

CHAPTER 7
FIRE PREVENTION AND FIRE PROTECTION

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PART 1
OUTDOOR FIRES

§ 7-101. Purpose. [Ord. 12-12-2012]

This Part is intended to promote the public health, safety and welfare and to safeguard the health, safety and welfare of the citizens of the Township of Upper Paxton, Dauphin County, Pennsylvania, by regulating the air pollution and fire hazards of open burning, outdoor burning, and outdoor wood-fired boiler burning.

§ 7-102. Applicability. [Ord. 12-12-2012]

1. This Part applies to all outdoor burning and open burning within the Township of Upper Paxton.
2. This Part does not apply to grilling and cooking food using charcoal, clean wood, propane or natural gas in cooking and grilling appliances.
3. This Part does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device located within a building used for human or domestic animal habitation.
4. This Part does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

§ 7-103. Severability. [Ord. 12-12-2012]

Should any portion of this Part be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Part shall not be affected.

§ 7-104. Definitions. [Ord. 12-12-2012]

As used in this Part, the following terms shall have the meanings indicated:

CAMPFIRE — A small outdoor fire where clean wood is burned and intended for recreation or cooking or ceremony, but not including a fire intended for the disposal of refuse, as further described in § 7-107D of this Part.

CLEAN WOOD — Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

CONSTRUCTION AND DEMOLITION WASTE — Building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from

construction, remodeling, repair and demolition operations on a house, commercial or industrial building or other structure.

FIRE CHIEF — The Chief of the Millersburg Fire Company or other person designated by the Fire Chief.

OPEN BURNING — Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney. **[Amended Ord. 05-08-2013, 05/08/2013, § I]**

OUTDOOR BURNING — Open burning or burning in an outdoor wood-fired boiler or patio woodburning unit.

OUTDOOR WOOD-FIRED BOILER — A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals and as otherwise defined by the regulations of the Pennsylvania Department of Environmental Protection.

PATIO WOODBURNING UNIT — A chimney, patio warmer or other portable woodburning device used for outdoor recreation and/or heating.¹

PERMITTED REFUSE — Clean wood, trees, logs, stumps and other vegetative matter (but not grass clippings and leaves), paper and cardboard. **[Added by Ord. 05-08-2013, 05/08/2013, § I]**

PROHIBITED REFUSE — Any waste material, construction and demolition waste, garbage, animal carcasses, plastic, medical waste, diapers, trash or household waste materials, painted, varnished and treated wood, composite wood containing glues and resins, grass clippings and leaves, but does not include permitted refuse. **[Added by Ord. 05-08-2013, 05/08/2013, § I]**

TOWNSHIP — The Township of Upper Paxton.

§ 7-105. General Prohibition on Outdoor Burning and Open Burning. [Ord. 12-12-2012]

Except as provided in this Part, open burning and outdoor burning are prohibited in the Township.

§ 7-106. Open Burning of Refuse, Leaves or Grass Clippings. [Ord. 12-12-2012; amended by Ord. 05-08-2013, 05/08/2013, § II]

Open burning of prohibited refuse is prohibited.

¹Editor's Note: The former definition of "refuse," which immediately followed, was repealed by Ord. 05-08-2013, 05/08/2013, § I.

§ 7-107. Open Burning. [Ord. 12-12-2012]

Open burning not otherwise prohibited by § 7-106 is allowed only in accordance with all of the following provisions:

- A. Except for barbeque, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Pennsylvania, the Commissioners of Dauphin County, or the Supervisors of the Township have issued a burning ban applicable to the Township.
- B. All allowed open burning shall not create a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire-protection regulations.
- C. Intentionally deleted. **[Amended by Ord. 05-08-2013, 05/08/2013, § III]**
- D. An outdoor campfire for cooking, ceremonies or recreation is allowed. Campfires may be around a home or place of residence, within the curtilage of said dwelling where the material to be burned has been properly placed in a debris burner or campfire ring constructed of and/or protected by metal, masonry or rocks/stone. Said burner or campfire ring shall not be larger than three feet square or three feet in diameter and located not less than 50 feet from any building owned by another and not less than 10 feet from any adjoining property line. Campfires must be supervised at all times by an adult individual.
- E. Open burning that is not a campfire shall only be conducted at a location at least 50 feet from the nearest building and 10 feet from any property line.
- F. Open burning shall be constantly supervised by a competent, adult individual of at least 18 years of age, until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for total control of the fire.
- G. Open burning fires may not exceed 20 feet in diameter or square, or be within 25 feet of a lake, stream or river. **[Amended by Ord. 05-08-2013, 05/08/2013, § III]**
- H. No materials may be burned on any street, curb, gutter, sidewalk, active railroad right-of-way, alley, lane or driveway.
- I. Barbeque, gas, charcoal grills and patio woodburning units are exempt under this Section.
- J. The burning of leaves is prohibited (except when secondarily associated with burning clean wood with which the leaves are associated).
- K. This Part shall not be interpreted to prohibit burning on a farm for valid, agricultural purposes. Burning on a farm for valid, agricultural purposes means the burning of organic waste material or other permitted refuse

