TOWNSHIP OF LOWER MERION FIRE DEPARTMENT

Fire Prevention Code
Chapter 78
FIRE PREVENTION

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The member companies of the Fire Department shall be the following volunteer fire companies and such additional volunteer fire companies as the Board of Commissioners may from time to time receive into the Fire Department:

A. The Belmont Hills Fire Company.
B. The Bryn Mawr Fire Company.
C. The Gladwyne Fire Company.
D. The Merion Fire Company of Ardmore.
E. The Penn Wynne-Overbrook Hills Fire Company.
F. The Union Wynne Fire Association of Lower Merion.
G. The Narberth Fire Company.

§ 78-2. Board of Directors.

A. The Board of Directors of the Fire Department shall consist of the elected Presidents and Fire Chiefs of the volunteer fire companies, or their alternates, the Chairman of the Fire Committee of the Board of Commissioners, the Township Manager and the Chief Fire Officer. The Superintendent of Police and the Chief of Operations of the Volunteer Medical Service Corp. shall attend meetings of the Board of Directors of the Fire Department, but they shall not have voting power. [Amended 11-15-1978 by Ord. No. 1839; 5-15-1985 by Ord. No. 2076; 3-19-2008 by Ord. No. 3844]

B. The Board of Directors shall make recommendations to the Chief Fire Officer and/or the Board of Commissioners in such matters as Fire Department administration, training, fire-fighting methods, developing specifications for and ordering of new equipment, fire alarm operation, fire alarm response and other matters pertaining to the management of the Fire Department. [Amended 5-15-1985 by Ord. No. 2076]
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C. The Board of Directors shall be responsible to the Fire Committee and to the Board of Commissioners.

D. The Board of Directors shall be governed by bylaws, as adopted from time to time. [Amended 11-15-1978 by Ord. No. 1839]

§ 78-3. Personnel of Fire Department.

A. The personnel of the Fire Department shall consist of the Chief Fire Officer, who shall also be known as the "Fire Marshal," one Deputy Chief Fire Officer and one or more Deputy Fire Marshals. They shall be appointed in accordance with regulations and procedures of the Township governing the appointment of all Township personnel. [Amended 11-15-1978 by Ord. No. 1839; 5-15-1985 by Ord. No. 2076]

B. In appointing the personnel of the Fire Department, careful consideration will be given to recommendations of the Board of Directors of the Fire Department as to qualified applicants.


A. The Chief Fire Officer shall be the chief officer of the Fire Department and shall have the power and responsibility of carrying out the provisions of this chapter. The Chief Fire Officer shall be answerable to the Board of Commissioners through the Township Manager. He shall receive and give careful consideration to all recommendations submitted by the Board of Directors of the Fire Department and, when feasible, arrange for the implementation of such recommendations, and shall be in charge of the proper dispatching of apparatus to any fire or emergency through the Montgomery County communications center. In all matters not specifically set forth in §§ 78-4, 78-5 and 78-6 of this chapter, compliance with the bylaws of the Fire Department and/or recognized practices and procedures shall be deemed compliance with the intent of said sections. [Amended 3-19-2008 by Ord. No. 3844]

B. The Chief Fire Officer or, in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer shall respond to and assume command at all alarms and fires to which more than two fire companies respond. However, the Chief Fire Officer or the Deputy Chief Fire Officer shall respond to and assume command when two fire companies have responded only if conditions at the fire grounds make such action necessary to protect life and property, as well as in the case of an emergency of a serious nature. Until then, the Fire Chief or, in the absence of the Fire Chief, the Fire Chief's subordinate officers in whose district the fire occurs shall be in command. In the event that the Chief Fire Officer or Deputy Chief Fire Officer assumes command, all orders of the Chief Fire Officer or Deputy Chief Fire Officer should be transmitted through the Fire Chief or the subordinate officers of the volunteer member fire company in whose district the fire occurs.

C. The Chief Fire Officer shall obtain maps and plans showing the location and size of all waterlines and fire hydrants, and the quantities of water and water pressure in such lines
and hydrants and shall make such information available to the volunteer fire companies and keep the same up-to-date. The Chief Fire Officer shall be familiar with the supply of water and shall promptly report any deficiency in the supply of water to the appropriate company, the Board of Directors of the Fire Department and the Township Manager, with his recommendations for remediying the condition. He shall also act as liaison between the water company and the volunteer fire companies and shall work closely with the officials of the water company for the purpose of making certain that an adequate supply of water is provided at all fires. [Amended 3-19-2008 by Ord. No. 3844]

D. The Deputy Chief Fire Officer and Deputy Fire Marshal, as staff members, shall report to and be responsible directly to the Chief Fire Officer.


The Deputy Chief Fire Officer, when on duty and in the absence of the Chief Fire Officer, shall have the same authority and responsibilities as the Chief Fire Officer. However, when the Chief Fire Officer assumes command of any fire or emergency, the Deputy Chief Fire Officer shall be the direct assistant of the Chief Fire Officer and shall carry out commands as directed by the Chief Fire Officer. The Deputy Chief Fire Officer shall, under the direction of the Chief Fire Officer, prepare prefire plans for occupancies having large or complex fire potentials in cooperation with the district chiefs. The Deputy Chief Fire Officer shall support and check on the effectiveness of the training program, shall arrange for annual capacity tests of pumper and ladder trucks, shall check on the operating condition of other fire apparatus and shall supervise the maintenance of the fire tower and training grounds and the testing of all fire hoses at least annually, according to accepted standard practices.

§ 78-6. Fire Marshal; Deputy Fire Marshal. [Amended 5-15-1985 by Ord. No. 2076]

A. The Fire Marshal shall have the power and responsibility of enforcing all laws, ordinances and regulations with respect to:

1. The prevention of fires.
2. The storage and use of explosives and flammables.
3. The installation and maintenance of automatic and other fire alarm systems and fire-extinguishing equipment.
4. The maintenance and regulation of fire escapes and the means and adequacy of exits, in case of fire, from factories, schools, apartments, hotels, lodging houses, mental and other hospitals, churches, halls, theaters and all other places in which numbers of persons work, live or congregate from time to time for any purpose.
5. The investigation of the cause, origin and circumstances of fires.

B. The Fire Marshal shall be assisted in his work by the Deputy Chief Fire Officer and one or more Deputy Fire Marshals.
§ 78-7. Internal organization of volunteer fire companies.

A. Each volunteer fire company shall operate under its own bylaws, which shall be in accordance with generally accepted standards for similar organizations and with accounting procedures approved by the certified public accountants of the Township. Nothing in this chapter is intended to restrict or hamper the internal organization of the volunteer fire companies.

