

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Open Burning****§7-101. Policy.**

Council of the Borough of North York declares it to be the policy of the Council of said Borough to protect and safeguard its citizens from air pollution.

(Ord. 5/6/1985, §2)

§7-102. Definitions.

The following words, terms and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings:

Commercial - those uses upon the land which are primarily designed for economic gain of the activity being conducted, which uses are more fully set forth in the North York Borough Zoning Ordinance [Chapter 27].

Council - the Council of North York Borough.

Farm - uses of the land which are primarily agrarian in nature and restricted exclusively to agriculture.

Furnace - any enclosed device specifically designed for the burning of 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.

Industrial - activities carried on for the fabrication, manufacture and assemblage of raw materials into a finished product which uses are more fully set forth in the North York Borough Zoning Ordinance [Chapter 27].

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, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

Refuse - garbage, rubbish and trade waste.

Residential - activity or use of the land that is solely for single or double family dwelling purposes.

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 materials or rubbish resulting from the 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 coal refuse associated with mining or preparation of coal.

(Ord. 5/6/1985, §3)

§7-103. Enforcement.

The Council of North York Borough shall have the power and duty to enforce the provisions of this Part.

(Ord. 5/6/1985, §4)

§7-104. Application for Burn Permit.

1. The applicant for a burn permit shall apply at the office of the Mayor for a burn permit form. Upon receipt of said form and payment of the fee, the applicant shall take the permit to the designated enforcement agent for his approval or disapproval. In the event said burn permit is denied, the applicant shall return the form upon which the disapproval has been designated and shall be entitled to a refund of the burn permit fee.

2. *Regulations Governing the Conduct of Approved Fires.*

A. No approved fire shall be closer than 75 feet from any building.

B. No approved fire shall be allowed to burn except between sunrise and sunset.

C. No approved fire shall be allowed to burn unless an adult person is present to regulate and control the burning during the time the fire is in existence.

D. No approved fire shall be left unattended at any time.

E. The person attending an approved fire shall be reasonably equipped with such tools as may be necessary to permit said attendant effectively to control the fire being set under this Part.

F. No permittee shall be permitted to ignite materials such as tires, roofing materials, wet garbage or other substances which are likely to emit noxious odors or dense smoke, or any other materials which are likely to be detrimental to the air quality of North York Borough, York County, Pennsylvania.

(Ord. 5/6/1985, §5)

§7-105. Restrictions and Exceptions.

1. No person shall:

A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building.

B. Cause, suffer, allow or permit the maintenance of an open fire for the destruction of refuse 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) For the purpose of instructing personnel in firefighting, when approved by the Fire Chief of the Liberty Fire Company of North York Borough.

B. Open fires may be set with the approval of the authorized enforcement agent appointed by North York Borough Council provided:

(1) Rubbish only is burned.

(2) There is no practical available alternative method for the disposal of the material to be burned.

(3) No hazardous or other objectionable condition will be created by such burning.

C. Open fires may be set without approval of the enforcement agent duly appointed by the Council of North York Borough provided that said fire is set solely for cooking food, or for recreational or ceremonial purposes.

(*Ord. 5/6/1985, §6*)

§7-106. Permits Required.

1. No fire may be set other than those fires defined as exceptions in §7-105 of this Part without first obtaining a North York Borough burn permit upon application made on a form provided by the Borough and directed to the duly authorized enforcement agent appointed by the Borough Council.

2. The fee for said permit is an amount as established from time to time by resolution of Borough Council. [*Ord. 2006-3*]

(*Ord. 5/6/1985, §7; as amended by Ord. 12/21/2000, §5; and by Ord. 2006-3, 7/10/2006*)

§7-107. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 5/6/1985, §8; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991; by Ord. 12/21/2000, §6; and by Ord. 2006-3, 7/10/2006*)

§7-108. Power to Adopt Regulations.

The Council of North York Borough or their duly authorized enforcement agent shall have the power to adopt rules and regulations governing the issuance of permits and the terms and places where burning may take place reasonably necessary to carry

out the purposes and intent of this Part.

