

Chapter 5

Code Enforcement

Part 1

Uniform Construction Code

- §5-101. Election to Administer and Enforce
- §5-102. Adoption
- §5-103. Administration and Enforcement
- §5-104. Board of Appeals
- §5-105. Savings and Repealer
- §5-106. Fees

Part 2

Property Maintenance Code

- §5-201. Adoption of International Property Maintenance Code

Part 3

Fire and Life Safety Codes

- §5-301. Adoption of ICC International Fire Code and NFPA 101 Life Safety Code;
Adoption of Future Amendments, Supplements and Editions
- §5-302. Conflicts of Laws
- §5-303. Code Violations
- §5-304. Plans and Specifications; Professional Services
- §5-305. Board of Appeals
- §5-306. Mutual Aid Agreements
- §5-307. Fire Marshal
- §5-308. Assistant Fire Marshal
- §5-309. Police Officer to Assist Fire Marshals
- §5-310. Fire Chief
- §5-311. Fire Lanes
- §5-312. Fire Protection Systems
- §5-313. Smoke Detectors
- §5-314. Interference with Fire Department Operations
- §5-315. Compliance with Orders of Fire Officials
- §5-316. Vehicles Crossing Fire Hose
- §5-317. Obstructing Fire Hydrants and Fire Department Connections
- §5-318. Boarding or Tampering with Fire Equipment
- §5-319. Damage or Injury to Fire Equipment or Personnel
- §5-320. Causing or Permitting Fire Hazards
- §5-321. Dangerous Accumulations and Obstructions
- §5-322. Dumpsters
- §5-323. Dilapidation or Lack of Equipment; Other Hazards
- §5-324. Use of Fire Hydrants
- §5-325. Hydrants and Water Main Replacements
- §5-326. Hydrants for Uses Involving High Fire or Life Hazards

- §5-327. Limited Use and Maintenance of Fire Appliances
- §5-328. Sale of Unlawful or Defective Fire Extinguishers
- §5-329. Street Obstructions and Excavations
- §5-330. Conditions of Hazardous Use Permit
- §5-331. Inspections
- §5-332. Permit and Inspection Fees
- §5-333. Heating Equipment
- §5-334. Polyurethane Foam Decubitus Ulcer Pads
- §5-335. Fire Insurance
- §5-336. Penalty
- §5-337. Amendments

Part 1**Uniform Construction Code****§5-101. Election to Administer and Enforce.**

The Borough of Millbourne hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, 45 of 1999, 35 P.S. §§7210.101–7210.1103, as amended from time to time, and its regulations.

(Ord. 413, 6/21/2004, §1)

§5-102. Adoption.

The Uniform Construction Code, contained in 34 Pa.Code, Chapters 401–405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of the Borough of Millbourne.

(Ord. 413, 6/21/2004, §2)

§5-103. Administration and Enforcement.

Administration and enforcement of the Code within the Borough of Millbourne shall be taken in any of the following ways as determined by the Borough Council of the Borough of Millbourne from time to time by resolution:

A. By the designation of an employee of the Borough of Millbourne to serve as the municipal code official to act on behalf of the Borough of Millbourne.

B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of Millbourne.

C. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an intermunicipal agreement.

D. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of the Borough of Millbourne.

E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one-family or two-family dwelling and utility and miscellaneous use structures.

(Ord. 413, 6/21/2004, §3)

§5-104. Board of Appeals.

A Board of Appeals shall be established by resolution of the Borough Council in conformity with the requirements of the relevant provisions of the Code, as amended from time to time, and for the purposes set forth herein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

(Ord. 413, 6/21/2004, §4)

§5-105. Savings and Repealer.

1. All building ordinances or portions of ordinances which were adopted by the Borough of Millbourne on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code, as amended from time to time.

2. All building code ordinances or portions of ordinances which are in effect as of the effective date of this Part and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

3. All relevant ordinances, regulations and policies of the Borough of Millbourne not governed by the Code shall remain in full force and effect.

(Ord. 413, 6/21/2004, §5)

§5-106. Fees.

