

Ordinance 73-13

Fire Prevention

9/13/1973

FIRE PREVENTION CODE  
OF THE  
TOWNSHIP OF HOPEWELL

ORDINANCE NO. 73-13

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER COUNTY, PENNSYLVANIA, ADOPTING A FIRE PREVENTION CODE REGULATING PROPERTY AND STRUCTURES AND THEIR USES FOR THE PROTECTION OF LIFE AND PROPERTY AGAINST THE HAZARDS OF FIRE AND EXPLOSION; ESTABLISHING A BUREAU OF FIRE PREVENTION FOR THE ADMINISTRATION OF SAID CODE AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED by the Board of Commissioners of the TOWNSHIP OF HOPEWELL, a municipal corporation situate in the County of Beaver and Commonwealth of Pennsylvania, AND IT IS HEREBY ORDAINED:

SECTION 1. This Ordinance shall be known and may be cited as the "Fire Prevention Code of the Township of Hopewell".

SECTION 2. That for the protection of life and property against the hazards of fire and explosion the codes, standards and practices appearing in the latest revision of the National Fire Codes annually published by the National Fire Protection Association, except as the same is hereinafter modified, are hereby adopted by reference, as if the same were fully set forth at length herein, as the FIRE PREVENTION CODE OF THE TOWNSHIP OF HOPEWELL.

SECTION 3. That the 1970 edition of the Fire Prevention Code published by the American Insurance Association, except as the same is hereinafter modified, is hereby adopted as the OFFICIAL SUMMARY of the FIRE PREVENTION CODE OF THE TOWNSHIP OF HOPEWELL and reference thereto and citation thereof may be made solely for the purpose of convenience in all cases where the provisions of the OFFICIAL SUMMARY are equal in extent and degree to the requirements, standards and practices contained in the latest revision of the National Fire Codes annually published by the National Fire Protection Association.

SECTION 4. That a Bureau of Fire Prevention is hereby established to administer and enforce this Ordinance and to cause due observation of the Acts of Assembly of the Commonwealth of Pennsylvania relating to:

- (a) The prevention of fires;
- (b) the storage and use of explosives and flammables;

- (c) the installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
- (d) the maintenance and regulation of fire escapes;
- (e) the means and adequacy of exit in case of fire, from shopping centers, retail and wholesale outlets, factories, schools, hotels, dormitories, asylums, hospitals, nursing homes, churches, halls, theatres, amphitheatres, and all other places in which numbers of persons work, live, or congregate for any purpose;
- (f) the investigation of the cause and circumstances of fires.

SECTION 5. The Bureau of Fire Prevention shall investigate the cause and circumstances of every fire or explosion occurring in the Township of Hopewell as a result of which property is damaged or personal injury is sustained and, so far as possible, shall determine whether said fire or explosion was the result of carelessness or design. Such investigation shall begin immediately upon the occurrence of such fire or explosion and, if it appears that the same may have been caused by design, the Bureau of Fire Prevention shall take charge of the physical evidence and shall notify the proper authorities designated by law to pursue the further investigation of such fire or explosion.

The owner and/or occupant of any structure or premises damaged or lost as a result of fire or explosion shall furnish a written report of the same to the Bureau of Fire Prevention within ninety-six (96) hours after its occurrence; such written report shall be upon a form prescribed by the Bureau of Fire Prevention and shall contain a statement of all facts relating to the cause and circumstances of such fire or explosion, the extent of the damage resulting therefrom, the insurance upon such property, and such other information as may be reasonably requested to determine the cause and extent of damage. All such reports shall be maintained in the files of the Bureau of Fire Prevention.

SECTION 6. That the Bureau of Fire Prevention shall inspect, as often as may be necessary but not less than once a year, all structures and property EXCEPT THE INTERIORS OF PRIVATE DWELLINGS, for the purpose of discovering any condition likely to contribute to the hazards of fire or explosion, and to enforce their correction.

Any such owner or occupant failing within a reasonable time to comply with an order of the Bureau of Fire Prevention to correct or remedy any such condition, shall be liable to the penalty hereinafter provided. Such order may be personally served upon an occupant or owner or upon any adult person in charge of the premises; in the event that personal service cannot be made, the notice may be posted in a conspicuous place near or upon the entrance or approach to the premises. Such order may be served upon any owner not in possession by certified mail, return receipt requested, dispatched to the owner's last known post office address.

SECTION 7. That the Bureau of Fire Prevention shall establish "fire lanes" on private property devoted to public use, including without limitation, shopping centers, schools, churches, theatres, fair grounds and industrial parks, where the parking of motor vehicles or other obstructions may interfere with the flight of persons in panic and with the ingress and egress of fire fighting vehicles for the protection of persons and property. Such lanes shall be established after due conference with the owner and occupant of the property and by Resolution of the Board of Commissioners of the Township of Hopewell. PROVIDED, however, that no enforcement of this provision or the penalty hereinafter provided for its violation shall be made against the traveling public unless approved signs are erected designating such lanes as may be established hereunder.

