

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

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PART 1
SMOKE DETECTORS

§101. Short Title.

This Part shall be known and may be cited as the “Smithfield Township Smoke Detector Ordinance.”

(Ord. 1993-1, 8/2/1993, §1)

§102. Declaration of Purpose.

This Part is adopted for the purpose of promoting the public health, safety, welfare and reasonable and safe use of property within the community of Smithfield Township, Huntingdon County, Pennsylvania.

(Ord. 1993-1, 8/2/1993, §2)

§103. Definitions.

Certain words and terms are used in this Part for the purpose hereof and are defined as follows. Unless the context clearly indicates to the contrary, words used in the present tense include the future; the singular numbers include the plural, and the plural the singular; and the masculine includes the feminine and neuter, and the neuter includes the masculine and feminine, and the feminine includes the masculine and the neuter.

OWNER — a person, persons or entity which holds legal or equitable title to real estate in question.

PERSON — an individual, organization, corporation, partnership, government or governmental subdivision or agency, business trust, estate, association and any other legal or commercial entity.

RESIDENTIAL DWELLING — any dwelling designed or used for permanent living quarters.

RESIDENTIAL DWELLING UNIT — any dwelling designed for permanent living quarters, including but not limited to:

- A. Single-family detached.
- B. Single-family semidetached.
- C. Single-family attached.

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- D. Two-family attached.
- E. Two-family semidetached.
- F. Garden apartments.
- G. Mid-rise apartments.
- H. Group dwellings.

SLEEPING AREA — the area or areas of a residential dwelling unit in which the bedrooms (or sleeping rooms) are located and any other areas used as areas where people sleep on a regular basis. Where bedrooms or rooms habitually used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this Part.

SMOKE DETECTOR — a device which emits an audible signal when activated by smoke or fire. The smoke detector must meet or exceed the standards set forth by Underwriters' Laboratories or Federal Mutual Testing Laboratories. The smoke detector must have a self-contained power supply.

(Ord. 1993-1, 8/2/1993, §3)

§104. Violation.

Strict compliance with each and every provision of this Part shall be required, and any person violating any provision of this Part shall be subject to the penalties herein provided. A violation of any provision of this Part on each and every day shall constitute a separate offense. The violation of any one or more provisions of this Part shall constitute a violation of this Part.

(Ord. 1993-1, 8/2/1993, §4)

§105. Smoke Detectors Required.

The owner of each and every residential dwelling unit within Smithfield Township shall install or caused to be installed smoke detectors in each such residential dwelling unit under the following conditions:

- A. Prior to the occupancy of each new residential dwelling unit (BOCA and CABO Codes).
- B. In the case of leased and/or rented dwelling units and facilities offering overnight sleeping facilities, within 30 days of enactment of this Part.

- C. Any dwelling unit offered for lease or rent may not be leased, rented or offered for occupancy without operable smoke detectors at the time of lease and/or occupancy.
- D. Upon the sale or transfer of title to any residential dwelling unit.
- E. When there is a structural alteration or addition in excess of \$500, including materials and labor, to the principal building which houses or encompasses the dwelling unit.

(Ord. 1993-1, 8/2/1993, §5)

§106. Installation of Smoke Detectors within Residential Dwelling Units.

- 1. All smoke detectors required under this Part shall be installed in accordance with manufacturer's instructions and current state-of-the-art practices. Any alarm system installed to comply with this Part shall be installed in accordance with all applicable national, State and local codes and standards. It shall be the installer's responsibility to document the adequacy of such installations.
- 2. Smithfield Township, its officials, agents and employees shall not be liable or responsible for the installation of any smoke detector or the failure of any property owner to install a smoke detector as required by the provisions of this Part. Further, the Township, its officials, agents and employees shall not be responsible or liable for the manner or method of installation nor any inadequacy or deficiency related to such installation.
 - A. At least one smoke detector shall be installed to protect each sleeping area.
 - B. At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area.

(Ord. 1993-1, 8/2/1993, §6)

§107. Responsibility for Maintenance.

- 1. It shall be the owner's responsibility and duty to:
 - A. Install smoke detectors when required under this Part.
 - B. Regularly and at least annually inspect said smoke detectors to ensure that they are in working condition.
 - C. Maintain said smoke detectors in proper working condition, including but not limited to keeping all batteries used to provide power to smoke detectors

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in operating condition and to change batteries or cause batteries to be changed as often as required to keep them fresh and operating.