generated by or used by an agricultural operation on land where the primary use is raising, harvesting and selling crops. Burning of prohibited refuse shall not be considered burning on a farm for valid, agricultural purposes. **[Amended by Ord. 05-08-2013, 05/08/2013, § III]**

- L. The Township Supervisors shall have the authority to implement a temporary burning ban due to environmental conditions, including but not limited to high winds or dry conditions. The Township Supervisors shall make a reasonable attempt to inform the public of the ban using available resources.
- M. This Part shall not be interpreted to prohibit burning for the purpose of instructing and training personnel of the Millersburg Fire Company in firefighting, subject to any further requirements imposed by the Pennsylvania Department of Environmental Protection. **[Amended by Ord. 05-08-2013, 05/08/2013, § III]**

§ 7-108. Outdoor Wood-Fired Boilers. [Ord. 12-12-2012]

- 1. An outdoor wood-fired boiler may be installed and used in the Township only in accordance with the regulations of the Pennsylvania Department of Environmental Protection, currently found in Title 25 of the Pennsylvania Code, at Chapter 121 and Chapter 123, which regulations, as they may be amended, are incorporated into this Part by reference and are enforceable by the Township.
 - A. The owner of any outdoor wood-fired boiler to be installed for use in the Township shall give written notice to the Township Codes Enforcement Officer prior to any installation of an outdoor wood-fired boiler, and the final installation may be inspected by the Township Codes Enforcement Officer. The purpose of the inspection will only be to determine compliance with this Part and shall not be considered a safety inspection.

§ 7-109. Patio Woodburning Units. [Ord. 12-12-2012]

A patio woodburning unit may be installed in the Township only in accordance with all of the following provisions:

- A. The patio woodburning unit shall not be used to burn refuse, construction and demolition waste, leaves or grass clippings and shall only be used to burn clean wood.
- B. The patio woodburning unit shall be located at least 25 feet from the nearest structure that is not on the same property as the patio woodburning unit.

§ 7-110. Liability. [Ord. 12-12-2012]

Any person maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

§ 7-111. Right of Entry and Inspection. [Ord. 12-12-2012]

Upon probable cause of a violation of this Part, the Fire Chief, a Township Supervisor or the Codes Enforcement Officer or any authorized agent, employee or representative of the Township who presents credentials may inspect any property for the purpose of determining compliance with the terms of this Part.

§ 7-112. Enforcement and Penalties. [Ord. 12-12-2012]

1. The enforcing authority of this Part shall be the Township Codes Enforcement Officer or the Township Board of Supervisors, who shall be authorized to issue such orders as are necessary to aid in the enforcement of this Part, including orders to immediately cease the unlawful activity, take corrective action, abate a public nuisance or produce information. Such an order may be issued if the Township finds that any person is in violation of any provision of this Part.
2. Any person who violates any section of this Part shall, upon conviction before a Magisterial District Judge, be sentenced to pay a fine of not less than \$300 nor more than \$1,000 and/or undergo imprisonment for a period not to exceed 30 days. Every day that a violation of this Part continues shall constitute a separate offense.

§ 7-113. Recovery of Costs; Charges for Fire Department and Administrative Services. [Ord. 12-12-2012]

Any person, partnership, firm, association, corporation or other entity ("person") who violates this Part, and any owner of property upon which a fire has been started in violation of this Part either through an intentional act or negligence, which necessitates a fire run by the Millersburg Fire Company, or any other fire department or police agency, shall pay to the Township any and all costs and charges incurred by the Township or the Fire Company by reason of such fire or emergency run. The minimum charge for any fire run shall be \$600. All of the foregoing charges and expenses shall be due and payable to the Township within 30 days from the date an invoice is prepared and mailed to such person who sets or is responsible for the fire or to any owner of property upon which a fire has occurred. The Township may proceed in a court of competent jurisdiction for any civil damages and may recover costs, expenses and attorney fees incurred to enforce its rights under this Part.

