

ORDINANCE NO: 09-07-2021-B

AN ORDINANCE OF TAYLOR TOWNSHIP, BLAIR COUNTY, PENNSYLVANIA, PROMOTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE IN THE TOWNSHIP BY ESTABLISHING A FIRE PREVENTION CODE WHICH PRESCRIBES REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE; PROVIDING FOR PENALTIES AND VIOLATIONS THEREOF; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

WHEREAS, Section 607(1) of the Second-Class Township Code grants to the Board of Supervisors the authority to make regulations as may be necessary for the health, safety, and welfare of the Township;

NOW THEREFORE, be it ordained and enacted by the Board of Supervisors of Taylor Township as follows:

ARTICLE 1 - INTENT AND APPLICATION OF CODE

Section 1. Intent of Code. It is the intent of this code to prescribe regulations for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

Section 2. Application of Code. The provisions of this code shall apply equally to new and existing conditions, provided, however, that existing conditions not in strict compliance with the terms of this code shall be permitted to continue in those cases where the exceptions, in the opinion of the Fire Marshal, do not constitute a distinct hazard to life or property.

ARTICLE 2 - DEFINITIONS

Basement: A floor level partly below grade. It shall be considered a story if more than thirty-three percent (33%) of the perimeter walls of a basement are five feet (5') above grade.

Burning: The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed as burning.

Clearing and Grubbing Waste: Trees, shrubs, and other native vegetation which are cleared from land during, or prior to, the process of construction. The term does not include demolition wastes or dirt-laden roots.

Competent Person: An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his/her ability to function.

Construction/Demolition Waste: Waste products from construction or demolition of buildings and other structures, including wood, plaster, drywall and wall board, metals, asphaltic substances, bricks, blocks, and un-segregated concrete.

Contained Fire: Any fire contained in a burning barrel or other such fixture approved by the Fire Marshal. An open-wire basket is not approved.

Controlled Fire or Controlled Burning: Any fire not included in the definition of "Contained Fire."

Domestic Refuse: Waste which is generated from normal occupancy of a structure occupied solely as a dwelling by two (2) families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

Existing Building: A building erected or remodeled prior to December 1, 1980, or a building remodeled after such date in which less than forty percent (40%) of the remodeled building is new work.

Farm: A tract of land containing ten (10) or more acres which is used for agricultural purposes and produces at least \$2000 of income per year.

Garbage: All putrescible animal and vegetable matter resulting from handling, preparation, cooking and consumption of food.

Multi-family Unit: A property with four (4) or more residential units, including, without limitation, apartment complexes, retirement homes and mobile home parks, excluding farms.

Open Burning: Any unclosed fire wherein contaminants, including smoke and/or odor, are emitted to the open air and are not directed through a chimney, flue, duct, passage, conduit, or stack.

Person: Any individual, partnership, association, corporation, department, bureau, agency, or legal entity.

Putrescible Waste: Organic waste materials which, due to biological decomposition, are or have a tendency to be, rotten, foul or odorous, including dead animals and spoiled food, but not including sludge.

Recreational and Ceremonial Fires: Bon fires (open fires for ceremonial purposes) and cooking fires in an approved fire ring or other such device.

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, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastic, recyclable items and other similar items.

Tire: Any pneumatic or solid rubber automobile, truck, or implement tire.

Yard Waste: All garden residue, leaves, clipped shrubbery, tree trimmings and grass.

ARTICLE 3 - ESTABLISHMENT OF POSITION OF FIRE MARSHAL AND ISSUANCE AND SERVING OF ORDERS.

Section 1. Position of Fire Marshal. The position of Fire Marshal for Taylor Township is hereby established.

- (a) The Fire Marshal shall be appointed by the Supervisors of Taylor Township to serve until resignation, death, or until removed by the Supervisors and a replacement is appointed.
- (b) The Fire Marshal shall be responsible for the enforcement of the provisions of this code.

Section 2. Authority to Enter Premises. The Fire Marshal may, at all reasonable hours, enter any building or premises for the purpose of making any inspection or investigation which, under the provisions of this code, he/she deems necessary to be made.

- (a) The Fire Marshal shall be permitted by the owner, lessee, manager or operator of any building or premise to enter and inspect their buildings or premises at the time and for the purpose stated in this section.

