

## **CHAPTER 7**

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**PART 1**

**OPEN BURNING**

**§7-101. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**FURNACE** - any enclosed device specifically designed for burning any material for the production of heat.

**GARBAGE** - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**BOROUGH COUNCIL** - the Borough Council of the Borough of Collingdale.

**INCINERATOR** - any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

**OPEN FIRE** - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

**PERSON** - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

**REFUSE** - garbage, rubbish and trade waste.

**RUBBISH** - solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

**SALVAGE OPERATION** - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers or drums.

**TRADE WASTE** - all solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

*(Ord. 277, 5/1/1950; as revised by Ord. 568, 10/5/1987)*

## FIRE PREVENTION AND FIRE PROTECTION

### **§7-102. Enforcement.**

The Borough Council of the Borough shall have the power and duty to enforce the provisions of this Part. The Mayor may from time to time suspend enforcement.

*(Ord. 277, 5/1/1950; as revised by Ord. 568, 10/5/1987)*

### **§7-103. Regulations.**

1. Within the Borough limits, no person shall:
  - A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building; or
  - B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.
2. Exceptions:
  - A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
    - (1) The prevention of a fire hazard which cannot be abated by other means; or
    - (2) The protection of public health.
  - B. Open fires may be set with approval of the authorized enforcement agent of this Part; provided,
    - (1) Leaves, branches and other non-putrescible vegetable matter only are burned.
    - (2) There is no practical available alternative method for disposal of the material to be burned.
    - (3) No hazardous or other objectionable condition will be created by such burning.
    - (4) No such burning is allowed on any street or sidewalk within the Borough.
    - (5) All such burning takes place between the hours of 9 a.m. and 9 p.m.

*(Ord. 277, 5/1/1950; as revised by Ord. 568, 10/5/1987)*

**§7-104. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300, and/or to imprisonment for a term not to exceed 90 days.

*(Ord. 277, 5/1/1950; as revised by Ord. 568, 10/5/1987)*



## PART 2

### SMOKE DETECTORS

#### §7-201. Requirements.

1. No single family dwelling or multiple occupancy dwelling shall be sold and no structural change, repairs or additions of a value in excess of \$500 shall be made thereto unless and until the structure has had installed therein an approved fire detection product of combustion system.
2. All multiple family dwelling units, and motel units when leased or subleased to another, shall be provided with a detector of products of combustion system.
3. The detectors shall be capable of sensing visible or invisible particles of combustion except that detectors sensitive only to heat are not acceptable. Alarms signaling devices shall be rated at not less than 85 decibels at 10 feet and shall be clearly audible in adjacent bedrooms when all intervening doors are closed. For the purposes of installation and maintenance only, the applicable section of the National Fire Protection Association No. 74 "Standard for the Installation, Maintenance, and use of a Household Fire Warning System," shall be considered accepted engineering practices. All detectors shall be listed by Underwriters Laboratories, Inc.

(*Ord. 547*, 11/1/1984, §1; as amended by *Ord. 568*, 10/5/1987)

#### §7-202. Location.

At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the family living 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 considered as separate sleeping areas for the purpose of this Part. At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area in such a manner so as to assure that rising smoke is not obstructed in reaching the detector and the detector intercepts rising smoke before it reaches the sleeping area. Compliance with the requirements pertaining to single or multiple family dwellings, hotel and motel units, shall be required not later than January 1, 1985.

(*Ord. 547*, 11/1/1984, §2)

## FIRE PREVENTION AND FIRE PROTECTION

### **§7-203. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

*(Ord. 547, 11/1/1984, §3; as amended by Ord. 568, 10/5/1987)*

**PART 3**

**INSURANCE PROCEEDS**

**§7-301. Designated Officer.**

The Borough of Collingdale Borough Manager, or designated Borough Officer, is hereby designated to perform all duties assigned by Section 508 of the Insurance Company Law of 1921, 40 P.S. §638 as amended, in connection with the issuance of fire loss certifications and collection of funds paid by insurers in settlement of outstanding municipal taxes and claims against fire damaged buildings or structures located within the Borough of Collingdale; for the collection of funds paid by insurers as security against the total cost incurred by the Borough for the removing, repairing or securing of fire damaged buildings and structures located within the Borough of Collingdale; for the establishment and administration of a separate account for deposit of such security funds; and for the distribution of such security funds.

(*Ord. 591A, 6/7/1993, §301; as amended by Ord. 619, 6/1/1998, §II*)

**§7-302. Municipal Certificate Required Prior to Payment of Fire Loss Claims.**

1. No insurance company, association or exchange doing business in this Commonwealth shall pay a claim of a named insured for fire damage to a structure located within the Borough of Collingdale where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insurance company, association or exchange is furnished with a certificate pursuant to subsection (2) of this Section and unless there is compliance with the procedures set forth in subsections (3) and (4) of this Section.