B. The Fire Chief and the subordinate officers of each volunteer fire company shall be in command of their companies at fires. They shall also, under the direction of the Chief Fire Officer, train the members of their companies. All companies shall adhere to uniform Fire Department procedures, as recommended by the Board of Directors of the Fire Department and approved by the Board of Commissioners. [Amended 5-15-1985 by Ord. No. 2076]

C. The Fire Chiefs and their subordinate officers shall continue to be responsible for the maintenance, efficiency and conduct of their respective companies.


The Chief Fire Officer shall, annually, render a report to the Board of Commissioners of the Township. Said report shall contain a record of all proceedings under the Fire Prevention Code during the preceding twelve-month period. It may also contain such statistics as the Chief Fire Officer/Fire Marshal may wish to include therein. The Chief Fire Officer/Fire Marshal shall also recommend to the Board of Commissioners any amendments to the Fire Prevention Code and this chapter which, in such officer's judgment, shall be desirable.


The Fire Committee of the Board of Commissioners, in conjunction with the Board of Directors of the Fire Department, shall appraise annually the volunteer fire companies and the fire protection services in the Township for the purpose of recommending to the Board of Commissioners whatever changes are necessary in organization and operational methods and practices of firefighting made necessary by the continued growth of the Township and/or new fire-fighting techniques. In making such appraisal, consideration shall be given to the activities of the Fire Department in the year immediately preceding, with proper emphasis on fire loss statistics, equipment requirements, manpower needs, and methods and procedures for training firefighters. The annual appraisal shall take place prior to the preparation of the annual Fire Department budget.


A. Annual appropriations shall be made by the Board of Commissioners to each volunteer fire company in the Township which is a member of the Fire Department, subject to such reasonable conditions as the Board of Commissioners may from time to time see fit to impose. In determining the amount of the appropriation to a particular volunteer
company, the Board of Commissioners will give consideration to the needs and requirements of that company for compensation to paid firefighters, reduction of mortgage indebtedness, the purchase and maintenance of fire-fighting apparatus and equipment required to comply with fire underwriters' standards for minimum service and the orderly accumulation of funds for replacement of such apparatus and equipment.

B. Each volunteer fire company shall submit its needs and requirements to the Chief Fire Officer on or before July 31 for the ensuing year.

ARTICLE II
Adoption of Standards; General Regulations


As used in this chapter and in the Fire Prevention Code adopted herein, the following terms shall have the meanings indicated:

APPROVED RATING BUREAU — An insurance inspection bureau, department or organization, such as the American Insurance Association, Factory Insurance Association, Associated Factory Mutual Fire Insurance Companies, Insurance Service Offices of Pennsylvania and any other such organization hereafter duly approved by resolution of the Board of Commissioners.

BASEMENT — A story, partially underground, the greater part of which is above grade. A basement shall be counted as a story unless otherwise specifically stated but shall exclude any crawl space.

BOARD OF COMMISSIONERS — The elected governing body of the Township of Lower Merion.

CELLAR — A story, 1/2 or more of which is below grade.

CHIEF FIRE OFFICER — The Chief of the Lower Merion Fire Department. He is also the Fire Marshal.

DIVIDED — A subdivision within a building which separates the building into two or more sections with fire walls having a four-hour rating and with all openings in such walls protected with Underwriters' Laboratories listed Class A fire doors.

FIRE COMMITTEE — A group of members of the Board of Commissioners appointed to oversee and regulate Fire Department activities.

HIGH-HAZARD OCCUPANCY BUILDING — A building or structure used for the storage, manufacture or processing of highly combustible or explosive products or materials which are likely to burn with extreme rapidity or which may produce poisonous fumes or explosions; storage or manufacture involving highly corrosive, toxic or noxious alkalis, acids or other liquids or chemicals involving flame, fumes or explosive, poisonous, irritant or corrosive gases; and the storage or processing of any materials involving explosive mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition.
A. A building having floors used for human occupancy located more than six stories above ground.
B. Any building 75 feet above the lowest level of Fire Department vehicle access.


INTERNATIONAL FIRE CODE, APPENDIX F — The standard of the International Code Council for assigning the levels of hazards to be applied to specific hazards classes as required by NFPA 704. [Added 3-19-2008 by Ord. No. 3844]


LOW-RISE BUILDING — A building, any part of which exceeds three stories in height, not covered in the definition of "high-rise building." [Added 6-19-1991 by Ord. No. 3239]

MAJOR KITCHEN — A kitchen with an area of 500 square feet or more in any building except a single-family or a two-family dwelling.

NATIONAL FIRE PROTECTION ASSOCIATION NO. 10 — The Standard of the National Fire Protection Association for the Installation, Maintenance and Use of Portable Fire Extinguishers.

NATIONAL FIRE PROTECTION ASSOCIATION NO. 13A — The Standard of the National Fire Protection Association for the Care and Maintenance of Sprinkler Systems.

NATIONAL FIRE PROTECTION ASSOCIATION NO. 13D — The Standard of the National Fire Protection Association for the Installation of Residential Sprinkler Systems.

NATIONAL FIRE PROTECTION ASSOCIATION NO. 14 — The Standard of the National Fire Protection Association for the Installation of Standpipe and Hose Systems.

NATIONAL FIRE PROTECTION ASSOCIATION NO. 96 — The Standard of the National Fire Protection Association for the Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment.
§ 78-11 LOWER MERION TOWNSHIP CODE § 78-12.1

PERSON — Any natural person, association, partnership, firm or corporation.

SUBSTANTIALLY ALTERED — Any substantial structural alteration in or addition to the supporting or structural members of a building, such as bearing walls, columns, beams or girders. It shall not include repairs to roofs or walls, painting, moving or constructing of partitions or repairs to heating, ventilation and air-conditioning equipment. Any structural change increasing the square footage of a building by 20% or more is considered a substantial alteration.


There is hereby adopted by the Board of Commissioners of the Township of Lower Merion, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the Code known as the "International Fire Code," recommended by the International Code Council, Inc., as now and as hereafter supplemented, reissued, amended and revised, and with Appendices B, C, D, E, F and G and related tables cited therein, and their successor codes, and the Code known as the "Life Safety Code (NFPA 101, 2000)," recommended by the National Fire Protection Association, both of which are hereinafter collectively referred to as the "Fire Prevention Code of the Township of Lower Merion." Copies have been and now are filed in the Township Fire Department, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section shall take effect, the provisions of the Fire Prevention Code shall be controlling within the limits of the Township of Lower Merion.


Section 5-2.1.5 of the Life Safety Code (NFPA No. 101, 1985) as adopted and incorporated in this chapter, is hereby amended in its entirety to read as follows:

5-2.1.5. Locks, Latches, Alarm and Releasing Devices.

5-2.1.5.1 A door shall be so arranged as to be readily opened from the side which egress is to be made at all times. Locks, if provided, shall not require the use of a key, tool or other device for operation from the inside of the building.

5-2.1.5.2 A latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar or other simple type of releasing device, the method operation of which is obvious, even in darkness.

