

**BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA
RESOLUTION**

A RESOLUTION OF THE BOROUGH OF CHAMBERSBURG, FRANKLIN COUNTY, PENNSYLVANIA ESTABLISHING ADMINISTRATIVE GUIDELINES FOR CHAMBERSBURG FIRE DEPARTMENT INSPECTIONS OF COMMERCIAL PROPERTIES LOCATED IN THE BOROUGH OF CHAMBERSBURG

WHEREAS, by Ordinance Number 2014-12 adopted by the Borough on the 13th day of October, 2014, the Borough adopted provisions of the 2009 International Fire Code as the Fire Prevention Code for the Borough,

WHEREAS, the Borough has established a program of Fire Code Inspections of commercial properties pursuant to the authority granted by section 1202 paragraph 15 of the Borough Code of the Commonwealth of Pennsylvania

NOW THEREFORE, the following are adopted as administrative guidelines recommended by the Borough Emergency services chief, promulgated by the Borough Manager and approved by the Mayor and Town Council of the Borough of Chambersburg on the dates hereinafter stated.

Each structure in which there is conducted a business activity shall be inspected by a Chambersburg Fire Department (CFD) Fire Inspector at least one-time in every thirty-six month period. The Business Owner must provide access to the CFD. If access is denied, a new Operation Permit will not issue and the current Operation Permit will be suspended. The CFD will issue a written notice suspending the current Operation Permit in the event access is denied. A new Operation Permit will issue upon successful completion of the Fire Code inspection and the payment of all fees associated with the inspection program. Applicable fees may be found in the Borough of Chambersburg Master Fee schedule.

1. **CFD Fire Inspector may contact Business Owner to set date/time for occupancy inspection:**

The CFD Fire Inspector may contact the Business Owner to schedule a date/time to conduct a business operation inspection, or the CFD Fire Inspector may randomly inspect a business occupancy on any given date/time and must be granted access to the business at such time provided the business is open.

2. **If no violations are discovered upon business operation inspection:**

If the CFD Fire Inspector does not identify any fire code violations during the inspection, a Business Operation Permit will be issued. However, if there are unpaid Business Operation Inspection/Permit fees, the Permit will be withheld. In those instances, a Permit will not be issued until all unpaid fees for that particular business occupancy are paid.

Failure to pay all outstanding fees within thirty (30) days of notice may subject the Business Owner to prosecution as provided in the Fire Prevention Code of the Borough of Chambersburg which may include issuance of a Notice of Violation/Order to Vacate all business occupancies that have failed to secure a Business Operation Permit, which are therefore not recognized as approved Business Operations under the Borough of Chambersburg Fire Prevention Code.

3. **First discovery of violations during business operation inspection:**

If the CFD Fire Inspector identifies fire code violations during the inspection, a first Fire Code Violation Notice will be provided to the Business Owner indicating the fire code violation(s) to be corrected, date(s) when the fire code violations must be corrected, and the date/time when the CFD Fire Inspector will re-inspect the business occupancy provided no emergency exists.

4. **Business Owner may request alternate date/time for business re-inspection to occur within ten (10) business days of original date/time selected by the CFD Fire Inspector:**

A CFD Fire Inspector will re-inspect the business occupancy at the scheduled date/time that appears on the first Fire Code Violation Notice provided no emergency exists. A re-inspection fee as provided in the Borough Master Fee schedule will be charged for each re-inspection of noted violations. If the Business Owner needs to re-schedule the re-inspection date/time to an alternate time to occur within ten (10) business days of the original time selected by the CFD Fire Inspector, the Business Owner must contact the CFD at 717-263-5872 at least twenty-four (24) hours before the scheduled re-inspection date/time.

Failure to schedule a re-inspection to occur within ten (10) days of the date/time that appears on the initial Fire Code Violation Notice may subject the Business Owner to the penalties and prosecution provided in the Fire Prevention Code of the Borough of Chambersburg which may include issuance of a Notice of Violation/Order to Vacate all business occupancies that have failed to secure a Business Operation Permit, which are therefore not recognized as approved business operations under the Borough of Chambersburg, Fire Prevention Code.