Fees assessable by the Borough of Millbourne for the administration and enforcement undertaken pursuant to this Part and the Code shall be established by the Borough Council by resolution from time to time.

(Ord. 413, 6/21/2004, §6)

Part 2**Property Maintenance Code****§5-201. Adoption of International Property Maintenance Code.**

A certain document on file in the office of the Borough of Millbourne being marked and designated as the *International Property Maintenance Code*, 2009 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Borough of Millbourne, Commonwealth of Pennsylvania, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Borough of Millbourne are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part.

(Ord. 433, 9/19/2011, §1)

Part 3**Fire and Life Safety Codes****§5-301. Adoption of ICC International Fire Code and NFPA 101 Life Safety Code; Adoption of Future Amendments, Supplements and Editions.**

1. There is hereby adopted by reference, as if the same were fully described herein, the ICC *International Fire Code*, being particularly the 2003 edition thereof, prepared and promulgated by the International Code Council, and the NFPA 101 *Life Safety Code*, being particularly the 2003 edition thereof, prepared and promulgated by the National Fire Protection Association, except as modified in this Part. Such Codes shall be referred to as the "Fire Code."

2. As the ICC *International Fire Code* and the NFPA 101 *Life Safety Code* set forth in subsection .1 hereof are amended, supplemented or added to, such amendments, supplements or additions shall also be established as the law of the Borough. As any future amendments or editions of such Codes described in subsection .1 hereof are published, they shall be adopted by the Borough.

(Ord. 416, 12/19/2005, §1)

§5-302. Conflicts of Laws.

1. In the event of a conflict between a provision of the Fire Code adopted in §5-301 and a provision of any Commonwealth statute, the more stringent provision shall prevail.

2. Where provisions of the ICC *International Fire Code*, as adopted in §5-301 and the NFPA 101 *Life Safety Code*, as adopted in §5-301, overlap, the more stringent or constricting requirement shall prevail.

3. In the event of a conflict between a provision of the ICC *International Fire Code* and a provision of the NFPA 101 *Life Safety Code*, the Fire Marshal shall determine which provision shall prevail.

(Ord. 416, 12/19/2005, §2)

§5-303. Code Violations.

The failure or neglect of a person responsible under the Fire Code adopted in §5-301 to comply with any section of such code, or to comply with an order of the Fire Marshal pursuant to such Code, shall be deemed a violation of this Part.

(Ord. 416, 12/19/2005, §3)

§5-304. Plans and Specifications; Professional Services.

Section F-107.6 of the ICC *International Fire Code* as adopted in §5-301 above, is hereby amended to add the following Sections:

A. *Plans, Specifications and Engineering Details.* All costs for the preparation of plans, specifications and/or engineering details shall be the responsibility of the applicant.

B. *Professional Services.* Where applications for design are files or the

magnitude of construction is such that the Code Official determines that such applications require the performance of professional services, including, but not limited to, plan review or site inspection by the Borough, all fees and costs relating to the performance of those professional services incurred by the Borough shall be borne by the owner.

(Ord. 416, 12/19/2005, §4)

§5-305. Board of Appeals.

Section 108.3 of the ICC *International Fire Code* as adopted in §5-301 above, is hereby amended as follows:

A. The Board of Appeals shall consist of three members, appointed by Borough Council, for 1-year terms, corresponding to the calendar year.

B. At least one member of the Board shall be a senior active member of the Fire Department.

(Ord. 416, 12/19/2005, §5)

§5-306. Mutual Aid Agreements.

The Fire Chief may establish mutual aid agreements with neighboring fire departments for the purpose of assisting each other in fulfilling their respective duties and responsibilities.

(Ord. 416, 12/19/2005, §6)

§5-307. Fire Marshal.

1. Establishment of the Office; Qualifications.

A. There is hereby established the office of Fire Marshal.

B. Council shall appoint a person to fill the office for a period of 1 year, corresponding to the calendar year.

C. The Fire Marshal shall receive compensation as established by Council.

D. The Fire Marshal must have demonstrated by past activities his or her knowledge of fire prevention and safety.

2. Duties.

A. The Fire Marshal shall enforce the Fire Code as adopted in §5-301, and he or she shall have such other duties as are set forth in this Part.

