

Chapter 7

FIRE PREVENTION AND FIRE PROTECTION

Part 1 OPEN BURNING

- § 7-101. Short Title.
- § 7-102. Outdoor Burning Restricted.
- § 7-103. Prohibited Burning.
- § 7-104. Authority to Extinguish Fires.
- § 7-105. Violations and Penalties.

Part 2 FIREWORKS

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

Part 1
OPEN BURNING

§ 7-101. Short Title. [Ord. 218, 6/6/2012, § 1]

This Part shall be known and may be cited as the "East Vincent Township Open Burning Ordinance."

§ 7-102. Outdoor Burning Restricted. [Ord. 218, 6/6/2012, § 1]

It shall be unlawful to start or maintain an outdoor fire between the hours of sunset and sunrise. The hours of sunset and sunrise shall be reported from day to day by the nearest reporting weather bureau. Exceptions are for ceremonial and recreational fires. A ceremonial fire/bonfire is an open fire used in conjunction with a recognized ceremony of a community, educational, or service organization. A recreational fire is an outdoor fire which is used: (A) to cook food for human consumption, or (B) in conjunction with a recreation or recreation building or buildings permitted by the East Vincent Township Zoning Ordinance [Chapter 27], provided that in the case of uses or building(s) under this Paragraph (B) any fire shall be in an approved containment system. Approval for any ceremonial fire shall be received from the Fire Marshall.

§ 7-103. Prohibited Burning. [Ord. 218, 6/6/2012, § 1]

1. It shall be unlawful for any person to intentionally, maliciously or negligently burn, or cause, permit or authorize to be burned plastics, rubber, oil-based materials or any material which when burned emits noxious, offensive or harmful smoke, odor or fumes.
2. It is unlawful to burn, authorize to burn, authorize or permit another to burn paper, commercial wood products, garbage, rubbish or other waste out of doors within the Township unless the fire is contained within an approved container, incinerator or fireplace and an adult individual remains in attendance during the burning. All burning shall be conducted in an area cleared of trees, shrubs and any other combustible material. No burning shall be conducted when wind, humidity or other conditions exist that would cause smoke to be blown or transported into neighboring properties.
3. Any and all burning on any construction site shall be prohibited.
4. It is unlawful to transport materials from one property to another for the purpose of burning same.

§ 7-104. Authority to Extinguish Fires. [Ord. 218, 6/6/2012, § 1]

1. Any fire on public or private property may be extinguished by the local Police or Fire Company having jurisdiction, either with or without the consent of the landowner or person in charge, if, in the opinion of the East Vincent Township Police, Township Manager, Township Code Enforcement Officer, or fire personnel, such fire constitutes a danger to persons or property.
2. Any fire generating sufficient complaints from the public may be declared a nuisance fire by an authorized Township official, police or Fire Chief and shall be extinguished by the homeowner or the Fire Department (at the expense of the property owner) having jurisdiction.

§ 7-105. Violations and Penalties. [Ord. 218, 6/6/2012, § 1]

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, 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.

Part 2
FIREWORKS

§ 7-201. General Provisions. [Ord. 185, 8/2/2006]

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 1].
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. **Definition.**

CONSUMER FIREWORKS —

- A. 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 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.
- B. The term does not include devices as "ground and hand-held sparkling devices," "novelties" and "toy caps" 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).

§ 7-202. Display and Discharge. [Ord. 185, 8/2/2006]

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.

§ 7-203. Penalties. [Ord. 185, 8/2/2006]

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, 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.