Section 3. Inspection of Buildings and Premises. It shall be the duty of the Fire Marshal to inspect all buildings and premises, except the interiors of privately owned and occupied dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to endanger the life and property of the citizens of Taylor Township, or any violations of the provisions or intent of this code.

Section 4. Orders to Eliminate Dangerous or Hazardous Conditions. Whenever the Fire Marshal shall find in any building or upon any premises dangerous or hazardous conditions or materials which would endanger the life or property of citizens of Taylor Township, he/she shall give orders to have the conditions remedied or removed in such manner as he/she deems appropriate.

Section 5. Serving of orders. The initial serving of orders for the correction of violations of this code shall be made by the Fire Marshal upon the owner, occupant, or other persons responsible for the conditions.

- (a) Official follow-up orders shall be delivered by certified or registered mail to the last known address of the person responsible for the conditions.
- (b) If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this code shall apply to the occupant thereof in addition to the owner, except where the rules or orders require the making of additions to, or changes in the premises themselves, such as would immediately become a part of the real estate and be the property of the owner and not the occupant, unless it is otherwise agreed to between the owner and the occupant.

Section 6. Inspection of Fires. The Fire Marshal shall investigate the cause, origin and circumstances of all fires occurring in Taylor Township which result in loss of life and/or

property or injury to persons, or by which property has been substantially damaged. Such investigations shall be begun upon the occurrence of each fire.

Section 7. Fire Records. The Fire Marshal shall keep on file a record of all fires occurring in Taylor Township, which records shall set forth the amount of damage and whether such damage is covered by insurance. These records shall be submitted in one final report, which shall be turned over to the Taylor Township Supervisors as soon as possible after December 31st of each year.

ARTICLE 4 - GENERAL FIRE CONSIDERATIONS

Section 1. General. No fire or burning activity may occur in the Township except as authorized by this Ordinance.

Section 2. Open Burning. Cooking fires (in an approved fire ring/container), bonfires (for ceremonial purposes), and controlled burning shall be permitted.

- (a) Bonfires shall be not more than six feet (6') in diameter, and a water source (at least a pressurized garden hose) shall be kept nearby for safety and extinguishment. A competent person shall be in attendance at all times until such fire is extinguished.
- (b) Only clean wooden materials shall be used for bonfire fuel, having no paint, petroleum product or other contaminants on their surfaces.
- (c) Bonfires and controlled burns shall require a permit issued by the township office and, after obtaining the permit, person must call the Blair County 9-1-1 Center (814-940-5900) to report each intended burn on the day scheduled. A copy of the permit must be available at the burn site.

Section 3. Accumulation of Waste Materials. Accumulation of waste materials on roofs, courts, yards, vacant lots and open spaces is prohibited. Such areas shall be kept clear at all times of paper, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when the same endangers life or property, or is liable to catch fire shall be cut down and removed by the owner or occupant.

Section 4. Approved Burning Times. Except when all burning is prohibited or limited pursuant to a burning ban as described herein, burning of contained or uncontained fires in the township shall only be authorized Monday through Saturday between the hours of sunrise and 7:00 pm from April 1st to October 31st and between sunrise and 4:00 pm from November 1st to March 31st of each year.

- (a) Fires for purposes listed below are exempt from the time limitations described herein, though such fires shall be governed by any prohibition or limitation described in any burning ban applicable to the Township.
 - (i) A fire used in firefighting instruction.
 - (ii) A fire used to abate a fire hazard under supervision of a public officer.

- (iii) Recreational and ceremonial fires.
- (iv) Fires set solely for cooking food.
- (v) A fire set for prevention and control of disease or pests...under supervision of a public officer.
- (vi) A fire set in conjunction with the production of agricultural commodities in their unmanufactured state in the process of a farming operation.

Section 5. Prohibited Materials. Without exception, burning of the following materials is strictly forbidden: Construction/demolition waste, garbage, metals, plastics, solvents, putrescible waste, rubber, carpets, excelsior, glass, tires, treated wood, batteries, gasoline, kerosene, grease, (oven, toilet and drain cleaners), stains, pesticides, fungicides, insecticides, rodenticides, roach and ant killers, photographic chemicals, pool chemicals, thinners, furniture, strippers, transmission and brake fluids, chlorinated hydrocarbons, antifreeze, rust preventatives, used oil and other hydrocarbon-based lubricants, rug and upholstery cleaners and polishes, insulation, shingles, tar paper, rolled roofing, aerosol cans, clothes, mattresses, box springs, siding, salvage by-products, and any other materials that, in the opinion of the Fire Marshal, are hazardous or offensive to nearby neighbors which would interfere with the reasonable enjoyment of life or property.

