

TOWNSHIP OF OHIO
ORDINANCE NO. 295

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE OBSTRUCTION OF ANY FIRE HYDRANTS OR OTHER FIRE PROTECTION EQUIPMENT WITH PLANTS, FENCING, LANDSCAPING MATERIALS OR OTHER OBJECTS, AND PROVIDING PENALTIES, AND OTHER REMEDIES FOR VIOLATIONS THEREOF.

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

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

WHEREAS, the Ohio Township Board of Supervisors believes that the obstruction of fire hydrants and other fire protection equipment by plants, trees, landscaping or fencing materials, or other objects or structures, inhibits the maintenance of such fire hydrants and impedes first responders' ability to quickly locate and gain unfettered access to critical fire hydrants during emergencies and thus poses an obvious and substantial danger and unreasonable risk to the health, safety, and welfare of persons and property with Ohio Township; and

WHEREAS, the Ohio Township Board of Supervisors, pursuant to above authority and consistent with Sections 507.5.4 and 507.5.5 of the International Fire Code, seeks hereby to prevent the obvious dangers caused by the obstruction of fire hydrants with plants, trees, landscaping materials, fencing, or other obstructing objects or structures, and to provide appropriate penalties and remedies for violations of this Ordinance.

Section 1: Title. This Ordinance shall be known and designated as the "Fire Hydrant Obstruction Ordinance of the Township of Ohio".

Section 2: Obstructions to Fire Hydrants and Other Fire Protection Equipment Prohibited. Posts, fences, vehicles, certain plants, trees, growth, trash, landscaping materials, rock materials, storage and other materials, structures or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves (collectively referred to as "fire hydrants" or "fire protection equipment") in a manner that would prevent fire hydrants or other fire protection equipment from being immediately discernible or readily accessible. The fire department shall not be deterred nor hindered from gaining immediate and safe access to any such fire hydrants or other fire protection equipment.

Section 3: Buffer Area around Fire Hydrants and Other Fire Protection Equipment. A three (3) foot clear space shall be maintained around the circumference of fire hydrants and other fire protection equipment except as otherwise required or approved by the Board of Supervisors upon the recommendation of the Chief Administrator of Police and/or Fire Marshall. No grass,

plants or other objects within this three (3) foot radius shall exceed six (6) inches in height. No loose rocks or any other objects which may pose a tripping hazard shall be permitted within the foregoing radius. In conjunction with the three (3) foot radius, all fire hydrants and other fire protection equipment must have an unimpeded view range of at least two (2) feet to each side along the roadway.

Section 4: Violations and Penalties. Any person violating any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than ONE THOUSAND (\$1,000.00) DOLLARS, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each violation of any provision of this Ordinance shall constitute a separate offense. In addition, in any civil enforcement action brought by the Township to collect unpaid fines or penalties imposed pursuant to this Ordinance, the Township shall also be entitled to collect all costs, expenses, and attorneys fees associated with such action.

Section 5: Right to Enter and Remove Obstructions; Liens. In addition to any other penalties and remedies provided herein or otherwise available under law, upon the failure of the owner or person in charge of or in possession of the property to remove any offending obstruction in violation of this Ordinance after receiving a notice of violation, any duly authorized employee or contractor of the Township, water authority, water company, or other entity having jurisdiction or control over the fire hydrant or the premises upon which the fire hydrant is located my, without further notice to the owner or persons in charge or possession of such property, enter upon the premises and cause the removal of all offending obstructions to the fire hydrant or other fire protection equipment. The costs of such action to remove the offending obstruction shall be charged against the owner(s) or other person(s) in charge of said premises and shall also be charged against the real estate upon which the fire hydrant and the offending obstructions are located and shall be in lien upon such real estate.

Section 6: Township Reservation of Right to Enter Upon Lands to Maintain Fire Hydrants. Nothing in this Ordinance shall be interpreted as limiting in any manner the right of the Township, water authority, water company, or any other entity having jurisdiction or control over any fire hydrant to entering upon any right-of-way, easement or other premises upon which any fire hydrant or other fire protection equipment is located to cause the removal of any and all obstructions or other objects or structure whose presence is inconsistent with the right to gain unfettered access to and to maintain such fire hydrant or other fire protection equipment and/or appurtenant rights-of-way, easements or other premises upon which such fire protection equipment is located. Nor shall any person be entitled to the return of, or to any compensation for, any offending obstructions removed or for any damages caused to any such obstructions or to the premises by or as a result of the entry and removal of such obstructions.

Section 7: Severability. In the event that any section or sections of this Ordinance, or parts of the same, shall be declared to be invalid by any Court of competent authority, the remaining provisions of this Ordinance shall continue in full force and effect notwithstanding.

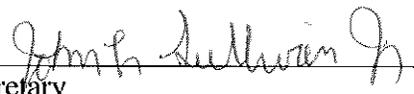
Section 8: Repealer. Any other Ordinance or part(s) of any Ordinance(s) which conflicts with the terms and provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 9: Effective Date: This Ordinance shall take effect immediately as provided under law.

ORDAINED AND ENACTED this 7th day of February, 2011.

ATTEST:

TOWNSHIP OF OHIO


Secretary


Chairman, Board of Supervisors