SECTION 8. The Bureau of Fire Prevention within thirty days following the conclusion of each calendar year shall file its annual report with the Board of Commissioners of the Township of Hopewell of all violations of this Ordinance and all proceedings thereunder. Such report shall also include any recommendation concerning amendments to this Ordinance which may appear to be necessary or desirable.

SECTION 9. The Bureau of Fire Prevention shall have the power and full authority to modify any of the provisions of the Ordinance where their strict application would result in unnecessary hardship. PROVIDED, however, that the purpose and intent of this Ordinance shall be observed, the public safety secured and substantial justice done. The particulars of each modification as may be allowed shall be furnished in writing to each applicant and a copy thereof retained in the files of the Bureau of Fire Prevention.

SECTION 10. Whenever the Bureau of Fire Prevention shall disapprove an application for modification of any provision of this Ordinance or shall refuse to grant a permit, or when it may be claimed that the provisions of this Ordinance do not apply

or that the true intent and meaning of this Ordinance has been misconstrued or wrongly interpreted, the person aggrieved thereby may appeal from the decision of the Bureau of Fire Prevention to the Board of Commissioners of the Township of Hopewell. Such appeal must be made within thirty (30) days following the date of the decision of the Bureau of Fire Prevention from which relief is sought.

SECTION 11. The Bureau of Fire Prevention shall be supervised by the Fire Marshal. The Fire Chief and the Board of Directors of the Hopewell Township Volunteer Fire Department shall annually, during the month of October, certify to the Board of Commissioners not less than one nor more than three residents of the Township of Hopewell, each of whom shall have had at least five years fire-fighting experience in the Township of Hopewell, who or whom they would recommend as qualified to perform the duties and responsibilities of Fire Marshal. The Board of Commissioners shall annually, during the month of January, select and appoint one from the number of candidates so certified by the Fire Chief and the Board of Directors of the Hopewell Volunteer Fire Department as Fire Marshal. The Fire Marshal, who may concurrently serve as Fire Chief and/or a member of the Board of Directors of the Hopewell Volunteer Fire Department, shall serve at the pleasure of the Board of Commissioners and shall be entitled to such compensation and/or reimbursement of expenses as may, from time to time, be determined by the Board of Commissioners.

The Board of Commissioners may, from time to time, appoint Inspectors to assist the Fire Marshal in the enforcement of this Code. Such Inspectors shall be appointed upon recommendation of the Fire Marshal. Such Inspectors shall be residents of the Township of Hopewell each of whom shall have had at least three years fire-fighting experience in the Township of Hopewell. Such Inspectors, who may concurrently serve as Fire Chief and/or a member of the Board of Directors of the Hopewell Volunteer Fire Department, shall serve at the pleasure of the Board of Commissioners and shall be entitled to such compensation and/or reimbursement of expenses as may, from time to time, be determined by the Board of Commissioners.

An Advisory Board is hereby created to act as liaison between the Bureau of Fire Prevention and the Hopewell Township Volunteer Fire Department and, further, to provide technical assistance to the Fire Marshal in such cases as the same may be required by the Fire Marshal. The Advisory Board shall be comprised of the Chief of the Hopewell Township Volunteer Fire Department, the Chief of Police of Hopewell Township and the member of the Board of Commissioners who shall, from time to time, serve as Police Commissioner. The members of the Advisory Board shall serve without compensation.

SECTION 12. No outdoor fire shall be kindled or maintained in the Township of Hopewell except as may be hereinafter allowed or provided:

- (a) No outdoor fire shall be kindled or maintained upon any public street in the Township of Hopewell.
- (b) No outdoor fire shall be kindled or maintained for the purpose of burning garbage, animal or vegetable waste, manure, rubber, plastics, furniture, beddings, car products or any other material which will create nauseous or noxious fumes, smoke or toxic chemicals. Provided, however, that this subsection shall not prohibit outdoor fires kindled and maintained for cooking purposes or outdoor fires kindled and maintained for recreation purposes.
- (c) Outdoor fires for the purpose of burning dry rubbish, brush, grass and leaves may be kindled and maintained without constant attendance if such fire is contained in a waste burner approved by the Bureau of Fire Prevention, and such waste burner is located more than 15 feet from any structure and more than 15 feet from any property line of public street right of way.
- (d) Outdoor fires for the open burning of dry brush, grass and leaves which cannot be kindled and maintained in an approved waste burner shall be located more than 25 feet from any structure or building and more than 15 feet from any property line or public street right of way; adequate provision shall be made to prevent fire from spreading to within 25 feet of any structure, such outdoor fires shall be constantly attended by a competent person until the fire is wholly extinguished; such person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

