

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Smoke Detectors****§7-101. Title.**

This Part shall be known and may be cited as the “Lewisberry Borough Smoke Detector Ordinance.”

(Ord. 1998-3, 6/1/1998, §1)

§7-102. Definitions.

The following words and terms when used in this Part shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

Borough - the Borough of Lewisberry, Pennsylvania.

Council - the Borough of Lewisberry, Pennsylvania, Council or its duly appointed agent or agents.

Residential unit - any building or structure used for overnight sleeping accommodations, however frequent. The term includes, but is not limited to, all residential dwellings, apartments, hotels, cabins, mobile homes, etc.

Smoke detector - a device, when operating properly, detects smoke and heat from fire and sensing visible or invisible particles of combustion, and sounds an audible alarm to alert those nearby. The smoke detector shall comply with the provisions of the National Fire Protection Association Standards. The applicable standards are on file with the Borough Secretary.

Zoning Officer - the Lewisberry Borough Zoning Officer as described and defined under the Lewisberry Borough Zoning Ordinance [Chapter 27].

(Ord. 1998-3, 6/1/1998, §2)

§7-103. Purpose, Findings and Scope.

1. Council recognizes the importance and significance of establishing a uniform smoke detector ordinance to apply to all residential units.

2. Council recognizes that under §1202, of the Borough Code, 53 P.S. §46202, relating to ordinances which affect the health, safety and general welfare of the community and in furtherance of that objective has the authority to enact an ordinance requiring smoke detectors to be installed and maintained in all residential units.

3. Council recognizes the importance and significance of adopting ordinances which will help to detect fires as early as possible in order to reduce the damage caused by fire.

4. The provisions of this Part shall apply to all residential units which are located in the Borough.

(Ord. 1998-3, 6/1/1998, §3)

§7-104. Smoke Detector Requirement.

1. Every residential unit shall be equipped with one or more smoke detectors as

follows:

A. At least one smoke detector at the top of each stairway, which can be the smoke detector for the sleep area.

B. At least one smoke detector on each floor of the residential unit, where there is at least one smoke detector for each separate sleep area. A separate sleep area is an area used for sleeping purposes which is separated by other areas not used for sleeping, such as a kitchen, dining room, living room, etc., but not a closet or bathroom.

C. For example, in a residential unit with one bedroom on the first floor and a bedroom on the second floor, two smoke detectors would be required.

2. *New Construction.* In all new residential units, requiring a zoning/use permit as of the effective date of this Part, smoke detectors shall be required in accordance with the above schedule. The smoke detectors shall be hard wired to the unit's electrical system and shall be equipped with a battery powered back-up. [Ord. 2007-2]

3. *Removal.* The removal of a smoke detector without replacing the same shall be a violation of this Part.

4. *Testing.* It shall be the responsibility of the occupant of every building or structure used for overnight accommodation to test the smoke detectors on a regular basis and to replace batteries, or perform other required maintenance, to maintain the smoke detector.

5. *Certification at Time of Change of Occupancy.* At every change of occupancy of a building or structure, it shall be the duty of the grantor or the owner or owner's agent to certify that the property is in compliance with this Part.

(Ord. 1998-3, 6/1/1998, §4; as amended by Ord. 2007-2, 12/17/2007)

§7-105. Inspection.

The Borough reserves the right to have the Zoning Officer inspect any and all residential units for compliance with this Part before issuing any permit for work to be performed or for a use certificate.

(Ord. 1998-3, 6/1/1998, §5)

§7-106. Enforcement.

1. The Zoning Officer and the Mayor shall have the express authority to enforce this Part.

2. Members of the Lewisberry Borough Fire Department shall have a duty to inform the Borough, in writing, of a known or suspected violation of this Part.

3. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$25 nor 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2007-2]

(Ord. 1998-3, 6/1/1998, §6; as amended by Ord. 2007-2, 12/17/2007)

Part 2**Intergovernmental Cooperation Agreement****§7-201. Short Title.**

This Part shall be known and may be cited as the “Borough of Lewisberry Intergovernmental Cooperation Agreement Ordinance” for fire protection services.

(*Ord. 2011-6, 12/5/2011, §1*)

§7-202. Legislative Intent and Applicability.

The background of this Part and legislative intention of the Council in enacting it are as follows:

A. The Borough of Lewisberry is a municipality of the Commonwealth of Pennsylvania.

B. The Act of December 19, 1996, P.L. 1158, No. 177, referred to as the “Intergovernmental Cooperation Law,” 53 Pa.C.S.A. §2301 *et seq.*, provides that two or more municipalities may jointly cooperate in the exercise or in the performance of their respective governmental functions, powers or responsibilities.

C. The Pennsylvania Borough Code authorizes Borough to enter into joint municipal agreements with other political subdivisions in making joint provisions for fire protection and related services.

D. The Council finds that it is in the best interest of its citizens to arrange for an intergovernmental agreement with Fairview Township to provide fire protection and related services.

(*Ord. 2011-6, 12/5/2011, §2*)

§7-203. Intergovernmental Agreement.

Lewisberry Borough (herein “Borough”) hereby approves entering into the intergovernmental cooperation agreement for fire protection and related activities between Lewisberry Borough and Fairview Township, which is attached hereto¹ and incorporated herein by reference.

(*Ord. 2011-6, 12/5/2011, §3*)

§7-204. Execution of Documents.

The President or Vice President of the Borough Council, acting alone or together with the Secretary and Assistant Secretary, are hereby authorized and directed on behalf of Lewisberry Borough to execute and deliver the agreement, to execute and deliver such additional instruments, including leases and other documents to take effect as further actions are deemed necessary or appropriate to carry forth the agreement

¹Editor’s Note: The intergovernmental cooperation agreement for fire protection and related activities between Lewisberry Borough and Fairview Township is on file in the Borough office.

and transactions to be effected under the agreement, including appointing a fire protection service, housing equipment and personnel and providing funding therefore. (*Ord. 2011-6, 12/5/2011, §4*)

§7-205. Ratification.

All actions taken by any public officials of Lewisberry Borough heretofore in pursuit of the establishment of this intergovernmental cooperation agreement are hereby ratified and approved in all respects.

(*Ord. 2011-6, 12/5/2011, §5*)

§7-206. Severability.

The Borough Council is hereby authorized to take such other actions as deemed necessary or appropriate to carry out the purposes of the article related intergovernmental cooperation agreement.

(*Ord. 2011-6, 12/5/2011, §6*)

§7-207. Implementation.

As required by the intergovernmental cooperation agreement for fire protection and related activities between Lewisberry Borough and Fairview Township, the following matters are specifically found and determined:

A. The intergovernmental agreement sets forth the terms and conditions of fire protection services between the Borough and Township.

B. The parties shall participate in the intergovernmental cooperation agreement for indefinite terms. The contract will continue until terminated by either party upon proper notice.

C. The purpose and objectives of the agreement are set forth in the text of the agreement.

D. The expense of financing the agreement required by the Borough to implement the Borough's obligation under the agreement shall come from normal budgetary amounts for such matters and other provisions governing the matter and extent of financing shall be set forth in the agreement.

E. All property, real or personal, will remain titled in Lewisberry Borough with the provision that the Lewisberry Fire Station shall be leased either to Fairview Township or to the Fairview Township Fire Company upon terms to be negotiated by the parties.

F. Lewisberry Borough also empowers the Fairview Township Fire Company to enter into contracts or policies for group insurance, workers' compensation, unemployment benefits or other customary benefits for fire personnel with the assistance of Fairview Township.

(*Ord. 2011-6, 12/5/2011, §7*)