

An Ordinance adopting by reference as the fire prevention code of the Borough of Forest City The BOCA Basic/National Fire Prevention Code/1984, with certain amendments, modifications and deletions; prescribing penalty for violation; and repealing certain prior ordinances.

The Borough of Forest City ordains as follows:

Section 1. Adoption of Fire Prevention Code. For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the Borough of Forest City adopts as its fire prevention code The BOCA Basic/National Fire Prevention Code/1984 (Sixth Edition), as published by the Building Officials & Code Administrators International, Inc. Copies have been placed on file with the Borough Secretary, and will remain on file there. That entire fire prevention code, except for those portions that are deleted, modified or amended in the following sections of this ordinance, is adopted and incorporated by reference as fully as if set out verbatim in this ordinance, and, from the date on which this ordinance takes effect, the provisions of that fire prevention code, as amended, shall be controlling within the limits of the Borough of Forest City.

Section 2. Amendments Made in Fire Prevention Code. The fire prevention code adopted by Section one of this ordinance is amended and changed in the following respects:

(1) The words "The Borough of Forest City" shall be substituted for the words "name of jurisdiction" (in brackets) and the words "the jurisdiction" (except where it reads "under the jurisdiction of"), and the words "this jurisdiction," wherever any of those words appear in the code.

(2) The words "Borough Council" shall be substituted for the term "chief appointing officer" or "appointing authority of the jurisdiction," wherever either of the latter terms appears in the code.

(3) The words "fire prevention officer" shall be substituted for the words "fire official," wherever the latter words appear in the code.

(4) The words "Borough Solicitor" shall be substituted for

the words "legal council of the jurisdiction," wherever the latter words appear in the code.

(5) Section F-100.3 is amended to read as follow:

"F-100.3 Alternate methods and modifications: The fire prevention officer may accept alternate methods of satisfying the intent of this code if the material, method or work is at least the equivalent of that required by this code in quality, effectiveness, durability and safety, and meets or exceeds the intent of the code. Provided: the particulars of every such authorized alternate method, and the basis of the decision of the fire prevention officer in the matter, shall be committed to writing; one copy of this written authorization of report, signed by the fire official, shall be filed with the Borough Secretary and another copy shall be furnished to the person who applied for and was authorized to use the alternate method.

(6) Section F-102.1 is amended to read as follows:

"F-102.1 Enforcement authority:

"(a) This code shall be enforced by the Bureau of Fire Prevention in the Forest City Fire Department, which bureau is hereby established, and which shall be operated under the supervision of the Chief of the Fire Department.

"(b) The Chief of the Fire Department, in his capacity as head of the Bureau of Fire Prevention, may be known also as the Fire Prevention Officer.

"(c) The Chief of the Fire Department may detail as many members of the Fire Department as inspectors as shall from time to time be necessary. He shall recommend to Council the employment of technical inspectors, who, when authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

"(d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to Council; it shall contain all proceedings under this Code, with such statistics as the Chief of

the Fire Department decides to include; the Chief of the Fire Department shall also recommend any amendments to this Code which, in his judgment, shall be desirable.

"(e) The Chief of the Fire Department may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the Borough."

(7) Section F-102.7 is amended by adding the following sentence at the end thereof:

"Furthermore, Borough Council shall have authority, at its discretion, to abrogate any rule or regulation, or part thereof, in which case that rule or regulation or part thereof shall cease to be in effect in the Borough."

(8) Section F-103.2 is amended to read as follows:

"F-103.2 Permits required: Permits shall be obtained from the fire prevention officer and shall at all times be kept in the premises designated in the permits, and shall at all times be subject to inspection by the fire prevention officer."

(9) Section F-103.7 is amended to read as follows:

"F-103.7 Fees: Permits shall be issued without payment of a fee."

(10) The following new section is added directly after Section F-103.7:

"F-103.8 New Material, Processes or Occupancies Requiring Permits: The Mayor of the Borough of Forest City and the Fire Prevention Officer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which are to require permits, in addition to those now enumerated in the code. The Fire Prevention Officer shall post the list of those new materials, processes and occupancies in a conspicuous place in the Municipal Building, and shall distribute copies to interested persons."

