

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 Secretary 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, dago bombs, 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. 288, 8/8/1994)

§102. Display and Discharge.

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 for Display. The permittee shall furnish a bond in an amount deemed adequate by the Borough Council but not less than five hundred dollars (\$500.00), 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 any duly sworn law enforcement officer. [Ord. 325]

4. Seizure of Fireworks. Any duly sworn law enforcement officer 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. 325]

(Ord. 288, 8/8/1994; as amended by Ord. 325, 11/12/2007, §§5, 6)

§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 dollars (\$600.00) 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. 288, 8/8/1994)

Part 2

Open Burning Restrictions

§201. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BOROUGH COUNCIL - the Borough Council of the Borough of Elizabethville.

FURNACE - any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

OPEN FIRE - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE - garbage, rubbish and trade waste.

RUBBISH - solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTE - all solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

(Ord. 288, 8/8/1994)

§202. Regulations. Within the Borough limits, no person shall:

A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building.

B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.

(Ord. 288, 8/8/1994)

§203. Exceptions. Subject to the following exceptions:

A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

- (1) The prevention of a fire hazard which cannot be abated by other means; or
- (2) The protection of public health.

B. Open fires may be set with approval of the authorized Fire Chief of this Borough; provided:

- (1) Leaves, branches and other non-putrescible vegetable matter only are burned.
- (2) There is no practical available alternative method for disposal of the material to be burned.
- (3) No hazardous or other objectionable condition will be created by such burning.
- (4) No such burning is allowed on any street or sidewalk within the Borough.
- (5) All such burning takes place between the hours of 9:00 A.M. and 9:00 P.M.

(Ord. 288, 8/8/1994)

§204. Enforcement. The Fire Chief of Reliance Hose Company No. 1 or the Code Enforcement Officer shall have the power to enforce the provisions of this Part. (Ord. 288, 8/8/1994; as amended by Ord. 325, 11/12/2007, §7)

§205. Penalties. Any person 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. (Ord. 288, 8/8/1994)