

**CODIFIED ORDINANCES OF THE TOWN OF McCANDLESS**

**PART FIFTEEN - FIRE PREVENTION CODE**

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Art. 1501. Fire Prevention Permits.

Art. 1509. Fire Control Measures and Regulations.

Art. 1513. Designation of Fire Lanes.

Art. 1517. Fire Insurance Escrow Act.

Art. 1521. International Fire Code.



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**ARTICLE 1501**  
**Fire Prevention Permits**

**1501.01 Fire prevention permits.**

**1501.99 Penalties.**

**CROSS REFERENCES**

Fire regulations - see First Class Twp. Code §1502 (53 P.S. §56516)  
Inflammable waste materials - see GEN. OFF. 705.07

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**1501.01 FIRE PREVENTION PERMITS.**

(a) Fire prevention permit requirements shall adhere to the International Fire Code requirements. Request for a fire prevention permit shall include either an approved set of building plans or a description of the activity to be undertaken.

(b) A fire prevention permit is required for any fire alarm detection system installation or modification to same; any fire suppression system installation or modification to same; installation of fire substation; any public display of fireworks; storage and handling of combustible and/or flammable liquids (including temporary and permanent storage tanks) and hazardous materials; storage and handling of liquified petroleum gases; storage and handling of explosives, ammunition and blasting agents; and bonfires.

(c) Where applicable, a valid permit shall be displayed at all times on the site until such time as construction is completed and final inspection approved.

(d) If a properly completed application for a fire prevention permit is neither approved nor disapproved within ninety days, it shall be deemed approved and the permit shall be executed. A permit may be voided by notifying the holder if:

- (1) The application contained false information;
- (2) Applicable construction did not start within 180 days;
- (3) The construction is not substantially completed within one year from the date of issuance;
- (4) The construction is found to be in violation of the Fire Prevention Code. (Ord. 891 §1. Passed 9-24-84; Ord. 1301. Passed 5-24-04.)

#### **1501.99 PENALTIES.**

(a) Violation of Article.

- (1) Any individual, firm or corporation that violates any provision of this article commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) and costs.
- (2) Each day that a violation of this article continues shall be considered a separate violation.

(b) Disposition of Penalties. The amount of the penalty shall be forwarded to the entity with enforcement jurisdiction. (Ord. 1301. Passed 5-24-04.)

**ARTICLE 1509**  
**Fire Control Measures and Regulations**

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|----------------|------------------------------|----------------|---------------------------|
| <b>1509.01</b> | <b>Adoption.</b>             | <b>1509.04</b> | <b>False fire alarms.</b> |
| <b>1509.02</b> | <b>Hydrant use approval.</b> | <b>1509.99</b> | <b>Penalties.</b>         |
| <b>1509.03</b> | <b>Public water supply.</b>  |                |                           |

**CROSS REFERENCES**

- Vandalism to fire equipment - see 18 P.S. §3305  
 Opening fire hydrants - see 18 P.S. §3306  
 Fire regulations - see 53 P.S. §56516

**1509.01 ADOPTION.**

There is hereby adopted by the Town of McCandless the fire control measures and regulations as herein set forth for the purposes of controlling conditions which could impede or interfere with fire suppression forces. (Ord. 905 §1. Passed 4-22-85.)

**1509.02 HYDRANT USE APPROVAL.**

A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the water company having jurisdiction. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction. (Ord. 905 §7. Passed 4-22-85.)

**1509.03 PUBLIC WATER SUPPLY.**

The Fire Official shall recommend to the chief administrative official of the Municipality the location or relocation of new or existing fire hydrants and the place or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Fire Official. (Ord. 905 §8. Passed 4-22-85.)

**1509.04 FALSE FIRE ALARMS.**

(a) When an automatic fire alarm, received by the Town Fire, Police and Emergency Services Dispatch Center, whether by direct line into the Town alarm-receiving center or by telephone from an outside receiving center, results in a false alarm, a service fee adopted by a resolution of Council shall be charged. Failure to pay the service fee to the Town within thirty days of the receipt of the notice of the payment of the required service charge shall constitute a summary offense, for which the building owner will be subject to a fine of up to three hundred dollars (\$300.00) per day. Each day after thirty days that the service fee remains unpaid constitutes a separate offense.

(b) A false alarm is defined as follows:

- (1) Failure to properly test and maintain the alarm system.
- (2) Smoking in a no smoking area where an automatic alarm system is installed.
- (3) Alarm system malfunction.
- (4) Malicious false alarms.
- (5) Failure to notify the dispatch center to which the system is connected when testing or maintaining alarm system.
- (6) Failure to take all necessary precautions to eliminate false alarms during construction work in the vicinity of the system.

Alarms caused by adverse weather conditions, power failures or which occur during the first six months from initial installation of a system due to system malfunction are not considered false alarms. (Ord. 1032 §9. Passed 5-29-90.)

**1509.99 PENALTIES.**

(a) Violation of Article.

- (1) Any individual, firm or corporation that violates any provision of this article, except Section 1509.04(a), commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) and costs.
- (2) Each day that a violation of this article continues shall be considered a separate violation.

