

Chapter 83

FIRE PREVENTION - RAPID ENTRY KEY BOX SYSTEMS

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[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg 8-8-2011 as Ord. No. 2011-08.]

§ 83-1. Purpose.

The Council of the Borough of South Greensburg hereby finds that the lack of a high speed, common key secured entry system in those structures herein defined: (i) impedes access by firefighters and other emergency service personnel; (ii) unreasonably extends response times; (iii) results in the increased risk of damage to property and harm to the residents of the Borough of South Greensburg; and (iv) poses a threat to the public health, safety and welfare. The purpose of this Chapter is to require owners of commercial properties, churches and certain multi-family dwellings to provide rapid entry key box systems to enable firemen and other emergency personnel to have immediate access to commercial properties, churches and/or residential dwellings which do not have immediate access by way of an outside entry.

§ 83-2. Definitions.

- A. **Common Key Rapid Entry Key Box** A fireproof and secure box or other structure affixed to the outside of a required structure, approved for use by the Council of the Borough of South Greensburg, containing keys for entry of all units within the required structure and having a single entry key in common with all other entry boxes in the Borough of South Greensburg.
- B. **Required Structure** - Any structure required to have a common key rapid entry key box pursuant to the terms of this Ordinance. A "required structure" for purposes of this Ordinance shall be deemed to include, but be limited to, all commercial buildings housing a commercial enterprise within the Borough of South Greensburg regardless of the zoning classification in which it is located, all churches, a residential dwelling unit which does not have an independent exterior entry through a ground level door and any multi-family dwelling having a unit or units accessed through a common hallway or entryway. Nothing in this Ordinance shall be deemed or construed to prohibit the owners of other property within the Borough voluntarily to install a common key rapid entry key box pursuant to the terms of this Ordinance.

§ 83-3. Implementation.

The owner of any required structure shall install and maintain a common key rapid entry key box on the exterior of the structure at or near a common entry door, in a location approved in writing by the South Greensburg Borough Volunteer Fire Department, to provide access to interior units by the South Greensburg Borough Fire Department and/or other emergency service personnel. Such key box shall be installed on the required structure upon any change in occupants of any commercial structure or the change in occupants of any dwelling unit within a required residential structure. The foregoing notwithstanding, all required structures shall cause such key boxes to be installed no later than February 1, 2012.

§ 83-4. Box Type and Responsibility for Cost and Expense.

The type of common key rapid entry key box installed shall be approved by the South Greensburg Borough Volunteer Fire Department and have a common entry key in common with all other common key rapid entry key boxes within the Borough. The cost, as reasonably determined by the Borough of South Greensburg, of acquisition and installation of the common key rapid entry key box shall be paid by the owner of the required property.

§ 83-5. Access Keys.

The owner of any required structure shall provide, place and keep copies of keys to the required structure and all units within the required structure in the common key rapid entry key box and shall clearly label each key with the door and number of each unit such key opens and/or serves. The South Greensburg Borough Volunteer Fire Department shall obtain the common key for the box from the manufacturer of same.

§ 83-6. Violations.

The failure of the owner of any required property to install a common key rapid entry key box when required to do so under this section, or to maintain keys for individual units within the required structure as set forth herein, shall be a violation of this Section and subject the violator to those penalties set forth hereafter.

§ 83-7. Penalties.

Any person who violates the provisions of this Ordinance shall, upon being found liable therefore in a judicial proceeding commenced by the Borough, be subject to a civil judgment of THREE HUNDRED and 00/100 (\$300.00) DOLLARS. All court costs, cost of prosecution, including the Borough's attorneys' fees and expenses, incurred in prosecution, shall be assessable in addition to any judgment entered. Each day that the condition giving rise to the entry of judgment continues to exist five (5) days after the date the initial judgment is entered, shall constitute a separate offense and be subject to those judgments, penalties, costs and expenses referenced herein.

In addition to the penalties contained herein, the Borough may, at its discretion, initiate any other action at law or in equity to compel the owner of a required structure to install the common key rapid entry key box contemplated by this Ordinance. In the event such other proceedings are initiated, all court costs, cost of prosecution, including the Borough's attorneys' fees and expenses, incurred in prosecution,

shall be assessable in addition to any judgment, award or verdict entered. Such fees, costs and expenses may thereafter be collected by the Borough through any action at law or in equity, including, but not limited to the filing and prosecution of a municipal claim against the property.

§ 83-8. Voluntary opt out/Indemnification and hold harmless.

Should the owner(s) of any required structure elect not to comply with this Ordinance, such non-compliance shall not be considered a violation of this Ordinance, and no penalties or costs shall be incurred, but only if all of the following requirements are met within thirty (30) days' written notice provided by the Borough of South Greensburg:

- A. Such opt-out is transmitted in writing to the Borough of South Greensburg by the owner(s) or any duly authorized representative thereof; and*
- B. The owner(s) of the required structure executes an indemnification and hold harmless agreement in favor of the Borough of South Greensburg, such agreement covering any and all injury to property and persons and in a form and substance satisfactory to the Borough of South Greensburg; and*
- C. The owner(s) of the required structure provided proof in writing to the Borough of South Greensburg that the owner(s) has notified its fire insurance carrier of such opt-out.*