

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

BOCA FIRE PREVENTION CODE

- §7-101. Adoption of Fire Prevention Code**
- §7-102. Amendments Made in Fire Prevention Code**
- §7-103. State Laws and Regulations**
- §7-104. Provisions to be Continuation of Existing Regulations**
- §7-105. Appointment of Fire Officials; Offices Established**
- §7-106. Board of Supervisors to Appoint Officials**
- §7-107. Duties Prescribed by BOCA Codes**
- §7-108. Modification to Standards**

PART 2

FIREWORKS

- §7-201. General Provisions**
- §7-202. Display and Discharge**
- §7-203. Penalties**

PART 3

BURNING REGULATIONS

- §7-301. Definitions**
- §7-302. Requirement for Burning Permit**
- §7-303. Application for Burning Permit**
- §7-304. Duration and Suspension of Burning Permit**
- §7-305. Fees and Expenses**
- §7-306. Management of Burning Activities**
- §7-307. Burning Standards**
- §7-308. Liability and Indemnification**
- §7-309. Transfer or Assignment of Rights of Permit Holder**
- §7-310. Termination**
- §7-311. Penalty**
- §7-312. Police Powers and Effect Upon Other Provisions of the Code of the Township of Richland**

Open Burning Fire Permit Application

FIRE PREVENTION AND FIRE PROTECTION

PART 1

BOCA FIRE PREVENTION CODE

§7-101. Adoption of Fire Prevention Code.

The Township hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the fire prevention code known as the “BOCA National Basic Fire Prevention Code, 1990, Eighth Edition,” save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and now are filed in the office of the Township Secretary and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this Part shall take effect, the provisions thereof shall be controlling within the corporate limits of the Township.

(Ord. 127, 6/27/1978; as reenacted by Ord. 278, 9/18/1991)

§7-102. Amendments Made in Fire Prevention Code.

The Fire Prevention Code hereby adopted is amended as follows:

- A. Township of Richland shall be inserted wherever the words “Name of Municipality” appear in brackets therein.
- B. Wherever the term “legal officer” or “legal representative” is used in this code, it shall be held to mean the Township Solicitor.
- C. §F-105.5.1 is hereby amended to read as follows:

F-105.5.1. Penalty for Violations.

- (1) Any person who shall violate any provision of this code shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$500, and in default of payment, to imprisonment for a term not to exceed 30 days. Each day a violation of this Code continues shall constitute a separate offense. [Ord. 336]
- (2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

- D. §F-201.0 is hereby amended to read as follows:

F-201.0 General Definitions.

- (1) Fireworks. Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the pur-

FIRE PREVENTION AND FIRE PROTECTION

pose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same firecrackers, torpedoes, skyrockets, Roman Candles or other devices of like construction and any device containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance.

- (2) The term “fireworks” shall not include auto flares, sparklers and paper caps containing not in excess of an average of .25 grain (16.2 mg) of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

(Ord. 127, 6/27/1978; as reenacted by Ord. 278, 9/18/1991; as amended by Ord. 325, 7/3/1996; and by Ord. 336, 2/5/1997)

§7-103. State Laws and Regulations.

In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this Part. The code shall control in all cases where the State requirements are not as strict as those contained in this Part.

(Ord. 127, 6/27/1978; as reenacted by Ord. 278, 9/18/1991)

§7-104. Provisions to be Continuation of Existing Regulations.

The provisions of this Part, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under authority of any of the repealed ordinances.

(Ord. 127, 6/27/1978; as reenacted by Ord. 278, 9/18/1991)

§7-105. Appointment of Fire Officials; Offices Established.

In accordance with the provisions of the BOCA Basic Building Code, Eleventh Edition, and the BOCA Basic Fire Prevention Code, Eighth Edition, and also in compliance with

Part 5, §501(A) of the Township Home Rule Charter, the offices of Fire Official and Deputy Fire Official are hereby established.

(Ord. 125, 5/23/1978; as amended by Ord. 278, 9/18/1991)

§7-106. Board of Supervisors to Appoint Officials.

The Board of Supervisors, by motion, shall appoint one (1) individual as Fire Official and may appoint another individual or individuals as Deputy Fire Officials.

(Ord. 125, 5/23/1978)

§7-107. Duties Prescribed by BOCA Codes.

The Fire Official and the Deputy Fire Official or Officials are hereby authorized to perform all of the duties and shall have all of the authority prescribed in the BOCA Basic Building Code and the BOCA Basic Fire Prevention Code.

(Ord. 125, 5/23/1978)

§7-108. Modification to Standards.