5-2.1.5.3 No lock, padlock, hasp, chain or other device or combination thereof shall be installed or maintained at any time on or in connection with any exit door required by this Code, if such device prevents or is intended to prevent the free use of the door for purposes of egress.

5-2.1.5.4 Exit doors on fire towers, including doors at the roof level, may be locked from the stairway side of the door, if the following conditions are met:
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(a) The door is held in the locked position by an electrically energized fail-safe latch.

(b) The electrically energized latch shall be interconnected with the building fire alarm system, which when sounded shall automatically release the power from the latches, thereby unlocking all doors.

(c) If the building is equipped with an automatic sprinkler system, the automatic sprinkler system shall be interconnected with the building fire alarm system. In the event of activation of the automatic sprinkler system, the building fire alarm system shall automatically sound, which in turn shall automatically release the power from the latches, thereby unlocking all doors.

(d) The emergency electrical power in the building shall not be supplied to the fail-safe latches. However, the emergency electrical power shall be supplied to the fire alarm system.

(e) Electrical power to energize the fail-safe latches shall be supplied by a separate circuit without interconnection with exit signs or any other devices.

(f) There shall be a safety switch, located in an area designated by the Fire Marshal, that shall cut the power to the fail-safe switches when manually operated.

5-21.5.5 Each elevator lobby on each floor of the building shall be equipped with a sign, at least four inches by four inches in size, above the call buttons, that shall read as follows: IN THE EVENT OF FIRE DO NOT USE THE ELEVATORS. USE THE CLOSEST STAIRWAY.


A. No person shall cause, allow, permit or maintain the open burning of rubbish, refuse, leaves, tree branches or yard trimmings on a street or on private property, whether in connection with any building operation, in an open dump or otherwise.

B. A bonfire, campfire or other unencased recreational fire is permitted subject to the following:

(1) A permit issued by the Chief Fire Officer or his duly authorized representative, for which an application fee shall be charged, is required before any such burning is permitted. Such permit shall be valid for the period designated on the permit. Prior to the issuance of a permit, the Chief Fire Officer or his duly authorized representative will inspect the grounds of the property for which application for a permit has been made, and such burning shall be permitted only on those areas of a property designated as being suitable for the same by said inspecting authority for the purpose of protecting safety and health. A safe area for burning is no less than 50 feet from a combustible structure, 50 feet from the street and 25 feet from the property line.

(2) Such burning shall be constantly attended by a competent adult. During such burning, a water hose attached to an operable water faucet or equipment capable of covering the fire with earth must be in immediate readiness for use in
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extinguishing the fire. A water hose, if used, must be of sufficient length to extend
at least 15 feet beyond the site of the burning.

(3) Burning shall not be permitted during periods of high winds, drought or weather
inversion or during or in any other situation deemed hazardous by the Chief Fire
Officer or his duly authorized representatives.

C. The Chief Fire Officer or his duly authorized representatives shall have the authority to
grant a variance from the provisions of this section for the following reasons:

(1) To prevent or abate a fire hazard.

(2) For the purpose of instructing personnel in firefighting.

(3) For the prevention and control of disease and pests.

(4) Religious/ceremonial activities.

D. Burning in an incinerator or similar device designed to encase the fire and manufactured
for that purpose is permitted. Fire in devices intended solely for the cooking of food is
permitted.

E. Burning in violation of this chapter is subject to a minimum fine of $200. If a fire
company is dispatched, the minimum fine is $300.

1839; 2-21-1990 by Ord. No. 3184]

No person making, using, storing or having in charge or under such person's control any
shaving, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall
fail or neglect to cause all such material which is not compactly baled and stacked in an
orderly manner to be removed from the premises or stored in fire-resistant enclosures with a
rating of at least one hour or in containers with tight-fitting covers.

§ 78-15. Storage and use of explosives and blasting agents.

A. The storage of explosives and blasting agents in the Township of Lower Merion is
hereby prohibited.
§ 78-15  FIRE PREVENTION  § 78-18

B. All blasting operations in the Township of Lower Merion shall be conducted by persons who are licensed by the Commonwealth of Pennsylvania.

C. The Fire Marshal shall be notified a minimum of 48 hours prior to the first blast of each day, and all such blasts shall be supervised by the Fire Marshal, for which a fee will be charged. [Amended 3-19-2008 by Ord. No. 3844]

D. All blasting operations shall be conducted during daylight hours. The first blast of the day will be no earlier than 9:00 a.m. and blasting operations must be completed by 4:30 p.m. [Added 3-19-2008 by Ord. No. 3844]


The storage of flammable liquids will be in compliance with the International Fire Code and the Pennsylvania State Police Regulations for the Storage, Handling and Use of Flammable and Combustible Liquids.


The bulk storage of liquefied petroleum gases will be in compliance with the International Fire Code.


A. All new construction, except single-family detached and single-family semidetached dwellings (as defined in Chapter 155, Zoning, of the Lower Merion Township Code), shall be equipped with full fire sprinkler systems. [Amended 5-15-1996 by Ord. No. 3420]

1. Exception. If a single-family detached or single-family semidetached dwelling is constructed with wooden truss floors or roof supports, the structure must be sprinklered, as per the appropriate NFPA standard.

2. Purchasers of newly constructed single-family detached and single-family semidetached dwellings not required to be sprinklered must be offered a residential sprinkler system as an option by the builder or developer.

B. Existing buildings. An existing building or occupancy which, if newly constructed, would be required to have a full fire sprinkler system installed shall have such a system installed and maintained throughout the building under the following circumstances: [Amended 7-19-1995 by Ord. No. 3398; 5-15-1996 by Ord. No. 3420]
§ 78-18 LOWER MERION TOWNSHIP CODE § 78-18

(1) If 50% or more of the interior walls and/or partitions thereof have been removed during remodeling, rehabilitation or alteration.

(2) If the building area or an occupancy's area of operation for a particular use is expanded by 20% or more through the acquisition of additional property, expansion, remodeling, rehabilitation or alteration.

(3) If the occupancy is changed to any one or more of the following:
   (a) High-hazard occupancy buildings.
   (b) Hospitals and medical centers, including outpatient buildings.
   (c) Sanitariums, nursing homes, convalescent homes and homes for the aged, housing either bed or ambulatory residents.
   (d) Bowling alleys.
   (e) Educational buildings and dormitories.
   (f) All enclosed and/or underground parking garages.
   (g) Hotels and motels.
   (h) Apartment houses and apartment hotels.
   (i) Churches, chapels, synagogues and other places of worship.
   (j) Motion-picture theaters and buildings used for theatrical, operatic or musical performances.
   (k) Buildings used as places of public assembly, designed for the gathering of 50 or more persons for purposes such as civic, social or religious functions, recreation and/or food or drink consumption.

