

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Open Burning****§7-101. Burning of Garbage Prohibited.**

It shall be unlawful to burn any garbage as herein defined. When used in this Part, "garbage" is declared to include any offal or refuse, fish, fruit, vegetables, animal matter, or any other organic substance subject to fermentation or decay; bottles or tin cans which contain animal, fish or other vegetable matter are to be considered garbage under any circumstances. Furthermore, it shall be unlawful to burn any article which could be recycled.

Garbage - the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food. [Ord. 231]

Rubbish - combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. [Ord. 231]

(Ord. 190, 2/10/1998, §1; as amended by Ord. 231, 10/14/2008)

§7-102. Burning of Refuse Prohibited.

It shall be unlawful to burn any refuse, garbage or rubbish in Old Lycoming Township under any circumstances.

(Ord. 190, 2/10/1998, §2; as amended by Ord. 231, 10/14/2008)

§7-103. Burning of Leaves Prohibited.

It shall be unlawful to burn leaves in Old Lycoming Township as this is in violation of the current Department of Environmental Protection's regulations.

(Ord. 190, 2/10/1998, §3)

§7-104. Burning of Articles from Outside Township Prohibited.

The burning of articles that would otherwise be permitted in this Part received from locations outside of Old Lycoming Township is strictly prohibited.

(Ord. 190, 2/10/1998, §4)

§7-105. Burning of Paper.

1. Paper may be burned in a safe burning device provided:

A. That a screen or other similar device prevents sparks and burring matter from going on anyone else's property.

B. The burning is controlled and attended by a responsible person at all times. [Ord. 231]

C. That no smoke or odor is emitted from the burning device perceptible at the property line. [Ord. 231]

D. The burning is done at a safe distance from any structure.

E. That no burning ban has been established on an emergency basis by the Supervisors of Old Lycoming Township or the Public Safety Director of Old Lycoming Township.

F. Provided that the burning shall be within the hours as hereinafter prescribed.

2. Any person who burns paper other than in a device as provided in §7-105 shall be guilty of a violation of this Part.

(*Ord. 190, 2/10/1998, §5; as amended by Ord. 231, 10/14/2008*)

§7-106. Unsafe Burning Prohibited.

No person shall burn any debris in such a way as to violate any regulations of open burning established by Department of Environmental Protection or which regulations may hereinafter be established, or which may be unsafe to environment (air, water, or otherwise) or which emits smoke or debris in such a way as to be an unreasonable annoyance, smell or dirt to neighbors or persons in the vicinity of the burning or which when a severe wind or dry conditions exist or which is closer than a safe distance to any structure or which is unattended.

(*Ord. 190, 2/10/1998, §6; as amended by Ord. 231, 10/14/2008*)

§7-107. Controlled Burns.

It shall be unlawful for any person, natural or corporate, to burn or cause to be burned brush or other large amounts of debris that may create a safety hazard to any persons or property. It shall be unlawful at any time to burn or cause to be burned any controlled burning materials without first notifying the Lycoming County Communications Center of any controlled burning about to be conducted by said person(s). Upon completion of said controlled burning, said persons) shall renotify Lycoming County Communications Center that said controlled burning is being terminated. Any controlled burning under this Section, including any brush burning, shall first be reported to the County Emergency Management Agency before the beginning of burning. Likewise, no burning of demolition materials shall be permitted without the express written consent of the Department of Environmental Protection.

(*Ord. 190, 2/10/1998, §7; as amended by Ord. 231, 10/14/2008*)

§7-108. Allowed Time for Burning.

Limited burning allowed under this Part shall be from 7 a.m. to 7 p.m., prevailing time, Monday through Friday, and from 7 a.m. to 12 noon on Saturday. Burning shall be prohibited at all other times, including Sunday and the following days: New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

(*Ord. 190, 2/10/1998, §8*)

§7-109. Fires to Be Extinguished upon Order.

Should it appear that any fire heretofore permitted may be a reasonable annoyance to other persons, an officer of Old Lycoming Township Fire Company or an officer of Old

Lycoming Township Police Department may order a responsible person to extinguish such fire. It shall be unlawful for any person to fail to extinguish a fire once ordered to do so by one of the above persons.

(*Ord. 190, 2/10/1998, §9; as amended by Ord. 231, 10/14/2008*)

§7-110. Burning Bans.

The Township of Old Lycoming and/or the safety director appointed by the Board of Supervisors may establish a burning ban at times of extreme dryness or other times at which it would be dangerous to have burning as allowed under this Part. During such times of burning ban, the following rules are hereby enacted and shall apply:

- A. No open burning shall be permitted, including burning barrels, and otherwise permitted in this Part.
- B. Outside gas grill or grill cooking shall be allowed.
- C. Fines for violating the burning ban are as provided in this Part.
- D. As in other violations, violators may be cited on the first offense without warning.

