

WEST VINCENT TOWNSHIP
FIRE PREVENTION ORDINANCE AMENDMENT

ORDINANCE NO. 70 OF 1995

AN ORDINANCE AMENDING CERTAIN SUBPARTS OF SECTION ONE OF THE WEST VINCENT TOWNSHIP FIRE PREVENTION ORDINANCE OF 1990

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of West Vincent Township that the West Vincent Township Fire Prevention Ordinance of 1990, as to certain subparts of Section One thereof only, are amended as follows:

SECTION ONE: Sub-part E. (TRAFFIC CONTROL) is amended to read as follows:

E. TRAFFIC CONTROL. All new traffic control devices and existing devices which are replaced, expanded, relocated, or otherwise altered shall be equipped with pre-emption or opticom signal devices. The installer/applicable party which has caused such replacement, expansion, relocation, or alteration shall be responsible for bearing the cost of installation of this equipment.

SECTION TWO: Sub-part F. (KNOX BOX) is amended to read as follows:

F. On all existing and new construction of commercial and industrial principal buildings which will or are intended to be used and/or occupied by humans, a key box rapid entry system shall be installed for the access of the Fire Department, according to the specifications of the Fire Chief. Such specifications shall include, but shall not be limited to, an inventory or list of contents required to be stored in the key box system.

SECTION THREE: Sub-part G. (SPRINKLERS) is amended, as to the introductory paragraph only, to read as follows:

G. All new multi-family dwellings and new commercial, industrial, and institutional buildings shall be

installed with an automatic sprinkler system in accordance with the National Fire Protection Association standards 13 and 13D as they now exist and as the same may be amended in the future, and the following additional standards:

(The remaining portion of sub-part G. shall remain as in the 1990 ordinance.)

SECTION FOUR: Sub-part G.6. is amended to read as follows:

- 6. Sprinkler system requirements are applicable to structures/occupancies serviced by either public water or individual on-lot well systems. If serviced by an individual on-lot well, the required storage capacity or supply for the sprinkler system may be eliminated if the sprinkler system is constructed with and connected to an exterior standpipe which is accessible to fire apparatus/equipment in the event of a fire. The specifications and design of such standpipe shall be compatible to Fire Company apparatus and equipment and shall be approved by the Fire Company.

SECTION FIVE: Sub-parts K. and L. are retained in whole but redesignated as sub-parts M. and N., respectively, and a new sub-part K. inserted as follows:

- K. PROPANE AND GAS TANKS. Any existing or new subsurface or above-ground propane or gas (butane, natural gas, etc.) tanks used for heating or cooking, including the heating of swimming pools, shall be registered by the homeowner with the Township and the Fire Department within thirty (30) days of installation or adoption of this Ordinance, whichever is applicable. Such registration shall include information on the size and location of the tank, the location of emergency shut-off valves, the existence of any leak detection devices or alarm system, compliance with any applicable state or federal storage tank regulations, and such additional information which the Township and the Fire Department shall reasonably require. Tanks used exclusively for outdoor cooking shall be exempt from this registration requirement.

SECTION SIX: A new sub-part L. is inserted as follows:

L. HAZARDOUS MATERIALS AND CHEMICALS CLEAN-UP AND REMOVAL.

- 1. Public Nuisance - West Vincent Township hereby declares as a public nuisance the storage or deposit of any hazardous material or chemical which has the substantial likelihood of causing harm or

damage to any person or any personal or real property within West Vincent Township.

2. Definition of "Hazardous Materials". For purposes of this sub-part, "hazardous materials" shall mean any of the following:

- a. Any substance listed in the list of toxic pollutants found in 40 C.F.R. subsection 401.15, as amended, and as the same may be further amended in the future.
- b. Any substance designated as a hazardous material by applicable laws of the Commonwealth of Pennsylvania.
- c. Any compressed gas, explosive, flammable liquid, flammable solid, oxidizer, poison, or radioactive material. For purposes of this Ordinance, the foregoing listed substances shall have the meanings set forth in Volume 49 of the Code of Federal Regulations, Part 173, as amended.
- d. Any of the following: petroleum or petroleum products, explosives, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, oxidizing material, any flammable material, poisonous gas, poisonous liquid, etiologic (biologic) agents, irritating material, material that causes diseases in humans, gas under such pressure that an explosion hazard exists, radioactive material, corrosive material, or liquefied petroleum gas.
- e. Any unknown or unidentified substance or material which may be hazardous or its affects unknown.

