

ORDINANCE # 15 - 1970
CHAPTER VI

FIRE PREVENTION AND FIRE FIGHTING

- Section 1. Adoption of Fire Prevention Code
- Section 2. Enforcement
- Section 3. Establishment of Limits of Districts in Which Storage of Flammable Liquids in Outside Aboveground Tanks, Bulk Storage of Liquefied Petroleum Gases and Storage of Explosives and Blasting Agents Is to be Restricted
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Section 1. Adoption of Fire Prevention Code. There is hereby adopted by the Township of Honey Brook, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the 1960 edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section four of this ordinance,¹ copies of which code have been and are now on file with the Township Secretary. The same are hereby adopted and incorporated as fully as if set out at length herein,² and from the date on which this ordinance shall take effect,² the provisions thereof shall be controlling within the limits of the Township of Honey Brook. (Ordinance 89, June 3, 1963, Section 1)

Section 2. Enforcement. The code hereby³ adopted shall be enforced by the Township Fire Chief, who shall be the person serving as Chief of the Honey Brook Fire Company. (Ordinance 89, June 3, 1963, Section 2)

Section 3. Establishment of Limits of Districts in Which Storage of Flammable Liquids in Outside Aboveground Tanks, Bulk

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1. Section 4 of this chapter.
 2. Section 10 of this ordinance provides that the code become effective January 1, 1963.
 3. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.

(Ch. VI, sec. 3, cont'd)

Storage of Liquefied Petroleum Gases and Storage of Explosives and Blasting Agents Is to be Restricted. The limits referred to in Section 73 of the code hereby adopted in which storage of flammable liquids in outside aboveground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 53 (b) of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, are hereby established as all territory included in the Township of Honey Brook. (Ordinance 89, June 3, 1963, Section 3)

Section 4. Amendments Made in Code Hereby Adopted. The code hereby adopted is amended and changed in the following respects:

(a) Section 14 of the said code is hereby amended to read as follows:

"Section 14. Inspections of Building and Premises. It shall be the duty of the Fire Chief to inspect, or to cause to be inspected by members of the fire company, all buildings and premises, except the interiors of dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violation of the provisions or intent of this code and/or any other ordinance affecting fire hazards. Provided: nothing herein shall be intended or construed to supersede or supplant the procedure for removal of fire hazards as set forth in the Act of 1927, P.L. 450 No. 291, Section 3, as amended, where such procedure shall be followed by the Pennsylvania State Police or its assistants."

(b) In Section 16 the term "certified Mail" shall be substituted for the term "registered mail."

(c) Paragraph c of Section 17 is hereby amended by adding the following sentence at the end thereof:

"No permit fee or part thereof shall be refunded upon revocation of any permit."

(d) Section 17 is hereby further amended by adding the following paragraph thereto:

"d. All permits shall be issued by the Township Secretary if such issuance shall have been recommended or authorized by the Fire Chief. No such permit shall be issued

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4. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.
 5. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.

(Ch. VI, sec. 4 cont'd)

until a fee of one dollar (\$1.00), which shall be for the use of the Township, shall have been paid to the Township Secretary. Every permit shall be valid for a period of time specified by the Fire Chief, but in no instance for longer than the calendar year or the portion thereof remaining after the issuance of such permit."

(e) Section 18 is hereby amended by adding the following thereto:

"Municipality shall mean the Township of Honey Brook.

Chief of the Fire Department shall mean the Township Fire Chief, who shall be the person serving as the Chief of the Honey Brook Fire Company.

Inspector shall mean any member of the Honey Brook Fire Company designated by the Fire Chief for the purpose, or any person named by the Township Board of Supervisors as fire prevention inspector.

Flammable liquid shall mean any liquid having a flash point below 200° F, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F."

(f) Article 4 of the said code, "Dry Cleaning Plants," is hereby deleted.

(g) Section 52 is hereby amended to read as follows:
obtained:
"Section 52. Permits Required. Permits shall be

- (1) To possess, store, sell or otherwise dispose of explosives or blasting agents.
- (2) To transport explosives or blasting agents.
- (3) To use explosives or blasting agents.
- (4) To operate a terminal for handling explosives or blasting agents
- (5) To deliver to or receive explosives or blasting agents from a carrier at a terminal between the hours of sunset and sunrise.
- (6) To transport blasting caps or electric blasting caps on the same vehicle with explosives.

Provided: no permit need be obtained from the Township 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, store or transport explosives or blasting agents."

