

CODIFIED ORDINANCES OF YORK
PART FIFTEEN - FIRE PREVENTION CODE

Art. 1501. Standard Adopted.

Art. 1512. Fire Insurance Escrow Act.

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PART FIFTEEN - FIRE PREVENTION CODE

ARTICLE 1501
Standard Adopted

[View False Alarm & Stand-By Fees](#)
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|---------|---------------------------|---------|----------------------------------|
| 1501.01 | Authority. | 1501.04 | Changes in Fire Prevention Code. |
| 1501.02 | Adoption and file copies. | 1501.05 | Conflicting provisions. |
| 1501.03 | Definitions. | | |

CROSS REFERENCES

Adoption by reference - see 3rd Class Charter Law Sec. 608(a)
(53 P.S. Sec. 41608(a))
Fire Bureau - see 3rd Class Sec. 2101 et seq. (53 P.S. Sec.
37101 et seq.)
Fire and Panic Act - see 35 P.S. Sec. 1221 et seq.
Fire Department - see ADM. Art. 149

1501.01 AUTHORITY.

The Bureau of Fire Prevention within the Department of Fire/Rescue Services of the City is hereby charged with the enforcement of this article and the Fire Code, subject to the provisions of Section 1501.05 herein.
(Res. 188-2008. Passed 12-16-08.)

1501.02 ADOPTION AND FILE COPIES.

There is hereby adopted by the City for the purposes of regulating and governing conditions hazardous to life and property from fire and explosion, that certain code known as the International Fire Code, 2006 edition, and Appendices B, C, D, E, F, and G as published by the International Code Council, Inc., except such portions that are hereinafter deleted, modified or amended. A copy is filed in the office of the City Clerk; the same is hereby adopted and incorporated herein as fully as if set out at length herein, and from the date on which this section takes effect, the provisions thereof shall be controlling within the corporate limits of the City.
(Ord. 54-2008. Passed 12-16-08.)

1501.03 DEFINITIONS.

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise.

- (a) "Chief" and "Chief of the Department of Fire/Rescue Services" means the Director of the Department of Fire/Rescue Services.
- (b) "Corporation Counsel" means the Solicitor or an Assistant Solicitor for the City of York.
- (c) "Municipality" means the City of York.
- (d) "Fire Code Official" means Chief of the Department of Fire/Rescue Services.
- (e) "Fire Code" means the official code adopted by the City of York used to address conditions hazardous to life and property from fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises. (Ord. 54-2008. Passed 12-16-08.)

1501.04 CHANGES IN FIRE PREVENTION CODE.

- (1) Section 101.1. Title be amended to read as follows:

These regulations shall be known as the Fire Code of the City of York, Pennsylvania, hereinafter referred to as this "Code".

- (2) Section 102.8. Matters not provided. Delete and substitute the following: Any requirements that are essential to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the occupancy of structures or premises which are not specifically provided for by this Code, shall be determined by the Fire Code Official.

- (3) Section 102.8.1. Other regulations is hereby added to read as follows: When the provisions of this Code for health, safety and welfare are more restrictive than other regulations, this Code shall control; but in any case, the most rigid requirements of either this Code or other regulations, except as provided for in 102.6, shall apply whenever they conflict.

- (4) Section 102.9. Conflicting provisions. Delete and substitute the following: When any provision of this Code is found to be in conflict with any other provision of this Code, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

- (5) Section 105. Add the following to the end of the section: Permits shall be required for each condition as set forth in sections 105.6 and 105.7.

- (6) Section 105.1. Permits required. Delete and substitute the following: Permits required by this code shall be obtained from the fire code official. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. A fee for each permit shall be paid in accordance with the fee schedule as is set forth from time to time by resolution of Council of the City of York, Pennsylvania.

(7) Section 106.2. Inspection. Delete the first sentence and substitute the following: The Fire Code Official shall inspect all structures and premises for the purposes of ascertaining, and causing to be corrected, any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, or endanger life or any violations of the provisions or intent of this Code or any other ordinance affecting fire safety.

