

ORDINANCE NO. # 1 of 2017

**AN ORDINANCE OF FOSTER TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA
REQUIRING CERTAIN STRUCTURES WITHIN THE TOWNSHIP TO
HAVE A KEY LOCK BOX INSTALLED ON THE
EXTERIOR OF THE STRUCTURE FOR FIRE SAFETY PURPOSE**

WHEREAS, Foster Township Board of Supervisors (the "Board of Supervisors") has determined that the health, safety, and welfare of the residents of Foster Township are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Foster Township Fire Department in gaining access to the structure when responding to calls for emergency service; and

WHEREAS, the key lock box system will eliminate forced entries into structures thereby avoiding costly and time-consuming efforts in gaining access to locked structures during an emergency; and

WHEREAS, the Board of Supervisors is authorized to pass this Ordinance pursuant to its police power and the Second Class Township Code.

NOW, THEREFORE, BE IT ENACTED BY THE FOSTER TOWNSHIP BOARD OF SUPERVISORS THAT THE FOLLOWING ORDINANCE BE INCLUDED AS PART OF THE FOSTER TOWNSHIP CODE OF ORDINANCES:

CHAPTER 66

LOCK BOX SYSTEMS

Section 66-1. Definitions.

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

DESIGNATED FIRE DEPARTMENT- means the Fire Department designated by Foster Township to provide fire protection within the Township. The Fire Department designated by Foster Township at the time of adoption of this Ordinance is the Fearnots Volunteer Fire Company.

FIRE CHIEF- means the Fire Chief of the Fire Department designated by Foster Township to provide fire protection within the Township. The Fire Chief at the time of the adoption of this Ordinance means the Fire Chief or the Fire Chief's designee of the Fearnots Volunteer Fire Company.

KEY BOX- means a UL "Listed" box, size and style, approved by the Fire Chief that meets the requirements and uses the same security key code adopted by the Township designated Fire Department.

PARTICIPANT- means a person owing or leasing a use set forth under Section 201 of this Ordinance.

PERSON- includes any person, partnership, firm, association, corporation, or other legal entity.

RESPONSIBLE PARTY OR PARTIES- means the person(s) or entity owing the property and charged with the responsibility for the use or occupancy of the structure. In the event that the structure is tenant occupied, the term includes both the tenant and the owner of the structure unless the lease between the parties provides otherwise.

SECURITY PADLOCK- means a padlock approved by the Fire Chief that utilizes the approved key code of the Fire Department designated by Foster Township.

Section 66-2. Mandatory Participation; Key Lock Box System. The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the Fire Chief:

- (a) Commercial, institutional and industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency; and
- (b) Multi-family residential structures of three (3) or more units that have restricted access through locked doors and have a common corridor for access to the living units.

Section 66-3. Voluntary Participation; Key Lock Box System. The responsible parties of any other use not required to participate as per Section 201 above are encouraged to participate in the key lock box system and may do so voluntarily.

Section 66-4. Key Lock Box Contents. The key boxes shall contain, but not be limited to the following items:

- (a) Labeled Keys to locked points of ingress and egress, whether in the interior or exterior of the structure.
- (b) Labeled keys to locked mechanical rooms.
- (c) Labeled keys to any fence or secured areas for which a security padlock is not required under this Ordinance.

- (d) Labeled keys to any other areas that may be designated or required by the Fire Chief.
- (e) Emergency contact information including the contact person's name, phone number and address.
- (f) Floor plans of the rooms within the building showing location of shutoffs.
- (g) Hazardous Materials MSDS as required.

Section 66-5. Security Padlock. When a structure is protected by a locked fence or gate and where immediate access to the structure is necessary for life saving and firefighting purposes, it shall be equipped with a Security Padlock to be installed at a location approved by the Fire Chief. It shall be the obligation of the Responsible Party to make certain that the fence or gate is secured properly so that the Security Padlock is accessible at all times.

Section 66-6. General Regulations Applicable to Participants of the Key Lock Box System. The following rules shall apply to all participants in the Key Lock Box System:

(a) All newly constructed structures subject to this Ordinance shall have the key lock box installed and operational prior to the issuance of an occupancy permit by the Code Official. All structures in existence on the effective date of this Ordinance that are subject to this Ordinance shall have six (6) months from the effective date of this Ordinance to have a key lock box installed and operational.

(b) The Fire Chief shall designate the type of key lock box system to be implemented within the Township and shall have the authority to require all structures to use the designated system. The Fire Chief shall be authorized to implement rules and regulations for the use of the lock box system.

(c) The Responsible Party required to have a key lock box shall, at all times, keep a key in the lock box that will allow for access to the structure along with the items in Section 401 above.

(d) The Fire Chief within six (6) months of the effective date of this Ordinance shall return all keys currently in the possession of the Designated Fire Department, if any, to the Responsible Party.

Section 66-7. Jurisdiction and Enforcement Remedies.

(a) Jurisdiction. The District Justice shall have initial jurisdiction over proceedings brought under this Ordinance.

(b) Enforcement Remedies. Any responsible party, person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceedings commenced by the Township through its Code Enforcement Officer, Building Inspector or Fire Chief, shall pay a judgment of not more than \$600.00 dollars, plus all court

costs, including reasonable attorney fees incurred by the Township as a result of said proceedings. Each day that a violation continues shall constitute a separate violation.

(c) Other Remedies. The remedy provided for under this section of the Ordinance shall be in addition to any and all other remedies available to the Code Enforcement Officer, Building Inspector or Fire Chief for a violation of this Ordinance either in law or in equity.

(d) Enforcement. This Ordinance may be enforced by the Code Enforcement Officer, the Building Inspector or Fire Chief.

Section 66-8. Severability. That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 66-9. Repealer. That nothing in this Ordinance shall be construed to affect any suit 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 by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 66-10. Effective Date. This Ordinance shall take effect immediately upon its adopted, the same being the date set forth below.

ADOPTED THIS 8th DAY OF March, 2017, by the Foster Township Board of Supervisors.

ATTEST:

J. Skrote Jones
Secretary

FOSTER TOWNSHIP BOARD OF SUPERVISORS:

Gerold Bryan
Chairperson

Ryan M. Unkech
Vice-Chairperson

J. Skrote Jones
Supervisor