C. Full fire sprinkler systems must be maintained in good working condition at all times in all required buildings. If the system is shut down for repairs or for any other reason, the Fire Marshal's office will be notified immediately. An approved fire watch may be required until the system is back in service. [Amended 5-15-1996 by Ord. No. 3420]

D. Full fire sprinkler systems shall be installed in all existing basement areas exceeding 2,500 square feet and in such areas of lesser size if, in the opinion of the Fire Marshal, an unreasonable risk to fire fighters is present. The Fire Marshal may authorize the sprinkler requirement for basements to be satisfied by the installation of a system of piping with sprinkler heads to be supplied by a Fire Department connection at the front of the building, provided an approved smoke detection system is installed. [Amended 5-15-1996 by Ord. No. 3420]

E. Sprinkler system connection.

   (1) All sprinkler intake system connections shall be five-inch Storz-type connections fitted with a blind cap with an eighteen-inch stainless steel cable or chain, or other
type caps approved by the Fire Marshal. Existing buildings shall comply with these requirements prior to January 1, 2007. [Amended 3-20-2002 by Ord. No. 3637]

(2) The number, location and interconnections of seamless connections shall be as directed by the Fire Marshal; provided, however, that buildings that face on two streets shall have minimum of two siamese connections interconnected with the sprinkler system. The sprinkler system siamese connections shall be located approximately two feet above ground level or as otherwise directed by the Fire Marshal.

F. Dry standpipe fire lines shall be required in certain buildings. Dry standpipe fire lines shall be installed and maintained in all new and existing buildings and in underground parking garages, in accordance with the International Fire Code as adopted as the Building Code of the Township of Lower Merion and the standards set forth in the National Fire Protection Association No. 14; provided, however, that dry standpipe fire lines shall not be required in the following: [Amended 3-19-2008 by Ord. No. 3844]

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Buildings with wet standpipes.

G. Wet standpipe fire lines shall be required in certain buildings. Approved wet standpipe systems shall be installed in all buildings exceeding 50 feet in height. However, the Fire Marshal may require wet standpipe systems in buildings less than 50 feet in height if, in the Fire Marshal's opinion, there is a distinct hazard to life or property. Wet standpipes shall be installed in accordance with standards set forth in National Fire Protection Association No. 14; provided, however, that wet standpipe fire lines shall not be required in the following:

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2. Editor's Note: See Ch. 62, Building Construction.
§ 78-18  FIRE PREVENTION § 78-18

(1) Single-family dwellings.

(2) Two-family dwellings.

H. Location and size of sprinkler heads, valves, pipes and water supply. The location and size of sprinkler heads, pipes and other fire-extinguishing equipment, appliances and devices shall comply with the standards set forth in the National Fire Protection Association No. 13. Such equipment shall be connected to an adequate water supply as determined by a licensed professional engineer or a NICET Level 3 or Level 4 technician and the Fire Marshal.

I. Before any full fire sprinkler systems, standpipes or hydrants are installed or altered, detailed plans thereof shall be submitted to and approved, in writing, by a professional engineer or a NICET Level 3 or Level 4 technician, and thereafter said plans shall be submitted to and approved, in writing, by the Fire Marshal. All sprinkler plans shall be hydraulically designed. All flow test information shall include the date and time of the test. Nothing contained herein shall be construed to prevent the installation of types of full fire sprinkler systems other than those specified herein when such system is approved, in writing, by a licensed professional engineer or a NICET Level 3 or Level 4 technician and the Fire Marshal. [Amended 5-15-1996 by Ord. No. 3420]

(1) When, in the opinion of the Fire Marshal, any plan submitted for review constitutes or is in need of such a level of advanced design or engineering criteria to accomplish the purposes of these regulations, the Fire Marshal may require an engineering design analysis to be provided by the owner, developer, architect, engineer or submitting person.

(2) The cost of such an engineering design analysis shall be the responsibility of the owner, developer, architect, engineer or submitting person.

(3) The required engineering design analysis shall provide a complete and documented report as to the compliance of the proposal with the required features and measures of fire protection.

(4) The required engineering design analysis shall be prepared by and shall bear the seal of a registered fire protection engineer.

J. Exemptions. Nothing herein contained shall be construed to require the installation of automatic sprinkler and/or standpipe equipment in:

(1) Safe deposit or other vaults.

(2) Rooms or buildings used for the sale, manufacture or storage of aluminum powder, calcium carbide, calcium phosphate, metallic sodium, potassium quicklime, magnesium powder, sodium peroxide or like substances to which the application of water will cause or increase the fire hazard.

(3) Any other location where the installation of such equipment may, in the opinion of the Fire Marshal, increase the hazard to life or property or for any other reason be impractical due to existing conditions.
K. Detailed requirements for dry standpipes. Detailed requirements for dry standpipes shall be as follows:

(1) Class of system: dry.

(2) Number and location of risers: one riser per fire tower.

(3) Number and location of outlets: one outlet valve at each floor level, including the basement and subbasement, located in each fire tower and at each exit on every level of an underground garage. Roof outlets may be required by the Fire Marshal.

(4) All outlets shall be two-and-one-half-inch National Standard Thread (N.S.T.) male couplings with a reducer to one-and-one-half-inch N.S.T. and a thread protective cap. All standpipe risers shall be interconnected at their base. [Amended 3-20-2002 by Ord. No. 3637]

(5) The number and location of the Fire Department siamese connections shall be located approximately two feet above ground level or as otherwise directed by the Fire Marshal.

(6) Each Fire Department siamese connection shall be provided with a conspicuous, durable and permanently legible sign reading "Dry Standpipe and Fire Department Use Only."

(7) The Fire Department standpipe connection shall be a five-inch locking Storz-type connection fitted with a blind cap with an eighteen-inch stainless steel cable or chain, or other type caps approved by the Fire Marshal. Existing buildings shall comply with these requirements prior to January 1, 2007. [Amended 3-20-2002 by Ord. No. 3637]

L. Detailed requirements for wet standpipes. Detailed requirements for wet standpipes shall be as follows:

(1) Class of system: wet, Class II.

(2) Number and location of risers: The number of hose stations in each building and each section of a building divided by fire walls shall be such that all portions of each story of the building are within 30 feet of a nozzle when attached to not more than 100 feet of hose. Equipment shall be so arranged as to permit directing the discharge from the nozzle into all portions of important enclosures, such as closets and like enclosures.

(3) Number and location of outlets: one outlet valve at each floor level, including the basement and subbasement, located in each fire tower and at each exit on every level of an underground garage. Roof outlets may be required by the Fire Marshal.

(4) All outlets shall be two-and-one-half-inch National Standard Thread (N.S.T.) male couplings with a reducer to one-and-one-half-inch N.S.T. and a thread protective cap. All standpipe risers shall be interconnected at their base.

