

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

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Part 1

Smoke Detectors Required

§101. Definitions. For purposes of this Part, the following words shall have the following meaning:

DWELLING UNIT - A structure, or portion thereof, building or portion thereof, arranged for the use of one or more individuals living together as a housekeeping unit on a permanent, temporary or transient basis which may or may not include sanitary facilities or facilities for preparation, storage or severing of food.

OWNER - Any person who, alone, or jointly or severally with other persons, has legal title to any premises. This includes any person who has charge, care or control over any premises as (a) an agent, officer, fiduciary, or employee of the owners; (b) the committee, conservator, or legal guardian of an owner who is incompetent, a minor or otherwise under a disability; (c) a trustee, elected or appointed, or a person required by law to act as a trustee, other than a trustee under a deed of trust to secure the payment of money; or (d) an executor, administrator, receiver, fiduciary, officer appointed by any court, attorney-in-fact, or other similar representative of the owner of his or her estate. This does not include a lessee, a sublessee or other person who merely has the right to occupy or possess a premises.

SMOKE DETECTOR - A device which detects visible or invisible particles of combustion, and is capable of providing a suitable audible alarm of at least eighty-five (85) decibels at ten (10) feet, either ionization or photo-electric type.

(Ord. 86-5, 11/3/1986, §703.01)

§102. Smoke Detectors Required in Dwelling Units. In each dwelling unit or individual apartment within buildings used as a multiple dwelling, there shall be provided by the owner of the real estate, a minimum of one (1) smoke detector device, which has received Underwriters Laboratories approval. (Ord. 86-5, 11/3/1986, §703.02)

§103. Alarm Requirements. Said smoke detector sensing device shall provide an alarm suitable to warn occupants within individual dwelling units in the event of fire. (Ord. 86-5, 11/3/1986, §703.03)

§104. Time of Installation. The smoke detector sensing device shall be properly installed as above in all multiple dwellings immediately and shall be installed, by the owner, in any other buildings within the Borough of Shamokin Dam not later than upon change of ownership of the real estate upon which the building is erected. (Ord. 86-5, 11/3/1986, §703.04)

§105. Inspection and Enforcement. This Part shall be enforced by the Borough Code Enforcement officer who in order to safeguard the safety, health and welfare of the public is authorized to enter any dwelling unit at any reasonable time for the purpose of making inspections to determine compliance with this Part. (Ord. 86-5, 11/3/1986, §703.05)

§106. Right of Entry. If any owner, occupant or any other person in charge of the dwelling unit subject to this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to the premises where inspection authorized by this code is sought, the Borough may seek, in a court of competent jurisdiction in order that such owner, occupant or other person in charge cease and desist with such interference. (Ord. 86-5, 11/3/1986, §703.06)

§107. New Construction. The installation of a smoke detector shall be made a condition of issuance of a building permit for construction of dwelling units in the Borough. (Ord. 86-5, 11/3/1986, §703.07)

§108. Effective Date. This Part shall become effective immediately. (Ord. 86-5, 11/3/1986, §703.09)

§109. Penalty. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction there, be sentenced to pay a fine of not less than fifty (\$50.00) dollars and not more than three hundred (\$300.00) dollars; and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 86-5, 11/3/1986, §703.99, as amended by Ord. 88-3, 10/17/1988)

Part 2

Regulation of Outdoor Fires and Open Burning

§201. Statutory Authority. This Part is adopted pursuant to authority granted by §§46202(3), (4), (5), (6), (16) and (74) of the Borough Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended, and §4012 of the Air Pollution Control Act as set forth in Title 35 of Purdon's Pennsylvania Statutes Annotated, as amended, so that the Shamokin Dam Borough Code requirements on outdoor burning conform to Article II, "Recycling," of Chapter 82 of that Code, §6018.610 of the Solid Waste Management Act as set forth in Title 35 of Purdon's Pennsylvania Statutes Annotated, as amended, and §4000.1501(c)(1)(ii) of the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended. (Ord. 01-3, 7/2/2001, §1)

§202. Definitions. The following words used in this Part shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

AIR CONTAMINANT - smoke, dust, fumes, gas, odor, mist, vapor, pollen or any combination thereof.

BOROUGH - the Borough of Shamokin Dam, Snyder County, Pennsylvania.

