

**TOWNSHIP OF NEW GARDEN
ORDINANCE NO. _____**

AN ORDINANCE PURSUANT TO THE SECOND CLASS TOWNSHIP CODE, AS AMENDED, AMENDING THE CODE OF ORDINANCES OF NEW GARDEN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, BY PROVIDING REGULATIONS FOR KEY LOCK BOXES WITHIN THE TOWNSHIP. EFFECTIVE FIVE DAYS FROM ENACTMENT.

AND NOW THEREFORE, this ____ day of _____, 2021, the Board of Supervisors of the Township of New Garden, Chester County, Pennsylvania, hereby **ENACTS** and **ORDAINS** as follows:

Section 1. The Code of the Township of New Garden (“Code”), Chapter 90, Fire Lanes, is hereby repealed and replaced in its entirety as follows:

Chapter 90 - Fire Prevention and Fire Protection

Article I: Fire Lanes

Section 90-1. Fire Lane Requirements and Enforcement

The creation, establishment, designation and enforcement of fire lanes shall be as follows:

- A. Wherever the Fire Marshal shall determine that the parking of motor vehicles, trailers, etc., upon any public or private street, lane, alley, shopping district or other area of private property is liable to interfere with the operations of the Fire Department or hamper the egress of occupants from buildings in case of fire or other emergency, he is hereby authorized to establish fire lanes. The Fire Marshal shall forward such request with a description of the location and the extent of the fire lane to the Township.
- B. The Township shall then prepare and adopt a resolution designating the area as a fire lane.
- C. Whenever the Fire Marshal shall determine that a sign designating "No Parking by Order of Fire Marshal" on any public or private street, lane, alley, shopping district or other areas of private property is insufficient alone to clearly indicate the area where parking is prohibited, he is hereby authorized to establish fire lanes by having lines painted, four inches in width, on the roadway surface, indicating the area in which parking is prohibited. In addition, he shall have painted the words "Fire Lane" in letters three feet in height on the roadway surface at intervals he deems

necessary within the prohibited parking area. The Fire Marshal may also determine that a fire lane shall also be designated and posted as a "Tow-Away Zone".

- D. When the Fire Marshal has identified a fire lane and the Board of Supervisors has adopted a resolution designating the same in an existing commercial or residential development, the Township shall be responsible to install the sign and the appropriate painted markings designating the fire lane. After installation, all future maintenance, upkeep and replacement of signs and markings for the fire lane shall be the responsibility of the owner of the property/road where the fire lane is located.
- E. Future developments of the Township will have fire lanes as designated by the Fire Marshal during the time of the land development review.
- F. Enforcement.
 - 1. The Police Department of the Township of New Garden will be responsible to enforce the parking restrictions imposed by the fire lanes in the Township as provided by Pennsylvania law. Any person, partnership, corporation, or entity who or which violates or permits a violation of the provisions of this chapter shall pay a fine of not less than \$75 per violation, plus all court costs and reasonable attorney's fees incurred by the Township in enforcement proceedings, and may be imprisoned to the extent allowed by Pennsylvania law. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Each section of this chapter that is violated shall also constitute a separate violation.
 - 2. In addition to, but not in limitation of, the foregoing, any motor vehicle within a fire lane which is designated a "Tow-Away Zone" shall be subject to removal by a towing service at the direction of the Fire Chief, New Garden Township Police, Fire Police, or other appropriate official of New Garden Township, and the owner of such motor vehicle shall be responsible for the payment of all costs associated with such vehicle removal, including, but not limited to, towing and storage costs.
- G. Violations. It shall be unlawful for any person to:
 - 1. Park a vehicle in a fire lane.
 - 2. Store, sell or display supplies, equipment, shopping carts, inventory, merchandise or any other item in a fire lane.
 - 3. Obstruct a fire lane.

4. Engage in any other act which would substantially interfere with the access of fire officials, fire personnel and/or fire fighting equipment or apparatus to, over or upon a fire lane.

Article II: Key Lock Boxes

Section 90-2. Findings; purpose.

New Garden Township had determined that the health, welfare and safety of the citizens of the Township are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the emergency service providers in gaining access to or within a structure when responding to calls for an emergency and to aid in accessing a building that is secured or is unduly difficult to gain entry due to being either unoccupied or because the occupants are unable to respond.

Section 90-2. Applicability; timeframe for compliance; type to be used.

