

ORDINANCE NO. 101

AN ORDINANCE IN THE TOWNSHIP OF POCONO, COUNTY OF MONROE AND COMMONWEALTH OF PENNSYLVANIA ESTABLISHING FIRE LANES; ESTABLISHING THE DIMENSIONS AND LOCATIONS OF THE FIRE LANES; PROVIDING EXEMPTION FROM FIRE LANE REQUIREMENTS WHERE THERE ARE SUFFICIENT ALTERNATIVE MEANS FOR FIRE FIGHTING; REQUIRING PROPERTY OWNERS TO CLEARLY MARK FIRE LANES; PROHIBIT THE OBSTRUCTION OF, AND CERTAIN USES WITHIN, A FIRE LANE; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, pursuant to Section 1527 of the Second Class Township Code, 53 P.S. §66527, the Pocono Township Board of Supervisors (the "Board") is empowered to adopt ordinances to secure the safety of persons or property within Pocono Township; and

WHEREAS, pursuant to Section 1801 of the Second Class Township Code, 53 P.S. §66801, the Board is empowered to provide for fire protection within Pocono Township; and

WHEREAS, pursuant to said authority, it is the desire of the Pocono Township Board of Supervisors to provide for the creation of fire lanes within Pocono Township, to prohibit the obstruction of the same, and to provide enforcement mechanisms for violations of the provisions of this Ordinance.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Pocono Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION I - SHORT TITLE:

This Ordinance shall be known as the "Pocono Township Fire Lane Ordinance".

SECTION II - DEFINITION:

Fire Lane: A lane to provide access to fire fighting personnel, equipment and

apparatus to buildings, structures, fire hydrants or connections to automatic sprinkler or stand pipe systems, in connection with fire fighting activities.

SECTION III - CREATION/DESIGNATION OF FIRE LANES:

(a) Subject to the provisions of Section VI of this Ordinance, Fire lanes shall be provided for all new commercial buildings that are set back more than 150 feet from a public/private street right-of-way, or exceed thirty feet in height and are set back more than 50 feet from a public/private road right-of-way.

(b) Fire lanes may be designated:

i. by the Board by resolution, pursuant to recommendation of the Pocono Township Volunteer Fire Company Fire Chief (the "Fire Chief"), on public property which will include any highway, roadway, alley way, driveway, parking area, pathway, cul-de-sac or any other area deemed necessary for fire protection.

ii. by written agreement between the Board and any school board, hospital, church, property owners association, commercial or industrial facility, shopping center or apartment complex owner, or entertainment facility owner, which controls a parking area located within Pocono Township, empowering the Board to designate and enforce fire lanes on such parking area, including enforcement of the maintenance of the designated fire lanes. The agreement shall become effective and enforceable three (3) days after it is duly executed and delivered.

iii. by the Decision of the Board or the Pocono Township Zoning Hearing Board pursuant to any Planned Residential Development approval, conditional use approval, special exception approval or the granting of a variance.

iv. by the provisions of the Pocono Township Subdivision and Land Development Ordinance, as the same may be amended from time to time.

SECTION IV - FIRE LANES DIMENSIONS

Fire lanes shall not be less than 20 feet of unobstructed width, have a minimum of 13 feet 6 inches of vertical clearance and be able to withstand live loads of fire fighting apparatus. A turn around for fire fighting apparatus shall be provided where an access road terminates in a dead end and is in excess of 150 feet in length. The turn around shall have a minimum center line radius of 50 feet.

SECTION V - POSTING

(a) Fire lanes shall be marked with free-standing signs that contain the words "Fire Lane - No Parking", or similar language, painted in contrasting colors at a size and spacing approved by Pocono Township. Posting of fire lanes in accordance with any applicable requirements of the Pennsylvania Department of Transportation shall be an acceptable alternative. The perimeter of the area which constitutes the fire lane shall also be clearly indicated on the surface of the parking lot or access area.

(b) All fire lanes shall also be posted as a "tow zone".

(c) All designated fire lane signs or markings shall be maintained in a clean and legible condition at all times and replaced when necessary to ensure adequate visibility.

(d) All required posting and marking, and maintenance of the same, shall be the responsibility of the owner of the property where located.

SECTION VI - ALTERNATIVES

When any combination of private fire protection facilities, including but not

limited to, fire-resistive roofs, fire separation walls, space separation and automatic fire extinguishing systems, are provided and approved by the Fire Chief as an acceptable alternative, then fire lanes shall not be required.

SECTION VII - VIOLATIONS

It shall be unlawful for any person to:

- (a) park a vehicle in a fire lane.
- (b) store, sell or display supplies, equipment, shopping carts, inventory, merchandise or any other items in a fire lane.
- (c) obstruct a fire lane.
- (d) engage in any other acts which would substantially interfere with the access of fire officials, personnel and/or fire fighting equipment to, over and upon a fire lane.

SECTION VIII - VIOLATIONS/PENALTIES

(a) This Ordinance shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than \$100 nor more than \$1,000 per violation, plus all Court costs and reasonable attorneys fees incurred by Pocono Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Each section of this Ordinance that is violated shall also constitute a separate violation. Further, the appropriate officers or agents of Pocono Township

are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Pocono Township for its general use.

(b) In addition to, but not in limitation of, the foregoing, any motor vehicle within a fire lane which is designated as a "tow zone" shall be subject to removal by a towing service at the direction of the Fire Chief, the Pocono Township Police, Pocono Township Fire Police or other appropriate officials of Pocono Township, and the owner shall be responsible for all towing and storage costs.

SECTION IX - CITATIONS

Pocono Township Police Officers, the Fire Chief, the Pocono Township Fire Police, the Pocono Township Zoning Officer, or their designees, are hereby authorized to issue citations for the violation of this Ordinance.

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

SECTION XI - REPEALER

All other ordinances or part of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only, and no further.

SECTION XII - EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into an Ordinance this 20th day of February, 2002.

Board of Supervisors of Pocono Township

By: _____

L. Patrick Ross
L. Patrick Ross, Chairman

By: _____

Willard C. Anglemyer
Willard C. Anglemyer, Vice-Chairman

By: _____

Jane Cilurso
Jane Cilurso, Supervisor

ATTEST:

Jane Cilurso

Township Secretary

Township Seal