BOROUGH MANAGER - the duly appointed manager for the Borough of Shamokin Dam, Snyder County, Pennsylvania.

BURN or BURNING - the undergoing of rapid combustion of a substance in such a manner as to give off heat, gases and usually, but not always, light.

BURN CONTAINER - any noncombustible container or enclosure used primarily for the disposal of sylvan materials through burning.

GARBAGE - any discarded animal or vegetable matter.

MALODOROUS AIR CONTAMINANTS - air contaminants which have an odor that causes annoyance or discomfort to the public and that the Borough determines to be objectionable to the public.

OPEN AREA - a portion of privately owned land which is situated so that it is free of any and all overhead obstructions including, but not limited to, trees, branches, buildings, wires and cables, and so that it is not a fire hazard when in use. An "open area" shall not include a public street, alley or road.

PERSON - a natural person, firm, partnership, association, corporation, trust or any entity with legal responsibilities. Whenever used in any clause prescribing or imposing a fine or imprisonment, or both, "person" shall mean, as applied to associations, the partners or members thereof and, as applied to corporations, the officers thereof.

PLASTIC - any synthetic or natural organic materials made from or consisting of resins, resinoids, polymers, cellulose derivatives, casein

materials and proteins.

RUBBER - a highly elastic solid substance polymerized by the drying and coagulation of the latex of rubber trees and plants.

RUBBISH - any unwanted material that is rejected or discarded including, but not limited to, debris, litter, trash, refuse and disposable diapers.

SYLVAN MATERIALS - any substance made exclusively of wood including, but not limited to, leaves, newspapers, magazines, brush, trees and similar natural items.

(Ord. 01-3, 7/2/2001, §1)

§203. Purpose. This Part is enacted to promote the general health, welfare and safety of the community by setting forth regulations on outdoor burning, enforceable by the Borough, that are more stringent than the outdoor burning regulations of the Pennsylvania Department of Environmental Protection or its successor. (Ord. 01-3, 7/2/2001, §1)

§204. Prohibited Burning. No person shall burn garbage, rubbish, rubber, plastic, sylvan materials or related materials in any manner within the Borough unless otherwise authorized in writing by the Pennsylvania Department of Environmental Protection or its successor. Except as otherwise provided in this Part, all outdoor burning is prohibited within the Borough. (Ord. 01-3, 7/2/2001, §1)

§205. Exceptions. The prohibition of §204 of this Part shall not apply where the burning results from:

A. A fire set to prevent or abate a fire hazard, when approved by the Borough Manager and set by or under the supervision of the Fire Chief of Shamokin Dam or Chief of Police.

B. Any fire set for the purpose of instructing personnel in firefighting, when approved by the Borough Manager.

C. A fire set for the prevention and control of disease or pests, when approved by the Borough Manager.

D. A fire set solely for ceremonial purposes.

E. A fire set solely for cooking food.

(Ord. 01-3, 7/2/2001, §1)

§206. Fire Warning. By duly enacted resolution, the Council may from time to time during periods of drought or other dry conditions issue a fire warning and prohibit all burning within the Borough except as otherwise authorized by the Pennsylvania Department of Environmental Protection or its successor. The prohibition may also include the discharge or ignition of sparklers and other devices otherwise not classified as fireworks and controlled as such by the laws of the Commonwealth of Pennsylvania. Notice of such warning and prohibition shall be advertised one (1) time in a newspaper of general circulation within the Borough. Violations of any such

resolutions shall constitute a violation of this Part and shall be subject to the penalties provided herein. (Ord. 01-3, 7/2/2001, §1)

§207. Approval by Other Authorities. Approval by the Borough of any burning permitted under this Part does not relieve any person from any duty of also obtaining approval under the rules and regulations of any other authority, notably the Pennsylvania Department of Environmental Protection or its successor. (Ord. 01-3, 7/2/2001, §1)

§208. Violations and Penalties. Any person who violates any provision of this Part shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than one thousand (\$1,000.00) dollars, plus costs, for each and every offense and, in default of said fine and costs, to undergo imprisonment in the Snyder County Prison for a period not in excess of thirty (30) days. Every day of violation shall be considered a separate violation. In addition to these penalties, the Borough may assess whatever other penalties are allowable under the Air Pollution Control Act, as amended. (Ord. 01-3, 7/2/2001, §1)