3. Deposit of Hazardous Materials: Clean-up or Abatement

- a. The Fire Chief for any fire department serving West Vincent Township and his designees within the respective fire company and/or such other persons as may be designated from time to time by the Board of Supervisors of West Vincent Township shall have the authority to notify any person or entity who unlawfully or negligently stores, releases, discharges, or deposits any hazardous material or chemical

upon or onto any property, facilities, public roadway, or premises within West Vincent Township in violation of this Ordinance to clean-up or abate the effects of said hazardous material. The notification shall be in writing, specifying the hazardous material identified, and specifying a time period within which the hazardous material must be cleaned up and/or abated. The Fire Chief may take such action as is necessary to supervise or verify the adequacy of the clean-up or abatement.

b. In the event any person or entity so notified fails to clean-up or abate the hazardous material, the applicable fire department is authorized to clean-up or abate the effects of the hazardous material unlawfully released, discharged, or deposited upon or onto any property or facility within the Township. The costs of the clean-up shall be recoverable as provided in this sub-part.

c. Notwithstanding anything in this sub-part to the contrary, the applicable fire department shall immediately clean-up and abate hazardous materials without notice to any person or entity when, in the judgment of the fire department, an emergency situation exists. The costs of an emergency clean-up shall be recoverable as provided in this sub-part.

4. Liability for Costs: Included Costs

a. The person or entity responsible for the hazardous material condition shall be liable to the applicable fire department for all costs incurred as a result of supervision or verification of the clean-up, or for the actual cost of the clean-up incurred by the fire department.

b. Costs incurred by the applicable fire department shall include, but shall not necessarily be limited to, the following: actual labor costs of fire department and Township personnel, including benefits and administrative overhead; costs of equipment operation; costs of materials obtained directly by the Township or the fire department; costs of any contract labor and materials; and the costs of disposal and

remediation.

- 5. Responsible Persons and Entities. Those persons and entities liable for clean-up and abatement, and the costs thereof, include: (1) any person or entity whose negligent or willful act or omission cause such release, discharge, or deposit; (2) any person or entity who owned or had custody or control of the hazardous substance or the material at the time of such release, discharge, or deposit, without regard to fault or proximate cause; (3) any person or entity who owned or had custody or control of the container which held such hazardous material or substance at the time of or immediately prior to such release, discharge or deposit, without regard to fault or proximate cause; and (4) any person or entity who owned, occupied, or had a leasehold interest in any real estate on which such hazardous materials were located or found, without regard to fault or proximate cause.

- 6. Enforcement. The costs incurred by the Township and/or applicable fire department shall be a municipal lien against the affected real estate and shall be collectible as a lien or as otherwise provided by law. In addition, the Township and/or applicable fire department may enforce the provisions of this sub-part by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus attorneys' fees or for any other relief that may be appropriate.

- 7. Fire Suppression Services. The authority to recover and the liability for costs under this sub-part shall not include the expense of actual fire suppression services which are normally or usually provided by the applicable fire department; provided, however, the expense of fire suppression services necessitated by the effects of the hazardous material shall be recoverable under this sub-part.

- 8. Severability. If any term, condition, or provision of this sub-part shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

SECTION SEVEN: All ordinances or parts of ordinances inconsistent with the West Vincent Township Fire Prevention

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Ordinance of 1990, as hereby amended, are hereby repealed to the extent of such inconsistency only.

SECTION EIGHT: This ordinance shall become effective five (5) days from its adoption by the Board of Supervisors of West Vincent Township.

ENACTED and ORDAINED this 24th day of April, 1995.

Board of Supervisors
West Vincent Township

[Signature]
[Signature]
James T. Pedersen

Attest: Kay Segner

Date: 4/24/95