

FIRE PREVENTION CODE

ARTICLE 1501 - Standard Adopted

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CROSS REFERENCES:

Adoption by reference - see 3rd Class Charter Law §608(a) (53 P.S. §41608(a))
Fire and Panic Act - see 35 P.S. §1221 et seq.

1501.01 ADOPTION AND PURPOSE.

The City hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the fire prevention code known as the BOCA Basic Fire Prevention Code, 1984 Edition, save and except such portions as are hereinafter deleted, modified or amended, of which three copies have been and now are filed in the office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the City. (Ord. 6838. Passed 7-25-85.)

1501.015 STATE LAWS AND REGULATIONS.

In all matters that are required by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where the requirements thereof are the same as or more limiting than the provisions of this article. The Code shall control in all cases where the State requirements are not as strict as those contained in this article. (Ord. 6838. Passed 7-25-85.)

1501.02 ENFORCEMENT BY DEPARTMENT OF FIRE.

(a) The Fire Prevention Code shall be enforced by the Department of Fire which shall be operated under the supervision of the Fire Chief who is hereby constituted Fire Marshal of the City. (Ord. 5734. Passed 8-12-58.)

(b) The Fire Chief may detail such members of the Department of Fire as inspectors as shall from time to time be necessary. The Chief shall recommend to Council the employment of technical inspectors to be appointed under the civil service provisions for firemen in third class cities. (Ord. 5734. Passed 8-12-58.)

(c) A report of the Department of Fire shall be made annually and transmitted to the Mayor. It shall contain all proceedings under this Code, with such statistics as the Fire Chief may wish to include therein. The Chief shall also recommend any amendments to the Code, which, in his judgment, shall be desirable. (Ord. 5734. Passed 8-12-58.)

1501.03 DEFINITIONS.

Wherever the word "Municipality" is used in the Fire Prevention Code, it means the City of New Castle. (Ord. 5734. Passed 8-12-58.)

1501.04 STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS.

(a) The limits in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as: the fire zones of the City as established by Section 1725.02 of the Building Code, or elsewhere in the City where topographical conditions, occupancy nature, proximity to other buildings or degree of private fire protection may constitute a hazard. (Ord. 5734. Passed 8-12-58.)

(b) The limits in which new bulk plants for flammable liquids are prohibited are hereby established as: the fire zones of the City as established by Section 1725.02 of the Building Code or elsewhere in the City where topographical conditions, occupancy nature, proximity to other buildings or degree of private fire protection may constitute a hazard. (Ord. 5734. Passed 8-12-58.)

1501.05 BULK STORAGE OF LIQUEFIED PETROLEUM GASES.

The limits in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: the fire zones of the City as established by Section 1725.02 of the Building Code or elsewhere in the City where topographical conditions, occupancy nature, proximity to other buildings or degree of private fire protection may constitute a hazard. (Ord. 5734. Passed 8-12-58.)

1501.06 MODIFICATIONS.

The Fire Chief shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessees, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief thereon shall be entered upon the records of the Department of Fire and a signed copy shall be furnished the applicant. (Ord. 5734. Passed 8-12-58.)

1501.07 AMENDMENTS.

The Fire Prevention Code hereby adopted is amended as follows: (Ord. 6838. Passed 7-25-85.)

(a) The City of New Castle shall be inserted wherever the words "Name of Municipality" appear in brackets therein. (Ord. 6838. Passed 7-25-85.)

- (b) Wherever the term legal officer or legal representative is used in this Code, it shall be held to mean the City Solicitor. (Ord. 6838. Passed 7-25-85.)
- (c) Section F-105.5.1 is hereby amended to read as follows: (Ord. 6838. Passed 7-25-85.)
 - 1. Any person who shall violate any provision of this Code shall, upon conviction thereof, be punished as provided in Section 101.99 of the Administrative Code. Each day a violation of this Code continues shall constitute a separate offense. (Ord. 6838. Passed 7-25-85.)
 - 2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 6838. Passed 7-25-85.)

1501.08 APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to Council. (Ord. 5734. Passed 8-12-58.)

1501.09 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

Council and the Fire Chief 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 shall require permits, in addition to those now enumerated in the Code. The Chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. 5734. Passed 8-12-58.)

1501.10 OPEN BURNING.

In addition to the provisions set forth in Sections F-300.0 through F-301.6 of the BOCA Fire Prevention Code, the following provisions shall apply: (Ord. 7590. Passed 09-26-2002.)