§ 7-114. When Effective. [Ord. 12-12-2012]

This Part shall be effective five days following its enactment.

§ 7-115. Repealer. [Ord. 12-12-2012]

Chapter VII, Part I, §§ 7-101 through 7-106, of the Township Code of Ordinances is repealed as of the effective date of this Part, and this Part is intended to be codified at Chapter VII, Part 1, of the Township Code of Ordinances following the effective date.

PART 2
FALSE FIRE ALARMS

§ 7-201. Title. [Ord. 11-09-2011, 11/09/2011]

This Part 2 shall be known and may be cited as the "Upper Paxton Township False Fire Alarm Ordinance."

§ 7-202. Definitions. [Ord. 11-09-2011, 11/09/2011]

As used in this Part, the following terms shall have the meanings indicated:

FALSE ALARM — Any signal activated by an automatic protection device, any audible alarm or any other kind of direct or indirect signal given, to which the Fire Department or emergency response agencies respond, when there is no reasonable belief that a fire is occurring or imminent, and when the signal is caused by the negligence of the property owner, lessee or any person occupying or otherwise on any premises in the Township. This term excludes attempted illegal entry, burglary, intrusion, fire, medical or other similar emergency, weather extremes, utility interruptions, or activation of an alarm by a person who reasonably believes a fire or emergency is taking place.

§ 7-203. False Alarms Prohibited. [Ord. 11-09-2011, 11/09/2011]

It shall be a violation of this Part for the property owner, lessee, or any person occupying or otherwise on any premises within Upper Paxton Township to make, or cause to be made, a false alarm.

§ 7-204. Duty to Maintain. [Ord. 11-09-2011, 11/09/2011]

The owner, lessee or any person(s) occupying any premises in the Township protected by an alarm system shall ensure that all alarm systems are inspected and tested at least once per year and that all alarm systems are periodically maintained according to the manufacturer's instructions.

§ 7-205. Enforcement. [Ord. 11-09-2011, 11/09/2011]

The Zoning/Codes Enforcement Officer of the Township, or together with such assistants or designees approved by the Board of Supervisors, is hereby appointed to enforce this Part. The Zoning/Codes Enforcement Officer shall send written notice of any violation of this Part to the person(s) responsible for the violation.

§ 7-206. Determination of False Alarm and False Alarm Service Fees. [Ord. 11-09-2011, 11/09/2011]

1. The Fire Department or other affected emergency response agency that responds to an alarm shall be responsible for advising the Township as to whether the alarm constituted a false alarm. The Zoning/Codes Enforcement

Officer of the Township shall make the final decision regarding whether an alarm constituted a false alarm.

2. The owner, lessee or other person(s) occupying the premises shall be assessed a service fee for each false alarm that calls for a response from the Fire Department or other emergency response agencies. The amount of the service fees shall be determined by separate resolution of the Board of Supervisors of the Township.² Service fees shall be paid within 30 days of notice thereof from the Township to the property owner, lessee or other person(s) occupying the premises.

§ 7-207. Penalties and Remedies for Violations. [Ord. 11-09-2011, 11/09/2011]

1. Any person, whether as principal or agent, who violates this Part or assists or abets its violation and fails to pay the service fee shall, upon conviction thereof before any Magisterial District Judge, be sentenced to pay a fine of not less than \$100 and not more than \$1,000, together with the costs of prosecution, and in default of said fine and costs, shall be committed to undergo imprisonment of not more than 30 days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.
2. In the event that a violation of this Part occurs, in addition to such other remedies as may be available under existing law, the Township may institute an action in equity to prevent, restrain, correct, abate, or enjoin such violation.

§ 7-208. Severability. [Ord. 11-09-2011, 11/09/2011]

If any section or clause of this Part shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

§ 7-209. Repealer. [Ord. 11-09-2011, 11/09/2011]

All ordinances or parts of ordinances inconsistent with the provisions of this Part 2 are hereby repealed to the extent of such inconsistency.

§ 7-210. When Effective. [Ord. 11-09-2011, 11/09/2011]

This Part shall be effective five days from its adoption.

²Editor's Note: The current resolution is on file in the office of the Township Secretary.