(h) Paragraph a of Section 53 of the said code is hereby amended to read as follows:

(Ch. VI, sec. 4 cont'd)

"a. The manufacture of explosives or blasting agents shall be prohibited within the Township. This shall not apply to hand loading of small arms ammunition for personal use when not for resale."

(i) Section 55 is hereby amended by deleting paragraph f thereof.

(j) Paragraph a of Section 83 of the said code is hereby amended to read as follows:

"a. The fuel tanks of motor vehicles shall be filled directly through hose from approved storage tanks attached to approved portable tanks or drawing from underground storage tanks. Storage and handling of flammable liquids shall conform to the 'Regulations governing the having, using, storage, transportation, sale, and keeping of gasoline, naphtha, kerosene, fuel oil or other substance of like character within the Commonwealth of Pennsylvania (exclusive of Philadelphia and Allegheny Counties)' of the Pennsylvania State Police and to Article of this code. No transfer of gasoline in any garage shall be made in any open container." Ordinance 89, June 3, 1963, Section

(k) Article 16, Section 160 (d) is amended to read:

"The Chief of the Fire Department may prohibit any or all bonfires, rubbish fires or any other burning within the Township, when atmospheric conditions or local circumstances make such fires hazardous. Notice of such prohibition shall be given by radio announcements, signs or newspaper advertisements, if feasible."

Section 5. Modifications. The Fire Chief shall, with approval of the Township Supervisors have power to modify any of the provisions of the code hereby adopted,⁶ upon application in writing by the owner or lessee, or his duly authorized agent where 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 Fire Chief thereon, shall be committed in writing; one copy thereof, signed by the Fire Chief, shall be filed with the Township Secretary, and another such signed copy shall be furnished to applicant. (Ordinance 89, June 3, 1963, Section 5)

6. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.

Section 6. Appeals. Whenever the Fire Chief shall disapprove an application or refuse to recommend a permit applied for, or a modification requested, or when it is claimed that the provisions of the code hereby adopted 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 Fire Chief to the Township Supervisors within thirty (30) days from the date of the decision appealed. The decision of the Township shall be handed down within thirty (30) days from the date of the appeal. (Ordinance 89, June 3, 1963, Section 6)

Section 7. Interpretation. In interpreting any of the provisions of the code hereby adopted,⁸ 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 such 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 Township of Honey Brook, subject to the penalties herein prescribed for violation of the said code hereby adopted.

(b) Mention in or regulation by the code hereby adopted of any specific use of property, or of any business or industry, shall not in itself authorize or permit such use of property within the Township for such purpose or the establishment of any such business or industry. It is hereby declared the intent of the Township that any ordinance, now or hereafter enacted by the Township Supervisors and prohibiting, within the Township, the carrying on of any manufacture, art, trade or business which may be noxious or offensive to the inhabitants, shall supersede any provision of the said code hereby adopted regulating or restricting any such manufacture, art, trade or industry, and it is further declared the intent of the Township that, in the event that a zoning ordinance shall hereafter be enacted, permitted and prohibited uses of property within the Township shall be as governed by such zoning ordinance. (Ordinance 89, June 3, 1963, Section 7)

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7. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.
8. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.

Section 8. Penalties.

(a) Any person who shall violate any of the provisions of the code hereby adopted⁹ or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Township Supervisors, or a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a violation of the code adopted hereby, and, upon conviction thereof by any Justice of the Peace or District Justice, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the County Jail for not more than thirty (30) days. The imposition of any 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 such violation or defect within a reasonable time; and when not otherwise specified, each ten(10) days that any prohibited condition is maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ordinance 89, June 3, 1963, Section 8)

Section 9. Validity. The Board of Supervisors of Honey Brook Township hereby declares that any section, paragraph, sentence, clause or word of this ordinance,¹⁰ or of the code hereby adopted,¹¹ be declared to be unconstitutional, invalid or illegal, such decision shall not affect the validity of any of the remaining provisions of this ordinance or of the code hereby adopted. It is hereby declared as a legislative intent that the said code and this ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included therein. (Ordinance 89, June 3, 1963, Section 9)

Atest

Robert Bachman sec

Adopted Sept 14 1970

Raymond Mears
James A. Lavelle
Walter B. P...
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9. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.
10. Sections 1 to 9 of this chapter.
11. The Fire Prevention Code, Abbreviated Edition. See Section 1 of this chapter.