.
2. Two hundred and ten dollars for the second false alarm call.
3. Three hundred and twenty dollars for the third false alarm call.

4. Four hundred and twenty dollars for the fourth false alarm call.
5. Five hundred and thirty dollars for each false alarm call thereafter.

M. Any and all relevant provisions of the International Fire Code dealing with permit fees, other charges and other fees mentioned therein and not specifically set forth in this chapter shall be modified to reflect those set forth in Resolution No. 18-2008, adopted April 23, 2008, which fees may be changed from time to time by resolution of City Council.

N. Notwithstanding anything to the contrary set forth in the International Fire Code, the following provisions regarding fees and permits be and hereby are added and incorporated into the International Fire Code:

- (1) Any and all permit fees shall cover a period of 12 months from the date of issue except as otherwise stated in this code.
- (2) Where work or operations for which a permit is required is started prior to obtaining the required permit, the fees set forth herein for such permit shall be doubled, and the payment of such doubled fee shall not relieve any persons, corporations, firms or other entities from fully complying with the requirements of this code in the execution of the work or operations or from any other penalties prescribed in this code.
- (3) Whenever any operations, processes or activities or any work for which a permit is required are to be conducted, performed or engaged in by any person, firm, corporation or other entity as an independent contractor, employee or agent, it shall be the contractor's/employee's/agent's responsibility to determine that a permit has been obtained before performing any of the work.
- (4) The Fire Chief shall have authority to issue special permits for special or unusual operations, processes or activities which may be regulated by this code or for which approval by the Fire Chief or other Fire Code Official may be required by the Building Code of the City of Lancaster, but for which no specific permit has been authorized. In addition to the fees set forth in the fee schedule, adopted from time to time by resolution of City Council, the Fire Chief may charge the special permittee any costs of review or estimated costs of administration of the special permit as a condition precedent of such special permit.
- (5) No person shall conduct, perform, engage in or receive any of the operations, processes, activities or services for which a permit or certificate of fitness is required without paying the appropriate fee as set forth in the fee schedule adopted from time to time by City Council of the City of Lancaster and incorporated into this code.

O. Section 907 of the International Fire Code be and hereby is amended by adding the following Section 907.10:

**907.10 Other general information regarding smoke detectors.**

1. In every property in which smoke detectors are required, it shall be the responsibility of the owner of such property to install smoke detectors in sufficient number and so located so as to satisfy the requirements of this code. Following installation, it shall thereafter be the responsibility of the occupants of such property to maintain the smoke detectors in good working order. Each day in which a structure is out of conformity with this section shall be deemed a separate violation.
2. At every change of occupancy of every residential occupancy unit occasioned by or incidental to a sale, lease or sublease of such unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to certify, before occupancy, to the new occupant that all smoke detectors as required by this section or applicable laws are installed and in proper working condition. Failure to comply with this subsection shall be punishable as set forth herein; provided, however, that this subsection shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.
3. All smoke detectors must be hardwired and powered by a nonbattery source emanating from the building and containing battery backup. Notwithstanding the foregoing, detectors which have ten-year lithium batteries sealed so they may not be removed shall be allowed; provided, however, that when the battery expires, the detector must be replaced. Use of detectors using removable nine-volt batteries as sources of power shall be prohibited in all situations.
4. Single- or multiple-station smoke alarms shall be installed and maintained in groups R-1, R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load, in all of the following locations:
  - 4.1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
  - 4.2. Every habitable space, as defined in 2009 International Building Code, excluding kitchens and bathrooms.
  - 4.3. In each story within a dwelling unit, including basements and cellars, but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

- 4.4. Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the 2009 International Fire Code. Provisions of this subparagraph 4 are applicable to new construction and all existing buildings.

P. Section 3403.1.2 of the International Fire Code be and hereby is amended by adding the following subsection:

**3403.1.2.1 Storage exceptions.** Notwithstanding the foregoing, the following amounts of Class I, II and III liquids may be stored as follows:

1. Up to one gallon in any residential dwelling or place of human habitation.  
  
**Exception:** No gasoline may be stored in any part of a residential structure unless separated by a two-hour-rated separation.
2. Up to 2 1/2 gallons in any nonresidential building or occupancy;
3. Up to five gallons outside of any building; provided, however, that the above limitations shall not apply to the storage of such liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine or boat or to the storage of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
4. No person shall store any Class III liquid in excess of 25 gallons in a building or in excess of 60 gallons outside of a building except for fuel oil used in connection with flue-connected, oil-burning equipment.
5. The limitations above shall not apply for the storage of Class I, II or III liquids in stationary tanks that have been inspected and approved by the Chief, Fire Marshal or such other fire officials designated by the Chief.

Q. The International Fire Code be and hereby is amended by adding the following Section 907.11:

**907.11 All required fire alarm systems.**

1. Users who connect to a central service station shall pay to the City an initial inspection and preincident survey fee of \$500 and thereafter an annual fee of \$100 for the permitting and inspection of the fire suppression and/or fire protection system, which fee may be changed from time to time by resolution of City Council. The initial

inspection and preincident survey fees shall also be paid upon a change of occupancy of the property.