(8) Section 401.3. Emergency forces notification. Delete the first sentence and insert the following before the remaining text:

- A. Whenever a fire occurs in any building of any occupancy, including a private dwelling, it shall be the duty of the owner, occupant, manager or person in control of such building, upon discovery of a fire or evidence of there having been a fire, to immediately notify the Department of Fire/Rescue Services of the existence of such fire, its circumstances and location. This notification is required even if the fire has apparently been extinguished. The requirement for notification of the Department of Fire/Rescue Services does not prohibit the owner, occupant, manager, or person in control of building from using all reasonable and due diligence necessary to extinguish such fire prior to the arrival of the Department of Fire/Rescue Services.
- B. Whenever a fire occurs in a building, the building shall be immediately evacuated and not reoccupied without the permission of the officer in charge of the Department of Fire/Rescue Services. Exception: Buildings designed to protect the occupants in place, subject to the approval of the Chief of the Department of Fire/Rescue Services.
- C. Whenever a fire alarm system has been activated in an alarm condition, it shall not be restored to normal operation (reset) until directed by the Department of Fire/Rescue Services. This shall not prohibit the silencing of an audible alarm signal, when such action is appropriate.

(9) Section 109.3. Penalty for violations is hereby amended by deleting the existing text and adding the following to read:

Any person who shall violate a provision of this Code or fail to comply with any order issued pursuant to any section thereof, shall be guilty of a summary offense, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) and the costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than ninety days.

Each day a violation continues after due notice has been served shall be deemed a separate violation.

(10) Section 108. Board of Appeals. Means of Appeal. Any person shall have the right to appeal a decision by the Fire Code Official to the Construction Board of Adjustment and Appeals or as is otherwise established by the ordinances of the City of York, Pennsylvania.

(11) Section 503.4.1. Enforcement is hereby added to read:
The Police Officers and Parking Enforcement Officers of the City of York, and other officers as designated by this Code are authorized to enforce the provisions of Section 503.4.

(12) Section 907.2.10.1.2 Groups R-2, R-3, R-4, R-5 and I-1. Insert “R-5” into the third line after “R-4”.

(13) Section 907.2.10.1.2.1. Single and Multiple Station Smoke Alarms is hereby added to read as follows:

- A. All single and multiple station smoke alarm devices shall be tested in accordance with the manufacturer’s instructions, not less than once a month for devices with the primary power supplied by the house electrical service and not less than once a week for devices with the primary power supplied by a monitored battery. All testing shall be conducted by the owner, except as provided for in this section.
- B. In the case of tenant occupied properties, every owner shall, at the beginning of the leasehold of a one and two family dwelling, multifamily dwelling, or manufactured home, inspect and test each single and multiple station smoke alarm device to insure that each required device is present and in proper working order.
- C. In the case of tenant occupied properties, the owner may require the occupant to conduct the weekly/monthly testing as set forth in paragraph (a) above. The owner must then provide the occupant with clear and concise written instructions regarding the weekly/monthly testing and the occupant must be able to perform such testing. The owner must also demonstrate to the occupant the proper testing procedures at the beginning of the leasehold.
- D. The occupant shall have the duty and responsibility to notify the owner of any defect(s).
- E. The owner shall have the duty and responsibility of remedying any defect after receiving notice of the defect.
- F. All single and multiple station smoke alarm devices shall be kept in proper working condition at all times and shall be replaced after being in service for a period of ten years or becoming defective/inoperable, whichever comes first.

(14) Section 907.3.2.3. Required Fire Alarm Systems is hereby added to read as follows: All existing fire alarms systems connected to or required to be connected to the Municipal Alarm System of the City of York, shall be maintained in service.

(15) Section 907.3.2.3. Transmission of Fire Alarm Signals is hereby added to read as follows: All required fire alarm systems shall transmit alarm signals by connection to the Municipal Alarm System of the City of York.

Exception #1: Where connection to the Municipal Alarm System of the City of York is not available, the fire alarm system shall be connected to a central station approved by the Chief of the Department of Fire/Rescue Services.

