

CODIFIED ORDINANCES OF ERIE
PART FIFTEEN - FIRE PREVENTION CODE

Art. 1501. BOCA National Fire Prevention Code.

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ARTICLE 1501
BOCA National Fire Prevention Code

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| 1501.01 | Adoption of BOCA Fire Prevention Code. | 1501.03 | Establishment of limits. |
| 1501.02 | Additions, insertions, deletions and changes. | 1501.04 | Saving clause. |
| | | 1501.05 | Severability. |

CROSS REFERENCES
Bureau of Fire - see ADM. Art. 131

1501.01 ADOPTION OF BOCA FIRE PREVENTION CODE.

That certain document, two copies of which are on file in the office of the City Clerk of the City of Erie, Pennsylvania, being marked and designated as "The BOCA National Fire Prevention Code, Tenth Edition, 1996" and "Appendix A", as published by the Building Officials and Code Administrators International, Inc., is hereby adopted as the Fire Prevention Code of the City of Erie, in the Commonwealth 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 BOCA National Fire Prevention Code/1996 and "Appendix A" 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 prescribed in Section 1501.02. (Ord. 34-1997 Sec. 1. Passed 7-2-97.)

1501.02 ADDITIONS, INSERTIONS, DELETIONS AND CHANGES.

(a) The BOCA National Fire Prevention Code/1996 is amended and changed in the following respects:

- (1) SECTION F-101.1 TITLE: The title of this Code shall read as follows: "These regulations shall be known as the Fire Prevention Code of the City of Erie, Pennsylvania, hereinafter referred to as "this code".
- (2) SECTION F-111.2 UNLAWFUL CONTINUANCE: Change "misdemeanor" to "summary offense".

- (3) SECTION F-112.3 PENALTY FOR VIOLATIONS: Section F-112.3 of the BOCA National Fire Prevention Code/1993 is deleted in its entirety; and in lieu thereof the following is inserted:
“F-112.3 Penalty for violations: Any person who shall violate any of the provisions of this code or fail to comply with any order issued pursuant to any section thereof, shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) and/or imprisonment not exceeding ninety days for each offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
- (4) SECTION F-308.2.1 UNAUTHORIZED SEAL REMOVAL: Change “misdemeanor” to “summary offense”.
- (5) SECTION F-403.0 OPEN BURNING: BOCA Section F-403.0 is deleted in its entirety; existing Official City of Erie Ordinance Number 42-1996, Article 347, Section 347.04 addresses this subject.
- (6) SECTION F-503.4 SINGLE- AND MULTIPLE-STATION SMOKE DETECTORS: BOCA Section F-503.4 is deleted in its entirety; existing Official City of Erie Ordinance Number 94-1989; Article 1701, Section 1701.10 addresses this subject.

(b) “Appendix A” (Recommended Ordinance Adopting Basic Fire Control Measures and Regulations Governing Conditions Which Could Impede or Interfere With Fire Suppression Forces) is adopted and amended in the following respects:

- (1) BOCA APPENDIX A, SECTION 1. ADOPTION OF FIRE CONTROL MEASURES AND REGULATIONS: Insert “City of Erie, Pennsylvania.”
- (2) BOCA APPENDIX A, SECTION 6, DEFINITION OF AUTHORIZED EMERGENCY VEHICLE: Insert “Commonwealth of Pennsylvania.”
- (3) BOCA APPENDIX A, SECTION 7, OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES: BOCA Appendix A, Section 7 is deleted in its entirety; and in lieu thereof the following is inserted:
“Section 7. Operation of vehicles on approach of authorized emergency vehicles. Vehicles on approach of authorized emergency vehicles shall be operated in compliance with the laws and regulations of the Commonwealth of Pennsylvania.”
- (4) BOCA APPENDIX A, SECTION 11, EMERGENCY VEHICLE OPERATION: BOCA Appendix A, Section 11 is deleted in its entirety; and in lieu thereof the following is inserted:
“Section 11. Emergency vehicle operation. Emergency vehicles shall be operated in compliance with the laws and regulations of the Commonwealth of Pennsylvania.”
(Ord. 34-1997 Sec. 3. Passed 7-2-97.)

