

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO.: 96-1

ORDINANCE NO.: 96-4

AN ORDINANCE OF THE CITY OF JEANNETTE ADOPTING THE NFPA 1 FIRE PREVENTION CODE, 1992 EDITION, AS AMENDED FROM TIME TO TIME, WITHIN THE CITY OF JEANNETTE; ESTABLISHING MINIMUM SAFEGUARDS FOR THE PROTECTION OF LIFE AND PROPERTY FROM HAZARDS CREATED BY FIRE, GASES AND EXPLOSION; CONTROLLING CERTAIN USES AND OCCUPANCIES OF BUILDINGS AND PREMISES; SETTING FORTH RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS OF REAL PROPERTY WITHIN THE CITY OF JEANNETTE; INCORPORATING AND AMENDING THE BURNING ORDINANCE OF THE CITY OF JEANNETTE (ORDINANCE NO. 92-3, ENACTED JUNE 16, 1992); SETTING FORTH PERMIT FEES; PROVIDING FOR PENALTIES FOR VIOLATIONS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED AND ENACTED, by the Council of the City of Jeannette, Westmoreland County, Pennsylvania, at a regular meeting thereof, held on the 12 day of June, 1996, that:

WHEREAS, Council of the City of Jeannette has adopted the BOCA Basic Fire Prevention Code of 1970, the 1971 Annual Supplement to the BOCA Basic Fire Prevention Code, as well as portions of the BOCA Property Maintenance Code, Second Edition, 1981, the BOCA Basic Building Code of the City of Jeannette, and the BOCA Basic Housing Code, 1970 Edition, as the same pertain to fire prevention, detection, and safety; and



WHEREAS, Council is desirous of enacting a more comprehensive Code covering all aspects of fire protection and prevention, for the protection of life and property within the City of Jeannette.

NOW, THEREFORE, in consideration of the foregoing, and intending to promote the general health, safety and welfare of the people of the City of Jeannette, it is hereby ORDAINED AND ENACTED as follows:

SECTION I. - ADOPTION OF FIRE PREVENTION CODE:

The City of Jeannette hereby adopts and incorporates herein the NFPA 1 Fire Prevention Code, 1992 Edition (hereinafter referred to as "NFPA 1 Fire Prevention Code " and/or "Fire Prevention Code") as amended from time to time, as published by the National Fire Protection Association, Inc., and all technical regulations cited therein, including, but not limited to, the NFPA 101 Life Safety Code. Specifically excepted from adoption in this Ordinance are those Code provisions hereinafter referenced as deleted, modified, added or amended. Not less than three (3) copies shall be kept on file at the Office of the City Clerk and at the Office of the City Fire Chief.

SECTION II. - DEFINITIONS:

The following words used in the NFPA 1 Fire Prevention Code and this Ordinance shall have the following meanings:

- a. "Authority Having Jurisdiction", shall be construed to mean the Fire Marshal of the City of Jeannette.



b. "City", shall be construed to mean the City of Jeannette.

c. "Fire Marshal", shall be construed to mean the Fire Chief of the City of Jeannette, ex-officio Fire Marshal, as set forth in 53 P.S. §37107.

d. "Governing Authority", shall be construed to mean the Council of the City of Jeannette.

e. "Person", shall be construed to mean any individual, firm, partnership, corporation, association, joint venture, institution, cooperative enterprise, owner, operator or occupant of real property, agency, or any other legal entity which is recognized by law as the subject of rights and duties. In any provision of this Ordinance which prescribes a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

SECTION III. - ADMINISTRATION AND ENFORCEMENT:

A. Enforcing Authority:

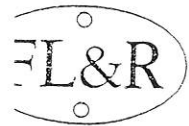
The Fire Prevention Code shall be administered and enforced, as set forth in the NFPA 1 Fire Prevention Code, by the Fire Chief ex-officio Fire Marshal of the City of Jeannette.

1. If at any time application of the specific requirements of the NFPA 1 Fire Prevention Code shall result in unreasonable hardship or expense to any person affected thereby, the Fire



Marshal may as set forth in Section 1-6.2 of the NFPA 1 Fire Prevention Code, modify the specific requirements as to that person to allow alternative arrangements that will secure as equivalent a level of fire safety as practical. Notwithstanding any modification, in no case shall the modification afford less fire safety than, in the judgment of the Fire Marshal, that which would be provided by compliance with the corresponding provisions contained in the NFPA 1 Fire Prevention Code.

2. Release from Personal Liability. The Fire Marshal shall not, while acting in his official capacity for the City of Jeannette, render himself personally liable for any act or omission as required or permitted in the discharge of his official duties. Any suit instituted against the Fire Marshal due to any act performed by him in the lawful discharge of his duties, shall be defended by the Solicitor, and in no case shall the Fire Marshal be personally liable for costs incurred in any such action, suit or proceeding.



