

ORDINANCE NO. 4-2018

AN ORDINANCE OF THE TOWNSHIP OF CENTER, A SECOND CLASS TOWNSHIP ORGANIZED AND EXISTING UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA REPEALING CERTAIN FIRE CODE ORDINANCES, PROVIDING FOR THE OFFICE OF FIRE CODE PREVENTION AND SETTING FORTH REGULATIONS GOVERNING SAID OFFICE

Section 1: PURPOSE

This Ordinance shall be known as the "Township of Center Fire Code" and hereby repeals Ordinance 229 adopted on or about April 14, 1972, Ordinance 141 adopted on or about October 30, 1957 and Ordinance 196 adopted on or about May 26, 1965 and contains additional provisions to carry out the purposes and objectives of prescribing regulations governing conditions hazardous to life and property from fire and explosion. This Ordinance also establishes and sets forth the duties and obligations of the Fire Code Enforcement Office. This Ordinance also sets forth the penalties for violations of the Fire Code.

Section 2: ADOPTION OF CODES

For the protection of life and property against the hazards of fire and explosion, the codes, standards and practices appearing in the latest revision or amendment of the International Fire Code, except as may be modified as provided herein, are adopted by reference as though more fully set forth at length herein. Unless otherwise specifically addressed in the Pennsylvania Construction Code Act (Act 45 of 1999), all provisions of the International Fire Code referenced herein shall apply under this chapter.

Section 3: DEFINITIONS

- A. **"Owner or Occupant"**: Any person, firm, corporation, entity, partnership or organization which is the record owner of property or is in possession of the property whether or not by written lease,
- B. **"Outdoor Furnace"**: Also known as "outdoor wood-fired boiler." A self-contained, external unit designed to provide heating or hot water to a building or structure. Such a unit typically burns (but is not limited to) wood, coal or other carbon-based fuel resources.

- C. **“Recreational Fire”**: An outdoor fire which burns material other than rubbish and is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, outdoor cooking grill, outdoor patio stove, chimney or factory-built metal novelty stove. Such a fire has a total fuel area of three feet or less in diameter and two feet or less in height and is intended primarily for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Only seasoned split or cut firewood is permitted to be burned in such a fire.

Section 4: THE OFFICE OF FIRE CODE ENFORCEMENT

A. The office of Fire Code Enforcement is hereby established to administer and enforce the provisions of this Ordinance and to cause due observation of the Acts of Assembly of the Commonwealth of Pennsylvania relating to:

1. the prevention of fires
2. the storage and use of explosives and flammables
3. the installation and maintenance of automatic and other fire alarm systems
4. the maintenance and regulation of fire escapes and fire exits

B. The office shall consist of a Fire Code Enforcement Officer and one Assistant Fire Code Enforcement Officer who shall serve at the pleasure of the Board of Supervisors and which offices may be filled, from time to time, by Resolution of the Board of Supervisors of the Township of Center.

C. The compensation of the Officers shall be set yearly by the Board of Supervisors.

D. The Fire Code Enforcement Office shall, within thirty (30) days following the conclusion of each calendar year, file an annual report with the Board of Supervisors detailing all violations of this Ordinance and all proceedings thereunder as well as recommendations related to the administration and enforcement of this Ordinance.

E. The Director of Public Safety shall be responsible for the oversight of the Fire Code Enforcement Office pursuant to regulations adopted by the Board of Supervisors as deemed necessary to carry out the functions of this Ordinance.

Section 5: INSPECTIONS

A. The Fire Code Enforcement Office shall inspect, not less than once per year, all structures which include generally all commercial, industrial, institutional and multifamily residential facilities/buildings (excepting the interior of private, single family dwellings), for the purpose of evaluating conditions for compliance with the standards set forth herein and to enforce the provisions of this code.

B. Any changes in Occupancy shall be reviewed by the Fire Code Enforcement Office to determine whether inspection shall be done prior to occupancy which shall constitute the yearly inspection required under Section 5(A), if performed.

C. The Board of Supervisors may, by resolution, establish criteria and procedure governing the inspection process.

D. The inspections shall be conducted to address the minimum areas set forth in the attached form generated by the Township which may be amended from time to time by resolution and shall be documented using the attached form.

E. In buildings or structures containing more than one business, commercial activity or other operation, a separate inspection shall be required for each area. Any areas under the control of the owner shall also require an inspection.

F. The owner or occupant may, during hours of operation or by agreement of the building owner/agent, enter any public or private building for the purpose of inspection under this Ordinance.

G. The Fire Code Enforcement Office inspector shall provide the owner/agent with a written list of code violations, if any, and a date by which all violations must be corrected. In cases where violations are not corrected, the Township may elect to undertake enforcement proceedings consistent with this Ordinance.

H. Failure to allow access for any inspection(s) may result in violation of this Part. The Fire Code Enforcement Office may obtain an administrative search warrant to enter any property or structure when an owner/agent denies access.

Section 6: ENFORCEMENT

A. An Owner or Occupant who violates this Ordinance shall be served with notice of said violation by regular mail, personal service or posting of the premises in a conspicuous place near or at the main entrance of the building or structure. Any Owner not in possession shall also be served at the mailing address listed for purposes of receipt of county real estate or Township real estate taxes.

B. Any Owner or occupant who shall violate a provision of this chapter or shall fail to comply with any of the requirements therein of a permit or certificate used under provisions of this chapter, shall be guilty of a summary offense, punishable by a fine of not more than \$1,000 or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

C. Nothing stated in this section shall be deemed to impair or restrict the Township's legal authority to institute any other proceedings or exercise any other remedies at law or in equity to abate any nuisance or enforce any provisions of this Ordinance.

