

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

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Part 1

Regulation of Fireworks Displays

§101. General Provisions.

1. Scope. The manufacture of fireworks is prohibited within the Borough. The display or discharge of fireworks shall comply with the requirements of this Part.

2. Permit Required. A permit shall be obtained from the Borough Manager for the display or discharge of fireworks.

3. Permit Applications. Application for permits shall be made in writing at least fifteen (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. "Fireworks" shall mean and include 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, sparklers 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 caps, the sale and use of which shall be permitted at all times.

(Ord. 99, 8/3/1931; as revised by Ord. 412, 10/4/1993)

§102. Display; Disposal; Seizure of Fireworks.

1. General. It shall be a violation of this Part for any person to store, or use or explode any fireworks, except as provided in the rules and regulations issued by the fire official for the granting of permits for supervised public displays of fireworks by the Borough, fair associations, amusement parks and other organizations.

2. Bond or Certificate of Insurance for Display. The permittee shall furnish a bond in an amount deemed adequate by the Borough Council, but not less than five hundred (\$500.00) dollars, 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. In lieu of said bond, said permittee may provide a certificate of insurance from an insurance company authorized to do business in the Commonwealth of Pennsylvania evidencing a public liability policy in a minimum amount of five hundred thousand (\$500,000.00) dollars per occurrence, naming the Borough as a third-party insured, and insuring the pavement 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 Chief of Police or fire official.

4. Seizure of Fireworks. The fire official or Chief of 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. 99, 8/3/1931; as revised by Ord. 412, 10/4/1993)

§103. 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 six hundred (\$600.00) dollars plus costs, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 99, 8/4/1931; as revised by Ord. 412, 10/4/1993)

Part 2

Smoke Detectors

§201. 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 serving 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 or 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. 412, 10/4/1993))

§202. 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 sensing device, which has received Underwriters Laboratories approval. ((Ord. 412, 10/4/1993))

§203. 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. 412, 10/4/1993))

§204. Time of Installation. The smoke detector sensing device shall be installed as above in all multiple dwellings immediately and shall be installed, by the owner, in all other buildings within the Borough of Emporium not later than upon change of ownership of the real estate upon which the building is erected. ((Ord. 412, 10/4/1993))

§205. 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 six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. ((Ord. 412, 10/4/1993))

Part 3

External Fuel Burning Devices

§301. Definition. An outdoor fuel burning appliance is a device constructed to burn oil, wood, coal or other fuels manufactured for placement outdoors for the heating of (including but not limited to) the living areas of a structure, greenhouse, garage, swimming pool, workshop and water. (Ord. 449, 4/2/2001, §1)

§302. Prohibition. All future outdoor fuel burning appliances are hereby prohibited within the Borough of Emporium. (Ord. 449, 4/2/2001, §2)

§303. 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 six hundred (\$600.00) dollars and, in default of payment of said fine, to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part continues, shall constitute a separate offense. (Ord. 449, 4/2/2001, §3)

§304. Grandfather Clause. This Part shall not be construed to be retroactive and shall not require the removal of any outdoor fuel burning appliance in existence within the Borough at the effective date of this Part. All outdoor fuel burning appliances in existence at the effective date of this Part shall have or must erect a flue or chimney which has a minimum termination height of twenty (20) feet above the natural ground level upon which the appliance is located. If an outdoor fuel burning appliance is more than fifty (50) percent torn down, physically deteriorated or decayed, any rebuilding or restoration of said outdoor fuel burning appliance shall be a violation of this Part. (Ord. 449, 4/2/2001, §5)