B. He or she may issue citations for a violation of any of the provisions of such Fire Code or this Part.

C. References in the ICC *International Fire Code*, as adopted in §5-301, or the NFPA 101 *Life Safety Code*, as adopted in §5-301, to the "Fire Chief" or "Fire Official" shall mean the Fire Marshal, unless otherwise expressly specified in this Part, and the Fire Marshal shall assume all duties and responsibilities ascribed to him or her.

(Ord. 416, 12/19/2005, §7)

§5-308. Assistant Fire Marshal.

1. *Establishment of Position; Qualifications.*

A. The Fire Marshal shall, with the approval of Council, designate one person as the Assistant Fire Marshal to assist him or her in the performance of his duties.

B. Such person must have demonstrated by past activities his or her knowledge of fire prevention and safety.

2. *Duties.* The Assistant Fire Marshal shall have the same duties, powers and responsibilities as the Fire Marshal.

(Ord. 416, 12/19/2005, §8)

§5-309. Police Officer to Assist Fire Marshals.

1. The Mayor may assign one police officer to work with the Fire Marshal and the Assistant Fire Marshal in investigations and legal matters.

2. Such police officer shall attend a course in arson investigation within 6 months of his or her appointment.

3. Such police officer shall also have the power of arrest as conveyed by the Commonwealth statute.

(Ord. 416, 12/19/2005, §9)

§5-310. Fire Chief.

1. *Establishment of Office; Appointment.*

A. There is hereby established the office of Chief of the Fire Department, to be called the Fire Chief.

B. The Chief shall be appointed by Council, based upon the recommendation of the Department, for a period of 1 year, corresponding to the calendar year.

2. *Duties.*

A. The Fire Chief, or his or her duly appointed representative, who may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, may direct such operations as may be necessary to extinguish or control suspected or reported fires, gas leaks, chemical accidents, or other hazardous conditions or situations, or may take other action necessary in the reasonable performance of his or her duty.

B. The Chief, his or her representative or the Fire Marshal may remove or cause to be removed a person, vehicle, or object from a hazardous area. A person ordered to leave a hazardous area, or to remove a vehicle or object which he or she possesses from a hazardous area, shall do so immediately and shall not re-enter the area until authorized to do so by the Chief, his or her duly authorized representative or the Fire Marshal.

(Ord. 416, 12/19/2005, §10)

§5-311. Fire Lanes.

Chapter 5 of the ICC *International Fire Code*, as adopted in §5-301, is hereby amended to add the following:

A. All signs and markings required by the Fire Marshal on private property

shall be installed by the property owner within 30 days of receipt of written notice by the Marshal.

B. The cost of all such signs and markings shall be the responsibility of the property owner.

C. The Code Enforcement Officer shall not issue a certificate of occupancy for new construction, or for renovations, until such signs and markings are in place.

D. The Code Enforcement Officer shall not issue a housing occupancy certificate until such signs and markings are in place.

E. No person shall obstruct or block any fire lane or fire zone, provided that such lane or zone has been designated by the Fire Marshal and is properly posted.

(Ord. 416, 12/19/2005, §11)

§5-312. Fire Protection Systems.

Chapter 9 of the ICC *International Fire Code*, as adopted in §5-301, is hereby amended as follows:

A. Before a fire alarm, detection or fire suppression system is installed, enlarged or extended; a permit thereof shall be obtained from the proper Code Officer.

B. Plans and specifications for such devices or systems shall be submitted to the proper Code Officer for review prior to the issuance of the permit.

C. Single-family dwellings are exempt from this Section, provided that such system is not connected by any means, including tape dialer, to an external monitoring source, including the County Emergency Communications Board.

(Ord. 416, 12/19/2005, §12)

§5-313. Smoke Detectors.

1. *New Construction.* All new construction in the Borough, whether residential, commercial, institutional or industrial, shall be equipped with smoke detectors of a type approved by the Underwriters' Laboratories (U.L.) and/or Factory Mutual (F.M.).