M. Fire protection equipment. In all buildings under construction in which standpipes are required, stairways and standpipes shall be carried up as the construction progresses in
such a manner that they will always be ready for Fire Department use at the topmost floor that has been installed. In addition, the siamese connection and each hose outlet must be provided with an illuminated red light during the hours of darkness, and all stairways must be illuminated.

N. The building owner shall annually certify in writing to the Township Fire Marshal that the automatic sprinkler system has been tested and maintained in accordance with the procedure of National Fire Protection Association Standard No. 25, Testing and Maintenance of Water Based Fire Protection Systems. Additionally, certification is required in writing to the Fire Marshal whenever any work on the sprinkler system is performed. Any person servicing, testing or maintaining any sprinkler system must have adequate knowledge of the operations of sprinkler equipment and meet one of the following requirements to obtain a license and permit in Lower Merion Township:

1. A licensed master plumber with proof of actual experience with installing sprinkler systems or one who can demonstrate knowledge of requirements and installation of sprinkler systems.

2. A licensed professional engineer or fire protection specialist who has designed and/or supervised installations of sprinkler systems or who can demonstrate knowledge of requirements for installation and testing of sprinkler systems.

3. An established sprinkler installation contractor.

4. A contractor licensed and certified to conduct fire sprinkler testing in Philadelphia.

O. Sprinkler system retrofit for existing buildings. In addition to those requirements set forth in this section, existing high-rise buildings and low-rise buildings shall be required to retrofit according to the following standards:

1. All existing high-rise buildings as defined in § 78-11 of this Code will retrofit with automatic sprinkler equipment according to the following standards:

   a. All existing commercial high-rise buildings will install a full sprinkler system in accordance with the current National Fire Protection Association Standard (NFPA No. 13).

   b. All existing residential high-rise buildings will retrofit with a partial sprinkler system. A partial sprinkler system consists of full coverage in basements, subbasements, cellars, hallways, corridors, commercial areas, storage areas, common areas other than protected fire towers and the installation of one sprinkler head opposite the center of and inside any living unit door opening into the corridor. Exception: The sprinkler head inside the living units may be omitted if the door to the living unit has a fire protective rating of at least 20 minutes and is self-closing.

   c. A wet standpipe system meeting NFPA Standard No. 14 and Chapter 78 of the Township of Lower Merion Code must be maintained in the building. Exception: When a standpipe system is approved for use as a sprinkler system riser, all risers will be interconnected and the standpipe system will have sufficient water and pressure to flow 100 gallons per minute at the top floor.
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outlet at 15 pounds. If a fire pump is required, a second source of power for the pump is required.

(d) Plans for compliance with the requirement must be approved and on file in the Fire Marshal's office by July 1, 1993. Installation of the required sprinkler system will be completed by July 1, 1996, unless otherwise agreed to by the Fire Marshal.

(2) All existing low-rise buildings as defined in § 78-11 of this Code will partially retrofit with automatic sprinkler equipment and wet standpipes as outlined below:

(a) All areas except residential units, corridors, hallways and protected fire towers will retrofit with fire sprinklers. This includes retail commercial spaces, basements, subbasements, cellars, storage rooms, meeting rooms and unprotected vertical openings. Exception: Basements less than 2,500 square feet in occupancies that are one-hundred-percent residential may be protected as per Section 7-7.1.2 of NFPA Standard 101, the Life Safety Code.

(b) A wet standpipe system meeting NFPA Standard No. 14 and Chapter 78 of the Township of Lower Merion Code must be maintained.

(c) Plans for compliance with this requirement must be approved and on file in the Fire Marshal's office by July 1, 1993. Installation of the required sprinkler system will be completed by July 1, 1996, unless otherwise agreed to by the Fire Marshal.


The following requirements for an approved fire alarm system are hereby established and are in addition to the requirements of the International Fire Code, Life Safety Code of the National Fire Protection Association and the requirements of the Department of Labor and Industry of the Commonwealth of Pennsylvania, the provisions of which are incorporated herein by reference. Additional requirements may be imposed by either the Fire Marshal or the Director of the Department of Building and Planning when more stringent regulations are deemed necessary.

A. An approved system of smoke detection is required in all multifamily apartment houses, rooming houses, group homes, lodging houses and residential occupancies above a business or commercial occupancy.

B. All detectors used in fire alarm systems or installed as individual detectors shall be of the photoelectric type unless specific approval is given by the Fire Marshal to use a different type.

C. Fire alarm plan approval.

3. Editor's Note: See also Ch. 51, Alarm Systems.
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(1) Two copies must be submitted to the Township Electrical Inspector with the manufacturer's cut sheets of the equipment.

(2) The plan shall indicate that it meets all National Fire Protection Association standards and local codes.

(3) A rough wiring inspection and a final wiring inspection are required. A list of approved electrical underwriters will be supplied at permit applications.

(4) Manual stations will be the double-action type.

(5) A system of four or more zones will have verification capability.

(6) A sufficient number of sounding devices shall be installed to ensure that the system can be heard throughout the building by all occupants.

(7) In certain situations, strobe lights may be required, in addition to bells, for the hearing impaired.

(8) Testing and final approval will be completed by the Fire Marshal's office.

D. Buildings with more than one occupancy or tenant may not have more than one fire alarm system that notifies or calls the Fire Department. Individual tenancies may have local fire protection.

E. After-ring fire alarm. All coded fire alarm systems required by the Department of Labor and Industry of the commonwealth, except presignal systems, shall be provided with a relay that will sound all alarm devices automatically and continuously after the code cycle is completed and until the system is turned off manually at the main control panel.


A. Private fire hydrants supplied by an eight-inch-or-larger main shall be provided in new real estate subdivisions, on new streets and in shopping centers, educational institutions, apartment complexes and similar occupancies at the direction of the Fire Marshal, who shall consult with an approved rating bureau and the water company before directing such installations; however, a six-inch main may be installed in lieu of an eight-inch main, if approved by the water company, an approved rating bureau and the Fire Marshal. When hydrants are installed on new streets, and it is the intent of the developer to offer to dedicate such streets to the Township as public streets, the cost of the hydrant(s) rental will be borne by the Township on and after acceptance of dedication of such streets by the Township. The escrow provisions of Chapter 135 of this Code regarding fire hydrants shall apply to all such hydrants which are placed on streets contemplated for dedication.

B. Private fire hydrants shall adhere to the following specifications:
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(1) Maximum pressure: 200 p.s.i.

(2) Inlet connection: six-inch M.J. Base with accessories to accept six-inch ductile iron pipe.


(4) Operating nut: one-piece bronze casting with or without a ductile iron weather shield. The operating nut should be a Pentagon of 1 1/2 inches, measured point to flat at base nut and 1 7/16 inches at top.

(5) Direction of opening: right (clockwise).

(6) Depth of bury: four feet six inches (four feet when required).

(7) Size of main valve: 5 1/4 inches.