To the extent that the provisions of the BOCA National Fire Prevention Code, Eighth Edition, 1990 (or as thereafter amended or superceded) conflict with the provisions of Part 1 of this Chapter or otherwise do not regulate fire and burning, the provisions of Part 1 of this Chapter shall be applicable to such activity within the Township of Richland and shall be applicable to such activity within the Township of Richland and shall take precedence over any conflicting provisions contained within the BOCA National Fire Prevention Code, Eighth Edition 1990, (or as thereafter amended or superceded).

(Ord. 292, 10/7/1992; as added by Ord. 387, 6/4/2003)

PART 2
FIREWORKS

§7-201. General Provisions.

1. Scope. The manufacture, sale and use of fireworks is prohibited within Richland Township. The display or discharge of fireworks shall comply with the requirements of this Part.
2. Permit Required. A permit shall be obtained from the Fire Marshall for the display or discharge of fireworks.
3. Permit Applications. Application for permits shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.
4. Definition.

FIREWORK — any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs or other devices of like construction and any device containing any explosive substance, except that the term “fireworks” shall not include auto flares, paper caps containing not in excess of an average of .25 grain (16.2 mg) of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such cap, sparklers or snakes, the sale and use of which shall be permitted at all times.

(Ord. 292, 10/7/1992)

§7-202. Display and Discharge.

1. General.
 - A. It shall be a violation of this Part for any person to store, manufacture, offer for sale or use or explode any fireworks, except as provided in the rules and regulations issued by the Fire Marshall for the granting of permits for supervised public displays of fireworks by the Township, fair associations, amusement parks and other organizations.

FIRE PREVENTION AND FIRE PROTECTION

- B. Every such display shall be handled by a competent operator approved by the Fire Marshall. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the Fire Marshall, will not be a hazard to property or endanger any person.
2. Bond for display. The permittee shall furnish a bond in an amount deemed adequate by the Board of Supervisors but not less than \$500, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.
 3. Disposal of Unfired Fireworks. Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in a safe manner approved by the Fire Marshall.
 4. Seizure of Fireworks. The Fire Marshall or Richland Township Police shall seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for display, stored or held in violation of this Part.

(Ord. 292, 10/7/1992)

§7-203. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and in default of payment, to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 292, 10/7/1992; as amended by Ord. 325, 7/3/1996; and by Ord. 336, 2/5/1997)

PART 3

BURNING REGULATIONS

§7-301. Definitions.

Unless the context specifically indicates otherwise, the meaning of the terms used in this Part shall be as follows:

APPLICANT — an owner or occupier of property in Richland Township upon which burning is to be conducted or an individual desiring to conduct burning on property in Richland Township. Said term shall include “permit holder.”

APPLICATION — the form prescribed by the Township which an applicant must complete in order to obtain a burning permit.

BONFIRE — an outdoor fire utilized for ceremonial purposes and shall not be more than five feet by five feet by five feet in dimension.

BURNING — combustion of any materials wherein the products of such combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be deemed to be enclosed, when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PERSON — any individual, firm, partnership, association, corporation, company or other business entity.

RECREATIONAL FIRE — outdoor fire used to cook food for human consumption and shall not be more than three feet by three feet by three feet in dimension.

BURNING PERMIT or PERMIT — a written authorization granted by the Township for burning of materials.

(Ord. 387, 6/4/2003, §301)

§7-302. Requirement for Burning Permit.

1. No person shall cause or allow burning within the Township except in accordance with all applicable regulations of the County of Allegheny and with those of the Township and, also, without first having obtained a burning permit when required by Township regulations.

FIRE PREVENTION AND FIRE PROTECTION

2. Before a burning permit is issued, the applicant shall have received any other applicable approvals, permits or authorizations, if required, from the Allegheny County Health Department.
3. Burning utilized for disposal of tree leaves, refuse, garbage or waste material (including the clearing or grubbing of land or incineration of landscape waste or brush not directly related to ongoing, recognized agricultural or horticultural management purposes necessary to the quantity or quality of such production) is expressly prohibited at all times within the Township.
4. Burning used exclusively for providing heat for outside work crews shall be allowed without a permit if conducted when ambient air temperature is less than 40°F and it meets the definition of recreational fire or it is burned in 55 gallon drum or less.
5. Bonfires shall be allowable only upon the issuance of a permit by the Township and only if such burning is in compliance with provisions of the BOCA National Fire Prevention Code, Eighth Edition, 1990, and the applicable regulations of the Allegheny County Health Department. In the event of a conflict between such requirements, the stricter shall govern. The Township may require that fire-extinguishing equipment of its emergency services providers be present during the duration of the bonfire or impose other appropriate conditions necessary to public safety. If the applicant is not the property owner, such property owner's written consent shall be part of the application.
6. Burning utilized for ongoing, recognized agricultural or horticultural management purposes (to maintain or increase the quantity or quality of agricultural or horticultural production) shall be allowable without a permit, provided that advance notification to the Township is provided and that any applicable requirements of the County of Allegheny are met.