The Borough of Collingdale Borough Manager, or the designated Borough Officer, is hereby authorized to certify the amount of delinquent taxes, assessments, penalties or user charges that are outstanding against a building or other structure located in the Borough of Collingdale where the amount recoverable for the fire loss to the structure under all insurance policies exceed \$7,500, and to receive such funds from insurers in payment for such delinquent taxes and municipal claims in accordance with the procedure established by subsection (2).

2. The Borough Manager, or the designated Borough Officer, shall, upon the written request of the named insured, specifying the tax description of the property, the name and address of the insurance company, association or exchange and the date agreed upon by the insurance company, association or exchange and the named insured as the date of the receipt of the loss report of the claim, furnish the insurance company, association, or exchange either of the following written 14 working days of the request:
  - A. A certificate or, at the discretion of the Borough Manager, or designated Borough Officer, a verbal notification which shall be confirmed, in writing, by the insurer to the effect that, as of the date specified in the request,

## FIRE PREVENTION AND FIRE PROTECTION

there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Borough manager's certificate or verbal notification, no Borough representative has certified any amount as total costs incurred by the Borough of Collingdale for the removal, repair or securing of a building or other structure on the property.

- B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Borough Manager's certificate, the amount of the total costs, if any, certified by the Borough of Collingdale as having been incurred by the Borough of Collingdale for the removal, repair or securing of a building or other structure on the property.
3. Upon the receipt of a certificate pursuant to this Part, the insurance company, association or exchange shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insurance company, association or exchange, the insured property owner and the municipality shall follow the procedures set forth in subsections (5) and (6) of this Section. Upon receipt of a certificate and bill pursuant to subsection (2)(B) of this Section, the insurance company, association or exchange shall return the bill to the Borough Manager and transfer to the Borough Manager an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill. The municipality shall receive the amount and apply or credit it to payment of the items shown in the bill.
4. When the loss agreed to between the named insured and the company, association or exchange equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or other structure, the insurance company, association or exchange shall transfer from the insurance proceeds to the designated officer of the municipality in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a claim, or, if at the time of a loss report the named insured has submitted a contractor's claim, or, if at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurance company, association or exchange shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the municipality shall be disbursed in accordance with the policy terms. The named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured if the municipality has not commenced to remove, repair or secure the building or other structure.

5. Upon receipt of proceeds by the Borough of Collingdale as authorized by this Section, the Borough's designated officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the municipality. When transferring the funds as required in this Part, an insurance company, association or exchange shall provide the municipality with the name and address of the named insured, whereupon the municipality shall contact the named insured, certify that the proceeds have been received by the municipality and notify the name insured that the procedures under this subsection shall be followed. The fund shall be returned to the named insured when repairs, removal or securing of the building or other structure have been completed and the required proof received by the designated officer if the municipality has not incurred any costs for repairs, removal or securing. If the Borough of Collingdale 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 municipality shall transfer the remaining funds to the name insured. Nothing in this Section shall be construed to limit the ability of this Part to recover any deficiency. Further, nothing in this subsection shall be construed to prohibit this Part and the name insured from entering into an agreement that permits the transfer of funds to the name insured if some other reasonable disposition of the damage property has been negotiated.
6. Proof of payment by the insurance company may, association or exchange of proceeds under a policy in accordance with this Part is conclusive evidence of the discharge of its obligation to the insured under the policy to the extent of the payment and of compliance by the company, association or exchange with subsection (4) of this Section.
7. Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make a municipality or public official an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.
8. An insurance company, association or exchange making payments of policy proceeds under this Section for delinquent taxes or structure removal liens or removal expenses incurred by the Borough of Collingdale shall have a full benefit of such payment, including all rights of subrogation and assignment.
9. An exact copy of this Part shall be filed with the Department of Community Affairs, together with the name, position and phone number of the municipal official responsible for compliance with this Section.
10. The term "municipality," as used in this Section, shall mean the Borough of Collingdale. The term "Borough Manager," as used in this Part shall mean the appointed Borough Manager or other appropriate municipal officer authorized to administer this Part. The term "treasurer," as used in this Part, shall mean an elected treasurer or other appropriate municipal officer authorized to collect real estate taxes.

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

(*Ord. 591A, 6/7/1993, §302; as amended by Ord. 619, 6/1/1998, §II*)

### **§7-303. Adoption of Procedures and Regulations**

The Collingdale Borough Council may, by resolution, adopt procedures and regulations to implement this Part and Act 98 of July 9, 1992, P.L. 678 No. 98, and any amendments thereto, and may by resolution fix reasonable fees to be charged for Borough activities or services provided pursuant to Act 98 of July 9, 1992, and any amendment thereto, but not limited to, issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(*Ord. 591A, 6/7/1993, §304; as amended by Ord. 619, 6/1/1998, §III*)

### **§7-304. Penalty.**

Any owner of property, any named insured or any insurer who violates this Part shall be subject to a penalty of up to \$1,000 per violation, and costs of prosecution.