(8) Basic Valve Style: compression.

(9) Barrel and stem type: breakaway or traffic safety feature with valve remaining closed upon vehicular impact. Upper and lower barrels joined approximately two inches above the ground line by a separate and breakable swivel flange, providing 360º rotation of the upper barrel.

(10) Main valve assembly. The drain valve assembly shall be fully automatic. Valve seat ring and drain ring shall be provided with not less than two openings and shall be capable of draining the barrel at a rate of not less than 5 G.P.M.

(11) Drain way: all bronze.

(12) Seat ring: thread into a bronze drain ring. Pressure seals shall be rubber gaskets or O rings.

(13) Main valve and seat ring: to be removable through the upper barrel from above ground.

(14) Hydrant: to be dry top design. The chamber shall contain a lubrication of grease or oil, which is injected through the top of the operating nut, or provide an external means to lubricate the operating mechanism.

(15) Color: aluminum color for portion of hydrant above the ground line.

(16) As manufactured by:

(a) Mueller Company Centurion A-423.

(b) American Darling B-84-B.

(c) Waterous: Pacer WB-67.

(d) U.S. Pipe: Model 94.
§ 78-21. (Reserved)  


All use of liquefied petroleum gas shall comply with the International Fire Code and the National Fire Protection Association Standard No. 58, Liquefied Petroleum Gases, Storage and Handling.  

§ 78-23. Restaurants.  

A. General requirements.  

(1) All institutional, school and commercial kitchen hood cooking equipment and exhaust duct systems shall be protected against grease fires by an approved kitchen hood and duct system meeting the requirements of NFPA Standard No. 96, Ventilation Control and Fire Protection of Commercial Cooking Operations.  

(2) All required commercial kitchen hood and duct systems shall be protected by an approved automatic suppression system meeting the requirements of Underwriters Laboratories Standard 300.  

(3) Fire extinguishing systems shall be designed, installed and maintained in accordance with NFPA Standard 96.  

(4) The exhaust fan in said duct system shall be either automatically turned off when the system is activated or allowed to continue operating in accordance with the recommendation of the manufacturer and approval of the Fire Marshal.  

(5) The operation of any extinguishing system shall automatically shut off all sources of fuel and heat to all cooking equipment except for the fuel supply to provide gas pilots. A manual operation shall be required to reestablish the fuel or heat supply. When gaseous fuels are used, a permanent notice shall be posted at the reset device cautioning the operator to shut of the gas at all appliances before resetting the device.  

B. Permits. A permit shall be required from the Township of Lower Merion Building and Planning Department before the installation, addition or alteration of any automatic kitchen protection. [Amended 1-19-2002 by Ord. No. 3629]  

4. Editor's Note: Former § 78-21, Dry fire hydrants, was repealed 6-18-1986 by Ord. No. 3016.  

5. Editor's Note: For additional provisions pertaining to eating and drinking places, see Ch. 90, Health and Sanitation, Art. III.
C. Approval of plans. Detailed plans of the automatic kitchen protection installation shall be submitted to and approved, in writing, by the Fire Marshal. Nothing contained herein shall be construed to prevent the installation of other types of automatic fire protection restaurant equipment than as specified herein, when such equipment is approved by the Fire Marshal.

D. Inspection, maintenance and tests. The standard for the Ventilation Control and Fire Protection of Commercial Cooking Operations of the NFPA Standard No. 96 shall be followed for the inspection, maintenance and testing of equipment.

E. On matters not detailed in this section pertaining to restaurant fire protection, all equipment installed, altered or extended shall be in conformance with NFPA Standard No. 96.

§ 78-24. Posting of "no parking" signs by Fire Marshal; fire lanes.  

A. Whenever the Fire Marshal shall determine that the parking of motor vehicles upon any public or private street, lane, alley or driveway or upon any shopping center, educational institution, apartment complex or similar occupancy is liable to interfere with the operations of the Fire Department or seriously hamper egress of occupants from a building in case of fire, he shall post signs reading NO PARKING BY ORDER OF THE FIRE MARSHAL on such street, lane, alley or driveway or upon such shopping center, educational institution, apartment complex or similar occupancy. [Amended 11-15-1978 by Ord. No. 1839]

B. The Fire Marshal is hereby given authority to adopt and enforce temporary parking regulations to cover emergencies or special conditions on any public or private street, lane, alley or driveway or on any shopping center, educational institution, apartment complex or similar occupancy if the Fire Marshal shall determine that the parking of motor vehicles is liable to interfere with the operations of the Fire Department or seriously hamper the egress of occupants from a building in case of fire. In exercising the authority provided by this subsection, the Fire Marshal shall post signs reading NO PARKING -TEMPORARY FIRE REGULATION - BY ORDER OF THE FIRE MARSHAL OF LOWER MERION TOWNSHIP on such street, lane, alley or driveway or on such shopping center, educational institution, apartment complex or similar occupancy. [Amended 11-15-1978 by Ord. No. 1839]

C. Whenever the Fire Marshal shall determine that NO PARKING BY ORDER OF THE FIRE MARSHAL signs on any public or private street, lane, alley or driveway or on any shopping center, educational institution, apartment complex or similar occupancy will not clearly indicate the area in which parking is prohibited, he is authorized to establish fire lanes by painting lines four inches in width on the roadway surface indicating the area in which parking is prohibited. In addition, he shall paint the words "fire lane" in letters three feet in height on the roadway surface at intervals he deems necessary. [Amended 11-15-1978 by Ord. No. 1839]

6. Editor's Note: For parking regulations generally, see Ch. 145, Vehicles and Traffic. For information on areas posted as fire lanes, see Ch. A174, Fire Lanes.
D. Whenever the Fire Marshal shall determine that the parking of motor vehicles upon any public or private street, lane, alley or driveway or on any shopping center, educational institution, apartment complex or similar occupancy is liable to interfere with the operations of the Fire Department or seriously hamper the egress of occupants from buildings in case of fire, he is hereby authorized to establish fire lanes by painting lines four inches in width on the roadway surface indicating the area in which parking is prohibited without posting signs reading NO PARKING BY ORDER OF THE FIRE MARSHAL on such street, lane, alley or driveway or on such shopping center, educational institution, apartment complex or similar occupancy. The Fire Marshal shall have the words "fire lane" in letters three feet in height painted on the roadway surface at intervals he deems necessary within the prohibited parking area. [Amended 11-15-1978 by Ord. No. 1839; 3-19-2008 by Ord. No. 3844]

E. Any person parking a motor vehicle in disregard of any sign or fire lane erected by the Fire Marshal as provided herein shall be guilty of a violation of this chapter and subject to the fines and penalties hereinafter specified. Except that, in any case where the Fire Marshall, police or meter attendant has given notice of violation of a fire lane parking regulation by either handing to the offending driver or fixing to the vehicle in question a ticket on which is noted the time, place and nature of the violation charged, the owner of such vehicle may, within 48 hours after the time such notice was handed to the offending driver or affixed to or placed on the vehicle in question, pay by mail or at police headquarters, as a guilty plea and as a penalty for and in satisfaction of each such violation, the sum of $15 for any such violation. [Amended 9-19-2001 by Ord. No. 3620]


Model rockets will comply with the National Fire Protection Association No. 1122, the Standard for Unmanned Rockets.


