

**BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO.891 - 2017**

**INTRODUCED BY COUNCIL – December 11, 2017**

**ADOPTED BY COUNCIL – December 11, 2017**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA AMENDING THE CODE OF THE BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA, CHAPTER 24 – FIRE DEPARTMENT, SECTIONS 24-3 – CONSOLIDATION AND ENUMERATION OF FIRE COMPANIES AND 24-4 – RECOGNITION OF FIRE COMPANIES, TO REFLECT THAT THERE IS CURRENTLY ONLY ONE VOLUNTEER FIRE COMPANY AND TO ALLOW FOR THE CHANGES IN THE MAKE-UP OF VOLUNTEER FIRE COMPANIES WHICH SERVE THE BOROUGH OF COLUMBIA, SECTION 24-13 – ROTATING APPOINTMENT OF FIRE CHIEF, AND 24-14 TO MODIFY THE PROVISIONS FOR APPOINTING THE FIRE CHIEF, DEPUTY FIRE CHIEF AND ASSISTANT FIRE CHIEFS, AND REPEALING SECTION 24-15 AND 24-16 REGARDING THE TERMS OF THOSE OFFICERS; ADOPTING PROVISIONS TO REQUIRE COMMERCIAL OR INDUSTRIAL STRUCTURES PROTECTED BY AN AUTOMATIC ALARM SYSTEM OR AUTOMATIC SUPPRESSION SYSTEM, MULTI-FAMILY RESIDENTIAL STRUCTURES THAT HAVE RESTRICTED ACCESS THROUGH LOCKED DOORS AND GOVERNMENTAL STRUCTURES AND NURSING CARE FACILITIES TO BE EQUIPPED WITH KEY LOCK BOXES AT OR NEAR THE MAIN ENTRANCE OR OTHER LOCATIONS FOR USE IN FIRE EMERGENCIES; ADOPTING PROVISIONS PROHIBITION SOLICITATION AT FIRE SCENES AND PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

**SECTION 1.** The Code of the Borough of Columbia, Chapter 24 – Fire Department, Section 24-3 – Consolidation and Enumeration of fire companies be and hereby is amended to read as follows:

“Fire protection within the Borough of Columbia was provided for many years by five volunteer fire companies. In 2001, three of the five companies consolidated leaving three volunteer fire companies serving the Borough of Columbia:

Columbia Consolidated Fire Department, Columbia No. 1 Fire Department, and Susquehanna Fire and Rescue No. 4. Two of those three fire companies subsequently consolidated into one Fire Company known as Columbia Borough Fire Department, while Columbia Consolidated Fire Department was removed from service, thereby leaving one volunteer fire company serving the Borough of Columbia. The Borough, in recognition of the services provided, has for many years contributed financial support to the volunteer fire companies and is, by adoption of this Article, officially recognizing it as a volunteer fire company of the Borough. Such recognition has the effect of extending to the volunteer fire company, certain rights and immunities enjoyed by municipalities and also provides assurance that members of the volunteer fire company injured while engaged in authorized activities are covered by Workers Compensation Insurance."

SECTION 2. Chapter 24 – Fire Department, Section 24-4 – Recognition of Fire Companies, of the Code of the Borough of Columbia, be and hereby is amended to read as follows:

"Columbia Borough Fire Department is hereby recognized by the Borough as a volunteer fire company which has been organized by residents of said Borough and is hereby designated by the Borough as the officially recognized fire company in and for the Borough of Columbia. No other organization is dedicated to the fighting of fires or authorized to operate within the Borough of Columbia except for those acting under a mutual aid or other agreement approved by Columbia Borough Council. Columbia Borough Council may, by resolution from time to time, recognize additional fire companies and designate them as part of the Columbia Borough Fire Company to operate in accordance with the terms of Chapter 24 of the Code of the Borough of Columbia. Upon adoption of any such resolution, all such fire companies shall be authorized to perform the services set forth in Chapter 24 and shall be entitled to the rights and subject to the obligations set forth in such Chapter."

SECTION 3. Chapter 24 – Fire Department, Section 24-13 – Rotating Appointment of Fire Chief, of the Code of the Borough of Columbia, be and hereby is amended to read as follows:

"Section 24-13. Appointment of Fire Chief. "The position of Fire Chief shall be made by Borough Council based on nomination from the Columbia Borough Fire Department. This appointment is at the Borough Council's sole and absolute discretion and the Borough Council may at any time remove or terminate the Fire Chief. If the Borough Council should choose not to appoint the nominee from the Columbia Fire Department, the Columbia Borough Fire Department shall submit to the Borough Council, the name of another individual as a nominee to serve as Fire Chief."

**SECTION 4.** Chapter 24 – Fire Department, Section 24-14 – Appointment of Deputy Fire Chief, Assistant Fire Chiefs of the Code of the Borough of Columbia be and hereby is amended to read as follows:

“The Fire Chief may appoint a Deputy Fire Chief and Assistant Fire Chiefs meeting established standards as set forth in the Rules and Regulations promulgated by the Fire Chief. All such assistants of the Deputy Fire Chiefs and Assistant Fire Chiefs shall serve at the discretion of the Fire Chief. The Fire Chief shall, however, notify Borough Council of the appointment of any of the same.

**SECTION 5.** Section 24-15 – Removal of Deputy Fire Chief and Assistant Fire Chiefs and 24-16 – Term of Office for Fire Chief; Vacancies of the Code of the Borough of Columbia be and hereby are deleted in their entirety.