2. *Existing Structures.*

A. An existing structure in the Borough, whether residential, commercial, institutional or industrial, shall comply with all provisions if this Part prior to the transfer of title, at the time such property is offered for sale or in the case of rental property, prior to the occupancy by a new tenant. Institutional or commercial properties shall have 3 years in which to comply with this subsection; provided, that such property has not been subject to transfer of title, sale or new occupancy prior to this time.

B. In the case of transfer of title, it is the responsibility of the owner of record prior to the transfer of title to have such property comply with all provisions of the Fire Code adopted in §5-301.

C. Smoke detectors shall be of a type approved by the Underwriters' Laboratories (U.L.) and/or Factory Mutual (F.M.).

3. *Placement and Number of Smoke Detectors.*

A. Single-family dwellings shall have at least one smoke detector for each floor.

B. Lodging or boarding homes shall have at least one smoke detector for each room, including corridors or hallways, but excluding bathrooms and kitchens. Additional detectors may be required by Fire Marshal.

C. Industrial and commercial properties shall have at least one smoke detector for each 500 square feet of open floor space and one smoke detector per office or room. Additional detectors may be required by the Fire Marshal.

D. Institutional properties shall have smoke detectors installed as detailed in the NFPA 101 *Life Safety Code*, as adopted in §5-301. Additional detectors may be required by the Fire Marshal.

4. *Issuance of Certificate.* A certificate of occupancy or housing occupancy certificate shall not be issued unless smoke detection equipment, as required in this Section, is present and functional. This provision shall provide no legal liability to the Borough; the Borough shall only ensure that at the time of the initial inspection of premises, smoke detection equipment was present and functional.

(Ord. 416, 12/19/2005, §13)

§5-314. Interference with Fire Department Operations.

No person shall interfere with, attempt to interfere with, conspire to interfere with, obstruct, or restrict the mobility of or block the path of travel of, a Fire Department emergency vehicle, including rescue vehicles and/or ambulances, or interfere with, attempt to interfere with, obstruct or hamper a Fire Department operation.

(Ord. 416, 12/19/2005, §14)

§5-315. Compliance with Orders of Fire Officials.

No person shall willfully fail or refuse to comply with a lawful order or direction of the Fire Marshal, the Fire Chief or a duly authorized representative thereof, or interfere with the compliance attempts of another individual.

(Ord. 416, 12/19/2005, §15)

§5-316. Vehicles Crossing Fire Hose.

No person shall drive or propel a vehicle over an unprotected fire hose of the Fire Department without the consent of the fire officer in charge of the operation.

(Ord. 416, 12/19/2005, §16)

§5-317. Obstructing Fire Hydrants and Fire Department Connections.

1. No person shall obscure from view, damage, deface, obstruct or restrict the access to a fire hydrant or a Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes or on private property.

2. Such obstruction shall be removed by the Borough, unless the owner removes such obstruction immediately. The cost of towing and storage shall be borne by the owner of the object that causes the obstruction.

(*Ord. 416, 12/19/2005, §17*)

§5-318. Boarding or Tampering with Fire Equipment.

No person, without proper authorization from the fire official in charge of Fire Department emergency equipment, shall cling to, attach himself or herself to, climb upon or into, board or swing upon, a Fire Department emergency vehicle, whether the same is in motion or at rest; sound the siren, horn, bell or other sound producing device thereon; or manipulate or tamper with, or attempt to manipulate or tamper with, switches, starting devices, brakes, pumps, or equipment or protective clothing on, or a part of, such vehicle.

(*Ord. 416, 12/19/2005, §18*)

§5-319. Damage or Injury to Fire Equipment or Personnel.

No person shall damage or deface, or attempt or conspire to damage or deface, any Fire Department emergency vehicle or equipment at any time, or injure, attempt to injure or conspire to injure Fire Department personnel while performing departmental duties.

(*Ord. 416, 12/19/2005, §19*)

§5-320. Causing or Permitting Fire Hazards.

No person who possesses, occupies, or has control of any building or premises in the Borough shall permit or cause therein or thereon a fire hazard or any installation, construction, equipment, matter or thing which, by reason of not being installed, constructed or maintained according to recognized standards and practices for the prevention of fire, creates or produces danger to any person, animal or property from fire.

