

BOROUGH OF NESQUEHONING
ORDINANCE NO. 2017-4

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF NESQUEHONING,
CARBON COUNTY, PENNSYLVANIA, ESTABLISHING RULES, REGULATIONS AND STANDARDS
GOVERNING THE INSTALLATION OF KNOX BOXES ON CERTAIN STRUCTURES AND OCCUPANCIES
WITHIN THE BOROUGH OF NESQUEHONING**

WHEREAS, the Borough Code at 8 Pa.C.S.A. Section 101 et. Seq. authorizes the borough Council of the Borough of Nesquehoning ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the property management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens; and,

WHEREAS, the Borough Council has determined, after due consideration, that the health, safety and general welfare of the residents of the Borough of Nesquehoning will be served by the amendment of the Code of Ordinances of the Borough of Nesquehoning; and,

WHEREAS, the key lock box system will eliminate the need for forced entry into structures thereby avoiding costly and time-consuming efforts in gaining access to locked structures during an emergency.

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF NESQUEHONING, AS FOLLOWS:

SECTION 1. Title

The Ordinance shall be known as and may be cited as the "Nesquehoning Borough Lock Box Ordinance".

SECTION 2. Statement of Policy

- A. The Borough Council of the Borough of Nesquehoning has determined that alarms are installed for the protection of the property, property owner and the occupants of the property. Many fire alarm activations are received when buildings are unoccupied, thus making entry for the emergency services difficult and a time delay, not to mention a burden for the Police Department once force-entry is made. With the installation of a designated "Lock Box System" entry is immediate, there is no damage, and there is no need for the police to remain at the location until ownership arrives.

- B. False activation of any alarms requiring police, fire and/or emergency medical assistance is detrimental to the welfare and safety of the citizens of the Borough of Nesquehoning and the members of the above-stated disciplines, and the receipt of said false alarms and/or notifications by any of the above detracts from the efficiency of the said departments in discharging their responsibilities to the citizens and property owners of the Borough of Nesquehoning. It is hereby declared to be the policy to safeguard and protect the citizens,

property owners and businesses of the Borough of Nesquehoning, the members of the Police Department and the members of the Volunteer Fire Companies from such hazards and risks.

SECTION 3. Definitions

The following words and phrases, when used in this ordinance, shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

1. **Alarm System** - Any assembly of equipment, mechanical, electrical or battery-operate, arranged to signal county dispatch of the occurrence of a fire, police emergency, emergency medical assistance or other hazard emergency requiring urgent attention.
2. **Building Owner** - The record owner of any improved real estate within the Borough of Nesquehoning.
3. **Commercial Building** - A building, structure or facility that is not a residential building.
4. **Emergency Medical Services** - Any emergency medical unit dispatched by the Carbon County Dispatch Center responding to the Borough of Nesquehoning.
5. **False Alarm** - An alarm activated in the absence of a need for response of police, fire, emergency medical services or other hazard emergency willfully, by inadvertence, negligence or unintentional act, to which emergency units of the above disciplines respond.
6. **Fire Department** - The Nesquehoning Hose Company No. 1, the New Columbus Fire Company, the Hauto Volunteer Fire Company, their successors and their designated backups.
7. **Fire Emergency** - Fire, smoke, or heat condition or an activation of an automatic extinguishing system due to fire or heat condition indicating a fire.
8. **Hazard Emergency** - An explosion or leak of toxic gas, liquid, or solid or potential explosion or leak of toxic gas, liquid or solid or an electrical or other utility leak, short or interruption of any nature that may cause a hazard to the public.
9. **Knox Box** - A high-security key box system manufactured by the Knox Company of Irvine, California, designed to give firefighters and emergency service personnel immediate access to locked buildings and other secured areas.
10. **Police Department** - The Borough of Nesquehoning Police Department, its successors and its designated back-up units and/or departments.
11. **Police Emergency** - Any activation or an alarm, automatic, manual or by any other means, that would generate a request for immediate police response.
12. **Residential Building** - Detached one-family and two-family dwellings and multiple single family dwellings, which are not more than three stories in height with a separate means of egress, which includes accessory structures.