(11) Section F-104.0 Appeals is deleted and the following new section is substituted for it:

"F-104.0 Appeals

"F-104.1 Appeals: Whenever the Fire Prevention Officer disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true meaning and intent of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire prevention officer to Borough Council within 30 days from the date of the decision appealed."

(12) Section F-105.5 is amended to read as follows:

"F-105.5 Failure to correct violations: If the notice of violation is not complied with within the time specified by the fire official, the fire official shall report that fact, in writing to the Mayor and to Borough Council. The Mayor may then direct the Police Department of the Borough to make any arrests for any offense against this code or orders of the fire official affecting the immediate safety of the public; and Council may direct the Borough Solicitor to institute the appropriate legal proceedings to restrain, correct or abate the violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made under this code."

(13) Section F-105.5.1 is amended to read as follows:

"F-105.5.1 Penalties: Any person who violates any provision of this code, or who violates or fails to comply with any order issued under this code, or who builds in violation of any detailed statement, specification or plan submitted and approved under this code, or any certificate or plan submitted under this code, and from which no appeal has been taken, or who fails to comply with any such order as affirmed or modified by Borough Council or by a court of competent jurisdiction, within the time fixed in this code or in the order, shall severally for every such violation and noncompliance, be guilty of an offense, and, upon conviction, shall be sentenced to pay a fine of not less than \$100 or more than \$300 and costs of prosecution, and, in default of payment of fine and costs, to imprisonment for not more than 30 days. Provided: the imposition of one penalty for any violation shall not excuse the violation or permit it to continue;

and all such persons shall be required to correct or remedy those violations within a reasonable time; and when not otherwise specified, each 30 days that prohibited conditions are maintained shall constitute a separate offense."

(14) Section F-301.0 Bonfires and Outdoor Rubbish Fires is deleted and the following shall be substituted for it:

"F-301.0 OUTDOOR FIRES

"F-301.1 Conditions for allowing outdoor fires: It shall be unlawful for any person to kindle, set or maintain any outdoor fire at any place within the Borough, except:

(a) For outdoor cooking purposes, but then only in a stove, barbecue grill or other receptacle or device constructed and/or designed solely for outdoor cooking;

(b) For special occasions or under special circumstances, but then only with special permission of Council, granted in advance and for a specific purpose and a specific time or period of time. Provided: such special permission may be granted conditionally, and a violation of any condition accompanying any such special permission shall constitute a violation of this code.

"F-301.2 Attendance at fires: Outdoor fires shall be constantly attended by a competent person until the fire is extinguished. That person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

"F-301.3 Authority to prohibit outdoor fires: The fire prevention officer shall have authority to prohibit all outdoor fires when atmospheric or local circumstances make such fires hazardous."

(15) Section F-2602.2 of the code is amended to read as follows:

"F-2602.2 Permit required: A permit shall be obtained from the fire prevention officer for any of the following conditions or operations:

(a) To possess or sell or otherwise dispose of explosives or blasting agents;

(b) To transport explosives or blasting agents;

- (c) To use explosives or blasting agents;
- (d) To operate a terminal for handling explosives or blasting agents;
- (e) To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise;
- (f) To transport blasting caps or electric blasting caps on the same vehicle with explosives.

Provided: no permit need be obtained from the fire prevention officer under this section where a license or permit is required by law or departmental regulation of the Commonwealth of Pennsylvania, and where a valid State license or permit is in possession of the person desiring to have, keep, use or transport explosives or blasting agents."

(16) Section F-2601.1 of the code is amended to read as follows:

"F-2601.1 Manufacture: The manufacture of explosives or blasting agents in the Borough is prohibited in the Borough. This prohibition shall not apply to hand loading of small arms ammunition for personal use when not for resale."

(17) Section F-2601.2 is amended to read as follows:

"F-2601.2 Storage: The storage of explosives and blasting agents anywhere in the Borough is prohibited, except for temporary storage for use in connection with approved blasting operations, provided, however, this prohibition shall not apply to wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 500 pounds (227 kg) of explosive material."

