

Chapter 7

Emergency Management Services

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Part 1**Cleanup and Removal of Hazardous Materials****§7-101. Public Nuisance.**

The Borough of New Morgan hereby declares as a public nuisance the unsafe storage or deposit of any hazardous material or chemical within the Borough of New Morgan.

(Ord. 2001-3, 4/11/2001, §1)

§7-102. Definition of Hazardous Materials.

For purposes of this Part, "hazardous materials" shall mean any of the following:

A. Any substance listed in the list of toxic pollutants found in 40 CFR §401.15, as amended.

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 Part, the foregoing listed substances shall have the meanings set forth in 49 CFR, Part 173.

D. Any of the following: explosives, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, oxidizing material, any flammable material, poisonous gas, poisonous liquid, irritating material, material that causes disease in humans, gas under such pressure that an explosion hazard exists, radioactive material, corrosive material, or liquefied petroleum gas.

(Ord. 2001-3, 4/11/2001, §2)

§7-103. Deposit of Hazardous Materials; Cleanup or Abatement; Liability for Costs.

1. New Morgan Borough, by and through its officials, employees, and/or designees, including the Morgantown Friendship Fire Department, the City of Reading Police Bomb Disposal Unit, the Pennsylvania State Police or any other duly constituted police or fire authority shall have the authority to direct any person or entity who unlawfully or negligently stores, releases, discharges, or deposits upon or onto any property, facilities or public roadway or premises within the Borough of New Morgan to cleanup or abate the effects of said hazardous material. The Borough or its designee may take such action as is necessary to supervise or verify the adequacy of the cleanup or abatement.

2. In the event any person or entity so directed fails to cleanup or abate the hazardous material, the Borough or its designee 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 Borough.

3. The person or entity responsible for the hazardous material condition shall be liable to the Borough for all costs incurred as a result of supervision or verification of

the cleanup, or for the actual cost of the cleanup incurred by the Borough or its designee.

4. Notwithstanding anything in this Part to the contrary, the Borough and/or its designees, including the Morgantown Friendship Fire Department, the City of Reading Police Bomb Disposal Unit, or the Pennsylvania State Police or any other duly constituted police or fire authority, shall immediately clean up and abate hazardous materials without notice to any person or entity when, in the judgment of the Borough or its designee, an emergency situation exists. The costs of an emergency cleanup shall be recoverable as provided in this Part.

(Ord. 2001-3, 4/11/2001, §3)

§7-104. Included Costs.

For purposes of this Part, costs incurred by the Borough shall include, but shall not necessarily be limited to, the following: actual labor costs of the personnel of the Borough and/or its designees including the Morgantown Friendship Fire Department, the City of Reading Police Bomb Disposal Unit, the Pennsylvania State Police or any other duly constituted police or fire authority, including wages, overtime, benefits and administrative overhead; costs of equipment operation; costs of materials; costs of any contract labor and materials and the costs of disposal and remediation; and any costs, charges, losses or claims of the City of Reading, the Reading Police Department, members of the Canine (K-9) or Bomb Disposal Unit charged back to the Borough.

(Ord. 2001-3, 4/11/2001, §4)

§7-105. Responsible Persons and Entities.

For purposes of this Part, those persons and entities liable for cleanup and abatement, and the costs thereof, include: (A) any person or entity whose negligent or willful act or omission cause such release, discharge or deposit; (B) 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; (C) 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 (D) 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.

(Ord. 2001-3, 4/11/2001, §5)

§7-106. Municipal Lien.

The costs incurred by the Borough shall be a municipal lien against the real estate at issue and shall be collectible as a lien or as otherwise provided by law or in equity.

(Ord. 2001-3, 4/11/2001, §6)

Part 2**“Knox” Boxes****§7-201. Definitions.**

Automatic dialer—a device that automatically dials and relays a prerecorded message to a central station or the fire department.

Automatic fire suppression system—a system or assembly of piping, valves, controls and sprinklers which are designed and installed to comply with the NFPA standards, which utilize water, foam, CO₂, or other gas to automatically react to suppress fire.

Building—any structure used or intended for supporting or sheltering any occupancy.

Central station—an office of a private company to which remote alarm and supervisory signaling devices are transmitted and where personnel are in attendance at all times to supervise the circuits and investigate signals.