SECTION 4. Installation of Knox Box

- A. Any existing building owner of a commercial building whose building is currently connected to an alarm system, which experiences two (2) false alarms within twelve (12) consecutive

months, shall be required to install a Knox Box (boxes), the number and location of which shall be prescribed by the Fire Department or its designee.

- B. Any existing residential building owner whose building is connected to an alarm system, which experiences three (3) false alarms within twelve (12) consecutive months, shall be required to install a Knox Box, the location of which shall be prescribed by the Fire Department or its designee.
- C. After the effective date of this ordinance, any non-residential building owner installing an alarm system shall be required to install a Knox Box, the number, type and/or size as well as the location shall be approved by the Fire Department or its designee. A certificate of occupancy shall not be issued until said Knox Box is installed and placed into service by the Fire Department or its designee.
- D. Any commercial building undergoing a change in use/occupancy shall be required to install a Knox Box, the location of which shall be prescribed by the Fire Department or its designee.
- E. Schools, whether public or private.
- F. Government structures and nursing care facilities, unless the building is staffed or open 24 hours.
- G. The type of key lock boxes to be implemented within the Borough shall be Knox Box brand system or such other rapid entry system of comparable quality, which has been specifically authorized in writing by the Fire Department as being an acceptable substitute for the Knox Box brand system.
- H. Owners of structures may voluntarily install a Knox Box system upon their property for either commercial or residential structures. Once such installation is made then the owner shall comply with any and all mandates of the Fire Department with regard to maintenance and operation of the system.

SECTION 5. Exceptions

The following structures are exempt from the mandate to install a key lock box system:

- A. Single-family structures and multi-family structures except those that voluntarily have a lock box system installed.
- B. Structures that have twenty-four (24) hours, three hundred sixty-five (365) days per year on site security personnel or have other personnel on site.

- C. Businesses that are open and staffed twenty-four (24) hours, three hundred sixty-five (365) days per year (which may include, but are not limited to, nursing homes, hospitals, police stations, etc.).
- D. Rental storage facilities where there is a single lock on the separate storage pods that are renter supplied; provided, however, the entry security gate(s) will require a Knox box if electronically controlled or locked with a master key issued by the landlord to all tenants.
- E. Recognizing that there may be situations in which the installation of Knox Boxes may be a hardship to the property owner, the owner of the real property may request that the Borough Council waive or reduce the requirements of this ordinance. In considering such a request, the Borough Council may impose such restrictions as it deems necessary to safeguard the public health and safety and shall take into consideration the character of the surrounding neighborhood.

SECTION 6. Knox Box Maintenance

The owner/operator of the building shall notify the Fire Department immediately and provide a new key when a lock is changed or re-keyed. The key to such lock shall be secured in the Knox Box.

SECTION 7. Violation and Penalties

Any building owner or occupant of said building that is found to be in violation of Section 5 hereunder shall, upon conviction in a summary proceeding, be punishable by a fine of not less than \$50.00 and not more than \$1,000.00 together with the costs of prosecution or to imprisonment for a period of ninety (90) days or both. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute separate offenses.

SECTION 8. Enforcement

- A. This Ordinance shall be enforced by the Chief of Police of the Borough of Nesquehoning, his designee or any other police officer in the Borough of Nesquehoning Police Department.
- B. The Fire Department shall be authorized to implement rules and regulations for the use of the lock box system.

SECTION 10. Repealer

Any ordinances or part of ordinances or resolutions inconsistent herewith are hereby repealed.

SECTION 11. Severability

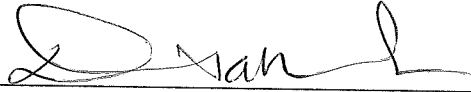
If any section, subsection, sentence, or clause of this ordinance is held for any reason to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.


SECTION 12. Effective Date

This Ordinance shall become effective upon adoption by Borough Council.

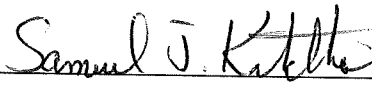
DULY ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, this 21st day of April, 2017

BOROUGH OF NESQUEHONING

By: 
Council President

ATTEST: 
Secretary

AND NOW, this 21st day of April, 2017, the foregoing ordinance is approved.


Mayor