(*Ord. 591A, 6/7/1993, §305; as amended by Ord. 619, 6/1/1998, §IV*)

**PART 4**

**ALARM AND WARNING SYSTEMS**

**§7-401. Definitions.**

As used in this Part, the following terms shall have the meanings indicated.

**ALARM SYSTEM** - any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry, fire, smoke, and/or similar type emergency or other activity requiring urgent attention and to which the Borough of Collingdale Emergency Services are expected to respond.

**ALARM USER** - any person, firm, business or corporation of any kind in control of the premises wherein the alarm system is maintained.

**FALSE ALARM** - any alarm system activated by inadvertence, negligence or unintentional acts to which the Borough of Collingdale Emergency Services respond, including malfunction of the alarm system; or any other kind of direct or indirect signal given to the Borough of Collingdale Police Department, and/or the Collingdale Fire Company No. 1 and/or Collingdale Fire Company No. 2, any of the various ambulance services associated thereto, to which police and/or fire fighters, and/or emergency medical personnel respond, which is not the result of a robbery, burglary, intrusion, smoke, fire, or similar emergency. Alarm activation caused by electrical failures beyond the control of the owners of the structure protected, electrical storms, or acts of God, shall not be considered false alarms.

*(Ord. 609A, 9/9/1996, §1)*

**§7-402. Disconnect Devices Required for Audible Alarms.**

All alarm users with an alarm system using an audible alarm shall equip such system with a timing mechanism that will disengage the alarm for a maximum period of 15 minutes. Such audible alarm must remain disconnected until it can be manually reset. It is the specific intent of the Section to prevent an audible alarm automatically resetting.

*(Ord. 609A, 9/9/1996, §1)*

**§7-403. Responsibility of the Alarm Users to Obtain Information.**

Every alarm user shall be responsible to obtain information to enable the user to operate the alarm system properly and to locate and obtain service for the alarm system.

*(Ord. 609A, 9/9/1996, §1)*

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### **§7-404. Alarm Service Fee.**

An alarm service fee of \$50 per false alarm shall be charged against all alarm users that either knowingly or unknowingly cause a false alarm to be received by the Borough of Collingdale Emergency Services of which include the Borough of Collingdale Police Department and/or the Borough of Collingdale Fire Company No. 1 and or the Collingdale Fire Company No. 2, any of the associated ambulance services thereto to which police and/or fire fighters and emergency medical personnel respond, which is not the result of a robbery, burglary, intrusion, fire or similar emergency, for the first offense; a \$100 alarm service fee for the second offense, and a \$200 alarm service fee for the third offense, and a \$300 alarm service fee for each offense thereafter. Each daily occurrence of the same offense shall be considered as a new expense and chargeable as such. All false alarm service fees are payable to the Borough of Collingdale and shall be made within 10 days of the notice of charge.

*(Ord. 609A, 9/9/1996, §1)*

### **§7-405. Violations and Penalties.**

Any alarm user who violates any provision of this Part and does not timely pay to the Borough of Collingdale the alarm service fee(s) assessed as required herein, or any alarm user that violates any provisions of this Part, shall be guilty of a violation of the Part and shall, upon conviction before the District Justice of the Peace, be subject to pay a fine of no less than \$100 and not more than \$1,000, plus the payment to the Borough of Collingdale of the assessed and charged alarm service fee(s), plus costs of prosecution.

*(Ord. 609A, 9/9/1996, §1)*

**PART 5**  
**SPRINKLER SYSTEMS**

**§7-501. Definitions.**

As used in this part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

**AUTHORITY HAVING JURISDICTION**—the Borough of Collingdale.

**COMMERCIAL STRUCTURES**—any structure used for retail, business and service use which is intended to service both regional and neighborhood customers.

**INDUSTRIAL STRUCTURES**—any structure used for light/limited industrial use in the form of both industrial parks and individual structures.

**MULTIPLE-OCCUPIED DWELLINGS**—occupancies where there are two or more living units, including, but not limited to, apartment houses, convents and rectories within the Borough.

**SCHOOLS AND OTHER PUBLIC FACILITIES.**

**SINGLE FAMILY DWELLING**—an occupancy where a living unit is occupied by members of one family, including occupancies of the same description where rooms are rented.

