

CITY COUNCIL OF ERIE

INTRODUCED BY: *KATHY SCHAAF*

COUNCIL FILE NO. 16,429 OFFICIAL ORDINANCE NO. 17-2024

AN ORDINANCE

Amending Article 131, Bureau of Fire, to add sections that create a Fire Prevention Division and that create an Office of Chief Fire Marshall and Fire Marshal; to improve the safety of buildings through inspections; to prevent fires or fire hazards through inspections; and to investigate the origins and circumstances of fires.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE, PENNSYLVANIA:

WHEREAS, on \_\_\_\_\_, 2024, the City of Erie adopted Ordinance \_\_\_\_\_ which amended the City of Erie Ordinance to create a Fire Prevention Division and to create an Office of Fire Marshal, which include a Chief Fire Marshall and several Fire Marshals, within the City of Erie Fire Department;

WHEREAS, the City desires to amend Article 131 to create the above referenced Fire Prevention Division, and to create the Office of Chief Fire Marshal;

WHEREAS, the City desires to improve the safety of the City's businesses and residents through regular inspections and public fire safety education; and to prevent fires or fire hazards through said inspections and public fire safety education;

WHEREAS, the City desires to provide the Fire Department with the powers to investigate the origins and cause of fires; and to prevent fires or fire hazards through said regular inspections and enforcement of the Fire Code and laws of this Commonwealth.

NOW THEREFORE, be it enacted by the Council of the City of Erie, Pennsylvania that:

Section 1: The following Sections of Article 131 are hereby added and/or amended as follows:

**131.02 - Fire Prevention Division.**

(a) A Fire Prevention Division is hereby established in the City of Erie Fire Department, and is charged with the enforcement of this article, the City of Erie Fire Prevention Code (as amended), the International Fire Code (as adopted) and/or any other applicable laws of the Commonwealth of Pennsylvania. See **City of Erie Ordinance §1503.21(a)**.

(b) All former and/or prior duties and/or responsibilities of Chief Fire Inspector, Fire Inspectors and/or Fire Code Inspectors under the City of Erie Fire Prevention Code (as amended) and/or the International Fire Code (as adopted) are hereby transferred to the Fire Prevention Division.

### **131.03 – Office of Fire Marshal.**

(a) The Office of Fire Marshal is hereby established in the City of Erie Fire Department, whose duty shall be to enforce this ordinance and the performance of duties hereinafter more fully set forth.

(b) The Chief Fire Marshall shall be appointed by the Mayor, by and with the approval and consent of Council biennially. The Chief Fire Marshal and/or Fire Marshal shall also be known as the Fire Code Official and any use of the term Fire Code Official in this article, the City of Erie Fire Prevention Code (as amended), the International Fire Code (as adopted) and/or any other applicable laws of the Commonwealth of Pennsylvania shall be synonymous with Chief Fire Marshal and/or Fire Marshal. See **11 Pa.C.S. §12104**.

(c) Under this ordinance, the Chief Fire Marshal and/or authorized assistant shall be in charge of the Fire Prevention Division. However, the Fire Chief shall be ex-officio in the absence of the Chief Fire Marshall and/or authorized assistant. See **11 Pa.C.S. §12107**.

(d) The Chief Fire Marshal shall recommend the employment of such assistants, such as Fire Marshals, Fire Code Inspectors and/or other staff, as are deemed appropriate to carry out the duties of the Division of Fire Prevention as stated in the terms of the current contract and/or as stated in this Article. See **City of Erie Ordinance §131.02(a)**.

### **131.04 - Qualifications of the Fire Marshal.**

(a) The present Chief Fire Inspector shall become the Chief Fire Marshal and the present Fire Inspectors shall become Fire Marshals upon passage of this ordinance.

(b) Qualification for any Chief Fire Marshal or any Fire Marshall shall include the completion of a certified fire investigator training program through an accredited fire academy with Pro Board or IFSAC Certified Fire Investigator certification.

(c) Any Chief Fire Marshal or any Fire Marshal shall be qualified to:

(1) Determine the origin and/or cause of a fire.

(2) Make recommendations to the Fire Chief, the Director of Public Safety, the Mayor, or other body designated by it for the following:

(A) Fire prevention.

(B) Fire protection.

(3) Interpret the provisions of the Fire Prevention Code (as amended) and/or the International Fire Code unless the City shall designate another employee or official to perform these duties.

(4) Enforce the provisions of the Fire Prevention Code (as amended) and/or the International Fire Code unless the City shall designate another employee or official to perform these duties.

**131.05 - Duties of the Chief Fire Marshal.**

(a) The Chief Fire Marshal and any authorized assistants shall inspect all construction or buildings within the City or upon property owned or controlled by the City or a municipal authority of the City within this Commonwealth and shall enforce all laws of the Commonwealth and ordinances of the City relating to the construction or buildings, for the prevention, containment or investigation of fire and fire hazards, both as to the construction or buildings and as to their contents or occupancies.

(b) The Chief Fire Marshal or any authorized assistants shall enforce all laws and ordinances relating to the prevention of fires; the storage and use of explosives and flammables; the installation and maintenance of private fire-alarm systems and fire-extinguishing equipment; the maintenance and regulation of fire escapes; and the means of adequacy of exit in case of fire from all buildings covered by ordinance and other places in which person or congregate for any purpose.