(*Ord. 416, 12/19/2005, §20*)

§5-321. Dangerous Accumulations and Obstructions.

Whenever the Fire Marshal finds that, in a building or upon any premises covered by the Fire Code adopted in §5-301, there is combustible or explosive matter, a dangerous accumulation of rubbish or an unnecessary accumulation of waste paper, boxes, shavings, or highly flammable materials so situated as to endanger property, or that there is an obstruction to or on a fire escape, stairway, passageway, door or window which is liable to interfere with the operation of the Fire Department or the egress of occupants in case of fire, he or she shall order the same to be removed or remedied.

(*Ord. 416, 12/19/2005, §21*)

§5-322. Dumpsters.

Owners and occupants of commercial, industrial, and institutional buildings and multifamily dwellings using dumpsters to accumulate trash, debris, and combustible refuse shall locate such dumpsters at least 15 feet from the nearest structure on a suitable area designated by the Fire Marshal or the Code Official appointed by Council.

(*Ord. 416, 12/19/2005, §22*)

§5-323. Dilapidation or Lack of Equipment; Other Hazards.

Whenever the Fire Marshal finds a building or other structure covered by the Fire Code adopted in §5-301 which, for want of repairs or the lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age, dilapidated condition or for any other reason, is especially liable to catch fire, and which is so situated as to endanger other property or the occupants thereof, and whenever such officer or his or her authorized representative finds, in a building covered by such Fire Code, combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, he or she shall order such dangerous conditions or materials to be removed or to be remedied in accordance with this Part. No person shall fail to comply with such order.

(Ord. 416, 12/19/2005, §23)

§5-324. Use of Fire Hydrants.

No person shall operate a fire hydrant intended for use by the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the Fire Marshal. This Section does not apply to the use of such hydrants by a person employed by and authorized to make such use by, the water company having jurisdiction.

(Ord. 416, 12/19/2005, §24)

§5-325. Hydrants and Water Main Replacements.

The Fire Marshal shall recommend to the Borough Manager the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. No fire hydrant shall be placed into or removed from service until it is approved by the Fire Marshal.

(Ord. 416, 12/19/2005, §25)

§5-326. Hydrants for Uses Involving High Fire or Life Hazards.

Owners of new or existing ship yards, oil storage plants, lumber yards, amusement or exhibition parks, educational or institutional complexes and similar occupancies and uses which involve high fire or life hazards, which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system, shall provide properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Fire Marshal, shall be connected to a water system in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. No such private hydrant shall be placed into or removed from service until approved by the Fire Marshal.

(Ord. 416, 12/19/2005, §26)

§5-327. Limited Use and Maintenance of Fire Appliances.

No person shall obstruct, remove, tamper with or otherwise disturb a fire hydrant or fire appliance required to be installed or maintained under the Fire Code adopted in §5-301, except for the purposes of extinguishing fire, training or testing, recharging or

making necessary repairs or when permitted by the Fire Marshal. Whenever a fire appliance is removed as permitted in this Section, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliances or equipment shall be replaced or repaired as directed by the Fire Marshal.

(Ord. 416, 12/19/2005, §27)

§5-328. Sale of Unlawful or Defective Fire Extinguishers.

No person shall see, trade, loan or give away a fire extinguisher which is not approved, or which is not in proper working order or whose contents do not meet the requirements of the Fire Marshal. This Section does not apply to the sale, trade, or exchange of obsolete or damaged equipment for junk when a unit is permanently disfigured or marked with a permanent sign identifying the unit as junk.

(Ord. 416, 12/19/2005, §28)

§5-329. Street Obstructions and Excavations.

No person shall erect, construct, place, or maintain a bump, fence, gate, chain, bar, pipe, wood or metal horse or other obstruction in or on any street in the Borough. As used in this Section, "street" means a roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways in the Borough. A person opening a street, for the purpose of making or repairing a utility connection, must first notify the Fire Marshal in writing stating the exact location and length of time such opening will remain.