(Ord. 5/6/1985, §9)

§7-109. Enforcement Agent.

The Fire Chief of Liberty Fire Company of North York Borough is designated as the official enforcement agent to act on behalf of the Council of North York Borough in carrying out the enforcement provisions of this Part. In the event the Fire Chief is absent or otherwise unavailable to perform his duties, then the Assistant Fire Chief of the Liberty Fire Company of North York Borough shall be the enforcement agent of the Council of North York Borough during the term of such absence.

(Ord. 5/6/1985, §10)

Part 2**Automatic Alarm Systems****§7-201. Short Title.**

This Part shall be known as and may be cited as the "Automatic Alarm System Ordinance of the Borough of North York."

(Ord. 89-3, 5/1/1989, §1)

§7-202. Purpose and Scope.

The intent of this Part is to:

A. Protect the emergency services of the Borough of North York from misuse and provide for the maximum possible efficiency of service to alarm system users.

B. Encourage the proper maintenance, care, and management of alarm systems within the Borough of North York.

C. Provide a record of alarm systems located within the Borough of North York.

D. Promote the general peace, health, welfare, and safety of the Borough of North York.

(Ord. 89-3, 5/1/1989, §2)

§7-203. Definitions.

The following terms, phrases and words shall have the meaning given in this Section, unless it is apparent from the context that a different meaning is intended:

Alarm system - any mechanical, electrical or electronic device that is designed or used for the detection of burglars, robbery, fire, smoke, or need for medical assistance within a building, structure, or facility or for alerting others to the commission of an unlawful act or hazard within a building, structure, or facility, or both, and which emits a sound or transmits a signal or message when activated. Alarm systems shall include, but are not limited to, direct dial telephone or other electronic devices or audible alarms. Devices that are not designed or used to register alarms that are audible, visible, or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone systems that might be damaged or disrupted by the use of an alarm system. An alarm system includes all of the necessary equipment designed and installed for the detection of burglary, robbery, fire, need for medical assistance or other hazard in a single building, structure, or facility or for alerting others to the commission of an unlawful act within a building, structure, or facility, or both.

Alarm - a communication, via sound, signal or message, to the police or fire department indicating that a crime, fire or other emergency situation warranting immediate action by the police or fire department has occurred or is occurring, whether such communication is made directly to the police or fire department by the alarm system or through a third party to whom the alarm was communicated.

False alarm - an alarm resulting from the activation of an alarm system when a crime, fire or other emergency warranting immediate response by the fire or police department, did not, in fact, occur.

Fire chief - the Chief of the Liberty Fire Company No. 1.

Owner - the person in whose name the premises is deeded.

Person - any person, firm, partnership, association or corporation.

Permit - a document issued by the Borough of North York indicating receipt and acceptance of an application to install and use an alarm system.

Permit holder - an owner and/or user to whom a permit has been issued.

Police chief - the Chief of the Northern York County Regional Police Department.

Premises - any building, structure, or facility in which an alarm system is installed.

Response or respond - the dispatch of a vehicle and personnel of the fire or police department to a premises in response to an alarm.

Borough - the Borough of North York, York County, Pennsylvania.

User - The person in physical control of a premises, including, but not limited to, a tenant, owner, contract purchaser, or trustee.

(Ord. 89-3, 5/1/1989, §3)

§7-204. Application for Permit for Alarm Systems.

1. It shall be unlawful for an owner or user within the Borough to put an alarm system into operation on the premises or to allow an alarm system to be put into operation on the premises without first obtaining a permit from the Borough. It shall also be unlawful for an owner or user outside of the Borough to put into operation on the premises an alarm system which terminates at the police or fire department or to allow such an alarm system to be put into operation on the premises without first obtaining an alarm system permit.

2. Each owner and each user utilizing an alarm system as defined herein shall apply for a permit with the Borough within 60 days of the date of enactment of this Part in the case of existing alarm systems or within 5 days of any initial installation, replacement, or substantial modification of an alarm system after the effective date of this Part. No newly installed, replaced, or substantially modified alarm system shall be operated prior to securing a permit.