- A. The following structures shall be equipped with an unobstructed key lock box (Knox box) at or within six feet of the main entrance at a height between four feet and five feet from the walking surface:
 1. Commercial or industrial structures protected by an automatic alarm system or automatic suppression systems, or such structures that are secured in a manner that restricts access during an emergency;
 2. Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units;
 3. Governmental structures, schools, and nursing care facilities.
- B. The following structures are exempt from the requirement to install a key lock box (Knox box):
 1. Detached residential one-family and two-family dwellings and one family townhouses that are not more than three (3) stories in height and their accessory structures.
 2. Any structure or property having twenty-four (24) hour on-site security personnel who have full access to the entire structure or property may be exempt from the requirements of this Ordinance at the discretion of the Fire Marshal.

3. Rental storage facilities where there is a single lock on the separate storage pods that are renter supplied; provided, however, that the entry security gate(s) will require a key lock box (Knox box) if electronically controlled or locked with a master key issued by the landlord to all tenants.
- C. All newly constructed structures subject to this section shall have a key lock box (Knox box) installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this article and subject to this section shall have one year from the effective date of this article to have a key lock box (Knox box) installed and operational.
 - D. The Fire Marshal shall designate the type of key lock box system (Knox box) to be implemented within the Township and shall have the authority to require all structures to use the designated system. Owners and operators of structures subject to this section shall obtain an authorization form from the Township for the key lock box system (Knox box), which must be completed to ensure compatibility of the key lock box system (Knox box) with the Township's system.

Section 90-3. Contents; second box.

- A. The owner or operator of the structure required to have a key lock box (Knox box) shall, at all times, maintain the following items within the key lock box (Knox box):
 1. Keys, separately tagged and indexed to a floor plan to clearly and quickly identify what doors or locks they operate to:
 - a. All locked points of access to the structure;
 - b. All locked points of access to common hallways or utility rooms contained within such structure;
 - c. All locked mechanical rooms;
 - d. All locked electrical rooms;
 - e. All locked sprinkler control rooms;
 - f. All areas of the structure where fire alarm panels and fire protection systems are located;
 - g. All locked elevator rooms and controls;
 - h. Any fenced or secured areas;

- i. All other locked areas, other than individual apartments or rented rooms; and
 2. Name(s) and phone number(s) of individual(s) with access to the structure(s) after hours (plant manager, owner, etc.).
- B. The labeling/tagging of keys and contact information contained within the key lock box (Knox box) must be kept current.
- C. In lieu of having the interior keys in the exterior key lock box (Knox box), a second key lock box (Knox box) may be located within the main lobby of the building to hold these keys. If a second key lock box (Knox box) is installed within the main lobby, it must be located at or within six feet of the main entrance at a height between four feet and five feet from the walking surface.

Section 90-4. Information to be provided to Fire Marshal; updating required.

- A. The owner or operator of the structure required to have a key lock box (Knox box) shall provide the following items to the Fire Marshal:
 1. The name, address, and telephone number of the owner or owner's representative;
 2. Floor plans which include utility locations (gas, electric, etc.); and
 3. Copies of the material safety data sheets that are required to be on file, as well as a floor plan or written description that indicates the location(s) of the general areas of these materials within the structure, if the structure contains a business that is required to maintain material safety data sheets.
- B. Any change in this information must be provided in writing to the Fire Marshal at least forty-eight (48) hours in advance of the change occurring, along with the date such change will take place.

Section 90-5. Rules and regulations for use.

The Fire Marshal, in coordination with the Board of Supervisors, shall be authorized to implement rules and regulations for the use of the key lock box system (Knox box).

Section 90-6. Violations and penalties.

Any person violating the provisions of this article, upon conviction thereof, shall be sentenced to pay a fine of up to \$1,000 for each offense and the cost of prosecution and, in the event of default of payment of each fine and cost, shall be subject to imprisonment for not more than 90 days. Each day that a violation of this article continues shall constitute a separate offense. Any person found guilty of violating this article shall be assessed court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings.

Section 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 3. In any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. This Ordinance shall be effective five (5) days from the date of enactment.

Adopted this _____ day of _____ 2021.

Attest:

**Township of New Garden
Board of Supervisors**

Lewis Gay, Secretary

J. Patrick Little, Chairman

Mike Loftus, Vice Chairman

Kristie Brodowski, Member

Stephen E. Allaband, Member

David Unger, Member