(Ord. 416, 12/19/2005, §29)

§5-330. Conditions of Hazardous Use Permit.

Chapter 27 of the *International Fire Code*, as adopted in §5-301, is hereby amended to add the following paragraph:

No permit shall be issued for a period in excess of 1 year. A new application, along with the appropriate fees and certificate of insurance, must be filed at least 30 days prior to the expiration of the existing permit, if continuation thereof is desired.

(Ord. 416, 12/19/2005, §30)

§5-331. Inspections.

Section 106.1 of the *International Fire Code*, as adopted in §5-301, is hereby amended to add the following paragraph:

Inspections shall be performed by the Fire Marshal at least once per year, except that health institutions and lodging and boarding homes shall be inspected quarterly.

(Ord. 416, 12/19/2005, §31)

§5-332. Permit and Inspection Fees.

1. All permits required by the Fire Code adopted in §5-301, shall be obtained upon written application on a form to be obtained from the Fire Marshal, to be accompanied

by a permit fee in an amount as established, from time to time, by resolution of the Borough Council, per establishment to be accounted for and paid by the Fire Marshal to the Borough. As compensation, an amount as established, from time to time, by resolution of the Borough Council, of such fee shall be returned by the Borough to the Fire Marshal at the end of March, June, September and December of each year, at which time the Fire Marshal shall file a record with the Borough Secretary of all appliances and permits. [Ord. 447]

2. For an inspection by the Fire Marshal required by such Fire Code, there shall be an inspection fee in an amount as established, from time to time, by resolution of the Borough Council, per year for a building of 10,000 square feet or less, and an amount as established, from time to time, by resolution of the Borough Council for each additional 5,000 square feet or portion thereof. All fees shall be accounted for and paid to the Borough by the Fire Marshal. Inspections in excess of 1 per year, performed at the request of the owner or tenant or required by an outside agency or by this Part, will be performed at the fee set forth in this subsection for each inspection. As compensation, an amount as established, from time to time, by resolution of the Borough Council, of such fee shall be returned by the Borough to the Fire Marshal at the end of March, June, September and December of each year, at which time the Fire Marshal shall file, with the Borough Secretary, a signed copy of each inspection report. For a building in excess of 10,000 square feet, the Fire Marshal shall be paid a fee of 40 percent of the total inspection fee. [Ord. 447]

(Ord. 416, 12/19/2005, §32; as amended by Ord. 447, 5/20/2015)

§5-333. Heating Equipment.

1. *Defined.* As used in this Section, “heating equipment” means a permanent device designed, installed or arranged for the purpose of using power or fuel for heating purposes and all equipment connected thereto, including internal and external supply or storage tanks, piping, wiring, and all accessories.

2. *Permit to Install, Enlarge or Repair.*

A. No person shall install, erect, or enlarge any permanent heating equipment or make repairs thereto if such repairs substantially alter the construction or installation thereof, without first applying for and obtaining a permit therefore from the proper Code Officer of the Borough pursuant to this Section.

B. An application for such permit shall state the name and address of the applicant, the place where the work is to be performed, the trade name of the heating equipment, the name of the manufacturer thereof, the location and size of the flue and the smoke pipe leading to such flue and other information which the Code Officer may deem necessary.

3. *Standards.* The installation, erection, enlargement, or repair of permanent heating equipment and the storage and use of fuel, power, range or other oils in connection therewith are subject to the provisions of the Fire Code adopted in §5-301.

4. *Master Switch.* No automatic permanent heating equipment shall be installed without a master switch outside the furnace room or at the nearest entrance to the basement where heating equipment is installed, including electric water pumps, blowers, and circulating fans.

5. *Signal Alarms for Certain Tanks.* All 275 gallon fuel oil tanks shall be provided with signal alarms to prevent overfilling.

6. *Valves on Supply and Overflow Lines.* All fuel oil tanks buried in the ground shall have manually operated valves on supply lines and on overflow lines, which valves shall not be more than 2 feet from the burners and shall be accessible.

(Ord. 416, 12/19/2005, §33)

§5-334. Polyurethane Foam Decubitus Ulcer Pads.