**SPRINKLER SYSTEM**—for fire protection purposes, are integrated systems of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes a water supply and/or connection by underground piping to a Borough main. The portion of the sprinkler system aboveground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for activating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. The sprinkler system shall meet all NFPA or its successor code specifications for sprinkler installation and performance.

**TWO-FAMILY DWELLING**—an occupancy where the living units are occupied by two separate families with independent cooking, sleeping and bathroom facilities.

*(Ord. 644, 7/11/2005)*

## FIRE PREVENTION AND FIRE PROTECTION

### **§7-502. Applicability.**

This Part applies to single and multi-occupied residential structures, and commercial, industrial, and educational buildings with a maximum of three stories in height.

*(Ord. 644, 7/11/2005)*

### **§7-503. Compliance Requirements.**

- A. All building and/or structures hereinafter constructed shall be equipped with an approved automatic sprinkler system.
- B. Plans of all proposed automatic fire-protection systems installations shall be approved by a certified fire protection engineer and then submitted to the Borough Fire Marshall or other Borough designated personnel for approval, prior to the issuance of any building permit.
- C. Vacant or unoccupied buildings or portions thereof, which now have a sprinkler system shall be maintained in a workable condition at all times.
- D. All buildings that are being renovated or modified for more than 50% of its value shall conform to the provisions of this article.
- E. All buildings that shall be converted from owner occupied single-family dwellings to single family rental units or to multi-occupied, or multi-family dwellings or which increase the number of dwelling units shall install an approved automatic sprinkler system to conform to the provisions of this Part.

*(Ord. 644, 7/11/2005)*

### **§7-504. Combination System Allowed.**

In single-family and multi-occupied or multi-family residential structures a combination fire-protection sprinkler system shall be allowed. A combination fire-protection system and domestic water system can utilize the same (common) water service supply pipe to the premises so long as they meet National Fire Protection Association Fire Code (or its successor code, hereinafter referred to as "NFPA") and the AQUA Pennsylvania, Inc. requirements.

*(Ord. 644, 7/11/2005)*

### **§7-505. Installation of System.**

- 1. All sprinkler systems shall be installed in compliance with the then application sections of the NFPA, as amended or its successor code and any requirement imposed by the Borough Fire Marshall or other applicable Borough ordinances.

2. When an automatic sprinkler system is required by these regulations, it shall be meant to require one hundred percent complete coverage, except as specifically allowed by exception of the Borough Fire Marshall, the Borough Engineer, or the Designated Borough personnel.
3. A complete set of drawings showing the design, spacing and location of all equipment as well as a listing of all hydraulic calculations shall be submitted to the Borough Fire Marshall, with approved engineer seals, prior to the work and the Borough Engineer with approved engineer seal, prior to the commencement of any work.
4. Upon payment of the designated fee, a building permit shall be obtained from the Code Enforcement Officer or Borough Manager prior to the commencement of any work.

*(Ord. 644, 7/11/2005)*

**§7-506. Maintenance.**

It shall be the duty of the owner of each dwelling and/or building to maintain the fire protection system in proper operating condition at all times as per NFPA, as amended or its successor Fire Protection Code.

*(Ord. 644, 7/11/2005)*

**§7-507. Testing of System.**

1. All systems, other than those contained in one or two-family dwellings, shall be flow tested, and inspected once a year by a certified fire protection engineer. A report on the system certifying that it is in proper working condition shall be filed with the Borough Manager and Fire Marshall.
2. Occupancy by 10 persons or less.
  - A. All systems contained in single and multiple-family dwellings where occupancy does not exceed 10 persons shall be flow tested and inspected once every 18 months by a certified fire-protection engineer. A report on the system certifying that it is in proper working condition shall be filed with the Borough Manager and Fire Marshall.
  - B. Where occupancy in multiple-family dwellings exceed 10 persons, then such systems shall be tested and inspected in compliance with subsection (1) hereof.
3. All systems at the time of this Section shall be tested and inspected in compliance with the appropriate subsection of this Section.

*(Ord. 644, 7/11/2005)*

## FIRE PREVENTION AND FIRE PROTECTION

### **§7-508. Enforcement.**

The Borough Fire Marshall and Code Enforcement Officer shall ensure proper compliance of all Sections of this Part.

*(Ord. 644, 7/11/2005)*

### **§7-509. Liability of the Borough.**

This Part shall create no legal liability to the Borough of Collingdale other than to ensure that, at the time of inspection, the systems was present and functional.

*(Ord. 644, 7/11/2005)*

### **§7-510. Violations and Penalties.**

Any person who shall be convicted of a violation of any of the provisions of this Part before any district justice shall be sentenced to pay a fine of not more than \$1,000, together with the cost of prosecution, or to imprisonment in the County jail for a term not to exceed 30 days, or both.

*(Ord. 644, 7/11/2005)*