(b) Disposition of Penalties. The amount of the penalty shall be forwarded to the entity with enforcement jurisdiction. (Ord. 1301. Passed 5-24-04.)

**ARTICLE 1513  
Designation of Fire Lanes**

<b>1513.01 Intent.</b>	<b>1513.03 Paving requirements of a fire lane. (Repealed)</b>
<b>1513.02 Designation of fire lanes.</b>	<b>1513.99 Penalties.</b>

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**1513.01 INTENT.**

This article provides for the designation of fire lanes wherever Council deems that parking congestion may create a hazard by impeding the free movement of fire fighting equipment and other emergency vehicles anywhere within the boundaries of the Town on public or private property. (Ord. 1005. Passed 4-24-89.)

**1513.02 DESIGNATION OF FIRE LANES.**

The Fire Marshal shall have the responsibility to designate fire lanes anywhere within the boundaries of the Town on public or private property where he/she deems parking and congestion may create a hazard by impeding the free movement of fire fighting equipment and other emergency vehicles. The Fire Marshal may consult the fire chiefs or any other Town agency or consultant in making such decisions. Such designation of fire lanes by Fire Marshal shall be subject to approval by Council. When a fire lane is required by the Town Fire Marshal's office, a fire lane shall be properly posted. The requirements for the individual signs shall be as follows:

- (a) The signs shall be twelve inches wide by eighteen inches high with a highly reflective surface.
- (b) The background shall be white; the printing on the sign shall be red. The printing shall state the following: NO PARKING FIRE LANE. The printing shall be below the international symbol for no parking, a black "P" within a red circle with a slash mark across the "P".
- (c) The signs shall be double-faced on a thirty to forty-five degree angle perpendicular to the flow of traffic.
- (d) Sign(s) shall be mounted at a minimum height of seven feet from the bottom of the sign.
- (e) One sign will be placed at the beginning of the fire lane and one sign will be placed at the end of the fire lane. The signs shall be placed a minimum of fifty feet apart along the entire length of the fire lane.
- (f) The Fire Lane shall be marked in yellow with the words FIRE LANE a minimum of 18 inches high at fifty foot intervals from its beginning to its end.
- (g) Fire lane(s) shall be a minimum of twenty feet wide and consist of a paved surface. The base of the surface shall be constructed in such a manner to support the weight of Fire Department apparatus and other emergency vehicles as approved by the Town.

(Ord. 1032 Sec. 10. Passed 5-29-90; Ord. 1186. Passed 7-28-97.)

**1513.03 PAVING REQUIREMENTS OF A FIRE LANE.**

(EDITOR'S NOTE: This section was repealed by Ordinance 1032, passed May 29, 1990.)

**1513.99 PENALTIES.****(a) Violation of Article.**

- (1) Any individual, firm or corporation that violates any provision of this article commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000) and costs.
- (2) Each day that a violation of this article continues shall be considered a separate violation.

(b) Disposition of Penalties. The amount of the penalty shall be forwarded to the entity with enforcement jurisdiction. (Ord. 1301. Passed 5-24-04.)



**ARTICLE 1517**  
**Fire Insurance Escrow Act**

<p><b>1517.01</b> Responsibilities and duties of Manager.</p> <p><b>1517.02</b> Fire damage claim payment prerequisites.</p> <p><b>1517.03</b> Payment procedure.</p>	<p><b>1517.04</b> Procedures, regulations and fees by resolution.</p> <p><b>1517.05</b> Severability.</p> <p><b>1517.99</b> Penalty.</p>
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**CROSS REFERENCES**

Municipal certificate required prior to payment of fire loss claims - see 40 P.S. Sec. 638

**1517.01 RESPONSIBILITIES AND DUTIES OF MANAGER.**

The Town Manager or such official's designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated in this article. (Ord. 1098 Sec. 1. Passed 4-26-93.)

**1517.02 FIRE DAMAGE CLAIM PAYMENT PREREQUISITES.**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a building or other structure located within the Town (hereinafter the "Municipality") where the amount recoverable for the fire loss to the building or other structure under all policies exceeds five thousand dollars (\$5,000) unless the insuring agent is furnished by the Municipal Treasurer with a Municipal certificate pursuant to Section 508(B) of Act 98 of 1992 and unless there is compliance with Section 508(C) and (D) of Act 98 of 1992 and the provisions of this article.

(Ord. 1098 Sec. 2. Passed 4-26-93.)

