

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

Fire Prevention Code, see CHAPTER 5, CODE ENFORCEMENT

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Part 1

Outdoor Burning

§101. Definitions.

As used in this Part, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context.

BOROUGH — Borough of Stroudsburg, Monroe County, Pennsylvania.

DECORATIVE BURNING RECEPTACLE — any receptacle, such as a patio hearth, chiminea or stone fireplace that is used for the purpose of cooking or personal warmth.

OPEN FIRE — a fire outside of any building in which any material is burned for disposal purposes in the open or in a receptacle other than in a grill or similar decorative receptacle used for the purpose of outside barbecues or warmth.

OUTSIDE BARBECUES — any fire maintained in a commercially constructed grill or masonry constructed grill for the purposes of heating, cooking and preparing food for the purpose of consumption.

PERSON — any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

(Ord. 813, 12/19/2001, §1)

§102. Regulations.

Within the Borough limits, no person shall: ignite, feed, cause, allow, permit or maintain on any property any open fire outside of any building for any purpose of disposal of trash, rubbish or garbage other than that specifically allowed for in §103 below.

(Ord. 813, 12/19/2001, §2)

§103. Exceptions.

The activities prohibited in the Part are subject to the following exceptions:

A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

(1) The prevention of a fire hazard that cannot be abated by other means.

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- (2) The protection of public health.
- B. Open fires shall be permitted at any time when the same is conducted during an official act or exercise, preapproved by the Borough Council or the Stroudsburg Volunteer Fire Department.
- C. Open fires shall be permitted at any time when the same is preapproved by Borough Council or the Stroudsburg Fire Department for the following purposes:
 - (1) Conducted by any person during an officially scheduled training exercise in firefighting/fire protection and control.
 - (2) Utilized as a ceremonial bonfire by any person during an officially scheduled public event such as a school- or university-sponsored pep rally, etc.
- D. It shall be lawful at any time to burn charcoal or wood fires kindled for the purpose of outside barbeques, providing the fire is confined to the structures as defined in this Part and is for the heating, cooking and preparing of food or for personal warmth.

(Ord. 813, 12/19/2001, §3)

§104. Authority to Extinguish.

Authority is hereby granted to the Stroudsburg Fire Department to extinguish any fire within the Borough of Stroudsburg when the Fire Chief of said Department deems that conditions warrant such action. (Ord. 813, 12/19/2001, §4)

§105. All other burning is strictly prohibited.

(Ord. 813, 12/19/2001, §5)

§106. Enforcement.

The Borough Council of the Borough of Stroudsburg hereby designates the Code Enforcement Officer, in addition to the Borough police officers, who shall have the power to enforce the provisions of this Part. (Ord. 813, 12/19/2001, §6)

§107. Penalties.

Any person who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars, and, in de-

fault of payment, to imprisonment for a term not to exceed thirty (30) days. Each day the violation exists shall constitute a separate offense. (Ord. 813, 12/19/2001, §7)

Part 2

Fire Protection

§201. Composition of Borough Fire Department.

The several fire companies of the Borough of Stroudsburg, together with the Fire Chief and two Assistant Fire Chiefs, shall constitute the Fire Department of the said Borough. New companies may be added thereto from time to time as the Town Council may deem necessary. (Ord. 86, 12/7/1910, §1; as amended by Ord. 599, 12/19/1983; and by Ord. 839/ 6/2/2004)

§202. Officers of Member Companies.

The several companies composing the Fire Department of the Borough shall each and every of them elect annually, the following officers, to wit: one Captain, and one first lieutenant, one second lieutenant, one engineer, and one assistant engineer, who shall hold their respective offices for twelve (12) successive months and shall also elect or appoint such other officers whose duties shall not conflict with the duties of the officers hereinbefore named, as they from time to time may desire. (Ord. 86, 12/7/1910, §2; as amended by Ord. 599, 12/19/1983)

§203. Nomination of Department Officers.