- (e) Notwithstanding any other provision of this section, no outdoor fire shall be kindled before 7:00 o'clock A.M. and such fire must be wholly extinguished before 6:00 o'clock P.M., prevailing times; no outdoor fire shall be kindled on any Sunday or Monday or any of the following legal holidays:

New Years Day  
Good Friday  
Thanksgiving Day  
Christmas Day

- (f) Notwithstanding any other provision of this section, the Bureau of Fire Prevention may prohibit any or all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION 13. Except as permitted by Section 12 hereof, no other outdoor fire shall be kindled or maintained without first obtaining a written permit therefor from the Fire Marshal. No fee shall be imposed for the issuance of such permits.

SECTION 14. That whenever the words "Chief of the Bureau of Fire Prevention" may be used in the National Fire Codes annually published by the National Fire Protection Association or in the Official Summary thereof, the same shall be construed to mean the Hopewell Township Fire Marshal.

SECTION 15. That whenever the words "municipality", "town" or "city" may be used in the National Fire Codes annually published by the National Fire Protection Association or in the Official Summary thereof, the same shall be construed to mean the Township of Hopewell.

SECTION 16. That whenever the words "corporation counsel" may be used in the National Fire Codes annually published by the National Fire Protection Association or in the Official Summary thereof, the same shall be construed to mean the Solicitor of the Township of Hopewell.



SECTION 17. The territorial limits of the Township of Hopewell are hereby designated as the limits of districts in which the following matters are prohibited or restricted:

- (a) Storage of flammable liquids in outside above ground tanks (Article 16, 1970 edition of the Official Summary).
- (b) Bulk Storage of Liquefied Petroleum Gases (Article 21, 1970 edition of the Official Summary).
- (c) Storage of Explosives and Blasting Agents (Article 12, 1970 edition of the Official Summary).

SECTION 18. The following motor vehicle routes are hereby established for vehicles transporting explosives and blasting agents (Article 12, 1970 edition of the Official Summary) and hazardous chemicals or other dangerous articles (Article 20, 1970 edition of the Official Summary):

- (a) Beaver Valley Expressway,  
Route 1023; and
- (b) Constitution Boulevard  
L.R. A-254

SECTION 19. The following fines shall be paid to the Treasurer of the Township of Hopewell following summary conviction for the violation of the provisions of this Ordinance:

- (a) Any person who shall violate Section 7 of this Ordinance by parking or leaving an unattended motor vehicle standing in a properly marked fire lane shall, upon conviction thereof, be sentenced to pay a fine of Two Dollars (\$2.00) and costs of prosecution.
- (b) Any person who shall violate Section 12 of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Five Dollars (\$5.00) and not more than Ten Dollars (\$10.00) and costs of prosecution.

- (c) Any person who shall violate any other Section of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00) and in default of payment of said fine to undergo imprisonment for a period not exceeding thirty (30) days.
- (d) The imposition of a fine or penalty for a violation of the provisions of this Ordinance shall not permit the continuance of such violation. All such violations shall be remedied within a reasonable time as may be prescribed by the Bureau of Prevention and, when not otherwise prescribed, each ten (10) days that conditions are maintained which are prohibited by any Section of this Ordinance shall constitute a separate offense.

SECTION 20. The provisions of this Ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included therein.

SECTION 21. This Ordinance shall become effective  
SEPTEMBER 13, 1973.

THE BOARD OF COMMISSIONERS OF  
THE TOWNSHIP OF HOPEWELL

(SEAL)

by W. R. Miley  
Chairman PRESIDENT

ATTEST:

Charlotte M. Buffington  
Secretary

**FIRE PREVENTION CODE  
OF THE  
TOWNSHIP OF HOPEWELL  
ORDINANCE NO. 73-13**

The attached advertisement, which is exactly as printed appeared in the regular issue on 8/23

BEAVER NEWS

By James

Before me, a Notary Public in and for such county  
JAMES R. MILLER, who being duly sworn

SECRETARY-TREASURER of BEAVER NEWS  
nor said corporation is interested in the subject matter of  
that all of the allegations of the foregoing statement including  
character of publication are true.

Sworn to and subscribed before me  
this 29TH day of AUGUST 1973

The costs of  
has been paid

and/or reimbursement of expenses as may, from time to time, be determined by the Board of Commissioners.

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McKenna.  
(Harper & Row, \$5.95)  
The author, who won recognition for his novel, *The Sand Pebbles*, also liked fiction. The stories in this