(18) Section F-2604.9.1 is amended to read as follows:

"F-2604.9.1 Vehicle routing: Vehicles transporting explosives and blasting agents shall be routed through the Borough as follows: Main Street, Route 171, from the north end of the Borough to the south end of the Borough; Dundaff Street, Route 247, west from Main Street to the west end of the Borough; Hudson Street, from Dundaff Street south to the Borough line; and Route 247, east from South Main Street to the Borough line."

(19) Article 27, Fireworks, and all sections and subsections contained in that article (Sections F-2700.1 through F-2700.4) are deleted the following single new section is substituted for that article and the sections and subsections cited above:

"Article 27

"FIREWORKS

SECTION F-2700.0 GENERAL

"F-2700.1 Prohibitions and Regulations:

(a) The manufacture of fireworks is prohibited within the Borough of Forest City.

(b) The storage of fireworks shall be prohibited within the Borough except for temporary storage in advance of, during and in connection with supervised public display of fireworks, and, for that purpose, a permit shall be obtained from the Council; that permit shall clearly specify the place where the fireworks shall be stored, shall limit the quantity of fireworks to be stored, shall limit and state the period of time in advance of the supervised public display when the fireworks shall be so stored, and shall require and provide for the supervision over the removal of any unexploded fireworks remaining after the supervised public display. In all other respects supervised public displays of fireworks shall be governed by the State Fireworks Law (1939 P.L. 134 as amended) and by regulations adopted by Council under that law.

(c) It shall be unlawful for any person to offer for sale, expose for sale, sell at retail or use or explode any fireworks in the Borough except as permitted by the State Fireworks Law (1939 P.L. 134 as amended)."

(20) Section 2802.1 is amended to add the following sentence at the end of the section:

"Provided, however: new bulk plants for flammable or combustible liquids are prohibited everywhere in the Borough."

(21) Section F-2803.1 is amended to read as follows:

"F-2803.1 General: Above-ground storage tanks for the storage of combustible or flammable liquids shall be prohibited everywhere in the Borough."

(22) Section F-2909.1.1 is amended by adding the following new subsection at the end of that section:

"Routing: Vehicles shall be routed through the Borough as follows: Main Street, Route 171, from the north end of the Borough to the south end of the Borough; Dundaff Street, Route 247, west from Main Street to west end of the borough; Hudson Street, from Dundaff Street south to the Borough line; and Route 247 east from South Main Street to the Borough line."

Section 3. Interpretation. In interpreting any of the provisions of the code adopted by this ordinance, the following principles shall be governing:

(a) The said code shall not supersede any provision of any law of the Commonwealth of Pennsylvania or of any regulation promulgated by any department or agency of the Commonwealth by authority of law, where that law or regulation is in conflict with or identical to a provision of the said code. Provided, however: any provision of the said code that is stricter than or in addition to any State law or regulation governing a particular subject or activity shall be in effect and shall be enforced within the Borough of Forest City, subject to the penalties prescribed in the code.

(b) Mention in or regulation by the code adopted by this ordinance of any specific use of property, or of any business or industry, shall not in itself authorize such use of property or the establishment or carrying on of any such business or industry in the Borough. It is hereby declared that the intent of the Borough Council is that permitted and prohibited uses of property in the Borough shall be as governed by the Borough's Zoning Ordinance, its amendments and supplements.

Section 4. Saving Clause. Nothing in this ordinance or in the code adopted by this ordinance shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action accrued or existing, under any ordinance repealed by this ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. Validity. The Council of the Borough of Forest City declares that should any section, paragraph, sentence, clause or word of this ordinance or of the code adopted by this ordinance

be declared to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this ordinance or of the code hereby adopted. It is declared as a legislative intent that the said code and this ordinance would have been adopted had that unconstitutional, illegal or otherwise invalid provision not been included therein.

Section 6. Repeal of Certain Prior Ordinances. The following ordinances are repealed:

1. Ordinance 321, relating to outdoor fires, enacted December 6, 1971.

2. Ordinance 344, adopting the 1976 edition of the fire prevention code recommended by the American Insurance Association, enacted July 11, 1977.

ORDAINED AND ENACTED by the Council for the Borough of Forest City, this day of , 1984.

BOROUGH OF FOREST CITY

By: _____
President of Council

ATTEST:

Secretary

Examined and Approved this day of , 1984.

Mayor