Section 7: PROHIBITION OF BURNING FOR DISPOSAL PURPOSES

In accordance with the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988 (P.L. 528, No. 101) ("Pennsylvania Act 101"), as amended by Act 140 of 2006, it shall be unlawful for any person to openly burn any material, including the following, at any time in any area within the municipality: household trash, books, magazines, newspapers, cardboard, grass and/or any items that are required to be recycled in the municipality under Pennsylvania Act 101, including yard waste, leaves and scrap lumber or any vegetation, plywood, drywall, plastic products, insulation materials, upholstered furniture, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 Pa. Code § 271.1, garbage, dead animals, human and animal excrement, human and animal hair, rubber products, including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring.

Section 8: EXCEPTIONS TO OUTDOOR BURNING

The following are exceptions to the prohibition on outdoor burning:

- A. An open burning set to prevent or abate a fire hazard when approved by the Department of Environmental Protection's regional office and set by or under the supervision of an authorized Fire Code Official.
- B. A fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's regional office.
- C. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's regional office.
- D. A fire set for the purpose of burning, clearing and grubbing waste; if within an air basin, an air curtain destructor must be used and must be approved by the Department of Environmental Protection's regional office
- E. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

- F. A recreational fire
- G. Or as otherwise permitted by Ordinance permitting such burning.

Section 9: OUTDOOR BURNING RESTRICTIONS

- A. Any such open burning as permitted under this Ordinance shall be located at least 50 feet from any building, structure or combustible materials and at least 25 feet from any public street, right-of-way or property line
- B. All open burning fires must be guarded or attended to by one or more responsible adult persons, being at least 18 years of age, at all times until such fire and open burning have been completely extinguished.
- C. Outdoor fireplaces, outdoor cooking grills, outdoor patio stoves, chimneys and factory-built metal novelty stoves shall be permitted upon private property in the Township solely for their intended purpose and shall be prohibited for use indoors or in any enclosed area that is not properly ventilated.
- D. If not specified, only seasoned and split or cut firewood is permitted to be burned.
- E. Any resident wishing to install/operate an outdoor furnace must secure a permit from the Township. The permit fees will be established from time to time by resolution of the Township Board of Supervisors.

Section 10: SEVERABILITY

If any chapter, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

Section 11: REPEALER

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

Ordained and enacted this 21st day of May, 2018

ATTEST:

Center Township Board of Supervisors

Maureen DelRosa

William Olmings

INSPECTION FIRE CHECKLIST

A. EXITS

- ___ Door/aisle is not obstructed.
- ___ Proper lock/hardware on exit door.
(No flush bolts, hasps, etc.)
- ___ Exit doors open easily.
- ___ There is a sign over the main entrance, "This door to remain unlocked during business hours," if the door has a double-keyed deadbolt

- ___ Illuminated exit signs maintained in working order.
- ___ Means of egress shall be kept clear.
- ___ Emergency lights maintained and in working order.
- ___ Doors with panic hardware shall have no other locking
- ___ Maximum occupancy signage shall be posted in a conspicuous location near the main entrance for assembly occupancies.

B. EXTINGUISHERS/FIRE PROTECTION EQUIPMENT

- ___ Minimum 2A10BC extinguisher(s) installed.
- ___ Extinguisher has been serviced within the past year and a new service tag is attached
- ___ Extinguisher is securely mounted or in an approved cabinet.
- ___ Fire extinguisher not obstructed.
- ___ 18" clearance between storage and sprinkler head.
- ___ floor as mounted.
- ___ Private hydrants (painted red) maintained – flushed yearly and flows taken every three years.

- ___ Hood extinguishing system maintained, and six month service and cleaning documented.
- ___ Class K extinguisher installed within 30' of hood and duct system.
- ___ Fire alarm system in proper working order – system tested annually and records kept.
- ___ Fire extinguisher top does not exceed 5' from
- ___ Sprinkler system shall be maintained and tested annually.
- ___ Standpipe shall be tested every 5 years.

C. ELECTRICAL

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| _____ | No extension cords in use in place of permanent wiring. | _____ | Electrical panel is not overloaded/obstructed. |
| _____ | There are no spliced or frayed cords/wires. | _____ | No multi-plug adapters in use, other than approved power strips. |
| _____ | Spacer(s) in electrical panel gap(s) provided. | _____ | Circuit breakers are labeled. |
| _____ | No broken or faulty switch/outlets. | _____ | Electrical cords do not extend through walls, ceilings and floors or under doors or floor coverings. |
| _____ | No exposed wire in conduit. | _____ | 30" clearance maintained in front of electrical panels. |
| _____ | No missing/broken electrical cover plate(s). | _____ | |

D. APPLIANCES/MECHANICAL DEVICES

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| _____ | No propane used/stored in building. | _____ | All appliances are properly connected and vented. |
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E. STORAGE/COMBUSTIBLE MATERIAL/HOUSEKEEPING

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| _____ | Flammable liquid properly stored. | _____ | No accumulation of combustible materials. |
| _____ | Oil rags in con-combustible container with lid. | _____ | Compressed gas cylinders secured. |
| _____ | "No Smoking" signs installed as required. | _____ | Area around building free of combustible material source. |
| _____ | No combustible material stored near ignition (weeds, trash, boxes, etc.). | _____ | No storage shall be kept in exit stairways. |
| _____ | Maintain clear and visible access to and around fire department connection. | _____ | Fire and smoke walls shall be maintained and have no opening other than those allowed by code. |

F. MISCELLANEOUS

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| _____ | Fire lanes shall be approved by the fire department. | _____ | Rapid key entry box maintained by property owner. |
| _____ | Charcoal grills, propane grills and/or other open-flame | | |