

CHAPTER 7

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Part 1

Restricting Fires and Open Burning

§7-101. 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 Rutledge.

ENFORCEMENT AGENT - the Mayor, Chief of Police, Fire Chief, Health Officer and other agents who may from time to time be duly authorized by the Borough Council.

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.

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(Ord. 372, 4/4/1988, §406.1)

§7-102. Enforcement.

The Borough Council of the Borough of Rutledge or its designees shall have the power and duty to enforce the provisions of this Part.

(Ord. 372, 4/4/1988, §406.2)

§7-103. Regulations.

1. Within the Borough limits, no person shall:
 - A. Ignite or feed an open fire for the destruction of rubbish or in the conduct of a salvage operation in any private place outside any building.
 - B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or rubbish, or in the conduct of a salvage operation on any property under his control outside of any building.
2. **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.
 - (2) The protection of public health.
3. Open fires may be set with the prior, written approval of the authorized enforcement agent of this Part, provided:
 - A. Leaves, branches and other nonputrescible vegetable matter only are burned.
 - B. There is no practical available alternative method for disposal of the material to be burned.
 - C. No hazardous or other objectionable condition will be created by such burning.
 - D. No such burning is allowed on any street or sidewalk within the Borough.
 - E. All such burning takes place between the hours of 9 a.m. and 9 p.m.

(Ord. 372, 4/4/1988, §406.3)

§7-104. 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 \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 372*, 4/4/1988, §406.4; as amended by *Ord. 374*, 7/11/1988; and by *Ord. 428*, 7/2/2001)

Part 2

**Regulating the Installation and Maintenance of Smoke and Heat
Detecting Devices and Other Smoke, Fire and Lighting Warning Systems**

§7-201. Smoke and Heat Detection.

1. Definitions and Minimum Requirements.

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

HEAT DETECTOR - the minimal permissible heat detector shall be one approved by the Underwriters' Laboratories (UL) and/or National Fire Protection Association (NFPA).

SMOKE AREA - an area totally enclosed which contains at least 100 square feet of floor area but not more than 600 square feet of floor area.

SMOKE DETECTOR - the minimal permissible smoke detector, shall be one approved by Underwriters' Laboratories (UL) and/or National Fire Protection Association (NFPA) and shall be powered by ordinary household current with battery backup or a battery unit having usable battery life of at least 12 months duration.

2. Fire Warning Systems Required.

A. All structures hereinafter constructed within the Borough of Rutledge, whether residential, commercial or industrial shall be protected with automatic fire warning system equipped with automatic smoke detection devices or automatic smoke and heat detection devices.

B. In the case of an existing structure where the occupancy of such structure is changed by reason of sale, lease, rental or in any other manner, automatic smoke detection devices or automatic smoke and heat detection devices shall be installed on or before the occupancy has changed. The installation shall be in accordance with the terms of this Part.

C. All buildings where public gatherings take place including firehalls, firehouses, places of worship and others shall be protected by automatic smoke detection devices or automatic smoke and heat detection devices.

D. Smoke detection devices or smoke and heat detection devices are required in that part of a single or multiple family dwelling used solely for business or professional purposes; provided, such use is permitted by the Zoning Ordinance [Chapter 27].

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3. **Applicability.**

- A. This Part shall apply to all residential buildings and structures hereafter conveyed by any conveyance and all residential buildings and structures or parts thereof which are now being leased to tenants or which will hereafter be leased to new tenants.
- B. This Part shall apply to all single or multiple family dwellings using any part thereof for business purposes if permitted by the Zoning Ordinance [Chapter 27].
- C. This Part shall apply to all buildings and structures used for public gatherings including firehouses, firehalls, places of worship and others.

4. **Number and Placement.** The number and placement of detectors shall be under the control and enforcement of the Fire Marshall and/or his appointed assistant and/or other officer designated by the Borough Council of Rutledge. Said control and enforcement shall not be arbitrary but shall be in compliance with acceptable standards, as recommended by good fire protection procedures and installation requirements.

5. **Installation Requirements.**

- A. All single-family dwellings shall have one smoke detector installed on every floor.
- B. All multiple family dwellings shall have smoke detectors in the following locations:
 - (1) At the top of any stairwell, if such stairwell is open to common hallways or corridors.
 - (2) One smoke detector for each 50 linear feet in common hallways and/or corridors and/or stairways.
 - (3) **Storage Area.** In area exceeding 100 square feet, a minimum of one smoke detector for each smoke area or portion thereof.
 - (4) If the above does not apply due to structural design, one smoke detector shall be installed on each floor of a rental unit.
 - (5) All multiple family dwellings shall be required to have at least one smoke and heat detector equipped with an alarm that can be detected during normal use of apartment or hallway in each boiler room.
- C. All buildings and structures used for public gatherings including firehouses, firehalls, places of worship and others shall have at least one smoke detector for every 1,500 square feet per floor and one smoke and heat detector equipped

with an alarm that can be heard in all parts of the building during normal use in each boiler room.