(Ord. 387, 6/4/2003, §302)

§7-303. Application for Burning Permit.

1. A burning permit shall be issued only after an applicant has completed an application in the form prescribed by the Township, which form may be revised from time to time. If the Township deems further information is necessary, it may request such additional information as is necessary to enable it to make a determination regarding the appropriateness of the burning activity requested.
2. Upon submission of a fully completed application, the Township shall review the application and shall grant or deny such application within 10 days of receipt by the Township of the completed application. Prior to acting on a permit, the Township Fire Official may inspect the proposed burn site and make a recommendation as to the approval or denial of the application. The Township may issue a burning permit subject to compliance with mandatory conditions designed to minimize or

eliminate any potential hazards, or detrimental effects determined to exist by the Township.

(Ord. 387, 6/4/2003, §303)

§7-304. Duration and Suspension of Burning Permit.

Unless otherwise stated as a condition of issuance, a burning permit shall be valid for the calendar year in which it is approved.

(Ord. 387, 6/4/2003, §304)

§7-305. Fees and Expenses.

Each applicant for a burning permit shall include with its application an application fee, if any, as hereafter may be specified in the Township's standard schedule of fees contained in Chapter 1, Part 10 of the Code of the Township of Richland. The application fee will not be refunded in the event the application is denied. The amount of the application fee may be amended from time to time, as appropriate, by the Township's Board of Supervisors by resolution and inclusion in the Township's aforementioned standard schedule of fees.

(Ord. 387, 6/4/2003, §305)

§7-306. Management of Burning Activities.

1. The Township shall have the right to condition or limit the terms of the permit as necessary to minimize or to eliminate potential hazards or detrimental effect upon public safety. In making such determinations, the Township shall consider the physical condition of the property utilized, nature or use of proposed burning activity and weather conditions.
2. A permit holder shall allow the Township to monitor its burning activities and to make inspections of any part of the property or equipment utilized so as to evaluate any effects upon public safety.
3. A permit holder shall be responsible for learning of weather and environmental conditions which may prevent burning and shall act accordingly.

(Ord. 387, 6/4/2003, §306)

FIRE PREVENTION AND FIRE PROTECTION

§7-307. Burning Standards.

1. A permit holder shall perform all burning activities in a manner in compliance with its application and with all applicable Federal, State and local laws and regulations including, but not limited to, the applicable provisions of the BOCA National Fire Prevention Code, Eighth Edition, 1990 (or as thereafter amended or superceded), the Allegheny County Health Department, this Chapter and any specific conditions of its permit.
2. All burning activity authorized by a permit shall occur only between those hours specified by the permit.

(Ord. 387, 6/4/2003, §307)

§7-308. Liability and Indemnification.

A permit holder shall indemnify and hold harmless the Township, its elected and appointed officials, employees and agents, against any and all claims for personal injury (including death) and property damage arising out of the permit holder's burning activities, whether caused, in whole or in part, by the permit holder's negligence. A permit holder shall defend any actions or proceedings against the Township in which it is claimed that personal injury (including death) or property damage was caused by the permit holder's burning activities. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, attorney's fees, reasonable expert fees, court costs and all other costs of indemnification.

(Ord. 387, 6/4/2003, §308)

§7-309. Transfer or Assignment of Rights of Permit Holder.

Burning permits may not be transferred or assigned without the written consent of the Township.

(Ord. 387, 6/4/2003, §309)

§7-310. Termination.

In addition to all other reserved rights and powers, the Township reserves the right to terminate a permit if the permit holder fails to comply with any of the material provisions of the permit, this Part or other applicable Federal, State, or local laws or regulations.

(Ord. 387, 6/4/2003, §310)

§7-311. Penalty.

Violation of any of the terms of this Part shall be punishable by a fine of up to \$600 per day until the violation is cured. The rights of the Township to seek the penalty set forth in this Section shall be deemed to be cumulative and in addition to any provisions set forth elsewhere in this Part regarding suspension or termination of permits.

(Ord. 387, 6/4/2003, §311)

§7-312. Police Powers and Effect Upon Other Provisions of the Code of the Township of Richland.

The Township, by granting any permit under this Part, does not waive, lessen, impair or surrender the lawful police powers vested in it under applicable Federal, State and local laws pertaining to the regulation or use of fire and/or burning. The provisions of this Part shall not alter, amend or revise any existing language or provisions of the Code of the Township of Richland including, but not limited to, the specific provisions of Chapter 7 (“Fire Prevention and Fire Protection”) and the BOCA National Fire Prevention Code Eighth Edition, 1990, (or as thereafter amended or suspended) unless such is specifically stated herein and all provisions of this Part shall otherwise be interpreted to be additional, supplemental regulations.

(Ord. 387, 6/4/2003, §312)