

Chapter 126

FIRE PREVENTION

[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Code enforcement — See Ch. 102.

Rental property — See Ch. 189.

Uniform construction codes — See Ch. 106.

ARTICLE I
Fire- and Smoke-Detection Devices
[Adopted 3-12-1985 by Ord. No. 314-1985]

§ 126-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AUTOMATIC FIRE- AND SMOKE-DETECTING DEVICE — Any device which automatically detects heat, smoke or other products of combustion and actuates an alarm to alert and warn the inhabitants of any building or structure described herein and which has been approved by the Fire Chief of the Borough of Port Carbon.

§ 126-2. Nonresidential buildings or structures.

- A. All owners of newly constructed buildings or structures or additions thereto which do not have an approved fire-suppression system therein shall install an approved automatic fire- and smoke-detecting device therein as provided hereinafter before said building or structure or addition thereto can be occupied and/or used for any purpose.
- B. All owners of existing buildings or structures which do not have an approved fire-suppression system therein shall install an approved automatic fire- and smoke-detecting device therein as is provided hereinafter within 60 days of the enactment of this article unless the Borough Council of the Borough of Port Carbon extends said period of time upon written application of the owner. If the required device is not installed within the required time limit, the Fire Chief of the Borough of Port Carbon shall issue a written order requiring the building or structure occupancy and/or use to cease forthwith.
- C. An approved automatic fire- and smoke-detecting device is hereby required for each 5,000 square feet of floor area or portion thereof. Said device shall be mounted on the ceiling or on a wall not more than 12 inches from the ceiling at a point centrally located. When activated, said device shall provide an audible alarm sufficient to alert and warn occupants within said five-thousand-square-foot area or portion thereof.

§ 126-3. Residential buildings or structures.

- A. All owners of newly constructed single- or multiple-occupancy residential buildings or structures which do not have an approved fire-suppression system therein shall install an approved automatic fire- and smoke-detection device therein as provided hereinafter prior to the issuance of a certificate of occupancy permitting the occupancy of said building or structure or any single-family residential unit therein.
- B. All owners of existing single- or multiple-occupancy rental residential buildings or structures which do not have an approved fire-suppression system therein shall install an approved automatic fire- and smoke-detection device therein as provided hereinafter within 60 days of the enactment of this article unless the Borough Council of the Borough of Port Carbon extends said period of time upon written

application of an owner.

- C. All owners of existing single-occupancy owner-occupied residential buildings or structures which do not have an approved fire-suppression system therein shall install an approved automatic fire- and smoke-detection system therein as provided hereinafter whenever there is a change in the legal ownership of said building or structure and prior to the issuance of a certificate of occupancy permitting the occupancy of said building or structure or whenever there is structural change or repair at a cost of \$1,000 or more, whichever occurs first.
- D. In each single-occupancy residential building or structure there shall be a minimum of one automatic fire- and smoke-detection device per floor (A basement is considered a floor), and in each multiple-occupancy residential building or structure there shall be a minimum of one automatic fire- and smoke-detection device per dwelling unit and basement therein.
- E. Each required automatic fire- and smoke-detection device shall be mounted on the ceiling or on a wall not more than 12 inches from the ceiling at a point centrally located in a corridor or area giving access to rooms used for sleeping, cooking and/or heating purposes.
- F. In a dwelling unit within a multiple-occupancy residential building or structure said device shall be centrally located on the ceiling of the main room. Where sleeping rooms are on an upper level, the said device shall be placed at the center of the ceiling directly above the stairway.

§ 126-4. Device to produce audible alarm.

When activated, the automatic fire- and smoke-detection device shall provide an audible alarm sufficient to alert and warn the occupants of said building or structure or dwelling unit. Said audible alarm shall provide a distinctive tone and shall not be used for any other purpose than that of a fire alarm. It shall be located so as to be effectively heard above all other sounds by all the occupants in every occupied space within the building.

§ 126-5. Maintenance of device.

Upon the installation of a required automatic fire- and smoke-detection device, and thereafter, the owner or occupant of any building or structure, portion thereof or dwelling unit therein shall maintain said device in proper operating condition at all times.

§ 126-6. Exemptions.

Any owner of any building or structure described hereinbefore who desires an exemption from the provisions of this article shall submit a written request to the Borough Council. Upon receipt of said written request, a copy thereof shall be forwarded to the Fire Chief of the Borough of Port Carbon for recommendation. If it is found that the required fire- and smoke-detecting device is not required to protect the public health, welfare and safety of the inhabitants of the Borough of Port Carbon, the Borough Council, with the consent of the Fire Chief, shall approve said exemption.

§ 126-7. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]

Any person, firm or corporation violating any provision of this article shall, upon conviction before any Magisterial District Judge, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE II
Adoption of Standards
[Adopted 8-14-2001 by Ord. No. 1-2001]

§ 126-8. Adoption of fire prevention code. [Amended 4-8-2008 by Ord. No. 1-2008]

A certain document, three copies of which are on file in the office of the Borough Secretary of the Borough of Port Carbon, being marked and designated as "The BOCA National Fire Prevention Code, Eleventh Edition, 1999," as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the Fire Prevention Code of the Borough of Port Carbon, in the State of Pennsylvania, for the control of buildings, structures, and premises as herein provided, and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Prevention Code are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in § 126-10 of this article.

§ 126-9. Inconsistent ordinances repealed; consistent or supplemental ordinances not repealed.

Ordinance No. 316 of 1986 of the Borough of Port Carbon and all other ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinances consistent or supplemental to this article shall not be repealed.

§ 126-10. Additions, insertions and changes.

The following sections are hereby revised as follows:

- A. Section F-101.1. Borough of Port Carbon
- B. Table F-107.2.3. Attached hereto as Exhibit "A" and incorporated herein as if set forth at length.

§ 126-11. Establishment of limits.

The limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code/ 1999 in which the storage of explosive materials is prohibited are hereby established as set forth in said section.

§ 126-12. Saving clause.

Nothing in this article or in the Fire Prevention Code hereby adopted shall be construed to affect any lawsuit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 126-9 of this article, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