3. It shall be unlawful for any person to obstruct or attempt to obstruct or prevent the Fire Marshal in the discharge of his duties. Any person who violates this subsection shall be guilty of a Summary Offense, and upon conviction thereof, shall pay a fine in the amount of THREE HUNDRED and 00/100 (\$300.00) DOLLARS, and in default thereof, shall be imprisoned for a period of ninety (90) days, pursuant to 53 P.S. §37105.

B. Permits and Approvals:

1. Whenever an Occupancy Permit or Certificate of Fitness shall be required as set forth in the NFPA 1 Fire Prevention Code, a flat fee in the amount of FIFTY and 00/100 (\$50.00) DOLLARS shall be assessed to the applicant.
2. Whenever an inspection shall be required as set forth in the NFPA 1 Fire Prevention Code, other than for an Occupancy Permit or Certificate of Fitness, a flat fee of FIFTY and 00/100 (\$50.00) DOLLARS shall be assessed to the appropriate owner, operator or occupant of the property.



3. Exception - Open Burning Permit Fees. All permit fees set forth in the City of Jeannette Burning Ordinance (Ordinance 92-3) shall remain in full force and effect.
4. All inspections conducted or required by the NFPA 1 Fire Prevention Code shall be conducted by the Fire Marshal.

C. Violation/Abatement.

Whenever the Fire Marshal determines that a violation of the Fire Prevention Code exists, he shall issue a written Notice of such violation pursuant to §1-18 of the NFPA 1 Fire Prevention Code. Such Notice shall set forth the violation(s), the abatement/corrective action required, and the time limit for abatement/corrective action. Any person who fails to abate or take corrective action within the required time limit shall be subject to the penalties set forth herein.

D. Penalties for Violation:

1. Except as otherwise set forth in subsection III A (3) herein, any person who violates any provision of this Ordinance or the Fire Prevention Code adopted herein, and who fails to take corrective action as set forth in sub-section C herein, shall be guilty of a Summary Offense, and upon conviction thereof, shall pay a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS nor more than ONE



THOUSAND and 00/100 (\$1,000.00) DOLLARS per violation, together with the costs of prosecution, and in default of such fine and costs, shall be imprisoned for a period of not less than thirty (30) nor more than ninety (90) days, or both, in accordance with 53 P.S. §37403 (60). Each day that a violation continues after due notice has been served shall constitute a separate and distinct offense, punishable as provided herein.

2. In addition to the foregoing penalties, the City of Jeannette may proceed in an action at law or in equity against the occupant of the structure, the owner of the property upon which such violation occurs, or both, or any other person(s) responsible for the violation for the purpose of ordering that person:
 - a. To restrain, correct, remove or abate the violation, or refrain from any further execution of work;
 - b. To restrain or correct the erection, installation, maintenance, repair or alteration of any structure;



- c. To prevent the occupancy of the structure that is not in compliance with the provisions of the NFPA 1 Fire Prevention Code or this Ordinance.
3. Any violation of the terms of this Ordinance or the NFPA 1 Fire Prevention Code incorporated herein, shall be deemed a public nuisance and detrimental to the continuing health, safety and well-being of the residents of the City. Any proceeding or remedy engaged by the City to restrain, correct, remove or abate such nuisance or violation shall include, in addition to claims for reimbursement for expenses incurred by the City associated with restraint, correction, removal or abatement, a demand for reasonable attorney's fees incurred in such proceeding pursuant to 53 P.S. §7106, et seq. as amended.

SECTION IV. - MODIFICATIONS MADE TO NFPA 1 FIRE PREVENTION

CODE:

A. Deletions:

1. Section 1-7 of the NFPA 1 Fire Prevention Code, establishing a Board of Appeals and setting forth a procedure for Appeals before such Board of Appeals, is hereby deleted and excepted from enactment by this Ordinance.



B. Amendments:

The following Sections of the NFPA 1 Fire Prevention Code are hereby amended to read as follows:

1. Section 1-8 Occupancy:

a. 1-8.4. In any building or structure, whether necessitating a physical alteration or not, a change from one occupant to another occupant, a change from one occupancy classification to another, or from one occupancy sub-classification to another sub-classification of the same occupancy, shall be permitted only if such building or structure conforms with the requirements of this Code applying to new construction for the proposed new use. (101:1-7.4).

Occupancy and sub-classifications, as defined, shall be in accordance with the NFPA 101, Life Safety Code.

b. 1-8.5. In any building or structure where there is a change from one occupant to another, one occupancy classification to another, or from one occupancy sub-classification to another sub-classification of the same



occupancy, it shall be the duty of the owner of the building or structure to notify the Fire Marshal of the change within thirty (30) days thereof.