A. Definitions. As used in this section, the following terms shall have the meanings indicated:

EXISTING BUILDING — Any structure erected prior to the adoption of this code, or one for which a legal building permit has been issued.

HIGH-RISE BUILDING [Amended 4-19-1995 by Ord. No. 3390]: —

(1) A building having floors used for human occupancy located more than six stories above ground.

(2) Any building 75 feet above the lowest level of Fire Department vehicle access.

7. Editor's Note: Former § 78-26, Fire protection equipment in single-family dwellings, was repealed 11-15-1978 by Ord. No. 1839.

8. Editor's Note: This section was originally added as § 78-25, but was renumbered at the request of the Township.
NEW BUILDING — Any structure erected after the adoption of this code, or which is not defined as an existing building.

B. Conformance required: application.

(1) New high-rise buildings shall conform to the International Fire Code published by the International Codes Council, currently adopted as the Building Code of the Township of Lower Merion, and all applicable provisions of this chapter. [Amended 3-19-2008 by Ord. No. 3844]

(2) Existing high-rise buildings shall conform to the provisions of this chapter. Applications for permits necessary for compliance with the provisions of this chapter shall be submitted to the Building and Planning Department prior to the expiration of six months after the effective date of this section. [Amended 1-19-2002 by Ord. No. 3629]

C. Exit requirements.

(1) In all high-rise buildings, there shall be not fewer than two approved independent exitways serving every story.

(a) Exception No. 1. Any living unit which has an exit directly to the street or yard at ground level or by way of an outside stairway, or an enclosed stairway with a fire-resistive rating of one hour or more serving that apartment only and not communicating with any floor below or other area not a part of the occupancy served, may have a single exit.

(b) Exception No. 2. A building with not more than four living units per floor with a smokeproof tower or outside stair, in accordance with the definition of smokeproof tower in § 5-2.3 of the Life Safety Code, NFPA No. 101, as the exit, immediately accessible to all living units served thereby, may have a single exit. "Immediately accessible" means that there is not more than 20 feet of travel distance from the entrance door of any unit to the exit.

(c) Exception No. 3. One exit is permitted from existing high-rise buildings, provided that the exit is enclosed with construction having a minimum two-hour fire-resistance rating with unobstructed, continuous and direct egress to a permanent unobstructed open space providing safe access to a street and the building is equipped throughout with an approved fire-suppression system with an approved smoke-detection system installed in the common areas.

(2) In all high-rise buildings, interior exitway stairways shall be enclosed with construction having a two-hour fire-resistive rating.

(3) In all high-rise buildings, interior exitway stairways shall discharge directly to a street, alley, park, yard, court or other permanent, unobstructed space open to the sky, providing safe access to a street. In existing high-rise buildings, interior exitway stairways may discharge through the lobby or similar area at the level of discharge, provided that:
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(a) Discharge is to a free and unobstructed way to the exterior of the building which is readily visible and identifiable from the point of stairway discharge; and

(b) The floor into which the exit discharges is provided with automatic sprinkler protection and any other areas with access to the level of discharge are provided with automatic sprinkler protection or separated from it by construction having a two-hour fire-resistance rating.

(4) In all high-rise buildings, stairways which continue beyond the floor of discharge shall be interrupted at the floor of discharge by partitions, doors or other effective means of preventing persons from continuing past the floor of discharge while egressing.

(5) In all high-rise buildings, emergency lighting shall be installed in all exitways.

(6) In all high-rise buildings, a sign shall be provided at each landing in all interior stairways designating the floor level above the floor of discharge. Letters and numerals shall be a minimum of six inches in height.

(7) In all high-rise buildings, locking devices on exitway stairways and fire tower doors shall be in accordance with § 78-12.1 of this chapter.

D. Fire alarm system. All high-rise buildings, both new and existing, shall be equipped with a supervised, annunciatortype fire alarm system in accordance with the applicable occupancy chapter of the Life Safety Code No. 101, NFPA and the Fire and Panic Regulations of the State of Pennsylvania. (Exception: existing buildings with an approved operating supervised coded or selective code type fire alarm system.) A system which, when operated, will cause sounding devices to signal a predetermined number of strokes, which is indicative of the location of the activated alarm system, shall be considered a coded or selective code system.

E. Fire-suppression systems. All existing high-rise buildings shall be equipped with an approved automatic fire-suppression system in the following areas:

1. Basements.

2. Rooms used for the storage of combustibles when the floor area of the room exceeds 120 square feet.

3. Any occupancy other than residential, when located below a residential occupancy.

4. Trash and incinerator chutes and rooms.

5. Commercial kitchens and other special hazard areas as determined by the Fire Department or the Building and Planning Department. [Amended 1-19-2002 by Ord. No. 3629]


F. Smoke control.
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(1) In all high-rise buildings, smoke detectors approved for duct installation shall be
installed and arranged in air-conditioning systems to automatically shut down the
fans. Detectors shall be placed in the following areas:

(a) At a suitable location in the return airstream prior to exhausting from the
building or being diluted by outside air.

(b) At a suitable location in the main supply duct on the downstream side of the
filters.

(c) Where required by regulations of the Building and Planning Department.
[Amended 1-19-2002 by Ord. No. 3629]

(2) Automatic fan shutdown shall not be required where an engineered smoke-control
system has been approved by the Building and Planning Department. [Amended
1-19-2002 by Ord. No. 3629]

G. Fire evacuation and training and firesafety procedures.

(1) The registered owner, his agent or designated representative responsible for the
operation of all high-rise buildings shall prepare and submit a firesafety plan and
evacuation procedure to the Fire Department for approval.

(2) Firesafety plan. The firesafety plan, including a floor diagram, shall be distributed
to the tenants and all building service employees after review and approval by the
Fire Department.

(3) Evacuation procedure. Evacuation procedures shall be reviewed and approved by
the Fire Department and shall be distributed and/or posted as required by the Fire
Department.

(4) Responsibility to update firesafety plan. It shall be the responsibility of the
registered owner, his agent or designated representative responsible for the
operation of all high-rise buildings to promptly update the firesafety plan and
evacuation procedures upon changes in occupancy, use or physical arrangement.

§ 78-27. Boarding up of vacant buildings.
The owner of any building or structure shall, whenever the same becomes vacant or
unoccupied, remove therefrom all papers or other combustible waste materials accumulated
therein or upon any part of the premises. All doors, windows or other openings into such
buildings or structures shall be kept closed and locked while the same remain unoccupied. In
the event that windows, doors or other openings are broken, they shall be immediately
replaced or boarded up in such a manner that will prevent entrance by the public.

