

BOROUGH OF MOUNT JOY

Lancaster County, Pennsylvania

ORDINANCE NO. 07-03

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF MOUNT JOY, LANCASTER COUNTY, PENNSYLVANIA, CHAPTER 10 THEREOF, HEALTH AND SAFETY, TO ADD A NEW PART 3, ACCESS TO INDIVIDUAL STRUCTURES OR TENANT SPACES, MANDATING THE INSTALLATION AND MAINTENANCE OF KEY BOXES UNDER CERTAIN CIRCUMSTANCES AND PROVIDING REGULATIONS FOR SUCH INSTALLATION AND MAINTENANCE.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Mount Joy, Lancaster County, Pennsylvania, Chapter 11 thereof, Health and Safety, shall be amended by adding a new Part 3, Access to Individual Structures or Tenant Spaces, which shall provide as follows:

Part 3.
Access to Individual Structures or Tenant Spaces

§301. Short Title. This Part shall be known and may be cited as the "Mount Joy Borough Emergency Access Ordinance".

§302. Definitions and Word Usage. Unless otherwise expressly stated, the following terms shall, for the purpose of this Part, have the meanings indicated as follows:

BOROUGH: The Borough of Mount Joy, Lancaster County, Pennsylvania

BOROUGH COUNCIL: The governing body of the borough.

FIRE CHIEF: The Chief of the Fire Department.

FIRE DEPARTMENT: Fire Department Mount Joy.

KEY BOX: A container located on the outside of a building or structure which can be accessed by Borough Police and the Fire Department and which is large enough to contain keys or

access codes to allow entry into the structure to which it is attached.

§303. Installation of Key Boxes Required. The owner of any of the following types of structures and the owner and operator of a structure containing any of the following uses shall install and shall permanently maintain a key box meeting all requirements of this Part:

- A. Any new or existing building containing a nonresidential use with an automatic fire detection and reporting system and/or an automatic fire suppression system (i.e. sprinkler system).
- B. Any new or existing building containing a nonresidential use with a burglar, panic, or holdup alarm system.
- C. Any structure containing a commercial or industrial use.
- D. Any structure containing a nursing home or assisted living facility.
- E. Any public or private school building.
- F. Any house of worship or other church building.
- G. Any structure containing six or more dwelling units.

The owner of every structure meeting the requirements of this §303 and the owner and operator of any use meeting the requirements of this §303 existing on the effective date of this Part shall install a key box meeting all requirements of this Part within six months.

§304. Requirements for Key Boxes. All key boxes this Part requires shall be for the use of the Police Department and Fire Department only. The key box shall meet all of the following requirements:

- A. The key box design and size shall be approved by the Borough.
- B. The key box shall be installed in a workmanlike manner and shall be permanently maintained.
- C. The key box shall be installed adjacent to the main entrance. It shall be clearly visible and mounted not more than six (6) feet above ground. If factors suggest that an alternate location is appropriate, the Fire Chief or his designee shall specify the location where the key box shall be installed.

§305. Required Contents of Key Box. The key box shall contain all of the following:

- A. Two (2) sets of keys to open doors at the main entrance.
- B. Two (2) sets of keys to open the doors to each individual tenant space or dwelling unit.
- C. Two (2) sets of keys to each room containing control valves for automatic fire suppression systems.
- D. Two (2) sets of keys to each room containing fire detection and/or reporting systems for burglar, panic, holdup, or medical alarm system control panels.
- E. Two (2) sets of keys to each room containing elevator operating equipment control panels.
- F. Two (2) sets of keys to each room containing hazardous materials.
- G. Two (2) sets of keys to each room containing main electrical panels.
- H. Two (2) sets of keys for any other room or area which the Fire Chief or Police Chief determines immediate access is necessary.
- I. If the structure utilizes electronic door locks, two (2) copies of the appropriate digital code to provide access to the spaces identified in Subsections A through H above.

All keys or digital codes shall be clearly identified as to what door, room, area or lock they serve.

§306. Maintenance of Key Boxes Required. The owner of any structures and the owner and operator of any uses which this Part requires to install a key box shall permanently maintain the key box as long as the structure and/or use meets the criteria set forth in this Part. Such maintenance shall include, but not be limited to, replacement of the contents of the key box any time locks are changed or re-keyed or digital access codes are revised.

§307. Waiver. The owner of a property may request a waiver from the requirements of this Part in writing. The owner shall specify all grounds for the request of the waiver and shall present the request to the Public Safety Committee of Council. The Public Safety Committee shall make a recommendation on the waiver request to Council. Borough Council shall render a decision on any request for a waiver, which decision shall be final.

§308. Enforcement. All members of the Police Department and the Borough Manager are, hereby authorized and directed to enforce the provisions of this Part.

§309. Penalties. For each violation of the provisions of this Part, the owner of a structure who fails to install or maintain a key box as required by this Part or who otherwise commits, takes part in, or assists in any violation of any provision of this Part shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than \$100.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part. Each Section of this Part which is violated shall be considered a separate violation.

Section 2. All other sections, parts and provisions of the Code of Ordinances of the Borough of Mount Joy shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause, or pan of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this THIRD day of MARCH, 2003, by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MOUNT JOY
Lancaster County, Pennsylvania

Attest: Jay C. Kuff
(Assistant) Secretary

By: Donald E. Zeller
(Vice) President
Borough Council

[BOROUGH SEAL}

Examined and approved as an Ordinance this THIRD day of MARCH, 2003.

Mary S. Sunder
Mayor