2. 1-12 Owner Occupant Responsibilities:

1-12.1. The owner, operator and occupant shall be responsible for compliance with this Code.

a. All persons who own or operate real property within the City of Jeannette shall, within thirty (30) days of the enactment of this Ordinance, notify the City Clerk of the names and street addresses of all tenants occupying any real property owned by such person in the City of Jeannette.

b. The owner shall be responsible to report to the Fire Marshal the intended use of the property in which any person is operating in any of the Use Classifications set forth in §1-15.16 (ff), for all property owned by the owner, and report any change in use within thirty (30) days of any change.



- c. The operator shall be responsible to report to the Fire Marshal the use of any property in which any person is operating in any of the Use Classifications set forth in Section 1-15.16 (ff) and report any change in use within thirty (30) days of any change.
- d. The occupant shall be responsible to report to the Fire Marshal the use of any property in which a person is operating in any of the Use Classifications listed in Section 1-15.16 (ff) and report any change in use within thirty (30) days of any change.
- e. The failure to report any change in occupancy or use of such property required above, shall be deemed a violation of this Ordinance and be subject to those penalties set forth above.



3. Permits and Approvals:

a. 1-15.8. A permit issued under this Code shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall be grounds for the revocation of the permit, and shall require a new permit.

b. 1-15.10. Applications for Permits as required by Section 1-15.16, shall be made to the authority having jurisdiction on forms provided by the jurisdiction, and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for Permits shall be accompanied by such data as may be required by the authority having jurisdiction, and the required fees in the amount to be established from time to time by the governing authority.



- c. 1-15.12. A copy of the Permit shall be posted in a readily accessible location at each place of operation as specified by the authority having jurisdiction.
- d. 1-15.16. The authority having jurisdiction shall have the authority to issue and/or require permits for the following operations and occupancies, which include, but are not limited to, those set forth in **NFPA 101 Life Safety Code, Chapter 4, Classification of Occupancy and Hazard of Content**.
- e. (Addition) 1-15.16 (ff). All occupancies which include, but are not limited to, those set forth in **NFPA 101 Life Safety Code, Chapter 4, Classification of Occupancy and Hazard of Content**, and properties classified as rentals, investment, and commercial/residential shall require an Occupancy Permit, except for single (one) family dwellings which are occupied by the property owner and two-family dwellings, as the same are



defined in Section 2-1 herein, which are separated by a fire wall, separation, partition and/or barrier, and which are occupied by the property owner.

4. 3-4 Open Outdoor Fires, Incinerators, Outdoor Fireplaces:

a. Section 3-4.1. The Burning Ordinance of the City of Jeannette (Ordinance 92-3, enacted June 16, 1992) is hereby incorporated into this Code, and amended as follows:

1. Section 4 of Ordinance 92-3 is hereby repealed.

b. Section 3-4.2 through 3-4.8 are hereby deleted.

c. 3-4.2. Every commercial incinerator and commercial barbecue fireplace shall be equipped and maintained with a spark arrestor and shall be maintained in good condition, working order, and repair at all times.

5. 8-2 Fire Alarm Systems:

- a. 8-2.1.1 (g). When any building or structure, including, but not limited to, Assembly Classes A, B and C, educational, health care, detention and correctional, mercantile, business, industrial, storage, special structure, and residential structure, is required to provide automatic fire extinguishing equipment, automatic fire alarm equipment, fixed manual fire extinguishing equipment, and/or manual fire alarm equipment, the same shall be provided with connection to a local central station in the building capable of activating the fire alarm system automatically and tie into the City of Jeannette Gamewell Municipal (Public) Fire Alarm System and shall comply with NFPA 72.

SECTION V. - SAVING CLAUSE:

Nothing in this Ordinance or in the NFPA 1 Fire Prevention Code shall be construed to affect any suit or proceeding pending in any Court, or any rights acquired, or liability incurred, or any cause of action acquired or existing, under any act or

Ordinance repealed as set forth in Section VII of this Ordinance, nor shall any legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION VI. - SEVERABILITY:

The provisions of this Ordinance shall be severable and, in the event that a Court of Competent Jurisdiction determines that any provision of this Ordinance shall be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in full force and effect. Nothing in this Ordinance shall be construed to alter, amend or abridge any of the provisions of the Constitution of the United States or of this Commonwealth, or any law or regulation of the United States or this Commonwealth, or any Act of the Assembly heretofore or hereafter passed.

SECTION VII. - REPEALER:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION VIII. - EFFECTIVE DATE:

This Ordinance shall become effective in ten (10) days.

ATTEST:

Richard DeMarchi

THE CITY OF JEANNETTE:

BY

Michael J. Salvatore
Michael J. Salvatore, Mayor

FL&R