

ORDINANCE NO. 1-2026

AN ORDINANCE OF THE BOROUGH OF KUTZTOWN, COUNTY OF BERKS, PENNSYLVANIA, ADOPTING A FIRE CODE PREVENTION ORDINANCE TO PROVIDE FOR THE REGULATION OF KEY LOCK BOXES WITHIN THE BOROUGH.

WHEREAS, the Borough Council has determined that the health, welfare and safety of the citizens of the Borough are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid Kutztown Fire & Rescue in gaining access to or within a structure when responding to calls for an emergency service and to aid access into or within a building that is secured or is unduly difficult to gain entry due to being either unoccupied or the occupants are unable to respond.

NOW THEREFORE, be it ordained and Enacted by the Borough Council, and it is hereby Ordained and Enacted by authority of the same as follows:

SECTION 1. DEFINITIONS

The following definitions shall be added and included as follows:

CODE ENFORCEMENT OFFICER: That Person or persons duly appointed by the Borough of Kutztown Council upon request of Kutztown Fire & Rescue to assist in the enforcement of this Ordinance and the provisions contained herein.

FIRE CODE OFFICIAL: That Person or persons duly appointed by Kutztown Fire & Rescue to enforce this ordinance and the provisions contained herein. To include but not limited to the Fire Chief and/or Fire Marshal.

KNOX-BOXES®, OR THEIR APPROVED SUBSTITUTE: A small wall mounted safe that holds building keys for fire departments, emergency medical services and sometimes police to retrieve in emergency situations. Kutztown Fire & Rescue, the Chief Officer(s), Fire Marshal, Assistant Fire Marshal and any official response vehicle can hold master keys to all boxes within the Borough so that they can quickly

enter buildings without having to force entry or find individual keys.

OWNER: Any person or entity which owns, leases, manages, and/or is in control of a structure, building, facility or property.

STRUCTURE: Any building, facility or man-made object.

SECTION 2. FINDINGS: PURPOSE.

The Council of the Borough of Kutztown had determined that the health, welfare and safety of the citizens of the Borough are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid Kutztown Fire & Rescue in gaining access to or within structure when responding to calls for an emergency service and to aid access into or within a building that is secured or is unduly difficult to gain entry due to being either unoccupied or the occupants are unable to respond.

SECTION 3. REQUIRED INSTALLATION.

- A. The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Code Official and/or Code Enforcement Officer:
 - 1. Commercial, institutional, or industrial structures.
 - 2. Multifamily residential structures that have restricted access through locked doors that have a common corridor for access to the living units and/or have 2 or more units.
 - 3. Schools, healthcare facilities, daycare facilities, and houses of worship.
 - 4. Commercial, industrial, and governmental structures and/or properties where access to or within a structure or area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes.
- B. All new construction is subject to Subsection A of this Section and shall have a key lock box installed and operational prior to the issuance of an occupancy permit.
- C. All structures in existence on the effective date of this Section and subject to Subsection A of this Section shall have one (1) year from the enactment date of this Article to have a key lock box installed and operational.

- D. The following structures are exempt from the mandate to install a key lock box system:
1. Detached residential one-family and two-family dwellings and one family townhouses that are not more than three (3) stories in height and their accessory structures.
 2. Rental storage facilities where there is a single lock on the separate storage pods that are renter supplied; provided, however, the entry security gate(s) will require a Knox-Box® if electronically controlled or locked with a master key issued by the landlord to all tenants.

SECTION 4. INSTALLATION.

- A. The Owner is responsible for ordering and installing the lock box.
- a. Ordering the lock box can be achieved by contacting Kutztown Fire & Rescue or the Fire Marshal for the Borough of Kutztown.
- B. The type of key lock boxes to be implemented with the Borough shall be a Knox-Box® brand system or such other rapid entry system of comparable quality which has been specifically authorized in writing by the Fire Code Official and/or Code Enforcement Officer as being an acceptable substitution for the Knox-Box® brand system.
- C. The Owner of any structure or property required to have a fire department rapid entry key lock box shall ensure that Kutztown Fire & Rescue and/or responders have complete, unobstructed, access to the lock box at all times.
- D. All Knox-Boxes®, or the approved substitute, shall be installed.
- E. All Knox-Boxes®, or their approved substitute, shall be mounted 60 inches from the ground to the center of the entry, if possible.
- F. In the event that the rapid entry box system cannot be installed at the aforesaid location and/or height, the Fire Code Official and/or Code Enforcement Officer may designate, in writing, a different location and installation specifications.

