

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

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Part 1
Outdoor Fires

§101. Outdoor Fires Prohibited Upon Public Grounds. No person, firm, partnership or corporation shall set or maintain any fire at any time upon any of the streets, sidewalks, alleys or public grounds in the Borough of Halifax, or burn or cause to be burned thereon any paper, garbage, refuse, debris, boxes, rubbish, leaves, weeds, or other material or substance of any kind. (Ord. 131, 11/4/1974, §1)

§102. Outdoor Fire Permitted Upon Private Property. Outdoor fires shall be permitted upon private property in the Borough of Halifax under and subject to the following conditions:

1. All such fires must be attended at all times by an adult, competent person.
2. No fire shall be set, started, or maintained unless confined within a non-combustible container covered with a non-combustible mesh screen having one inch (1") or smaller mesh.
3. No fire may be set, started or maintained in a non-combustible container unless such container is located at least fifteen feet (15') from any building, automobile, garbage or waste container, or any other combustible substance.
4. No garbage, food or vegetable material, animal substance, or parts thereof or any can that contains or did contain air or gas under pressure may be burned at any time, under any conditions.
5. No concrete, stone or similarly constructed enclosure can be used for burning unless it is covered with a non-combustible screen as is set forth in Subsection 2 above.
6. No fire shall be set, started, or maintained between the hours of sunset and sunrise, under any conditions.

This section shall not be construed to prohibit the use of family size outdoor barbecue equipment for household cooking purposes.

(Ord. 131, 11/4/1974, §2)

§103. Application for Permit.

1. Any person, firm, partnership or corporation may apply to the Secretary of the Borough of Halifax for a permit to set, start, or maintain a fire which, under the terms of this Part is prohibited as set forth above. Such an application must be in writing and shall specify:

- A. The time that such fire is to be started.
- B. What is to be burned.
- C. Where the fire is to be located.
- D. Duration of such fire.
- E. Names of person or persons who will supervise such fire.

2. The fee for the presentment and consideration of such an application shall be one dollar (\$1.00) and said payment shall accompany the application. The Borough Secretary shall consider said application within ten (10) days from the date of the submission of the application, whether or not a permit will be granted and under what condition or conditions that permit will be subject to.

(Ord. 131, 11/4/1974, §3)

§104. Violations. Any person, firm, partnership or corporation who shall violate or fail to conform to any of the provisions of this Part shall, upon conviction, be subject to the penalties outlined in §105 of this Part. In the event that an unattended fire is discovered on the premises belonging to any person, firm, partnership or corporation and it cannot be determined what person or persons started said fire, the tenant then in possession of said property shall be prima facie liable for the maintenance of said fire, unless said person or persons shall establish, by competent evidence, the actual identity of the person or persons who instituted and maintained such a fire. (Ord. 131, 11/4/1974, §4; as amended by Ord. 153, 2/2/1987)

§105. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Ord. 153, 2/2/1987)

Part 2

Smoke Detectors

§201. Definitions. For the purpose of this Part, the following words have the following meaning:

DWELLING UNIT - a structure or portion thereof, building or portion thereof, arranged for the use of one (1) or more individuals living together as a housekeeping unit on a permanent, temporary or transient basis which may or may not include sanitary facilities or facilities for preparation, storage or serving of food.

OWNER - any person who, alone or jointly or severally with other persons, has legal title to any premises. This includes any person who has charge, care or control over any premises as:

- (1) An agent, officer, fiduciary or employee of the owners.
- (2) The committee, conservator or legal guardian of an owner who is incompetent, a minor or otherwise under a disability.
- (3) A trustee, elected or appointed, or a person required by law to act as a trustee, other than a trustee under a deed of trust to secure the payment of money.
- (4) An executor, administrator, receiver, fiduciary, officer, appointed by any court, attorney-in-fact or other similar representative of the owner or his or their estate. This does not include a lessee, a sublessee or other person who merely has the right to occupy or possess a premises.

SMOKE DETECTOR - a device which detects visible or invisible particles of combustion and is capable of providing a suitable audible alarm of at least eight-five (85) decibels at ten (10) feet, either ionization or photo-electric type.

(Ord. 90-1, 3/5/1990, §1)

§202. Smoke Detectors Required in Dwelling Units. In each dwelling unit or individual apartment within buildings used as a multiple dwelling, there shall be provided by the owner of the real estate, a minimum of one (1) smoke detector sensing device, which has received Underwriters Laboratories approval. (Ord. 90-1, 3/5/1990, §2)

§203. Alarm Requirements. Said smoke detector sensing device shall provide an alarm suitable to warn occupants within individual dwelling units in the event of fire. (Ord. 90-1, 3/5/1990, §3)

§204. Time of Installation. The smoke detector sensing device shall be installed as above in all multiple dwellings immediately and shall be

installed, by the owner, in all other buildings within the Borough not later than upon change of ownership of the real estate upon which the building is erected. (Ord. 90-1, 3/5/1990, §4)

§205. 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 three hundred (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 90-1, 3/5/1990, §5)