Section 6. Burning Distances. Contained fires must be at least twenty (20) feet and uncontained fires must be at least fifty (50) feet from any building or structure.

- (a) Uncontained fires (commonly known as a "controlled burn") must be attended at all times by a competent adult and provision must be made to contain the fire to the intended location, with a water source of at least a pressurized garden hose of sufficient length to reach all sides of the fire.
- (b) Ignition shall be by a reasonable quantity of paper and NOT ANY FLAMMABLE LIQUIDS.
- (c) The fire shall be extinguished thoroughly.
- (d) No burning shall be permitted on property on which is located a multi-family unit.
- (e) No burning shall be permitted on any state, county or Taylor Township roadways.

Section 7. All burning of any type shall be prohibited, without exception, for the full length of any burn ban declared by state, county or Taylor Township government.

ARTICLE 5 - MAINTENANCE OF CHIMNEYS

Section 1. Chimneys, flues, vents, or similar devices for conveying hot gases to the

exterior of any building shall be maintained in a manner which does not create a hazardous condition.

Section 2. Existing masonry chimneys, flues or vents which, upon inspection, are found to be without a flue liner and/or have open mortar joints which permit smoke and gases to be discharged into the building or structure, or which are cracked and are therefore dangerous, shall be repaired or removed.

Section 3. Existing chimney and vent connectors of metal which are corroded or improperly supported shall be repaired.

Section 4. Any new construction of a chimney, flue vent or similar device for conveying hot gases to the exterior of any building shall be carried out as follows:

- (i) There shall be present a cleanout chamber which shall be located not less than eighteen (18) inches below the bottom of the flue thimble or pipe.
- (ii) Access to the cleanout chamber must be provided by a door which shall be the same height and width as the cleanout chamber, constructed of metal and located on the outside or in the basement of the building.
- (iii) These provisions shall apply, without exception, to wood burners and to combination gas, oil, coal and woodburning furnaces and stoves which are vented to a masonry chimney or flue.
- (iv) Penalties for violations of these provisions shall be enforceable against the owner of the building and against any contractor who constructs a chimney, flue, vent or similar device for conveying hot gases to the exterior of a building in violation of the provisions herewith.
- (v) In all cases, construction must conform to International Building Code requirements.

ARTICLE 6 - PENALTIES

Section 1. Any person, partnership, association or corporation who or which shall violate any provision of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding after a hearing before a Magisterial District Judge, pay a judgment not exceeding \$1,000 plus all court costs, together with the Township's reasonable attorney's fees incurred as a result of such violations; and, in default of payment of said fines and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

ARTICLE 7 - MISCELLANEOUS PROVISIONS

Section 1. Validity: The Board of Supervisors of Taylor Township hereby declares that should any section, paragraph, sentence, or word of this code or ordinance be declared for any reason to be invalid, it is the intent of the Board of Supervisors that it would have passed all other portions of this code or ordinance, independent of the elimination

therefrom of any such portion as shall be declared invalid.

Section 2. Liability for Damages: This code shall not be construed to hold the Township of Taylor responsible for any damages to persons or property by reason of inspection or reinspection authorized herein.

Section 3. Effective Date: The effective date of this ordinance shall be five (5) days after ordaining and enacting thereof.

Section 4. Repealer: All ordinances or parts of ordinances including but not limited to Ordinance No. 6677 conflicting with the provision of this Ordinance are hereby repealed to the extent of such conflict.

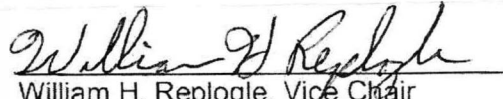
Section 6. Effective Date: This Ordinance shall become effective five (5) days from the date hereof.

ORDAINED AND ENACTED by the Board of Supervisors of Taylor Township this 7th day of September, 2021.

TAYLOR TOWNSHIP BOARD OF SUPERVISORS:



Joseph E. Dilling, Chair

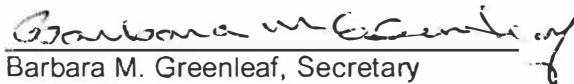


William H. Replogle, Vice Chair



Paul D. Closson, Supervisor

ATTEST:



Barbara M. Greenleaf, Secretary