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**SALISBURY TOWNSHIP
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 07-2011-568

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING THE UNIFORM CONSTRUCTION CODE, ORDINANCE NO. 03-2004-512 TO ESTABLISH REGULATIONS AND REQUIREMENTS UPON ALL MULTI-FAMILY DWELLINGS, COMMERCIAL AND INDUSTRIAL PROPERTIES REQUIRING PROPERTY OWNERS TO INSTALL A KEY LOCK BOX SYSTEM.

WHEREAS, local fire companies have experience trouble, at times, accessing and entering commercial and industrial properties; and

WHEREAS, this lack access delays response times by emergency personnel; and

WHEREAS, this lack of access poses a clear threat to the public's health, safety, and welfare; and

WHEREAS, the Township's Fire Chiefs recommend the establishment of regulations concerning the installation of key lock box systems on commercial and industrial properties to facilitate access to these properties; and

WHEREAS, the Board of Commissioners finds that it is in the best interests of the Township to require the installation of key lock box systems on commercial and industrial properties throughout the Township; and

WHEREAS, the Township, by Ordinance No. 03-2004-512(enacted March 3, 2004), enacted the Pennsylvania Uniform Construction Code, Act 45 of 1999; and

WHEREAS, the Township of Salisbury wishes to amend the Uniform Construction Code to establish regulations to require property owners to install a key lock box system upon all commercial and industrial buildings.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Commissioners of Salisbury Township, as follows:

Ordinance No 03-2004-512, as codified in the Salisbury Township Code of Ordinances, Part 5, Uniform Construction Code, is hereby amended and revised by the addition of the following:

Section 501(2) (A) **Key Lock Box Systems**

I. Purpose and Intent.

The purpose and intent of this Ordinance is to ensure that when fire breaks out within a structure, firefighters are not blocked or delayed from combating the fire by locked doors or gates. To help reduce these types of delays, the Township has adopted this Ordinance establishing a key lock box system for certain structures or properties within the Township to provide firefighters access to these structures while still ensuring the privacy and security of the owners and occupants of such a structure. The Township shall adopt the specific system by separate Resolution which may be amended from time to time by the Township pursuant to this Ordinance.

II. Definitions.

OWNER – Any person or entity which owns, leases, manages, and/or is in control of a structure, building, facility, or property.

STRUCTURE – Any building, facility or man-made object.

III. Required Installation of Lock Box.

A. The Owner of the following types of structures or properties shall install and maintain a fire department rapid entry key lock box of a type specified by the Township:

1. A structure and/or property which contains a fire alarm system that uses a monitoring service.
2. Multi-family residential structures, with four (4) or more units, including senior apartment/condo complexes that have restricted access to the living units.
3. Commercial and industrial structures and/or properties indentified by Township Fire Chief(s) or Fire Inspector as difficult to access during emergencies.

B. Owners of existing structures or properties which are subject to the requirements of this Ordinance shall have two (2) years from the effective date hereof to comply with the requirements. Persons or entities who construct structures and/or develop properties which would be subject to the requirements of this Ordinance shall comply with the requirements at the time of construction and/or development.

C. 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 requirement of this Ordinance at the discretion of the Township Fire Chief(s) or Fire Inspector.

IV. Installation.

A. Owners of structures or properties required to install a fire department rapid entry key lock box under this Ordinance shall install such a lock box in accordance with the following:

1. The Owner is responsible for ordering and installing the lock box.

2. Unless otherwise determined by the Township Fire Chief(s) or Fire Inspector, the lock box shall be installed on the front of the structure near the main entry door, on the right hand side, five (5) feet above the ground within ten (10') feet of entrance, unless approved at a higher or lower level by the Township Fire Chief(s) or Fire Inspector. The Fire Chief(s) or Fire Inspector may require the lock box be installed in a different location in some cases. The owner shall contact the Township Fire Chief(s) or Fire Inspector prior to mounting the lock box for approval of the proposed location of the lock box and shall allow the Fire Chief(s) or Fire Inspector to observe the installation of the lock box to ensure proper location and installation. The approved location for the installation of the lock box shall be at the complete discretion of the Fire Chief(s) or Fire Inspector.

B. The lock box shall contain the key(s) for all exterior doors and gates, the keys for all interior doors and gates within the building, and the keys to all doors or panels which control access to shared systems (i.e. HVAC, alarm panels, Sprinkler controls and electrical panels). Each key shall be clearly labeled and easily identifiable.

V. Access to Lock Box.

A. The Owner of any structure or property required to have a fire department rapid entry key lock box shall ensure that the fire department has completely unobstructed access to the lock box at all times.

B. The Owner of any structure or property required to have a fire department rapid entry key lock box or his/her/its agent shall be present whenever the fire department accesses the lock box of the Owner's structure or property except when the fire department has responded to an emergency at the structure or property.

C. The Township fire department(s) shall maintain a record of when the key lock box access key is removed including the name of the individual removing the key and the reason for such removal.

VI. Rules and Regulations.

The Township may establish uniformed rules and regulations governing all structures required to install a key lock box system with regards to the type, location, installation, use, maintenance, and replacement of fire department rapid entry key lock boxes within the Township, including, but not limited to, the specification of approved types of fire department rapid entry key lock boxes.

VII. Updating Keys and Information.

A. The Owner of any structure of property required to have a fire department rapid entry key lock box shall ensure that the keys contained within the lock box are up-to-date and provide access to all required areas within the structure or property. Whenever a lock is changed or new doors, gates, or panels are installed within a structure or property, the Owner shall immediately notify the Township's Building Code Official to coordinate the placement of items within the lock box.

- B. The Owner of any structure or property required to have a fire department rapid entry key lock box shall provide the Fire Chief(s) or Fire Inspector with up-to-date contact information that includes the Owner's name; addresses; and facsimile, telephone, mobile phone, and pager numbers. Any change in this information must be provided in writing to the Township Fire Chief(s) or Fire Inspector at least forty-eight (48) hours in advance of the change occurring, along with the date such change will take place.

VIII. Limitation of Liability.

- A. The Township assumes no liability for any of the following:
 - 1. Any defects in the operation of the fire department rapid entry key lock box; any problems with any of the keys contained within such lock box; and/or any deficiency or flaw with the information stored within the lock box or otherwise provided to the Township or the Township Fire Chief(s) or Fire Inspector.
 - 2. The failure or neglect of any Owner of a structure or property required to have a fire department rapid entry key lock box to provide such a lock box or to provide access to the lock box.
 - 3. Any breach in security of any structure or property required to have a fire department rapid entry key lock box due to access to the lock box by any person.
 - 4. Any harm, damage, or injury to any person or property arising out of or due to the installation or use of a fire department rapid entry key lock box or the failure to install and/or use such a lock box.

IX. Violations and Penalties.

Any Person violating any provision of this Ordinance, upon conviction in a summary proceeding before a Magisterial District Judge, shall be sentenced to pay a fine to the Township of not less than Three Hundred Dollars (\$300) nor more than One Thousand Dollars (\$1,000) together with all court costs and reasonable attorneys' fees actually incurred by the Township. Each day that a violation continues shall constitute a separate offense.

X. Repealer.

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

XI. Severability.

If 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 Board of Commissioners

that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

XII. Effective Date.

This Ordinance shall become effective Thirty-five (35) days after enactment or upon recordation of the Ordinance within the Township’s official Ordinance Book, whichever comes later.

ENACTED and **ORDAINED** this 28th day of July, 2011.

**SALISBURY TOWNSHIP
BOARD OF COMMISSIONERS**

James A. Brown
Board of Commissioners

ATTEST:

Randy Soriano, Secretary

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