**1517.03 PAYMENT PROCEDURE.**

(a) Where, pursuant to (B)(1)(I) of Act 98 of 1992, the Municipal Treasurer issues a certificate indicating there are no delinquent taxes, assessments, penalties or user charges against real property, the insuring agent shall pay the claim of the named insured, provided however, that if the loss agreed upon by the named insured and the insuring agent equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering building restructure, the following procedures shall be followed:

- (1) The insuring agent shall transfer from the insurance proceeds to the designated officer of the Municipality in the aggregate of one thousand dollars (\$1,000) for each twenty thousand dollars (\$20,000) of a claim and for each fraction of the amount of a claim. This section is to be applied, such that if the claim is twenty thousand dollars (\$20,000) or less, the amount transferred to the Municipality shall be one thousand dollars (\$1,000); or
- (2) If at the time of a proof of loss agreed to between the named insured and the insuring agent, the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, the insuring agent shall transfer to the Municipality from the insurance proceeds the amount specified in the estimate.
- (3) The transfer of proceeds shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure.
- (4) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Municipality 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 the proceeds under this section, the Municipality shall do the following:
  - A. The designated officer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Municipality. Such costs shall include without limitation, any engineering, legal or administrative costs incurred by the Municipality in connection with such removal, repair or securing of the building or other structure or any proceedings related thereto; and
  - B. It is the obligation of the insuring agent when transferring the proceeds to provide the Municipality with the name and address of the named insured. Upon receipt of the transferred funds and the name and address of the named insured, the designated officer shall contact the named insured, certify the proceeds have been received by the Municipality and notify the named insured the procedures under this section must be followed; and
  - C. When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Municipality and the required proof of such completion received by the designated officer, and if the Municipality has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Municipality 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 named insured; and

- D. To the extent interest is earned on proceeds held by the Municipality pursuant to this section and not returned to the named insured, such interest shall belong to the Municipality. To the extent the proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time the proceeds are returned.
- (6) Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this section shall be construed to prohibit the Municipality and the named insured from entering into an agreement permitting the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.  
(Ord. 1098 Sec. 3. Passed 4-26-93.)

**1517.04 PROCEDURES, REGULATIONS AND FEES BY RESOLUTION.**

Council may by resolution adopt procedures and regulations to implement Act 98 of 1992 and this article and may by resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to Act 98 of 1992 and this article; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.  
(Ord. 1098 Sec. 4. Passed 4-26-93.)

**1517.05 SEVERABILITY.**

The provisions of this article shall be severable and, if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this article shall remain in effect.  
(Ord. 1098 Sec. 6. Passed 4-26-93.)

**1517.99 PENALTY.**

Any owner of property, any named insured or any insuring agent who violates any provision of this article shall be subject to a penalty of up to one thousand dollars (\$1,000) per violation.  
(Ord. 1098 Sec. 5. Passed 4-26-93.)



**ARTICLE 1521**  
**International Fire Code**

**1521.01** Adoption; revisions.  
**1521.02** Successor codes.

**1521.03** Severability.

**CROSS REFERENCES**

Fire control measures and regulations - see FIRE PREV. Art. 1509

**1521.01 ADOPTION; REVISIONS.**

The International Fire Code, except where referenced by the International Building Code, 2009 Edition, is hereby adopted as the official Fire Prevention Code of the Town of McCandless with revisions to the following sections:

- (a) Section 101.1, "Title" shall read: These regulations shall be known as the Fire Code of "the Town of McCandless", hereinafter referred to as "this Code".
- (b) Sections 103.2, 103.3, and 103.4 are hereby deleted in their entirety.
- (c) Section 109.3, 1st sentence shall read - "...shall be guilty of a summary offense, punishable by a fine of one thousand dollars (\$1,000.00) and/or thirty (30) days imprisonment for each violation, except to the extent to which the imposition of greater penalties shall be authorized by the laws of the Commonwealth of Pennsylvania applicable to any class of municipalities from time to time hereafter....".
- (d) Section 111.4 shall read: "...shall be liable to a fine not to exceed one thousand dollars (\$1,000.00), except to the extent to which the imposition of greater penalties shall be authorized by the laws of the Commonwealth of Pennsylvania applicable to any class of municipalities from time to time hereafter".
- (e) Section 3404.2.9.6.1, "Locations where above-ground tanks are prohibited", shall be amended by replacing the sentence with the following: - Storage of Class I and Class II liquids in above-ground tanks outside of buildings is permitted in locations approved by the Fire Marshal. -
- (f) Section 3406.2.4.4, "Locations where above-ground tanks are prohibited", shall be amended by replacing the sentence with the following: -- The storage of Class I and II liquids in above-ground tanks is permitted only in locations approved by the Fire Marshal. --
- (g) Section 3506.2, "Limitations", shall be amended by replacing the sentence with the following: -- Storage of flammable cryogenic fluids in stationary containers is permitted only in locations as approved by the Fire Marshal. --

- (h) Section 3804.2, "Maximum capacity within established limits", shall be amended by replacing the sentence with the following: -- Within limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7270L) only in locations approved by the Fire Marshal.  
(Ord. 1395. Passed 4-25-11.)

**1521.02 SUCCESSOR CODES.**

Successor codes to the 2009 edition of the International Fire Prevention Code shall become effective on June 1 following the date of publication, subject to any amendments adopted by Town Council. (Ord. 1395. Passed 4-25-11.)

**1521.03 SEVERABILITY.**

If any of the provisions or terms of this article shall be held invalid for any reason whatsoever, then, unless such provision or term is material to this article as to render this article impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this article and shall in no way affect the validity or enforceability of any other provisions hereof.  
(Ord. 1395. Passed 4-25-11.)