1501.03 ESTABLISHMENT OF LIMITS.

The limits referred to in Section F-3003.2 of the BOCA National Fire Prevention Code/1993 in which the storage of explosive materials is prohibited is hereby established as follows: “the entire territorial limits of the City of Erie.”
(Ord. 34-1997 Sec. 4. Passed 7-2-97.)

1501.04 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Article. (Ord. 34-1997 Sec. 5. Passed 7-2-97.)

1501.05 SEVERABILITY.

If any section or portion of this Article is found to be invalid, illegal or unconstitutional by any court, such holding shall not affect the validity of the remaining provisions, for such portion shall be deemed independent from the remaining provisions. It is hereby declared the legislative intent that this Article would have been adopted had such invalid, illegal or unconstitutional provision not been included herein. (Ord. 34-1997 Sec. 6. Passed 7-2-97.)

ARTICLE 1507
Other Fire Regulations

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|---------|--|---------|----------------------------------|
| 1507.01 | Smoking on buses prohibited. | 1507.04 | Fireworks prohibited; exception. |
| 1507.02 | Obstructing fire hydrants. (Repealed) | 1507.05 | Bonfire; rubbish fire. |
| 1507.03 | Trimming trees for fire alarm system. | 1507.99 | Penalty. |

CROSS REFERENCES

Fireworks - see 3rd Class Sec. 2403(27) (53 P.S. Sec. 37403(27))
Fire alarm poles - see S.U. & P.S. 925.09 et seq.
Fire extinguishers on boats - see S.U. & P.S. 975.03(c)

1507.01 SMOKING ON BUSES PROHIBITED.

No person shall smoke at any time while in or upon any bus operated within the City under franchise, license or permission from the City to carry passengers for pay over designated streets or routes, while such bus is being so operated.
(Ord. 8339 Sec. 1. Passed 2-6-48.)

1507.02 OBSTRUCTING FIRE HYDRANTS. (REPEALED)

(EDITOR'S NOTE: Former Section 1507.02 was repealed by Ordinance 34-1997 Section 2.)

1507.03 TRIMMING TREES FOR FIRE ALARM SYSTEM.

Whenever in the construction of the fire alarm telegraph line, in the opinion of the Fire Chief, it shall be necessary to trim any trees standing in the streets, in order that such line may be properly constructed and operated, the Fire Chief shall cause the trees to be trimmed, provided that in every such case it shall be his duty to cause as little injury to such trees as possible. (Ord. A-509 Sec. 4. Passed 2-13-1879.)

1507.04 FIREWORKS PROHIBITED; EXCEPTION.

No person shall sell, expose or offer for sale, give, discharge, fire, use, set-off or explode any rocket, blank cartridge, pistol or appliance for the use of blank cartridges, torpedo, Roman candle, squib, firecracker, sparkler, toys or devices commonly called smoke bombs which emit smoke or toxic fumes, or other fireworks of any kind whatsoever or any substance or explosive intended for pyrotechnical display. However, by resolution of Council, pyrotechnical displays may be conducted at such time and place as Council may designate. (Ord. 39-1968 Sec. 1. Passed 7-10-68.)

1507.05 BONFIRE; RUBBISH FIRE.

(a) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit or other proper authorization.

(b) No person shall burn rubbish or any other combustible materials or operate outdoor incinerators on any day or at any time except on Saturdays from 9:00 a.m. to 5:00 p.m. No person shall burn bonfires outside of private property lines.

(c) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled on any private land unless: the location is not less than fifty feet from any structure and adequate provision is made to prevent fire from spreading to within fifty feet of any structure; or the fire is contained in an approved waste burner located safely not less than fifteen feet from any structure. No person shall leave outdoor incinerators while in operation or any similar or open fires unguarded at any time. (Ord. 42-1996. Passed 7-17-96.)