Exception #2: Smoke detectors in occupancies Use Group I-3 (see Section 907.14). #3: Smoke detectors in patient sleeping rooms in occupancies in Use Group I-2 (see Section 407.6.).

Exception #4: Group R-1 and R-2 occupancies provided with an approved automatic sprinkler system in accordance with 903.3, monitored by an approved central station monitoring company in accordance with 907.14 and containing less than five guest sleeping rooms.

(16) Section 506.0. Delete and substitute as follows: A key box, approved by the Chief of Fire/Rescue Services, shall be provided on all existing buildings, except R-5 single family dwellings, which are equipped with an automatic fire sprinkler system and/or fire alarm system. Such key box shall be installed in a location approved by the Chief of the Department of Fire/Rescue Services or designee and shall contain all keys and/or access codes as may be required.

(17) Section 3304.1. Storage is hereby amended by deleting the existing text and adding the following to read: The storage of explosive materials is prohibited within the corporate limits of the City of York, Pennsylvania.

Exception #1: Temporary storage utilized in connection with approved blasting operations.

Exception #2: Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets, or cartridges for explosive activated power tools in quantities involving less than 500 pounds of explosive material.

(18) Section 3308.12. Seizure of fireworks is hereby amended to read as follows: The Fire Code Official and Police Officers of the City of York shall seize, take, remove or cause to be removed at the expense of the owner all fireworks offered or exposed for display or sale, stored or possessed in violation of this chapter.

(Ord. 54-2008. Passed 12-16-08.)

1501.05 CONFLICTING PROVISIONS.

If any provisions of this code should conflict with provisions of the Pennsylvania Uniform Construction Code (PA Act 45 of 1999 as amended) or other applicable state laws and regulations, provisions of the state law or regulation shall prevail.

(Res. 188-2008. Passed 12-16-08.)

(NOTE: The next printed page is page 17.)

ARTICLE 1512
Fire Insurance Escrow Act

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|---------|--|---------|-------------------------|
| 1512.01 | Purpose. | 1512.05 | Limits of liability. |
| 1512.02 | Definitions. | 1512.06 | Insurance requirements. |
| 1512.03 | Responsibilities and duties. | 1512.98 | Severability. |
| 1512.04 | Claim recoverable by insuring agent for fire loss. | 1512.99 | Penalty. |

CROSS REFERENCES

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

1512.01 PURPOSE.

The Commonwealth of Pennsylvania has enacted Act 98 of 1992 effective on September 7, 1992 amending the Insurance Company Law of 1921 to provide procedures for the payment of certain fire loss claims. It is the purpose of such legislation to deter the commission of arson and related crimes, to discourage the abandonment of property, and to prevent urban blight and deterioration. Council desires to adopt an ordinance pursuant to Section 508 of the Insurance Company Law of 1921 to provide for the payment of proceeds from certain fire loss claims to the City, and to this end, Council enacts this article.
(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.02 DEFINITIONS.

As used in this article, certain terms are defined as follows:

- (a) "City" means the City of York, Pennsylvania.
- (b) "Building Official" means the Building Official of the City of York, Pennsylvania.
- (c) "Insuring agent" means any insurance company, association or exchange.
- (d) "Named insured" means the person or persons who are insured for the building or structure where the fire occurred.
- (e) "Treasurer" means the City Treasurer of the City of York, Pennsylvania.
(Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.03 RESPONSIBILITIES AND DUTIES.

(a) The Treasurer or his designee is hereby appointed as the designated person who is authorized to carry out all responsibilities and duties stated herein.

(b) When a fire occurs on a property, all property owners are to supply all insurance information to the Treasurer that is required for this article.
(Ord. 15-98. Passed 11-4-98.)

1512.04 CLAIM RECOVERABLE BY INSURING AGENT FOR FIRE LOSS.

No insuring agent doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds seven thousand five hundred dollars (\$7,500), unless the named insured or insuring agent is furnished by the 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. 24-1992 Sec. 1. Passed 10-6-92; Ord. 14-1994 Sec. 1. Passed 12-20-94.)