5. **Second discovery of violations during business operation re-inspection:**

In the event the re-inspection discloses that the Business Owner failed to correct the fire code violation(s), as noted on the first Fire Code Violation Notice, or additional violations are discovered, the CFD Fire Inspector will provide a second Fire Code Violation Notice to the Business Owner affirming the existence of the previously noted violations and the required correction period as well as indicating any additional code violation(s) to be corrected, date(s) when the additional code violations must be corrected, and the date/time when the CFD Fire Inspector will re-inspect the business occupancy provided no emergency exists (the second Fire Code Violation Notice shall not give the owner additional time to complete the violations noted in the first Fire Code Violation Notice).

6. **Business Owner may request alternate date/time for business re-inspection to occur within ten (10) business days of original date/time selected by the CFD Fire Inspector:**

A CFD Fire Inspector will re-inspect the business occupancy at the scheduled date/time that appears on the second Fire Code Violation Notice provided no emergency exists. A re-inspection fee will be collected for each re-inspection of noted violations. If the Business Owner needs to re-schedule the re-inspection date/time to an alternate time to occur within ten (10) business days of the original time selected by the CFD Fire Inspector, the Business Owner must contact the Chambersburg Fire Department at 717-263-5872 at least 24 hours before the scheduled re-inspection date/time.

Failure to authorize a re-inspection to occur within ten (10) days of the scheduled date/time that appears on the second Fire Code Violation Notice may subject the Business Owner to the penalties and prosecution provided in the Fire Prevention Code of the Borough of Chambersburg which may include issuance of a Notice of Violation/Order to Vacate all business occupancies that have failed to secure a Business Operation Permit, which are therefore not recognized as approved business operations under the Borough of Chambersburg, Fire Prevention Code.

7. **Third discovery of violations during business operation re-inspection:** In the event the re-inspection discloses that the Business Owner failed to correct the fire code violation(s), as noted on the second Fire Code Violation Notice (whether the violations are the violations from the first Fire Code Violation Notice or additional violations from the second Fire Code Violation Notice), or additional violations are discovered, the CFD Fire Inspector will refer the case to the Borough Solicitor for prosecution as provided in the Fire Prevention Code of the Borough of Chambersburg which may include, issuance of a Notice of Violation/Order to Vacate all business occupancies that have failed to secure a Business Operation Permit, which are therefore not recognized as approved business operations under the Borough of Chambersburg Fire Prevention Code.

Following the third discovery, a CFD Fire Inspector shall return to the business occupancy only at the direction of the Borough Solicitor or his designee, or the direction of the Court.

All fees associated with inspection, re-inspection and prosecution shall be the responsibility of the Business Owner. All Fire Code Violation Notices shall state that in the event of non-compliance, the Business Owner shall be responsible for any and all court costs and attorney fees associated with enforcement of the Fire Code.

This policy does not bind the Borough of Chambersburg to a specific course of action and the Borough may, at its sole discretion, based on the facts and circumstances of each situation, elect to exercise any or all of the remedies set forth herein, or as otherwise provided by law in the order which the Borough determines most effective to protect the health, safety, and welfare of Borough residents.

If a Business Operation Permit has been revoked due to non-compliance, a Permit will not be reissued until such time as all violations of Chapter 150, the Fire Prevention chapter, of the Code of the Borough of Chambersburg have been remedied.

This document represents an administrative policy of the Borough of Chambersburg promulgated by the Borough Manager pursuant to Section 50-6 of the Code of the Borough of Chambersburg and approved by Borough Council.

The applicable Business Operation/Inspection Permit standards are found in Chapter 150, Fire Prevention, of the Code of the Borough of Chambersburg, with property maintenance standards found in Chapter 221. The Code of the Borough of Chambersburg is available online at the Borough website: www.chambersburgpa.gov.

For more information, please contact the Emergency Services Chief at 717-261-3230.

Approved by Jeffrey Stonehill, Borough Manager this 10th day of November, 2014.

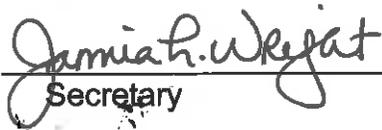
Borough of Chambersburg

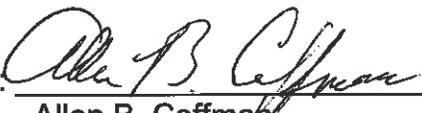
By 
Jeffrey Stonehill Manager

Approved by the Mayor and Town Council this 10th day of November, 2014.

BOROUGH OF CHAMBERSBURG

Attest:

By: 
Secretary

By: 
Allen B. Coffman
President of Town Council