**SECTION 6.** The following provisions relating to Establishment of a Key Lock Box System and requirements for the same are hereby established and legislated by the Borough of Columbia:

I. **Establishment of Key Lock Box System.**

A. 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 of the Borough of Columbia:

1. Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such other structures that are constructed in a manner that restricts access during an emergency as shall be determined from time to time by the Fire Chief.

2. Multi-family residential structures that have restricted access through locked doors and have a common card for access to the living units.

3. Governmental structures and nursing care facilities.

B. All newly constructed structures subject to this Section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this Section and subject to this Section shall have one (1) year from the effective date of this Section to have a key lock box installed and operational.

C. The Fire Chief of the Borough of Columbia shall designate the type of key lock box system to be implemented within the Borough of Columbia and shall have the authority to require all structures subject to this Section to use the designated system.

D. The owner or operator of a structure 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 by

the Fire Chief, and emergency fire personnel, Police Chief of the Borough of Columbia, and police personnel.

E. The Fire Chief shall be authorized to implement rules and regulations for the use of the key lock box system which rules and regulations shall be posted on the website of the Borough of Columbia.

F. The owner or operator of any facility which is required to have a material safety data sheet or an emergency and hazardous chemical inventory form under Subtitle B. Sections 311 and 312 of Title III of the Superfund Amendments and Pre-authorization Act of 1986 (SARA Title III) shall provide a key lock box at the facility site and shall comply with the following:

1. The lock box shall include the following information for emergency response personnel:

a. A current list of key facility personnel knowledgeable about safety procedures for materials on site, complete with telephone numbers for such personnel in the event of an incident after normal hours of facility operation.

b. A current emergency and hazardous chemical inventory form and a binder containing the material safety data sheets or in the event that the volume of the material safety data sheets is too great to keep practically in the repository container shall give the location of the on-site material safety data sheets and the material safety data sheets shall be readily available for use by emergency response personnel.

c. A facility site plan including the location of storage and use of hazardous materials on-site, the location of on-site emergency firefighting and spill clean-up equipment, a diagram of the complete sewer system and water system, showing fire hydrant and water main locations and sizes, and any building floor plan deemed necessary by the Code Official.

G. The key lock box shall be installed at a location designated by the Code Official and shall be identified in a manner described by the Code Official, or in the alternative, designated and identified by the Fire Chief.

H. All key lock boxes shall have a minimum interior of fourteen (14) inches high by twelve (12) inches wide by two (2) inches deep except where a smaller key lock box is deemed adequate by the Fire Chief and/or Code Official.

I. The owner or operator of the facility shall update the appropriate documents within the key lock box on an annual basis or more frequently when deemed necessary by the Fire Chief and/or Code Official and shall send the Fire Chief and/or Code Official all of the updated material, including an updated copy of the

emergency and hazardous chemical inventory form, which shall be placed in the key lock box as well as disseminated among the emergency response personnel, including members of the Police Department.

## II. Violations and Penalties.

A. Whoever violates any provision of this chapter regarding key lock box requirements shall, upon conviction in a summary proceeding, be sentenced for each violation to pay a fine of not more than \$600, together with costs of prosecution for each violation, and, in default of the payment of such fine and costs, to undergo imprisonment for not more than 30 days. Each violation of any provision of this chapter, and each day that such violation shall exist, shall constitute a separate violation and offense.

B. Any person who violates any provision of this chapter may have their permit to use an outdoor fire devise suspended or revoked by Columbia Borough Council, in the Council's sole discretion."

SECTION 7. The following prohibitions on solicitation and fire scenes are hereby established and legislated by the Borough Council of the Borough of Columbia:

A. Prohibition on Solicitation. No person or restoration company shall engage in solicitation at a fire scene, or appear and remain at a fire scene, unless summoned by the owner, tenant, occupier or other person in control of the property or a police officer of the Borough of Columbia.

B. Exceptions. Notwithstanding the prohibitions above, nothing in this section shall prohibit the owner, occupier or other person in control of the real property which is the subject of the fire scene from utilizing a restoration service company chosen by the owner, tenant, occupier, or other person of the real property after the property has been secured by appropriate Borough officials including those in the Fire and Police Departments.

C. Violations and Penalties. Whoever violates any of these provisions shall, upon conviction in a summary proceeding, be sentenced for each violation to pay a fine of not more than \$600.00, together with cost of prosecution for each violation, and, in default of the payment of such fines and costs, to undergo imprisonment for not more than 30 days. Each violation hereof that shall exist, will constitute a separate violation and offense.


SECTION 8. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

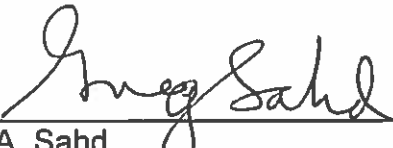
SECTION 9. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Columbia that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 10. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

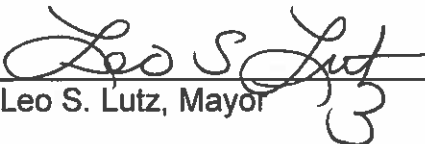
DULY ORDAINED AND ENACTED this 11 day of December, 2017, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF COLUMBIA, LANCASTER COUNTY, PENNSYLVANIA

By:   
Kelly Murphy,  
President of Borough Council

ATTEST:   
Gregory A. Sahd,  
Borough Manager

Examined and approved this 11 day of December, 2017.

  
Leo S. Lutz, Mayor