Codes Official—Borough Official (Fire Inspector, Codes Enforcement Official) or designee responsible for enforcement of this Part.

Fire alarm system—equipment which automatically actuates a fire alarm when the detecting element is exposed to fire, smoke, abnormal rise or decrease in temperature or activation of a sprinkler or extinguishing system or manually activated device.

Fire department—Fire company contracted to provide fire/rescue protection and services to New Morgan Borough.

Knox box (lock or key box)—a high security key vault, which is listed under the UL 1610, and the UL 1037 standards, master, keyed with a Medeco Level 7 or equivalent lock. Locks shall be keyed to the key configuration provided by the fire department that provides contracted service in the Borough.

Knox padlock—lock that secures perimeter or fire access gates, sprinkler systems and shut-off valves constructed of heavy-duty steel body with weather-resistant cover that is opened by the Knox master key.

Standpipe system—a wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires.

(Ord. 2015-4, 9/8/2015)

§7-202. Mandatory Key Boxes for Fire Suppression and Standpipe Systems.

Each building within New Morgan Borough which is protected by an automatic fire suppression or standpipe system and not manned during a 24-hour, 7-day week operation, shall be equipped with a key box. The key box shall be at a location approved by the New Morgan Borough Codes Official (hereby referred to as “Codes Official”). The key box shall be a Knox box type and size approved by the Codes Official. Owners of existing structures must comply with this Part within 18 months of its adoption.

(Ord. 2015-4, 9/8/2015)

§7-203. Mandatory Key Boxes for Fire Alarm Systems.

When a building is protected by an automatic fire alarm system (automatic dialer, central station, external audible alarm), the Codes Official shall require a key box to be installed at that location. The key box shall be a Knox box type and size approved by the Codes Official. Owners of existing structures must comply with this Part within 18 months of its adoption.

(Ord. 2015-4, 9/8/2015)

§7-204. Mandatory Key Boxes for Hazardous Materials.

The Codes Official shall require a key box to be installed for any facility, firm, or corporation which handles, uses, or stores hazardous materials and/or is required to prepare the emergency services material safety data sheets (MSDS) or hazardous chemical inventory forms under the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III). All pertinent documents shall be stored in a lock box document vault. This includes any facility, firm or corporation operating structures that handle, use or store hazardous materials. The key box shall be a Knox box type and size approved by the Codes Official. Owners of existing structures must comply with this Part within 18 months of its adoption.

(Ord. 2015-4, 9/8/2015)

§7-205. Security Padlocks.

When a property contains a building or structure that is protected by a locked fence or gate, the Codes Official may require a Knox padlock to be installed at a location approved by the Codes Official upon consultation with first responding fire company.

(Ord. 2015-4, 9/8/2015)

§7-206. Applicability.

This Part shall not apply to owner occupied one- and two-family dwellings and individual townhouse units. For the purpose of this Part, individual townhouse units are considered single-family by unit. This Part includes any commercial or industrial structures, multi-family residential and apartment complexes, structures that have restricted access through locked doors, governmental buildings, nursing care facilities, educational buildings, places of assembly (churches), and other at risk properties.

(Ord. 2015-4, 9/8/2015)

§7-207. Key Lock Boxes.

The owner or operator of a structure subject to this ordinance is required at all times to keep a key(s) in the lock box that will allow access to the structure. The key boxes shall contain the following:

- A. Keys to locked points of egress, whether in interior or exterior of such buildings.
- B. Keys to locked mechanical rooms.
- C. Keys to locked elevator rooms and controls.
- D. Keys to any fence or secured areas.

E. Keys to any other area that may be required by the Codes Official after a written notice.

F. A card containing the emergency contact people and phone numbers for such building.

G. Keys to areas of the building where fire alarm panels and fire protection systems are located.

H. An inventory of the keys is to be posted inside all lock boxes, as per approval of the Codes Official.

In lieu of having the interior keys in the exterior lock box, a second lock box may be located within the main lobby of the building to hold these keys.

(Ord. 2015-4, 9/8/2015)

§7-208. Installation.