3. Every person who shall, subsequent to date of this Part, become an owner or user of an alarm system shall apply for a permit with the Borough within 10 days after becoming an owner or user.

4. Application for a permit shall be accomplished by the filing of a written application on such form as prescribed by the Borough, executed by the applicant, setting forth:

A. The name, address and phone number of the user of the alarm system.

B. The name, address and phone number of the owner of the premises on which the alarm system is installed.

- C. The address and description of use of the premises where the alarm system is installed.
- D. The location and description of the alarm system and its mode of operation.
- E. The name and address of the installer and certification by the installer that the system has been installed in compliance with the provisions of this Part.
- F. Location where the alarm will be communicated, including address, telephone number, and contact person.
- G. The name, address and telephone number of at least one individual who has keys to the premises at which the alarm system is located and who is authorized to enter the premises at any time, but who does not reside at the premises at which the alarm system is located.
- H. Such other information as the form may require.
5. The Borough shall furnish copies of the completed application forms and permits issued to the Fire Chief, Police Chief, and receiving agency as appropriate.
6. The Fire Chief and/or Police Chief shall have the right to inspect and test alarm systems at any time to insure that they are functioning in accordance with the provisions of this Part and to check such things as, but not limited to, that the information set forth in the permit application is accurate, that the proper fire company or police force is dispatched in response to the alarm; and to familiarize himself with the operation of the alarm system and how the appropriate response units will be notified.
7. A copy of this Part, as may be amended from time to time, shall be supplied to each person applying for a permit.
8. The Borough shall, within 5 weekdays from receipt of an application for an alarm system permit, either grant a permit to the applicant or notify the applicant in writing that his application has been denied and the reason or reasons why it has been denied.
9. An application for an alarm system permit may be denied if the fee of §7-205 is not paid, or the application contains misrepresentations or false statements or does not comply with §7-203 of this Part, or the operation of the alarm system does not comply with §§7-208 and 7-209 hereafter.
10. Upon meeting the requirements of this Section, permits will issue to the owner and to the user.
11. All permit holders shall be required to notify the Borough within 10 days of any changes in the information contained in any application upon which a permit was issued.

(Ord. 89-3, 5/1/1989, §4)

§7-205. Fee.

In order to offset the cost of inspection and administration, a fee in an amount as established from time to time by resolution of Borough Council shall be charged for each alarm system application filed, payable to the Borough of North York, for each alarm system application filed pursuant to §7-204.1 of this Part. No fee shall be required for application by a user (unless he is also an owner) filed to pursuant to §7-204.2 of this

Part, nor for the application by an owner of a premises after the initial application has been filed and a permit issued, unless received as a reapplication following revocation of a permit.

(*Ord. 89-3, 5/1/1989, §5; as amended by Ord. 12/21/2000, §7; and by Ord. 2006-3, 7/10/2006*)

§7-206. Obligation.

The obligation for maintenance, repair, and upkeep of an alarm system shall be the full responsibility of the owner of the premises where the alarm system is located.

(*Ord. 89-3, 5/1/1989, §6*)

§7-207. Confidentiality.

Except as provided in §7-204.4 of this Part, all information submitted in compliance with this Part shall be kept in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law.

(*Ord. 89-3, 5/1/1989, §6*)

§7-208. Smoke Detectors.

No smoke detector shall be connected or otherwise hooked directly into an automatic alarm system employing a direct dial telephone alarm, or installed, changed, modified, upgraded or replaced after the effective date of this Part. Smoke detectors may be connected into an in-building alarm system only; provided, that an applicant shall have the right to request a waiver of this requirement from the Borough if it can show that a smoke detector must be connected directly into the alarm system for reasons of life safety or securing of insurance coverage for the premises.

(*Ord. 89-3, 5/1/1989, §8*)

§7-209. Audible Alarms.

No alarm system that is audible off the premises shall sound for a period exceeding 15 minutes.

(*Ord. 89-3, 5/1/1989, §9*)

§7-210. Fire Department Rapid Entry System.