1512.05 LIMITS OF LIABILITY.

Pursuant to Section 508 (B)(1)(I) of Act 98 of 1992, the Treasurer issues a certificate indicating that 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 is 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 the building restructure, the following procedures must be followed:

- (a) The insuring agent shall transfer from the insurance proceeds to the City in the lesser of two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) of a claim or the estimate amount less than the amount calculated under the foregoing transfer formula.
- (b) 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 City from the insurance proceeds the amount specified in the estimate.
- (c) The transfer of proceeds shall be on pro rata basis by all insuring agent's insuring the building or other structure.
- (d) 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 City in excess of the estimate to the named insured, if the City has not commenced to remove, repair or secure the building or other structure.
- (e) Upon receipt of proceeds under this section, the City shall do the following:

(1) The Treasurer shall place the proceeds in the 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 City. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the City in connection with such removal, repair or securing of the building or any proceedings related thereto.

(2) It is the obligation of the insuring agent when transferring the proceeds to provide the City 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 that the proceeds have been received by the City and notify the named insured that the procedures under this subsection shall be followed.

(3) When repairs, removal or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the City and the required proof of such completion received by the Building Official, and if the City has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the City 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 City shall transfer the remaining funds to the named insured.

(4) To the extent that interest is earned on proceeds held by the City pursuant to this section, and not returned to the named insured, such interest shall belong to the City.

(f) Nothing in this section shall be construed to limit the ability of the City to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the City and the named insured from entering an agreement that permits the transfer of funds to the named insured of some other reasonable disposition of the damaged property has been negotiated.

(Ord. 24-1992 Sec. 1. Passed 10-6-92; Ord. 14-1994 Sec. 2. Passed 12-20-94.)

1512.06 INSURANCE REQUIREMENTS.

(a) All owners of tenant occupied properties in the City shall be required to obtain and maintain current property insurance in an amount sufficient to either restore or remove the structure in compliance with current City ordinances. Any insuring agent who cancels coverage based on notification by the owner or failure by owner to pay for such coverage shall notify the Treasurer in writing of the cancellation. In the event of any fire or loss covered by such insurance, it shall be the obligation of the property owner to use such insurance proceeds to cause the restoration or demolition or other repair of the property, adhering to all applicable Housing or Building Code provisions.

(b) Owners of residential tenant occupied properties shall be required to report their insurance company name, policy number and policy expiration date, and proof of an amount of coverage equal to or greater than the insurance company's determination of the actual cash value, minimal of fifteen thousand dollars (\$15,000), of the structure when applying for an annual license to operate tenant occupied property through the Department of Fire/Rescue Services. The cancellation of or the failure to report such information or failure to acquire the required insurance as stated above, will result in forfeiture of license as stated in Article 1761.

(c) Owners of non-residential tenant occupied properties shall maintain current proof of insurance and proof of an amount of coverage equal to or greater than the insurance company's determination of the actual cash value, minimal of fifteen thousand dollars (\$15,000), of the structure and shall produce such proof as part of any application for or renewal of a certificate of occupancy. Any insuring agent who cancels coverage based on notification by the owner or failure by owner to pay for such coverage shall notify the Treasurer in writing of the cancellation. The cancellation of or the failure to produce such proof, or failure to acquire the required insurance as stated above, will be grounds to refuse to issue or renew a certificate of occupancy. Falsifying such proof will result in forfeiture of an issued certificate of occupancy. (Ord. 42-2003. Passed 11-5-03.)

1512.98 SEVERABILITY.

The provisions of this article are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences. (Ord. 24-1992 Sec. 1. Passed 10-6-92.)

1512.99 PENALTY.

Any owner of property, any named insured or any insuring agent violating the provisions of this article shall, upon conviction, be fined not less than five hundred dollars (\$500.00) per offense nor more than one thousand dollars (\$1,000) per offense, plus costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than ninety days (90 days). (Ord. 1-2009. Passed 1-6-09.)