- G. All Knox-Boxes®, or the approved substitute, shall have a tamper switch installed if the building has an instruction/burglar alarm.
- H. All realty and/or property with an electronic security gate shall have the Knox-Box® or approved key lock box installed outside of the gate.
- I. The Fire Code Official and/or Code Enforcement Officer of the Borough must approve any changes in the installation.

SECTION 5. NOTIFICATION OF CHANGES; UPDATING INFORMATION

- A. The Owner of any structure of property required to have a fire department rapid entry key lock box shall ensure that the keys contained within the lock box are up-to-date and provide access to all required areas within the structure or property. Whenever a lock is changed, or a new door(s), gate(s), or panel(s) are installed within a structure or property, the Owner shall immediately notify the Borough's Fire Code Official and/or Code Enforcement Officer to coordinate the placement of items within the lock box.
- B. The Owner of any structure or property required to have a fire department rapid entry key lock box shall provide Kutztown Fire & Rescue, Fire Code Official and/or Code Enforcement Officer with up-to-date contact information that includes the owner's name; addresses; and facsimile, telephone, mobile phone, pager numbers, and email addresses. Any change in this information must be provided in writing to the Borough Fire Code Official and/or Code Enforcement Officer at least forty-eight (48) hours in advance of changing occurring, along with the date such change will take place.

SECTION 6. CONTENTS OF LOCK BOX.

The contents of the lock box are as follows:

- A. The lock box shall contain the key(s) for all exterior doors and gates, the keys for all interior doors and gates within the building, and the keys to all doors or panels which control access to shared systems, including but not limited to the following:
 - 1. Mechanical rooms.
 - 2. Electrical rooms.

3. Elevators and elevator control rooms.
4. Fire alarm panels.
5. Special reset pull stations or other fire-protection devices.
6. All other keys as requested by the Borough Fire Code Official and/or Code Enforcement Officer.

B. Each key shall be clearly labeled and easily identifiable.

SECTION 7. KEYS TO LOCK BOX.

- A. Fire Company personnel shall safely secure the Knox-Box® key from unauthorized third-party access thereto.
- B. All Knox-Box® access keys shall be safely secured in an officially designated response vehicle for Kutztown Fire & Rescue.
 - a. Approved officers that have keys and/or primary access to the Knox Box keys are the following but not limited to: Fire Chief, Deputy Fire Chief, Assistant Fire Chief, Captain(s), Lieutenant(s), Fire Marshal and Assistant Fire Marshal.
 - b. In the event that an above listed officer of Kutztown Fire & Rescue is not available to assist with opening the Knox Box or lock box, notification will be made by the Fire Chief and/or Fire Marshal to the membership to take an apparatus to the location and utilize the Key Secure within the apparatus to obtain the Knox Box Key.

SECTION 8. RULES AND REGULATIONS.

Kutztown Fire & Rescue, the Fire Code Official and/or Code Enforcement Officer and/or the designee officer shall be authorized to implement rules and regulations for the use of the key lock-box system, which rules and regulations shall be posted by the Borough.

SECTION 9. LIMITATIONS OF LIABILITY.

The Borough incorporates the immunity and regulations set forth in the Political Subdivision Tort Claims Act, 42 Pa.C.S.A., §§ 8541 et seq.

SECTION 10. VIOLATIONS AND PENALTIES.

Any person, entity or corporation who has violated any provisions of this article or who has failed to comply with any order issued by the Fire Code Official and/or Code Enforcement Officer pursuant to any Section thereof shall, upon conviction before the property judicial authority, be punished by a fine of not more than Three Hundred (\$300.00) Dollars. Each day a violation continues shall be considered a separate offense.

SECTION 11. REPEALER.


All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

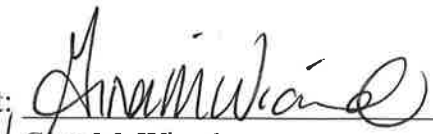
SECTION 12. SEVERABILITY.

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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, Section or part thereof not be included herein.

ENACTED and ORDAINED as an Ordinance of the Borough of Kutztown, Berks County, Pennsylvania, this 17th day of June, 2026.

BOROUGH OF KUTZTOWN

By: 
Kevin J. Snyder
Borough Council President

Attest: 
Gina M. Wiand
Borough Secretary

APPROVED as an Ordinance this 17th day of June, 2026.