2. It shall be a tenant's responsibility in any leased or rental unit to refrain from interfering with the maintenance or proper operation of any smoke detector.
3. It shall be the right of any tenant in any leased or rental unit to file a complaint with Smithfield Township when he or she has reason to believe that his or her landlord has violated the terms of this Section.

(Ord. 1993-1, 8/2/1993, §7)

§108. State Law and Regulations.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, or other ordinances of the Township, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part. This Part shall control in all cases where the State requirements, or the requirements of other ordinances of this Township, are not as strict as those contained in this Part.

(Ord. 1993-1, 8/2/1993; as added by Ord. 1999-1, 6/14/1999)

§109. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, or any person who tampers with a smoke detector so as to render said smoke detector inoperable, or the owner of any residential unit or any leased or rented residential unit who shall fail to comply with the terms of this Part within five days of being notified of violation in writing by the Township, its agents or employees, upon conviction thereof, in an action brought before a District Justice 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.

(Ord. 1993-1, 8/2/1993, §§8, 9; as amended by Ord. 1999-1, 6/14/1999)

PART 2

OPEN BURNING

§201. Short Title.

This Part shall be known and may be cited as the “Smithfield Township Burning Ordinance.”

(Ord. 1998-2, 2/9/1998, §1)

§202. Definitions.

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

CONSTRUCTION REFUSE — all excess materials and solid waste resulting from the erection of any structure or any addition to an existing structure, or the modification of any existing structure.

DEMOLITION DEBRIS — all remains of a structure, or any part thereof, which has been broken down or destroyed.

GARBAGE — putrescible waste resulting from animal, grain, fruit or vegetable matter, but not including wood, brush or dead leaves.

(Ord. 1998-2, 2/9/1998, §2)

§203. Application.

1. From and after the passage of this Part, it shall be unlawful for any person to burn garbage, demolition debris or construction refuse within the Township of Smithfield.
2. From and after the passage of this Part, it shall be unlawful for the owner and/or occupier of premises within the Township of Smithfield to allow the burning of any garbage, demolition debris or construction refuse upon said premises within the Township of Smithfield.

(Ord. 1998-2, 2/9/1998, §3)

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§204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice 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 less than \$50 nor more than \$1000 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.

(Ord. 1998-2, 2/9/1998, §4; as amended by Ord. 1999-1, 6/14/1999)

PART 3

OUTDOOR SOLID-FUEL-BURNING APPLICANCES

§301. Applicability.

This Part applies to all outdoor burning furnaces, boilers and appliances within the Township of Smithfield.

- A. This Part does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This Part does not apply to burning in a stove, furnace, fireplace or other heating device within a building or structure used for human or animal habitation.
- C. 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.

(Ord. 2008-6, 10/13/2008)

§302. Definitions.

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

CHIMNEY — any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid-fuel-fired outdoor heating appliance.

OUTDOOR SOLID-FUEL-BURNING APPLIANCE — any equipment, device or apparatus which is installed, affixed or situated outdoors, and not situate within a building intended for habitation by humans or domestic animals, which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system, or component thereof, which provides heat or hot water to the principal structure used for human or animal habitation, or to any accessory uses or structures, including but not limited to greenhouses, conservatories and swimming pools.

(Ord. 2008-6, 10/13/2008)

§303. Materials That May Not Be Burned.

Unless specific written approval has been obtained from the Pennsylvania Department of Environmental Protection (DEP), the following materials may not be burned in the Township under any circumstances:

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- A. Rubbish or garbage, including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, demolition debris or other household or business wastes.
- B. Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery, subject to applicable PA DEP regulations.
- C. Asphalt and products containing asphalt.
- D. Treated or painted wood, including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- E. Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
- F. Rubber, including tires and synthetic rubber-like products.
- G. Any material that is not recommended for burning by the manufacturer of the appliance.

(Ord. 2008-6, 10/13/2008)

§304. Regulations for Existing Outdoor Solid-Fuel-Burning Furnaces or Appliances.