2. Users connected to a proprietary supervising station system shall pay to the City an initial inspection and preincident survey fee of \$500 and thereafter an annual inspection fee of \$100 for an annual inspection of the fire suppression and/or fire protection system. This fee may be changed from time to time by resolution of City Council.

Any proprietary supervising station shall be located at the protected property in this jurisdiction and may serve noncontiguous properties under one ownership. Proprietary supervising stations shall have been certified for fitness and use by a certification organization approved by the Fire Chief.

3. User charges and fees shall be paid by the owner of the property in accordance with the provisions of Chapter [36](#) of this Code regarding the payment of municipal claims. Amounts due the City hereunder and those further amounts authorized by Chapter [36](#) of the Code of the City of Lancaster shall be collectible by the City of Lancaster in all manner allowable under law and/or conformity with the procedures by which municipalities collect municipal claims under the Pennsylvania Municipal Claims Act.
4. All central stations and fire alarm service companies or providers which shall provide fire alarm service, including the use of a system or a group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in and supervised from a central station or location shall employ, retain or use competent and experienced operators of such circuits and devices and who, upon receipt of such a signal, shall take all such action as is required by this article and the most recent edition of NFPA 72 National Fire Alarm Code referenced by Chapter 47 of the 2009 International Fire Code.
5. Related activities performed by the central station or fire alarm service provider at the protected property, including but not limited to equipment installation, inspection, testing, maintenance and service and runner service, shall be the direct responsibility of such central station or alarm service provider.
6. To be qualified to be a central station or fire alarm service provider, such entity, person or company must be controlled and operated by a person, entity or corporation whose business is the furnishing of such services in compliance with the most recent edition of the National Fire Alarm Code 72 referenced by Chapter 47 of the 2009

International Fire Code.

7. Any such central station or fire alarm service provider shall submit to the Fire Chief, Fire Marshal or such other officials of the Fire Bureau, as shall be designated by the Fire Chief, copies of maintenance documents for each protected property as required by the Chief on an annual basis at the time such central station or fire alarm service provider applies for renewal of its permit.
8. Any such central station or fire alarm service provider shall notify, in writing, the Chief, or such other fire officials as he shall designate, of any canceled alarm service within 24 hours of such cancellation.
9. All fire alarm systems placed, maintained or serviced on a protected property by such a central station or alarm service provider shall contain an easily visible placard identifying the central station or fire alarm service provider, its address and telephone number.
10. All equipment and devices installed or maintained by a central station or fire alarm service provider on a protected property shall have been certified for fitness and use by a certification organization approved by the Chief and shall contain an easily visible placard identifying the company who certified the equipment or device, its address and phone number and the date of certification. The Chief shall maintain a list and make same available to the public of all organizations and persons approved to provide such certifications. The requirements of this section of this code shall only apply to systems installed since January 1, 1994, and shall continue in effect for all newly installed systems.

R. The International Fire Code be and hereby is amended by adding the following Sections 3308.11 and 3308.12:

**3308.11.** The manufacture, sale and discharge of fireworks, as defined by applicable law of the Commonwealth of Pennsylvania, are hereby regulated as follows:

1. The manufacture of fireworks is prohibited within the City of Lancaster.
2. It shall be unlawful for any person to store, to offer for sale, expose for sale, sell at retail, possess, possess for sale or use or explode any fireworks, except as otherwise permitted by the laws of the Commonwealth of Pennsylvania.
3. The Fire Chief shall adopt reasonable rules and regulations for the granting of permits, for supervised public displays of fireworks by fair

associations, amusement parks and other organizations or groups of individuals. Such permits may be granted upon application to the Fire Chief after approval of the Chief of Police and all other approvals required under the Noise Ordinance of the City of Lancaster **Editor's Note: See Ch. 198, Noise.** and the filing of appropriate bond by the applicants as provided by this code or other ordinances of the Commonwealth of Pennsylvania. Every such display shall be handled by a competent operator approved by the Fire Chief and shall be of such composition and character and so located, discharged or fired as in the opinion of the Fire Chief after proper inspection and shall not be hazardous to property or endanger any person or persons.

4. Applications for permits shall be made, in writing, at least 30 days in advance of the date of the display. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
5. The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property. Evidence that the sale, possession, use and distribution of fireworks for display purposes has been conducted with the applicable standard specified in this Code shall be evidence that such sale, possession, use and distribution of fireworks for display purposes provide reasonable safety to persons and property.
6. The Fire Chief may adopt reasonable rules and regulations for the use of model rockets. The design, construction and use of model rockets shall be reasonably safe to persons and property. Evidence that the design, construction and use of model rockets in accordance with the applicable standards specified in this code shall be evidence that such design, construction and use provides reasonable safety to persons and property.