(*Ord. 190, 2/10/1998, §10*)

§7-111. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Furthermore, the Township's costs shall be assessed against any person found guilty of this Part, including, but not limited to, the Township's attorney's fees and court costs. Each continued day of violation or continuing violation within any day shall be a separate offense for which a person may be convicted of violation.

(*Ord. 190, 2/10/1998, §12; as amended by Ord. 231, 10/14/2008*)

Part 2**Display of Fireworks****§7-201. General Provisions.**

1. *Scope.* The manufacture of fireworks is prohibited within the Township. The display or discharge of consumer or display fireworks shall comply with the requirements of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the provisions of the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

2. *Permit Required.* A permit shall be obtained from the Township for the display or discharge of consumer and display fireworks in compliance with the provisions of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 11].

3. *Permit Applications.* Application for permits shall be made in writing at least 15 days in advance of the date of the display. Application for said permit shall be made pursuant to the procedure provided in the International Fire Prevention Code, 2003 edition, as amended, supplemented or replaced. 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. *Definitions.*

Consumer fireworks -

(1) Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in Title 16, CFR (relating to commercial practices), or any successor regulation and which complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.

(2) The term does not include devices such as "ground and hand-held sparkling devices," "novelties" and "toy caps" defined in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Township.

Display fireworks - as provided in 27 CFR §555.11 (relating to meaning of terms).

(Ord. 231, 10/14/2008)

§7-202. Display and Discharge.

1. *General.* It shall be a violation of this Part for any person to conduct a public or private display of consumer fireworks and display fireworks within the Township

except in accordance with a permit issued upon application as provided in §7-201.3 of this Part. Every such display shall be handled by a competent operator and shall be of such a character and so located, discharged or fired as, in the opinion of the officer of the Township charged with enforcement of the International Fire Code, or such other officer of the Township as may be designated from time to time, in writing, after proper inspection, to not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, possession and use of consumer fireworks and display fireworks for such display shall be lawful for that purposes only. No permit shall be transferable.

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. *Seizure of Fireworks.* Any police officer of the Township shall take, remove or cause to be removed, at the expense of the owner, all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this Part or the Fireworks Law, 35 P.S. §1271 *et seq.* The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks. (Ord. 231, 10/14/2008)

§7-203. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 231, 10/14/2008)

Part 3**Authorized Activities of Volunteer Firefighters and Junior Firefighters****§7-301. Approved Activities.**

The following activities are hereby approved as proper activities within the meaning of the Workers' Compensation Act, 77 P.S. §1 *et seq.*, and the Township hereby authorizes these activities for the purposes of said law and coverage under said law:

A. *Fund Raising.* It is necessary for volunteer firemen to raise funds and all activities necessary for fund raising shall be included. A list of these activities include, but are not limited to, the following: bingo, carnivals, raffles, barbeques, banquets, festivals, donkey baseball, Christmas tree sales, door to door solicitation for donations and other activities deemed reasonably necessary by Old Lycoming Township Volunteer Fire Company, a nonprofit corporation, or by its officers for the operating of said fire company. Also to be included shall be the pick up of supplies, preparation of clean up of events and all other activities necessary therefore.

B. Firefighting and ambulance duties included are coming to and from fires, fire police services, participating in mutual aid with other companies and communities, attending conventions, parades, meetings, public fire prevention activities, fire investigations and other duties that may be reasonably necessary for the function of said Volunteer Fire Department. Furthermore, to be included are participation in and public civic functions such as Township meetings, community relations, working with Police Department of Old Lycoming Township or other municipalities and traffic and crowd control and assisting those agencies for fund raising or other civic functions.

C. Maintenance, equipment and apparatus and property, general office duties and other administrative duties as well as duties customary and necessary for the operation of the fire company are included and authorized.

D. In addition, members of the Ladies Auxiliary are hereby authorized to participate in fund raising activities to include such activities as bingo, carnivals, festivals, barbeques, banquets, Christmas tree sales, and bake sales.

E. All activities otherwise necessary in lending assistance at the scene of an emergency not otherwise covered above.

(Ord. 125, 4/14/1987, §1)

§7-302. Authorization of Stand-by Persons.

At an emergency, any stand-by person who offers assistance on a voluntary basis shall be considered authorized if deputized or asked to serve by a person in charge of the Old Lycoming Township Volunteer Fire Service or Fire Company. To be eligible for benefits, a person must be specifically requested or authorized to participate by the Fire Chief or other officer in charge at the scene of an emergency.

(Ord. 125, 4/14/1987, §2)