- D. All single or multiple dwellings having a separate area of that structure used solely for business purposes to the extent permitted by the Zoning Ordinance [Chapter 27] shall have at least one smoke detector located in that area.
 - E. **Working Order.** All smoke and heat detection devices required hereunder must, at all times, be in good working order or the owner shall be subject to penalties hereinafter set forth.
6. **Notification.** Notification of the appropriate provisions of this Part shall be given to all applicants for building permits or rental licenses or certificate of occupancy prior to the issuance of such permits, licenses and applications for certificate of occupancy.
7. **Compliance Requirements.** The owners of buildings described in this Part shall comply as follows:
- A. In the case of new construction, all smoke detectors and/or heat detectors shall be properly recorded on the construction plan.
 - B. In the case of a change of occupancy or ownership of single or multiple dwellings, the owner shall notify the Borough of the number and location of all smoke and/or heat detectors.
 - C. For all existing buildings as described in this Part, other than those described above, the owner or designated officer shall notify the Borough of the number and location of all smoke and/or heat detectors.
8. **Effective Date.** This Part shall take effect immediately after passage but shall not be enforced as to existing single-family residential buildings until they change owners by any deed or conveyance. For all existing buildings as described in this Part, it shall take effect within 6 months of the effective date of this Part.
9. **Penalties for Violation.** Any person, firm or corporation who fails to comply with all or part of this Section shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment thereof, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Section continues shall constitute a separate offense. [Ord. 428]

(Ord. 341, 6/2/1981, Art. I; as amended by Ord. 428, 7/2/2001)

§7-202. Lighting.

- 1. **Applicability and Requirements.** All multi-family dwellings of four or more units shall have auxiliary rechargeable battery lighting of at least 60 minutes of duration

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in all routes of egress. Such lighting shall be designated to provide safe passage under emergency conditions. A minimum standard of 3 foot candles shall be supplied for each area required to be illuminated.

2. **Effective Date.**

- A. The provisions of this Section shall apply to all new construction immediately.
- B. The provisions of this Section shall apply to all existing multi-family dwellings within 6 months of the effective date of this Part.

3. **Penalties for Violation.** Any person, firm or corporation who shall violate any provision of this Section with regard to emergency lighting or failure to comply with the requirements thereof shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Section continues shall constitute a separate offense. [*Ord. 428*]

(*Ord. 341, 6/2/1981, Art. II; as amended by Ord. 428, 7/2/2001*)

§7-203. Enforcement Officer.

For the purpose of this Part, the Fire Marshall and/or his designated assistant and/or other officer designated by the Borough Council of Rutledge shall have the authority to issue any citation or sign complaints necessary to enforce the provisions of this Part.

(*Ord. 341, 6/2/1981, Art. III*)

§7-204. Inspection and Enforcement.

In order to safeguard the safety, health and welfare of the public, the enforcement officer upon probable cause and/or annual inspections shall be authorized to enter any structure or premise at any reasonable time for the purpose of making inspections and performing his duties under this Part.

(*Ord. 341, 6/2/1981, Art. IV*)

Part 3

Management of Fires and Conduct of the Public at Fires

§7-301. Interference with Fire Hydrants.

No person shall place ashes, cinders, dirt, rubbish, building material or other material of any sort whatsoever around or close to any fire hydrant in the Borough of Rutledge so as to cause hindrance or delay in access thereto or use thereof. No person shall in any way interfere with or tamper with any fire hydrant or attempt to take water therefrom without special authority from the Fire Chief or person acting as such, or from the Fire Committee of the Borough Council.

(Ord. 321, 8/24/1976, §313.1)

§7-302. Use of Fire Apparatus.

Without the consent of the Fire Chief or the person acting as such or of the Fire Company or Council, no person, not an active member of the Rutledge Fire Company, shall at any time ride upon any of the fire apparatus of the Borough. Nor shall any person make use of any fire apparatus, hose or other equipment of the Fire Department, other than that for the purpose for which the same is intended, without such consent.

(Ord. 321, 8/24/1976, §313.2)

§7-303. Entering of Property.

No person not actually engaged in the extinguishment of a fire, or the saving of property endangered thereby, shall enter any building in which a fire is being fought by the Fire Department, either during or after such fire, without the consent of the owner or occupant of such building.

(Ord. 321, 8/24/1976, §313.3)

§7-304. Crossing Fire Lines.

No person, not an active member of the Rutledge Fire Company or supporting company(s), shall at any time enter within the fire lines, being the roped-off area around or in the vicinity of any fire, or interfere with or attempt to operate any of the apparatus or equipment of such Fire Department, or any fire hydrant or interfere by giving orders, unless requested to do so by the Fire Chief or the person acting as such with proper authority. Provided, the Mayor or any member of Council, any policeman or special policeman or special fire policeman or any other law enforcement officer or the owner or

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occupant of any property within the fire lines, and such other persons as may specifically be passed by the Fire Chief or the person acting as such may enter within such fire lines.

(Ord. 321, 8/24/1976, §313.4)

§7-305. Authority.

The Mayor and any policeman of the Borough, including any member of the special police, special fire police, shall have the power in case of fire, to disperse all collections of idle, disorderly and suspicious persons and of persons hindering the fighting of fire by their presence; and in any other way deemed necessary, to preserve order and prevent the commission of offenses on such occasions. Any person interfering with, or refusing to obey any such officer in the discharge of such duty shall be guilty of a violation of this Part.

(Ord. 321, 8/24/1976, §313.5)

§7-306. Penalties.

Any person or persons, who shall violate any provision of this Part or cause or help others to violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days.

(Ord. 321, 8/24/1976, §313.6; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)