The several corporations composing the Fire Department of the Borough shall each, in 1938, and triennially thereafter, at the time of their annual election of officers and at such other times as Borough Council shall appoint, select delegates to meet the delegates of other corporations composing said Fire Department, in convention, for the nomination of one Fire Chief, and two Assistant Fire Chiefs of said Department, who shall hold their respective offices until the first Thursday in April, in the third calendar year after the year of their confirmation, or until their successors are nominated and confirmed by Borough Council. (Ord. 86, 12/7/1910, §3; as amended by Ord. 227, 4/20/1938 §1; by Ord. 599, 12/19/1983; and by Ord. 839, 6/2/2004)

§204. Election of Department Officers by Convention; Confirmation by Council.

1. Each Company shall be entitled to five delegates in such convention. The President of Borough Council shall preside at such convention, but shall have no vote, and the Borough Secretary shall act as clerk thereof and make report to the Borough Council at the stated or adjourned meeting next succeeding the meeting of such convention, of the person nominated thereat for Fire Chief and the number of votes cast for him at such convention, and the persons nominated for Assistant Fire Chief and the number of votes cast for such officers, and the total number of

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delegates in such convention. A majority of all delegates in such convention shall be necessary to a nomination.

2. Upon such report being made by the Borough Secretary, the Borough Council shall vote in confirmation of or in rejection of such nomination, and if a nomination is confirmed by a majority of Borough Council, such officer shall be sworn to perform the duties of the office to which he has been elected. If a nomination is rejected by the Borough Council, the Council President thereof shall then fix a time for the reassembling of such convention, when another nomination shall be had in which no vote cast in favor of a nomination of such person rejected by the Council shall be counted. In the event of a failure to make a nomination at such conventions, or a re-nomination after a rejection, the Borough Council shall be at liberty to direct the convention to reassemble at a time to be fixed by the Council for the purpose of making a nomination, or to themselves elect such officers. The nomination shall be held triennially on the third Tuesday in March of the years hereinbefore designated for the selection of delegates and at such other times as the Council of the Borough shall by vote or motion appoint.

(Ord. 86, 12/7/1910, §4; as amended by Ord. 227, 4/20/1938 §2; and by Ord. 839, 6/2/2004)

§205. Power of Borough Council to Remove Department Officers.

The Borough Council shall have the right and power at any and all times to remove from office the Fire Chief or Assistant Fire Chiefs of the Fire Department for cause shown, and should a vacancy happen in such offices or either of them by death, resignation, removal from Borough or otherwise, the Borough Council shall immediately order a convention of delegates of the several corporations to nominate a successor to such official to fill his unexpired term. (Ord. 86, 12/7/1910, §5; as amended by Ord. 839, 6/2/2004)

§206. Replacement of Company Officers in Case of Vacancy.

Should any vacancy happen in the office of any Line Officer of any company, the same shall be filled for the unexpired term by an election by the company wherein the vacancy exists. (Ord. 86, 12/7/1910, §6)

§207. Power of Borough Council to Suspend or Expel Member Companies.

The Borough Council shall have the right and power at any and all times to suspend or expel any company from the department, and upon such action being taken the company suspended or expelled shall deliver up to the Fire Committee of Borough Council or such officer of the Fire Department as the Borough Council shall designate all apparatus and property of the Borough in the custody of such company. (Ord. 86, 12/7/1910, §7)

§208. Powers of Fire Chief.

The Fire Chief shall in times of fire have full control of the fire apparatus of the Borough. He shall have command of the general companies, and all orders given by him shall be obeyed by each and every member of the Fire Department, and at all times he shall have general supervision of all property in the department and shall at least once a month inspect the same and see that the same is kept in good condition. He shall make report concerning the condition thereof to Borough Council at least yearly and more often as occasion demands. When urgency requires he shall have power to order repairs made to the same at the expense of the Borough, upon obtaining consent of the Borough Manager thereto. (Ord. 86, 12/7/1910, §8; as amended by Ord. 599, 12/19/1983)

§209. Duties of Assistant Fire Chiefs Upon Absence or Removal of Fire Chief.