#### **3308.12 Bond and responsibility for fireworks display.**

1. The Fire Chief shall require a bond or liability insurance from the Applicant in a sum not less than \$1,000,000 conditioned on compliance with the provisions of this chapter.
2. Before any permit for a fireworks display shall be issued, the person, firm or corporation making application therefor shall furnish proof of financial responsibilities to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof in such amount, character and form as the Fire Chief determines to be

necessary for the protection of the public.

3. Disposal of unfired fireworks. Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of firework remaining. The Fire Chief shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this chapter.

S. The International Fire Code be and hereby is amended by adding the following Section 307.4.2.1:

**Section 307.4.3.1.** All portable outdoor fireplaces shall have a spark arrestor and screen.

T. The table of referenced standards in Chapter 47 of the International Fire Code is amended by adding the following line items under NFPA:

<b>Standard reference number</b>	<b>Title</b>	<b>Referenced in code section number</b>
NFPA 101 2006	Life Safety Code	301.3
NFPA 96 2008	Hood Systems	609.1

**U. The following appendices to the 2009 International Fire Code be and hereby are adopted: C, D, I and J.**

**V. If the Lancaster City water distribution system does not provide sufficient water for the design of a sprinkler system, a fire pump shall be installed.**

**§ 142-17. (Reserved)**

**§ 142-18. (Reserved)**

**§ 142-19. (Reserved)**

**§ 142-20. (Reserved)**

**§ 142-21. (Reserved)**

**§ 142-22. Temporary condemnation of property by Fire Chief, Fire Marshal or other fire official.**

The Fire Chief, Fire Marshal or such other fire official designated by the Chief, with the approval of the Fire Chief for each incident, may temporarily condemn a property for life safety issues when a representative from the Bureau of Housing is unavailable to assist with the condemnation. The Bureau of Housing shall be notified on the next business day in order to

officially condemn the property according to the adopted Property Maintenance Code of the City of Lancaster.

**§ 142-23. Severability.**

In the event any provision, section, sentence, clause or part of this chapter shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this chapter, it being the intent of the City of Lancaster that the remainder of the chapter shall be and shall remain in full force and effect.

**§ 142-24. Savings clause.**

Nothing in this chapter or in the International Fire Code herein adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred or any cause or causes of action accrued or existing under any act or ordinance repealed hereby. No right or remedy of any character shall be lost, impaired or affected by this chapter.

**§ 142-24.1. Effect on other provisions.**

To the extent that any provisions of the International Fire Code, as adopted and amended hereby, are inconsistent with any provisions of the International Building Code, the International Property Maintenance Code or any other similar code adopted by the City of Lancaster, the more stringent code requirements shall, in all instances, apply.

**§ 142-25. Violations and penalties.**

A. In addition to any other section or remedial procedure provided, whoever violates any provision of this Fire Prevention Code; or who shall fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any details, statements, specifications or plans submitted or approved thereunder; or who shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the Fire Chief or other designated fire officials by a court of competent jurisdiction within the time fixed herein shall, upon conviction thereof in a summary proceeding, be fined not less than \$100 and not more than \$1,000 for the first offense, not less than \$200 and not more than \$1,000 for the second offense and not less than \$300 and not more than \$1,000 for the third and all succeeding offenses and costs of prosecution for each offense, to be collected as other fines and costs are by law collectible, and, in default of payment thereof, shall be imprisoned for not more than 90 days.

B. In the case of continual and uncorrected violation of the same subsection of this Fire Prevention Code, a fine, not exceeding one per month on a single property and not less than \$300 nor more than \$1,000 shall be imposed for the first two continual and uncorrected violations and not less than \$1,000 nor more than \$5,000 for the third and any subsequent continual and uncorrected violation of the same subsection of this Fire Prevention Code on the same property, unless the violation is found to pose a threat to the public's health, safety or property, then, upon conviction thereof, penalties or fine shall be imposed as follows:

(1) Not exceeding one citation per five calendar days for a continual and uncorrected violation of the same subsection of this Fire Prevention Code on the same property;

(2) Limited to no less than \$600 and no more than \$1,000 for the first two continual and uncorrected violations of the same subsection of this Fire Prevention Code on the same property and no less than \$1,000 and not exceeding \$10,000 for the third and any subsequent continual and uncorrected violation of the same subsection of this Fire Prevention Code on the same property, or imprisonment for any term up to 90 days, or both.

C. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time, and, when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. As used herein, the term "person" means an individual, firm, partnership, association, corporation, company or organization of any kind and includes the individual members, partners, officers and managers (or any of them) of partnerships, associations and similar entities and the officers, directors and managers (or any of them) of corporations. “

SECTION 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded. Notwithstanding the forgoing, any such ordinances or resolutions shall remain in full force and effect for purposes of continuation of any enforcement proceedings commenced prior to the effective date of this ordinance.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 27<sup>th</sup> day of July, 2010, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER

\_\_\_\_\_  
Janet Spleen, City Clerk

By: \_\_\_\_\_  
J. Richard Gray, Mayor