1. Polyurethane foam decubitus ulcer pads (egg crates) may be used only upon written order of a licensed physician.

2. The following conditions and limitations apply to the dispensing, sale or use of such pads:

A. Smoking, open flames or space heaters are prohibited in rooms or areas where the pads are stored or used.

B. Pads shall not be laundered or sterilized.

C. Labels shall be permanently affixed by the manufacturer warning against laundering the pads and against smoking while on them.

D. Pads shall not be removed from the hospital or nursing home unless a licensed physician authorizes, in writing, the release of the pads.

(Ord. 416, 12/19/2005, §34)

§5-335. Fire Insurance.

1. *Application of Section.* This Section will apply for all instances described in 40 Pa.C.S.A. §638 *et seq.*

2. *Insurance Company Defined.* As used in this Section, “insurance company” means the named insured’s insurance company, association or exchange.

3. *Transfer of Portion of Proceeds to Borough.* When the amount of the loss resulting from a fire within the Borough, as agreed to between the named insured and the insurance company, equals or exceeds 60 percent of the aggregate limits if liability on all fire policies covering the building or other structure, the insurance company shall transfer from the insurance proceeds to the Borough Manager, in the aggregate, \$1,000 for each \$20,000 and each fraction of that amount of a claim, or if, at the time of a proof of loss agreed to between the named insured and the insurance company, the named insured has submitted a contractor’s signed estimate of the costs of removing, repairing or securing the building or other structure, the insurance company shall transfer from the insurance proceeds the amount specified in the estimate. The transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure. Policy proceeds remaining after the transfer to the Borough shall be on a pro rata basis by all insurance companies insuring the building or their structure. Policy proceeds remaining after the transfer to the Borough shall be disbursed in accordance with the policy terms. The named insured may submit a contractor’s signed estimate of costs of removing, repairing, or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured if the Borough has not commenced to remove, repair or secure the building or other structure.

4. *Disposition of Proceeds.* Upon the receipt of proceeds by the Borough as authorized by this Section, the Borough Manager shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing incurred by the Borough. When transferring the funds, as required in subsection .2 hereof, an insurance company shall provide the Borough with the name and address of the named insured, whereupon the Borough shall contact the named insured, certify that all proceeds have been received by the Borough and notify the named insured that the procedures under this Section shall be followed. The fund shall be returned to the named insured when repair, removal, or securing of the building or other structure has been completed and the Borough has verified that it has not incurred any costs for repair, removal, or securing of the building or other structure. If the Borough has incurred costs for repair, removal or securing of the building or other structure, the costs shall be paid from the fund, and, if excess funds remain, the Borough shall transfer the remaining funds to the named insured. Nothing in this Section shall be construed to limit the ability of the Borough to recover any deficiency. Further, nothing in this Subsection shall be construed to prohibit the Borough 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. 416, 12/19/2005, §35*)

§5-336. Penalty.

1. Unless otherwise provided in this Section, whoever violated or fails to comply with any of the provisions of this Part, including the provision of the ICC *International Fire Code* and the NFPA 101 *Life Safety Code* herein adopted, or any order of the Fire Marshal or his or her authorized representative made pursuant thereto, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. Whoever violates §5-317.1, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 416, 12/19/2005, §36; as amended by Ord. 447, 5/20/2015*)

§5-337. Amendments.

In addition to the amendments set forth in §§5-304, 5-305, 5-311, 5-312, 5-330, and 5-331, the following Sections of the ICC *International Fire Code* as adopted in §5-301 are hereby amended as follows:

A. Section 101.1, Title—insert “Borough of Millbourne” as the name of the jurisdiction.

B. Section 101.1—Code Official is amended to read as follows: It shall be the duty and responsibility of the Fire Marshal to enforce the provisions of this Code.

C. Section 105.1.1, Permits Requirements—insert “yes” on each line in the column headed “Permit Required.” Fees shall be in accordance with the codified ordinances or resolutions of the Borough.

D. Section 3301.3, Storage, is amended to read as follows: The storage of any and all explosive materials is strictly prohibited within the Borough.

(Ord. 416, 12/19/2005, §37)