To insure immediate building entry by fire department personnel on all buildings equipped throughout with an automatic fire suppression system or automatic alarm system and on all commercial, institutional or industrial buildings and all buildings with four or more apartments or dwelling units, an approved Knox box shall be installed in an approved location. Keys to the building, gates, security, sprinkler, valves and fire alarm systems shall be installed in the presence of the owner by the Borough Fire Chief or assistant chief. Keys shall be updated when locks are changed and/or there is a change in occupancy. All Knox boxes shall be equipped with a tamper switch wired to sound an alarm at the premises and shall be supervised in accordance with the Borough's Building Code [Chapter 5, Part 1] for supervision of the fire suppression and fire alarm systems. Where an addition or alteration to an existing building required to be protected by an automatic fire suppression system or an

automatic alarm system, an approved Knox box shall be installed in accordance with this Section.

(*Ord. 89-3, 5/1/1989; as added by Ord. 2006-3, 7/10/2006*)

§7-211. False Alarms.

1. When a false alarm occurs, to which the fire or police departments respond, the Fire Chief or Police Chief, as appropriate, or his designee, within 10 days from the date of the false alarm, shall notify all permit holders of the alarm system from which the false alarm emanated, that a false alarm occurred. Such notice shall be in writing and mailed to the permit holders at their last known addresses by certified mail, postage prepaid.

2. If an alarm system shall create three false alarms in any calendar year, to which response is made, the Police Chief or Fire Chief, or his designee, as the case may be, shall notify the owner and the user of that fact, and that any further false alarms to which response is made shall result in the imposition of a fee for responding to such false alarms as provided in subsection .3. Such notice shall be given by mailing a first class letter, postage prepaid, or by personal service to the owner.

3. There is hereby imposed a fee for false alarms responded to, in excess of three in any calendar year, in an amount as established from time to time by resolution of Borough Council. The fee charged is to be served upon the owner of the premises in the same fashion as notice in subsection .2 above, with a copy to the user.

(*Ord. 89-3, 5/1/1989, §10; as amended by Ord. 12/21/2000, §8; and by Ord. 2006-3, 7/10/2006*)

§7-212. Remedies for Noncompliance.

1. Any person who shall violate the provisions of this Part, including the failure to pay the fees imposed by §7-211.3, or operating an alarm system with the permit revoked pursuant to this Section, or operating a system without the permit required by §7-204, shall, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 2006-3*]

2. In addition to the penalty provided in subsection .1 of this Part, the Borough shall have the right to file a municipal lien, pursuant to the provisions of the Municipal Lien Law, 53 P.S. §7101 *et seq.*, for any unpaid fees imposed pursuant to §7-211.3 of this Part upon the premises on which such alarm system is located.

3. The Borough may revoke all permits for an alarm system, if the fees imposed herein are not paid within 30 days of their mailing. Notice of revocation of a permit shall be served upon the user and the owner in the same fashion as notice in subsection .2 above. A permit holder who has had his permit revoked under this Section may reapply for a new permit at any time after the effective date of such revocation; provided, that the Borough shall deny said application unless all outstanding fees have been paid.

4. The Borough may also institute a civil action to collect all fees unpaid after 30

days from mailing, plus costs of suit, plus interest at 12 percent per annum.

(*Ord. 89-3, 5/1/1989, §11; as amended by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)

§7-213. Disclaimer of Liability.

This Part shall create no liability on the part of the Borough of North York or any official or employee thereof for any damage that results to any persons or property from reliance on this Part or on any permit issued thereunder, or on any administrative decision lawfully made thereunder, nor constitute an acceptance by the Borough or Northern Regional Police Department of any liability or responsibility to maintain or inspect any alarm systems, or respond to any alarms communicated to them.

(*Ord. 89-3, 5/1/1989, §12*)

§7-214. Applications.

Applications shall be made to Northern York County Regional Police Department, 1445 East Canal Road, Dover, PA 17315.

(*Ord. 89-3, 5/1/1989, §16*)

Part 3**Smoke Detectors****§7-301. Definitions.**

Enforcement officer - the North York Borough Code Enforcement Officer. [Ord. 2006-3]

Owner - the person or persons or entity holding a deed or sales agreement designating them as grantee or vendee. In the event of ownership by sales agreement, both vendor and vendee shall be deemed joint owners.