In the absence of the Fire Chief, his duties shall be performed by the Assistant Fire Chiefs. Upon the death, resignation or removal from the Borough of the Fire Chief, his duties shall devolve upon and be performed by the Assistant Fire Chiefs until his successor is duly confirmed. (Ord. 86, 12/7/1910, §9; as amended by Ord. 599, 12/19/1983; and by Ord. 839, 6/2/2004)

§210. Duties and Powers of Company Captain.

It shall be the duty of the Captain of any company to take command of the company to which he belongs at every fire or alarm of fire, to obey every and all orders of the Fire Chief and Assistant Fire Chief, to observe that each member of his company does his full duty, to grant leave of absence to a member of his company at a fire when he may deem it proper and to see that all apparatus left in the charge of his company is kept in good condition and ready for use. All orders given by him shall be obeyed by each and every member of the company of which he is Captain. (Ord. 86, 12/7/1910, §10)

§211. Duties of Lieutenant.

It shall be the duty of the Lieutenant of every company to aid the Captain of his company in the discharge of his duties, and in the absence of the Captain to act in his stead. (Ord. 86, 12/7/1910, §11)

§212. Duties of Fire Company Personnel.

Upon an alarm of fire being given, it shall be the duty of each company to respond with their apparatus forthwith, and it shall be the duty of each and every member of the Fire Department to repair to the headquarters of the company of which he is a member and to assist in taking the apparatus to the fire, and to remain under the control of and obey

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the orders of the Captain and the Lieutenant of his company, and the Fire Chief and Assistant Fire Chiefs of the Department until the services of the company shall, in the opinion of the Fire Chief, be no longer necessary. When the apparatus has been returned to headquarters and cared for and roll is called they are at liberty to depart. (Ord. 86, 12/7/1910, §12; as amended by Ord. 839, 6/2/2004)

§213. Command Structure in Absence of Fire Chief and Assistant Fire Chiefs.

In the absence of the Fire Chief and the Assistant Fire Chief of the Fire Department at any fire, the Captain of the first company reaching the fire shall act as such Fire Chief, and his duty as Captain of his company shall be performed by his highest subordinate officer present. (Ord. 86, 12/7/1910, §13; as amended by Ord. 839, 6/2/2004)

§214. Borough Fire Department Supervised by Fire Committee of Borough Council.

The Fire Committee of the Council shall have general supervision over the Fire Department of the Borough, and of the fire apparatus, and shall make report to the Borough Council of the condition thereof as the occasion requires. They and all other members of Borough Council shall have the right at all times, except at fires, to inspect the apparatus. (Ord. 86, 12/7/1910, §14)

§215. Response to Fires Outside Borough.

Under no circumstances shall any of the fire apparatus be removed from the Borough in case of fire in the neighborhood, or neighboring towns, without first obtaining the consent of either the Manager or the Chairman of the Fire Committee, and in the event of the absence from town of both the Manager and the Chairman of the Fire Committee, then the consent of the Fire Chief or his Assistant, and on all other occasions without first obtaining the consent of the Borough Council. Excepting therefrom those municipalities covered by a mutual aid agreement with the Borough in case of an appeal for aid from such municipalities, then and in such case the Fire Chief or the Assistant Fire Chief shall have power and authority to order and direct one or more of the companies of the department to respond to such appeal, with their apparatus. (Ord. 86, 12/7/1910, §15; as amended by Ord. 599, 12/19/1983)

§216. Power of Member Companies to Make By-Laws.

The several companies formed under this Part 2 shall each have the right and power to make such by-laws not inconsistent with this Part and such regulations as the Borough Council shall from time to time make as they shall deem proper, and to enforce obedience to the same by suspension or expulsion. Any company shall also have the right to suspend or expel any member for disobedience of orders, neglect of duty or conduct unbecoming a gentleman or fireman. (Ord. 86, 12/7/1910, §16)

§217. Fire Patrol/Fire Police.