The lock box identified by the Codes Official shall be installed on the front of the building (side 1) near the main entry door and between 6 and 8 feet above ground unless approved at a higher or lower level by the Codes Official and/or first due fire company. The Borough must provide written notice and provide owner 30 days to install the lock box. A permit/registration with the Borough is required prior to the installation of a Knox box in order to verify the proper mounting location and installation of said Knox box. If a permit/registration fee is required, the fee will be set in a corresponding resolution as periodically amended.

(Ord. 2015-4, 9/8/2015)

§7-209. Enforcement.

The Borough Codes Department, upon consultation with Borough Fire Chief, shall be authorized to implement rules and regulations for the use of the lock box system, shall designate the type of key lock box system to be implemented within the Borough, and shall have the authority to require all structures to use the designated system.

(Ord. 2015-4, 9/8/2015)

§7-210. Penalties.

Failure to install the box after 30 days according to the directions by the Borough Codes Official, enables the Borough to install said box at the owner's expense. The owner of a building so designated to install a box can appeal that determination to the Borough within 30 days after notification to do so.

(Ord. 2015-4, 9/8/2015)

§7-211. Optional Applicability.

Owners or applicants of one and two family dwellings and townhouse units may utilize the lock box system upon consultation with and issuance of proper permits/registration by the Borough Codes Official. The key box shall be a Knox brand of a type and size approved by the Codes Official.

(Ord. 2015-4, 9/8/2015)

§7-212. Security.

The security procedures in place by the Berks County Communications 911 Center will be followed. No steps, displays, sign or other fixtures or structure protrusions shall be located under the box, which would allow intruders to access the box without assistance.

(Ord. 2015-4, 9/8/2015)

§7-213. Compliance.

All existing buildings shall comply with this Part 1 year from its effective date. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for certificate of occupancy, shall comply immediately upon approval of this Part. This Part shall take effect immediately upon its passage.

(Ord. 2015-4, 9/8/2015)

Part 3**Reimbursement for Costs and Expenses Relating to Fire Extinguishments,
Hazardous Materials and Environmental Incidents, Safety, Rescue and
Similar Responses****§7-301. Background.**

The Twin Valley Fire Department is recognized as the official fire company to provide fire protection and related services to the Borough of New Morgan. The Fire Department, in addition to its primary firefighting activities, often responds to hazardous material incidents, environmental incidents, safety, rescue, and similar incidents, either in response to 911 requests, as a public service, or in coordination with the emergency management agency.

(Ord. 2012-3, 10/9/2012, §1)

§7-302. Purpose.

It is the intention of the Borough to authorize the Twin Valley Fire Department to seek collection and reimbursement for the reasonable costs of responding to hazardous material incidents, environmental incidents, safety, rescue, and similar incidents, and under certain circumstances firefighting activities, either directly or in coordination with agencies which provide invoicing services.

(Ord. 2012-3, 10/9/2012, §2)

§7-303. Authorization.

The Fire Department is hereby authorized to recover the reasonable costs and expenses incurred for firefighting materials, equipment, personnel hours, hazardous abatement materials, equipment use and damage, and similar expenses relating to hazardous material incidents, environmental incidents, safety, rescue, and similar incidents, including vehicular accidents or incidents.

(Ord. 2012-3, 10/9/2012, §3)

§7-304. Insurance.

Where insurance coverage is available with respect to incidents involving firefighting activities of commercial and residential properties, the Fire Department is similarly authorized to recover its reasonable costs and expenses or to receive a contribution in lieu thereof to the extent that such insurance policies provide coverage for such expenses.

(Ord. 2012-3, 10/9/2012, §4)

§7-305. Collection.

The costs and expenses permitted hereunder may be billed or directly charged by the Fire Department to the responsible person or owner or to the appropriate insurance company, or in the alternative the Fire Department may engage the services of a company which provides such collection services.

(Ord. 2012-3, 10/9/2012, §5)

§7-306. Payment Not a Condition of Service.

Under no circumstances shall the Fire Department in any way limit its activities or make a condition of providing its services the payment or collection of a fee or charge either for current or past service.

(Ord. 2012-3, 10/9/2012, §6)

§7-307. Collection Costs.

In addition to the aforementioned costs and expenses, the Fire Department is authorized to collect reasonable interest and a reasonable administrative fee as may be authorized by law.

(Ord. 2012-3, 10/9/2012, §7)