

## **CHAPTER 7**

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**PART 1**

**FIRE SAFETY REQUIREMENT**

**§101. ADOPTION OF CHAPTER 7 OF INTERNATIONAL PROPERTY MAINTENANCE CODE OF 2012, AS AMENDED.**

1. The Borough of Cleona does hereby adopt Chapter 7 of the Code known as the "International Property Maintenance Code," as amended. Provisions of Chapter 7 of the Code are set forth in copies presently on file in the office of Borough of Cleona, 140 West Walnut Street, Borough of Cleona, Lebanon County, Pennsylvania, and is hereby adopted as fully as if set forth at length herein.
2. In all cases involving Chapter 7 of the International Property Maintenance Code of 2012, as amended, any person directly affected by the decision of the Enforcement Officer may appeal the decision to the Board of Appeals under the procedures set forth in the International Property Maintenance Code. The Board of Appeals shall be established from time to time by resolution of the Borough Council of Borough of Cleona, and the appellant shall pay to Borough of Cleona such fees and costs as are determined by the Borough Council of Borough of Cleona.
3. In the event that any of the provisions Chapter 7 of the International Property Maintenance Code are in conflict with any other Borough of Cleona Ordinance, the Borough of Cleona Ordinance shall control.
4. If any section, subsection, sentence, clause or phrase of Chapter 7 of the International Property Maintenance Code is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Part.

(Ord. 291, 8/5/2013, §8)

**§102. FEES AND CHARGES.**

All applicable fees and charges under the provisions of this Part and Chapter 7 of the International Property Maintenance Code shall be established by resolution of the Borough Council of Borough of Cleona.

(Ord. 291, 8/5/2013, §8)



**PART 2**

**OPEN BURNING**

**§201. DEFINITIONS.**

The following words, terms and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

**COUNCIL** - Borough Council. [Ord. 261]

**FURNACE** - any enclosed device specifically designed for the burning of 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, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

**RECREATIONAL BURNING** - for the purposes of this Part, the following shall be deemed to be recreational burning:

- (1) **OUTDOOR GRILL** - any device manufactured, designed and built for the express purpose of cooking food out of doors. Outdoor grills may be fueled only by LP or natural gas, charcoal briquettes, or wood. Wood shall include any unpainted wood or wood product.
- (2) A small outdoor fireplace made of clay, terra cotta or metal, fueled only by wood, charcoal briquettes or LP/natural gas and must be screened to prevent flying embers and hot ash.
- (3) **OUTDOOR FIREPLACE** - a place for building fires outside of the home. Similar in construction to an indoor fireplace, usually added to a stone, brick or concrete patio, consisting of a firebox and a chimney usually used for cooking. An outdoor fireplace may be a decorative element, allowing homeowners to enjoy a crackling fire while entertaining in the backyard. Outdoor fireplaces shall be fueled only by wood, charcoal briquettes or

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natural/LP gas and must be screened to prevent fly embers and hot ash, when unattended.

[Ord. 291]

**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, chemicals, cinders and other forms of solid or liquid waste materials; provided, however, that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

(Ord. 175, 10/8/1973, §1; as amended by Ord. 261, 7/1/2002, §1; and by Ord. 291, 8/5/2013, §8)

### §202. ENFORCEMENT.

The Borough of Cleona or any other duly authorized agent of the Borough of Cleona shall have the power and duty to enforce the provisions of this Part.

(Ord. 175, 10/8/1973, §2)

### §203. REGULATIONS.

1. After the effective date of the within Part, no person shall cause, suffer, allow or permit the maintenance of an open fire within the Borough of Cleona.
2. **Exceptions.**
  - A. Open burning may be set in the performance of an official duty of any official public officer if the fire is necessary for:
    - (1) The prevention of fire hazard which cannot be abated by other means.

- (2) The protection of public health.
  - (3) The Cleona Fire Department training activities. [Ord. 261]
- B. Open burning on farm property within the Borough of Cleona shall be permitted under the following conditions:
- (1) The person shall obtain from the Borough Secretary a permit and shall pay an annual permit fee in an amount to be established from time to time by resolution of Borough Council. [Ord. 261]
  - (2) The Cleona Borough Fire Department and the Lebanon County EMA Office shall be notified prior to the burning as to the date, time and place of the burning. The notice shall be given 24 hours in advance of the intended burning. [Ord. 261]
  - (3) All burning shall take place at least 150 feet from any building, structure, storage tank, street or highway, unless approved in advance by the Fire Chief of the Borough of Cleona or his designee.
  - (4) The fire shall be attended at all times and shall be extinguished by sunset of the same day.
  - (5) Only the burning of brush, prunings, fence rows and the like shall be permitted. There shall be no burning of garbage, refuse, hazardous material or other objectionable matter.
  - (6) Burning shall be permitted between sunrise and sunset.
  - (7) The Lebanon County EMA Office shall be notified when the burning has been completed. [Ord. 261]
  - (8) The Borough Fire Chief or his duly authorized representative shall have the right to deny burning because of safety reasons.
- C. The Borough Council may permit open burning in the form of a bonfire within the Borough of Cleona provided that the following conditions are met:
- (1) The Borough Council shall authorize the open burning at a regular or special meeting of the Borough Council.
  - (2) The Cleona Borough Fire Department and the Cleona Borough Police Department shall be notified prior to the burning as to the date, time and place of the burning, which notice shall be given 3 days in advance of the intended burning date.

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- (3) The fire shall be attended at all times by authorized personnel and shall be properly extinguished.

[Ord. 272]

- D. Recreational fires subject to the conditions set forth in the definition section. [Ord. 291]

(Ord. 175, 10/8/1973, §3; as amended by Ord. 240, 7/2/1990; by Ord. 261, 7/1/2002, §1; by Ord. 272, 5/2/2005; and by Ord. 291, 8/5/2013, §8)

### **§204. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 175, 10/8/1973, §4; as amended by Ord. 261, 7/1/2002, §1)



**PART 3**

**FALSE ALARMS**

**§301. FALSE ALARMS PROHIBITED.**

A person shall be guilty of the violation of this Part if the person reports a crime, fire or other emergency warranting immediate action by the Police Department and/or the Fire Department where the person has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action has occurred.

(Ord. 276, 5/7/2007, §IV)

**§302. PENALTIES.**

Any person who shall violate this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$600, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 276, 5/7/2007, §IV)