§ 78-28. Prohibited conduct.
It shall be unlawful for any person to:
§ 78-28. FIRE PREVENTION

A. Draw water from a fire hydrant for any purpose without permission from the water company and the Fire Marshal. [Amended 3-19-2008 by Ord. No. 3844]

B. Willfully permit water from a fire hydrant to be wasted.

C. Damage or break a fire hydrant.

D. Hinder or obstruct any firefighter or any vehicle of the Fire Department from passing along the streets to or from a fire or from conducting fire-fighting operations at a fire. [Amended 3-19-2008 by Ord. No. 3844]

E. Erect any sign containing the words "Fire Marshal" without the authorization of the Fire Marshal. [Added 11-15-1978 by Ord. No. 1839]

F. Hinder or prevent any firefighter from performing his/her functions, powers or duties as a firefighter. [Added 11-15-1978 by Ord. No. 1839; amended 3-19-2008 by Ord. No. 3844]

G. Leave any part of the piping or oil tank or oil fill when removing an oil burner or taking the burner out of service in any structure in Lower Merion Township. [Added 11-15-1989 by Ord. No. 3170]

§ 78-29. New materials, processes and occupancies.

The Fire Committee of the Board of Commissioners shall act as a Committee to determine, specify and approve, after giving affected persons an opportunity to be heard, any new materials, processes and occupancies in addition to those now enumerated in the Fire Prevention Code. The Fire Marshal shall list such approved new materials, processes and occupancies in a conspicuous place in his office, and distribute copies thereof to interested persons.


A. No charcoal- or propane-fired cooking equipment, fireplaces and/or fire container shall be used on the patio or patio balcony in any individual unit or covered common area or under any overhanging portion of a multifamily dwelling unit in Lower Merion Township.

B. Charcoal, charcoal lighter fluid and/or propane shall not be stored in any multifamily dwelling in Lower Merion Township.

C. Charcoal- or propane-fired cooking units, fireplaces and/or fire containers may be used in multifamily dwellings if they are on the ground and 15 feet from any building.
§ 78-30. Appeals.

A. An appeal from a decision, action, order or requirement of the Chief Fire Officer or Director of Building and Planning may be taken to the Fire Committee of the Board of Commissioners. Such appeal shall be made in writing within ten days after such decision, action, order or requirement has been made and shall be filed with the Township Secretary. The appellant and his representative shall have the right to appear before the Fire Committee and be heard if such right is requested in the written appeal. A prompt decision of such appeal shall be made by the Fire Committee. Every action of the Fire Committee on such appeals shall be certified to the Fire Marshal and the appellant.


B. In making its decision, the Fire Committee may vary or modify any provision of the Fire Prevention Code or this chapter where there are practical difficulties in the way of executing the strict letter of the law so that the spirit of the law shall be observed, public safety secured and substantial justice done.

C. The foregoing appeal procedure shall be followed in lieu of the appeal procedure set forth in the Fire Prevention Code.

§ 78-31. Abatement.

Any building or structure erected, altered or converted contrary to the provisions of this Fire Prevention Code or this chapter is hereby declared to be a common or public nuisance and shall be abated as such.

§ 78-32. Remedies.

In case any building, structure or fire hazard is constructed, maintained or converted in violation of the provisions of this Fire Prevention Code or this chapter, or of any order, requirement or regulation made pursuant hereto, the Township Solicitor or other proper officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding, whether by legal process or otherwise, to restrain or abate such violation.


Any person who shall erect, alter or convert any building or structure contrary to the requirements of the Fire Prevention Code or who shall fail to comply with any decision, action, order or requirement of the Chief Fire Officer, Fire Marshal, Director of Building and Planning or Code Enforcement Officer or who shall in any way violate any of the provisions of the Fire Prevention Code shall be liable, on conviction thereof, to a fine or penalty not
exceeding $1,000 for each and every offense; and whenever such person shall have been notified by the Chief Fire Officer, Fire Marshal, Director of Building and Planning or Code Enforcement Officer or by service of summons in a prosecution or in any other way that he is committing such violations of the Fire Prevention Code, each day in which he shall continue such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

ARTICLE IV
Volunteer Firefighters Assistance Plan
[Added 1-16-2008 by Ord. No. 3838]

§ 78-34. Establishment; effective date; plan description.
A. The Volunteer Firefighters Assistance Plan is hereby established to provide financial assistance to eligible members of the fire companies that comprise the Lower Merion Fire Department.
B. Effective date of the plan. The plan shall be effective on or after January 1, 2008.
C. A plan description establishing who may participate in the plan, the type or types of assistance which may be made available, and the procedure for requesting benefits shall be adopted by the Board of Commissioners, and may be amended by it at any time.

§ 78-35. Contributions.
The plan shall be funded and maintained through contributions made by citizens in the community and others and by appropriations from Township funds. Such funds shall be maintained in a segregated account(s) and used exclusively to provide benefits to eligible participants so long as the fund continues. All expenses related to the maintenance and operation of the fund shall be paid by the Township.

§ 78-36. Administration.
A. Board of Trustees. The Plan shall be managed and administered by a Board of Trustees comprised of five individuals. Three trustees shall be the Township Manager, the Chief Fire Officer, and the Chair of the Fire Committee of the Board of Commissioners, all of whom shall serve ex officio with all rights and duties of a trustee. The other two trustees shall be appointed by the Board of Commissioners. One trustee shall be appointed for two years and the other trustee shall be appointed for four years. Thereafter, each appointed trustee shall serve a term of four years. Each appointed trustee shall be a resident of Lower Merion Township or the Borough of Narberth. Preferably appointees will have had experience in municipal fire service. No appointed trustee may be a member of the Board of Trustees of any fire company, nor be a participant in the plan or be eligible as such.
B. The fund shall be managed and administered under an appropriate deed of trust prepared by the Township Solicitor and approved by the Board of Commissioners.
C. Plan administrator.

(1) The Township Manager shall be the plan administrator to handle the day to day operation of the plan, including the expenditure of the plan's funds for the benefit of its participants. The Township Manager may serve through a designee appointed by him, unless the Board of Commissioners shall appoint another individual or entity.

(2) The plan administrator or designee shall keep minutes of the Board of Trustees' proceedings and all dates, records, and documents pertaining to the Trustees' administration of the fund.

§ 78-37. Reservation of rights by Board of Commissioners.

The Board of Commissioners reserves the right to amend, modify or wholly discontinue the plan at any time; provided, however, that any such action shall not adversely affect the previously acquired rights of any participant in the plan. Upon discontinuance of the plan, any funds remaining after the payment of expenses shall be distributed to the Township.