

# Chapter 114

## INSPECTIONS

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**[HISTORY: Adopted by the Borough Council of the Borough of Dallastown as indicated in article histories. Amendments noted where applicable.]**

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### ARTICLE I Inspections

[Adopted 9-12-1955 by Ord. No. 221]

#### § 114-1. Designation of Fire Prevention Inspectors.

In the interest of public safety and security from fire, the Fire Chief and the police officers of Dallastown Borough are hereby designated as Fire Prevention Inspectors and shall have full power and authority:

- A. To enforce all laws, ordinances, rules and regulations relating to the manufacture, sale, storage or transportation of inflammable or explosive substances; and
- B. At any and all reasonable times to enter upon and into any building or premises, within the Borough of Dallastown, for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to the presence, arrangement or location of all appliances, materials, substances, goods, wares or merchandise therein to determine whether or not a fire hazard exists.

#### § 114-2. Purpose of inspections.

A Fire Prevention Inspector shall inspect, as often as may be necessary, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of law, ordinance, rule or

regulation relating to fire hazards. The interiors of private dwellings are subject to the provisions of this article, except that inspection of the same shall be made only when the Fire Chief receives a written complaint of the existence of a fire hazard therein.

**§ 114-3. Declaration of fire hazard.**

If a Fire Prevention Inspector shall find upon inspection of any building or premises any rubbish, debris, waste, inflammable or combustible materials and that the same or any appliances, goods, wares or merchandise are not so arranged and placed that the occupants or persons rightfully on or in said buildings or premises would not, because of such arrangement and disposition, be afforded reasonable access to the exits in case of fire or shall find that by reason of such arrangement or disposition the members of the Fire Department would unnecessarily or unreasonably be interfered with in the exercise of their duties in case of fire, he shall declare the same a fire hazard and order its elimination in writing.

**§ 114-4. Fire prevention equipment.**

If a Fire Prevention Inspector shall find that the equipment for protection against fire on or in any building or premises is not in proper condition and in conformity with all laws, ordinances, rules and regulations relating thereto, he shall order in writing that said equipment be placed in proper condition and in conformity with all laws, ordinances, rules and regulations relating thereto.

**§ 114-5. Service of orders.**

The service of the orders hereinbefore mentioned shall be made upon the owner, lessee, occupant, or agent of any of them, of the building or premises affected, either by delivering to and leaving with such individual or any person in charge of the building or premises a copy of the same or, in case no such person is found, by posting a copy thereof in a conspicuous place on the premises. Said owner, lessee, occupant, person in charge, or agent of any of them, of such building or premises must comply with such order or orders within 48 hours after service, unless an appeal is taken as provided hereinafter.

**§ 114-6. Appeals.**

Any person aggrieved by such order may, within 48 hours after said order has been served, appeal to the Committee on Public Safety of the Borough Council, which body shall thereupon make such order in the premises as it may deem right and reasonable, and fix the time within which the same shall be complied with.

**§ 114-7. Violations and penalties. [Amended 4-13-1998 by Ord. No. 432]**

Any person or persons violating any of the provisions of this article or who shall violate or fail to comply with any order or regulation made thereunder, or who shall obstruct or prevent or attempt to obstruct or prevent a Fire Prevention Inspector in the discharge of his duties, shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, plus costs of

prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days. The imposition of a fine for any violation of this article or any order or regulation made thereunder shall not excuse the violation or permit it to continue and every such person shall be required to obey the order within the time limit as specified heretofore. Each and every day upon which any person continues to violate any provision of this article or any order or regulation made thereunder shall constitute a separate offense. The imposition of the above fine shall not be held to prevent the enforced change of prohibited conditions at the cost of the person responsible therefor.

**§ 114-8. Right of entry; recovery of costs.**

In addition to the foregoing remedies, a Fire Prevention Inspector, together with workmen, may enter at any time any building or premises in the Borough for the purpose of eliminating a fire hazard, and he and they are hereby authorized and empowered to eliminate such fire hazard. The costs and expenses of the elimination of fire hazards shall be recoverable from the owner or owners of such building or premises from which the hazard shall be eliminated or from any person or persons causing or maintaining the same in the same manner as fines and penalties for violating of an ordinance. The cost of removal may be entered as a lien against such property in accordance with existing provisions of law.

ARTICLE II

**Smoke Detectors**

**[Adopted 3-14-1983 by Ord. No. 356]**

**§ 114-9. Detectors and fire extinguishers required. [Amended 6-9-2003 by Ord. No. 493]**

All rental units, apartment buildings or non-owner-occupied buildings with sleeping accommodations in Dallastown Borough shall be equipped with one or more smoke and heat detectors which shall be capable of sensing visible and invisible products of combustion and, when activated, shall provide an alarm suitable to warn the occupants. The detectors shall be either a photoelectric or ionization design. If battery operated, they shall give an audible warning when the batteries are low. It shall also be required that each unit in which a smoke detector is required shall have not fewer than two fire extinguishers for residential use, located one in the kitchen or area for cooking and one in the sleeping area as designated in the premises; except that if such unit is all contained on one floor, then only one fire extinguisher shall be required.

**§ 114-10. Responsibilities of owner.**

The owner of any building requiring a smoke and heat detector shall be responsible for the installation of the same. It shall be the responsibility of the occupant of each dwelling unit to maintain such detectors in good working order; provided, however, that the owner shall be responsible for the maintenance of such detectors in hotels, motels, nursing and convalescent homes, rooming and boarding houses, and similar uses as well as detectors in all residential uses which are located in areas used in common by more than one occupant. Each owner shall certify to each new occupant of any structure required by this article to have smoke and heat detectors that all detectors or alternate systems required have been installed and are in proper

working condition; provided, however, that this requirement shall not apply to a facility housing primarily transients. Maintenance shall include battery replacement.

**§ 114-11. Power source.**

In new construction, the detectors shall be wired directly (hard wired) to the building's power supply. In all existing construction, it is preferred that the smoke detectors be wired (hard wired) to the building's power supply. However, a monitored battery supply unit is acceptable.

**§ 114-12. Alternative systems.**

As an alternative to smoke and heat detectors, an approved fire detection system may be installed. Each fire detection system must be individually approved and a permit issued therefor by the Borough.

**§ 114-13. Compliance required.**

Within six months after the effective date of this article, all buildings for which smoke and heat detectors are required shall have such detectors installed. New construction shall have such detectors installed, inspected and approved before being occupied by any person or persons.

**§ 114-14. Sleeping areas.**

At least one smoke and heat detector shall be installed to protect each sleeping area. A "sleeping area" is defined as the area or areas of the unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms habitually used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section.

**§ 114-15. Building permit procedure.**

Where a building permit is required by other Borough ordinances, the regulations with respect to smoke and heat detectors promulgated by this article shall be incorporated into said permit and inspection procedure. Where installation is required by this article which is not covered by existing permit requirements in the Borough, the installations may be made without a permit; provided, however, that such installations shall be subject to inspection by the Borough on 24 hours' notice to the owner and occupant. Notice to the occupant shall not be necessary in the case of hotels, motels, nursing and convalescent homes, rooming and boarding houses, and similar uses.