- (a) No person shall cause or permit the open burning of any material with the exception of the following: (Ord. 7590. Passed 09-26-2002.)
 - (1) A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection and set by or under the supervision of the Fire Chief with the approval of the Mayor. (Ord. 7590. Passed 09-26-2002.)
 - (2) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection. (Ord. 7590. Passed 09-26-2002.)
 - (3) A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection. (Ord. 7590. Passed 09-26-2002.)
 - (4) A fire set solely for recreational or ceremonial purposes, provided however, that a permit is obtained in accordance with Subsection (b) hereof. (Ord. 7590. Passed 09-26-2002.)

- (5) A fire set solely for cooking food. (Ord. 7590. Passed 09-26-2002.)
- (6) Clearing and grubbing wastes in accordance with the laws of the Commonwealth of Pennsylvania and the regulations of the Department of Environmental Protection. (Ord. 7590. Passed 09-26-2002.)
- (7) Fire pits/tables for recreational purposes subject to the following requirements and restrictions: (Ord. 8342. Passed 09-10-2020.)
 - (i) Fire pit/tables must be constructed at a size no less than 36” in length and in width and no less than 18” in height. (Ord. 8342. Passed 09-10-2020.)
 - (ii) Fire pit/tables must be constructed with non-combustible material such as stone, brick or steel. Commercial fire pits/tables must be used in accordance with manufacturer instructions. (Ord. 8342. Passed 09-10-2020.)
 - (iii) Fire pits/tables must be placed at least 10 feet away from any property line, easement or right of way and at least 25 feet away from any structure. For purposes of this section, a structure shall include any building, house, garage, shed, recreational equipment, and/or similar manufactured or constructed item. (Ord. 8342. Passed 09-10-2020.)
 - (iv) A means of fire suppression, such as fire extinguisher, water hose, bucket of water, and/or sand, must be maintained within ten (10) feet of the fire pit/table. (Ord. 8342. Passed 09-10-2020.)
 - (v) All fires must be attended to at all times while burning by an individual at least sixteen (16) years of age. (Ord. 8342. Passed 09-10-2020.)
 - (vi) Only clean, dry wood and/or commercially available fire logs, paraffin logs, or wood pellets may be used for burning. Paper or commercial smokeless fire starters may be used only in aid of starting a fire. The use of accelerants such as gasoline, kerosene, diesel fuel, or lighter fluid is not permitted. (Ord. 8342. Passed 09-10-2020.)
- (b) A person shall not set a fire for ceremonial purposes (i.e., civic group bonfires) or authorize any such fire to be started or maintained on any property without having first obtained a permit from the Fire Chief. All permits shall be issued to the owner or tenant of the property upon which such fire is to be maintained. Permits for all proposed fire burning events, other than fire pits/tables for recreational purposes shall cost ten dollars (\$10.00) and shall be valid for a period of twenty-four (24) hours. There shall be no cost to obtain a permit for fire pits/tables used for recreational purposes. Payment therefore shall be made payable to the City Treasurer. (Ord. 8342. Passed 09-10-2020.)
- (c) Any terms, conditions, restrictions and regulations, other than those set forth in this Article, under which a fire set solely for recreational or ceremonial purposes, including bonfires, is started or maintained, shall be determined and imposed by the Fire Chief and set forth on the permit. (Ord. 7590. Passed 09-26-2002.)

1501.11 REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this article or of the Code hereby adopted are hereby repealed. (Ord. 5734. Passed 8-12-58; Ord. 7077. Passed 7-7-92.)

- (d) Evidence of unlawful burning as determined by the fire department or police department shall be considered a violation of this ordinance. (Ord. 8342. Passed 09-10-2020.)

1501.12 VALIDITY.

Council hereby declares that should any section, paragraph, sentence or word of this article or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of Council that it would have passed all other portions of this article independent of the elimination herefrom of any such portion as may be declared invalid. (Ord. 5734. Passed 8-12-58; Ord. 7077. Passed 7-7-92.)

1501.99 PENALTY.

Any person found by the fire department to be in violation of the requirements and restrictions required for use of fire pits/tables for recreational purposes shall receive a warning for a first offense, and thereafter, for every subsequent offense for which said person shall be convicted, shall be punished as provided in Section 101.99 of the Administrative Code. Any person who violates any other provision of this article shall be punished as provided in Section 101.99 of the Administrative Code. (Ord. 8342. Passed 09-10-2020.)