1. All owners/operators of existing outdoor solid-fuel-burning appliances shall apply for a permit for the appliance in accordance with the permit requirements contained in §306, Subsections 1, 2 and 5, hereof within 60 days of the adoption of this Part.
2. Any and all existing outdoor solid-fuel-burning appliances shall be brought into full compliance with §305C of this Part within 90 days from the effective date of this Part and §305I upon the effective date of this Part.
3. Any and all existing outdoor solid-fuel-burning appliances that do not comply with any provision of this Part other than §305C, D, and I shall be registered as a non-conforming appliance.

(Ord. 2008-6, 10/13/2008)

§305. Use Regulations.

An outdoor solid-fuel-burning appliance may be used in the Township of Smithfield only in accordance with the following provisions:

- A. An appliance shall not be used to burn any of the prohibited materials listed in §303 of this Part.
- B. Any outdoor solid-fuel-burning appliance located within Smithfield Township shall be located on a lot of not less than five acres and shall not be less than 200 feet from any lot line.
- C. Any appliance shall have a minimum chimney height as recommended by the manufacturer. All chimneys shall be at least as high as the height recommended by the manufacturer of the device.
- D. All appliances shall comply with emissions standards as required for outdoor solid-fuel-burning appliances, as promulgated by the Environmental Protection Agency (EPA). For purposes of this Part, all emission standards currently required by the EPA are hereby adopted by reference, as well as any amendments or modifications made to them hereafter.
- E. All appliances shall be installed, operated and maintained in strict compliance with the manufacturer's instructions and guidelines for the said appliance. In the event that a conflict arises between the manufacturer's instructions and regulations and the regulations contained in this Part, the stricter instructions or regulations shall apply.
- F. All ashes or waste may be disbursed on the property where the appliance is located. Any large accumulation of ashes or waste must be disposed of in a manner approved by the Township of Smithfield and/or the Pennsylvania Department of Environmental Protection.
- G. All appliances shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools.
- H. In the event that the appliance is damaged more than 50% or it is physically deteriorated or decayed, the said appliance must be removed and/or replaced with a new unit within 60 days of the date that notice is received from the Township of Smithfield. In such event, all provisions of this Part, including but not limited to permitting procedures, shall be complied with.
- I. Outdoor solid-fuel-burning appliances shall not be operated from May 1 to October 1.

(Ord. 2008-6, 10/13/2008)

§306. Permits.

- 1. No person shall install, start or maintain any outdoor solid-fuel-burning appliance without first obtaining a permit issued by the Township of Smithfield.

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2. Before a permit can be issued hereunder, an inspection of the proposed installation shall be required. In addition, a site plan is required, showing the location of the proposed appliance on the property, the location and height of all existing structures on the property, and distances from the appliance to existing structures on the property. The manufacturer's specifications and instructions shall also be furnished to the Township before a permit can be issued.
3. A permit can only be issued if all requirements contained in this Part are strictly complied with.
4. Any violation of the aforementioned conditions shall be deemed a violation of this Part. Any violation of this Part or the issued permit shall void the permit.
5. The fee for a permit shall be determined by resolution of the Board of Supervisors from time to time pursuant to the Township Fee Schedule.

(Ord. 2008-6, 10/13/2008)

§307. Liability.

A person utilizing or maintaining an outdoor solid-fuel-burning appliance shall be responsible for all fire-suppression costs and any other liability resulting from damage caused by the fire.

(Ord. 2008-6, 10/13/2008)

§308. Right of Entry and Inspection.

The Smithfield Township Building Code Enforcement Officer and any other authorized officer, agent, employee or representative of Smithfield Township may inspect any property for the purpose of ascertaining compliance with the provisions of this Part.

(Ord. 2008-6, 10/13/2008)

§309. Enforcement and Penalties.

1. The Building Code Officer of Smithfield Township is authorized to enforce any provisions of this Part.
2. Any person, firm or corporation who shall violate any of the provisions of this Part, shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500 and, in default of payment of said fine, be subject to imprisonment for a term of not more than 30 days. Every day that a violation of this Part continues shall be deemed to be and shall constitute a separate offense hereunder.

3. This Part shall be governed by the laws of the Commonwealth of Pennsylvania.

(Ord. 2008-6, 10/13/2008)

§310. Effective Date.

This Part shall be placed into effect as of October 13, 2008.

(Ord. 2008-6, 10/13/2008)