(d) No person, business or other entity shall burn recyclable materials, leaf waste or grass clippings at any time in bonfires or rubbish fires. For purposes of this section, the term "recyclable materials" means all materials collected by the City of Erie under its recycling program, including but not limited to plastics, newspapers, magazines, cardboard, and all grades of paper. The term "leaf waste" means leaves, garden residues, shrubbery, tree trimmings and similar material. (Ord. 62-2001. Passed 11-7-01.)

(e) No person shall burn garbage at any time in bonfires.

(f) Whoever violates any provisions of this subsection shall be fined fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for each subsequent violation, which fine shall be recovered with costs, together with judgment of imprisonment not to exceed ninety days if the amount of judgment and costs shall not be paid. (Ord. 42-1996 §1. Passed 7-17-96.)

1507.99 PENALTY.

Any person violating any of the provisions of this article, upon conviction, shall be fined not more than three hundred dollars (\$300.00) or imprisoned not more than ninety days, or both. (Ord. 47-1966 Sec. 1. Passed 9-28-66.)

ARTICLE 1509
Fire Insurance Escrow Fund

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| 1509.01 | Responsibilities and duties. | 1509.04 | Adoption of regulations; fees. |
| 1509.02 | Municipal certificate required for claim payment. | 1509.05 | Severability. |
| 1509.03 | Procedures. | 1509.99 | Penalty. |

CROSS REFERENCES

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

1509.01 RESPONSIBILITIES AND DUTIES.

The Director of Administration or his designee is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties stated herein.
(Ord. 52-1992 Sec. 1. Passed 12-2-92.)

1509.02 MUNICIPAL CERTIFICATE REQUIRED FOR CLAIM PAYMENT.

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 structure located within the City (hereinafter the "Municipality") 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 Municipal Treasurer with a municipal certificate or verbal notification 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 Act 93 of 1994 and the provisions of this Ordinance and Act 93 of 1994.
(Ord. 97-1994 Sec. 1. Passed 12-28-94.)

1509.03 PROCEDURES.

Where pursuant to Section 508 (B)(1)(I) of Act 98 of 1992 and Act 93 of 1994, the Municipal Treasurer issues a certificate or verbal notification 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 shall be followed:

- (a) The insuring agent shall transfer from the insurance proceeds to the designated officer of the Municipality in the aggregate of two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) of a claim and for each fraction of that amount of a claim, this section to be applied such that if the claim is fifteen thousand dollars (\$15,000) or less, the amount transferred to the Municipality shall be two thousand dollars (\$2,000); or
- (b) If at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, in an amount less than the amount calculated under the foregoing transfer formula the insuring agent shall transfer to the Municipality from the insurance proceeds the amount specified in the estimate.
- (c) The transfer of proceeds shall be on pro rata basis by all companies, associations or exchanges 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 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.
- (e) Upon receipt of proceeds under this section, the Municipality shall do the following:
 - (1) The designated officer 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 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 any proceeds related thereto; and
 - (2) 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 that the proceeds have been received by the Municipality and notify the named insured that the procedures under this subsection shall be followed; and
 - (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 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

- (4) To the extent that 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 that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.
- (f) Nothing in this section shall be construed to limit the ability of the Municipality to recover any deficiency. Furthermore, nothing in this subsection shall be construed to prohibit the Municipality and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.
(Ord. 97-1994 Sec. 2. Passed 12-28-94.)

1509.04 ADOPTION OF REGULATIONS; FEES.

The City may by resolution adopt procedures and regulations to implement Act 98 of 1992 and Act 93 of 1994 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 Act 93 of 1994 and this article; including but not limited to issuance of certificates and bills, performance of inspections and opening separate fund accounts.

(Ord. 97-1994 Sec. 3. Passed 12-28-94.)

1509.05 SEVERABILITY.

The provisions of this article shall be severable and, if any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of this article shall remain in effect.

(Ord. 52-1992 Sec. 6. Passed 12-2-92.)

1509.99 PENALTY.

Any owner of property, any named insured or any insuring agent who violates this article shall be subject to a penalty of up to one thousand dollars (\$1,000) per violation.

(Ord. 52-1992 Sec. 5. Passed 12-2-92.)