Residential unit - any building or structure designed for single or multi-family use and which includes trailers or mobile homes which are utilized for use as living and sleeping areas, and for which rent or rental equivalent is charged by any person, but shall include any convalescent home, school or college or indoor sleeping place for students, employees or guests or patients of such school, college or convalescent home, whether or not rent or rental equivalent is charged therefor. It shall also mean all new buildings erected in this Borough after the effective date hereof that are intended for residential use.

Residential use - a building or structure of any type including trailers or mobile homes or any building of any type or sort, wholly or partly which provides an area as a bedroom or for a sleeping area used by human beings.

Smoke detector - a commercial device capable of providing an audible alert when sensing visible or invisible particles or gases of combustion.

(Ord. 92-1, 5/21/1992, Art. 1; as amended by Ord. 2006-3, 7/10/2006)

§7-302. Smoke Detectors Required.

1. All owners of residential units shall install smoke detectors in all common hall areas to bedrooms or sleeping areas. In buildings providing a dormitory or separate sleeping area that are designed for closure by closed or locked doors off a common hallway shall have separated smoke detectors in each dormitory or sleeping room, unless the Code Enforcement Officer shall approve placement of fewer units at designated areas that in his judgment shall sufficiently provide an audible alert to persons sleeping in the dormitories or rooms. [Ord. 2006-3]

2. It shall be the duty of all tenants or persons sleeping in residential units to maintain smoke detectors. Maintenance shall include keeping smoke detector units serviceable by inserting batteries when necessary or by keeping them attached to an electrical source so that they may remain capable of transmitting an alarm in the presence of smoke. The removal or destruction of any smoke detector by any person except an owner for the purpose of immediate replacement is strictly forbidden.

3. The Code Enforcement Officer shall make every effort to insure that this Part is strictly enforced. [Ord. 2006-3]

4. If the Code Enforcement Officer is called to inspect a property where a smoke detector or smoke detectors are required and the Code Enforcement Officer determines that such are not installed or maintained as required, then in addition to correcting

same the owner or the tenant, as the case may be, shall pay to the Borough an inspection fee in an amount as established from time to time by resolution of Borough Council for each such inspection. [*Ord. 2006-3*]

(*Ord. 92-1, 5/21/1992, Art. 2; as amended by Ord. 12/21/2000, §9; and by Ord. 2006-3, 7/10/2006*)

§7-303. Installation and Equipment.

1. All smoke detectors required herein to be installed shall be of an approved type. The approval shall be provided by the North York Borough Code Enforcement Officer and a list of all smoke detectors that are approved shall be maintained by the Code Enforcement Officer.

2. In new residential occupancy units smoke detectors shall be wired directly to the building's power supply. In existing multi-family units it is preferred that the smoke detector be wired directly to the building's power supply; however, said smoke detector may be operated on a plug-in outlet which is fitted with a plug retainer device; provided that said outlet is not controlled by any switch; and, further provided, that there is no switch or cord on the detector. In rented single-family occupancy units it is preferred that the smoke detector be wired to the power supply, however a battery monitor supply unit is acceptable. Also, with the approval of the Code Enforcement Officer the battery powered smoke unit may be utilized in multi-family or any new residential occupancy unit.

(*Ord. 92-1, 5/21/1992, Art. 3; as amended by Ord. 2006-3, 7/10/2006*)

§7-304. Violations and Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentence to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 92-1, 5/21/1992, Art. 5; as amended by Ord. 2006-3, 7/10/2006*)

§7-305. Nuisance.

In the event it shall appear that a person is permitting the use of a residential unit without smoke detectors as required hereunder, the said residential unit is hereby declared to be a nuisance and upon the request of the Code Enforcement Officer, the Solicitor of the Borough may, if he deems it appropriate, initiate the necessary legal proceedings to abate the unsafe condition which is declared a nuisance hereunder.

(*Ord. 92-1, 5/21/1992, Art. 6; as amended by Ord. 2006-3, 7/10/2006*)