(c) The Chief Fire Marshal or any authorized assistants shall investigate the origin and cause of every fire and the damage resulting from the fire occurring within the Office of Fire Marshal's jurisdiction immediately after the occurrence of the fire.

(d) The Chief Fire Marshal or any authorized assistants may at all reasonable hours enter any public building or any private building used for any business, commercial or industrial purpose and any apartment or converted home with two or more apartments for the purpose of making any inspection or investigation which he may deem necessary for the prevention of fire and to secure the safety of persons from fire.

(e) The Chief Fire Marshal and any authorized assistants shall report to the Fire Chief, the Director of Public Safety, the Mayor, to Council or other designated official, as Council shall by ordinance provide, any faulty or dangerous construction or building or like condition in any building that may constitute a fire hazard or any proposed use or occupation of any construction, building or premises which would create or increase a hazard of fire.

(f) A report of the Chief Fire Marshal shall be made annually and transmitted to the Fire Chief, Director of Public Safety, Mayor, Council, or to another designated office. It shall contain a summary of all proceedings under this article, with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall recommend any amendments to the Fire Prevention Code, which, in his judgment, shall be advisable.

(g) The Chief Fire Marshal shall supervise their Fire Marshals, Fire Code Inspectors and/or other staff, as are deemed appropriate to carry out the duties of the Fire Prevention Division as stated in this Article. See **City of Erie Ordinance §131.02(a)**.

**131.06 – Powers of Investigation and Enforcement.**

(a) The Chief Fire Marshal or his authorized assistants shall have the power or authority to direct, take charge, dispatch equipment and power, or issue orders at the scene of any fire or on the fire or on the fire ground as necessitated for the preservation of evidence.

(b) The Chief Fire Marshal or his authorized assistants shall have the power or authority to secure any and all evidence that may be necessary for the investigation, arrest and/or prosecution against a person or persons, and has the sole authority to restrict access to the scene at their discretion for purposes of securing such evidence.

(c) The Chief Fire Marshal or his authorized assistants shall have the power or authority to investigate a person or persons if the origin of a fire is deemed suspicious or incendiary in nature during the course of investigation.

#### **131.07 – Removal of Fire Hazards or Dangerous Materials.**

(a) Whenever the Chief Fire Marshal or his authorized assistants shall find in any public building or apartment, or upon any premises covered by this ordinance, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wastepaper, boxes, shavings or any highly flammable material which is situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire, he shall order the same to be removed or remedied.

(b) Whenever the said Chief Fire Marshal or his authorized assistants shall find any public building or apartment or other structure covered by this ordinance which, for want of repairs, lack of sufficient fire escapes or automatic or other fire-alarm apparatus or fire-extinguishing equipment or by reason of age or dilapidated condition or from any other cause, is especially liable to fire and which is so situated as to endanger other property or the occupants thereof and whenever such officer or authorized assistants shall find, in any building covered by this ordinance, combustible or explosive matter or flammable conditions dangerous to the safety of such buildings or the occupants thereof, he shall order such dangerous conditions or materials to be removed or to be remedied in accordance with recognized standards and practices for the prevention of fire.

#### **131.08 – Compliance with Standards and Practices.**

(a) No person, firm or corporation in possession of or having control of any building or premises in the City shall permit or allow therein or thereon any fire hazard or any installation, construction equipment, matter or thing which, by reason of not being installed, constructed or maintained according to recognized standards and practices for the prevention of fire, creates or produces a danger to persons or property from fire.

(b) The owner, occupant or person in charge of or managing any building or premises covered by this ordinance shall forthwith, after notice from the Office of Fire Marshal so to do, correct any condition in such building or premises so that the premises, building, processes or materials shall be in such condition as to comply with the recognized standards and practices for the prevention of fire.

(c) Noncompliance – The failure or neglect of any person responsible hereunder to comply with any order of the Office of Fire Marshal made pursuant to the provisions of this ordinance shall be deemed to be a violation of this ordinance.

(d) Obstruction - No person shall in any way obstruct or prevent or attempt to obstruct or prevent the Fire Marshal or their designee in the discharge of their duties. Obstruction of the Office of Fire Marshal shall be deemed to be a violation of this ordinance.

**131.99 - Penalties and violations.**

(a) Violation of this provision shall be considered a summary offense. Any person violating any of the provisions of this Section shall, upon conviction thereof, be sentenced to pay a fine by the district judge not less than \$100 nor more than \$1,000 and be subject to a term of imprisonment not in excess of 90 days if they fail to pay such fine.

(b) Each day's violation shall constitute a separate offense, and notice to the offender shall not be necessary to constitute an offense.

(c) The application of the above penalty or penalties, however, shall not be held to prevent the enforced removal of prohibited conditions.

**Section 2.** That all ordinances and parts thereof in conflict herewith are hereby repealed.

**Section 3.** That this ordinance shall become effective sixty (60) days after final passage and approval by the Mayor of the City of Erie, Pennsylvania

We do hereby certify that the within Ordinance was finally passed by the Erie City Council on APR 03 2024, 2024. **APR 03 2024**

Attest: *J. Quinn Watson*  
City Clerk

*Jamaine W. Jones*  
President of Council

THIS ORDINANCE APPROVED THIS 3<sup>rd</sup> DAY OF April, 2024.

*Joseph W. Schamberoff*  
Mayor, City of Erie  
*jws*