Ten (10) members of the Fire Department shall constitute the Fire Patrol, whose duty it shall be to preserve order at and around fires in the Borough. Three (3) members of each company shall be appointed by the Fire Chief of the Fire Department, subject to the approval of the Borough Council, and they shall be sworn into office as Fire Police officers of the Borough, and they shall have like powers for the preservation of peace and order in the Borough. One or more of the Fire Patrol shall be appointed by the Fire Chief to conserve the injured property after a fire whenever and as long as the same shall be necessary. (Ord. 86, 12/7/1910, §17; as amended by Ord. 599, 12/19/1983)

§218. Duties of Department in Case of Fire.

Whenever any building in the Borough shall be on fire and in danger of being destroyed by fire, or when any building within the limits of the said Borough shall be on fire and there shall be danger of the same being communicated to one or more other buildings, the Fire Chief or other highest officer of the Fire Department at such fire shall take such measures and give such orders as in the opinion of the said official are or may be necessary for the purpose of controlling the said fire and of extinguishing the same, and all members of the Fire Department of the Borough present at said fire shall obey such orders. (Ord. 86, 12/7/1910, §18)

§219. Interference with Fire Department Prohibited.

No person or persons shall interfere with any member of the Fire Department at or in the immediate neighborhood of any fire or at or in the immediate neighborhood of any building on fire in the Borough, or in the performance of his duty. (Ord. 86, 12/7/1910, §19; as amended by Ord. 599, 12/19/1983)

§220. Authority of Fire Chief or Assistant Fire Chief to Call Out Companies for Fire Duty.

The Fire Chief or Assistant Fire Chief shall have the right and authority to call one or more of the companies of the department for a fire. (Ord. 86, 12/7/1910, §20)

§221. Fire Companies to Have Right-of-Way on Borough Streets.

After an alarm of fire or a call for a drill has been given, the Fire Department shall have the right of way upon the streets of the Borough, in preference to any person, team, street car, vehicle or animal of any kind and all persons and corporations using the streets aforesaid are hereby required to yield the right of way to the Fire Department or

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any part thereof in the performance of its duty. (Ord. 86, 12/7/1910, §21; as amended by Ord. 599, 12/19/1983)

§222. Authority to Close Streets During Fire Emergency.

The Fire Chief or Assistant Fire Chief or any other officers of the Fire Department provided in §213, shall have authority to close any street or streets in the immediate neighborhood of any burning building either in part or wholly during the continuance of a fire, and no person not a member of the said department shall go within such closed portion. (Ord. 86, 12/7/1910, §22; as amended by Ord. 599, 12/19/1983)

§223. Responsibility for Equipment Belonging to Another Company.

Any company returning from a fire, finding that they have hose or other property which does not belong to them, shall immediately return the same to the company to which it belongs. (Ord. 86, 12/7/1910, §23)

§224. Alcohol Not Permitted in or on Company Property or Equipment.

No intoxicating liquors of any kind shall be allowed or consumed on the apparatus floor used by a company or on apparatus working under this department; or at any fire alarms, and any company permitting the storing or drinking of any intoxicants on the apparatus floors of their different premises, shall be liable to immediate expulsion from the department. (Ord. 86, 12/7/1910, §24; as amended by Ord. 599, 12/19/1983)

§225. Prohibited Acts.

It shall be unlawful for any carts or wagons, vehicles or street cars, to cross any line of fire hose, except by permission of the officer having charge of such line of hose. (Ord. 86, 12/7/1910, §25; as amended by Ord. 599, 12/19/1983)

§226. Penalties.

Any person, firm or corporation who shall violate any provision of §219, 221, 222 or 225 of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), together with costs of prosecution, or to imprisonment for a term not to exceed thirty (30) days. (Ord. 86, 12/7/1910, as amended by Ord. 599, 12/19/1983)