

## Chapter 113

### FIRE PREVENTION

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[HISTORY: Adopted by the Borough Council of the Borough of Camp Hill as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Fire lanes — See Ch. 111.  
Fires in parks — See Ch. 145.

Property maintenance — See Ch. 154.

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#### ARTICLE I Fire Prevention Code [Adopted 7-22-1963 by Ord. No. 659, approved 7-23-1963]

##### § 113-1. Adoption of standards.

There is hereby adopted by the Borough of Camp Hill, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and 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 § 113-4 of this article, copies of which code have been and are now on file in the office of the Borough Secretary. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the Borough of Camp Hill.

##### § 113-2. Enforcing official.

The code hereby adopted shall be enforced by the Fire Marshal of the Borough of Camp Hill, who shall be appointed by the Borough Council from time to time, shall serve at the pleasure

of the Borough Council and shall receive such compensation for his services as the Council shall from time to time determine.

**§ 113-3. Limits for certain uses established.**

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, and 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 the storage of explosives and blasting agents is prohibited, are hereby established in the entire Borough of Camp Hill.

**§ 113-4. Amendments to standards.**

The code hereby adopted is amended and changed in the following respects:

- A. The term "Fire Marshal" shall be substituted for the term "Chief of the Fire Department" wherever such term shall appear in said code.
- B. Section 13 of said code is hereby amended to read as follows:

**Section 13. Authority to Enter Premises.**

The Fire Marshal or any of his assistants may, at all reasonable hours, enter any building or premises, except the interior of any dwelling or dwelling unit, for the purpose of making any inspection or investigation which, under the provisions of this code, he or they may deem necessary to be made.

- C. Section 14 of said code is hereby amended to read as follows:

**Section 14. Inspections of Buildings and Premises.**

It shall be the duty of the Fire Marshal to inspect or to cause to be inspected by any of his assistants all buildings and premises, except the interiors of dwellings and dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of this code and/or any other ordinance affecting fire hazards, provided that nothing herein shall be intended to supersede or supplant the procedure for removal of fire hazards set forth in the Act of 1927, P.L. 450, No. 291, Section 3, as amended,<sup>1</sup> where such procedure shall be followed by the Pennsylvania State Police or its assistants.

- D. Subsection e of Section 15 of said code is hereby amended to read as follows:

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1. Editor's Note: See 35 P.S. § 1184.

- e. Obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire, including but not limited to vehicles parked so as to obstruct exits from schools, churches, places of amusement and any other building or premises to which the public has access.
- E. In Section 16, the term "certified mail" shall be substituted for the term "registered mail."
- F. Section 17 of said code and any other provision of said code requiring that any permit be obtained from the Borough are hereby deleted, it being the intent of the Borough Council that, until hereafter otherwise provided, no permit shall be required or issued under the code hereby adopted.
- G. Section 18 is hereby amended by adding the following thereto:

**Municipality** means the Borough of Camp Hill.

**Inspector** means the Fire Marshal of the Borough of Camp Hill or any Assistant Fire Marshal appointed and designated as such by the Borough Council.

- H. Article 4 of said code, Dry Cleaning Plants, is hereby deleted.
- I. Section 52 of said code is hereby deleted.
- J. Paragraph a of Section 53 of said code is hereby amended to read as follows:
  - a. The manufacture of any gunpowder, fireworks or other explosives is hereby prohibited with the Borough. This shall not apply to hand-loading of small arms ammunition for personal use when not for resale.
- K. Section 55 of said code is hereby amended by deleting Paragraph f therefrom.
- L. Section 60 of said code is hereby amended to read as follows:

**Section 60. Fire Marshal to Survey Premises and Specify Equipment to be Provided.**

The Fire Marshal shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, multifamily house (except the interiors of dwelling units therein) and trailer camp and shall specify suitable fire-detecting devices or — extinguishing appliances which shall be provided in or near boiler rooms, kitchens of restaurants, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages and other places of a generally hazardous nature. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire, or suitable asbestos blankets, manual or automatic covers or carbon dioxide or other special fire-extinguishing systems. In special hazardous processes or storage, appliances of more than one type or special systems may be required.

- M. The following section is hereby added to said code directly following Section 76 of said code:

**Section 77. Pumps, Drawing Off and Measuring Devices and Tanks and Containers.**

No person shall erect or install upon, under or along any of the streets, sidewalks or public alleys in the Borough any new or additional pumps, drawing-off or measuring devices or any tank or container to be used for the storage, handling, sale or dispensing of gasoline or any other volatile or flammable liquid, provided that nothing in this section shall prohibit the replacing of a damaged pump now so located.

- N. Paragraph a of Section 83 of said code is hereby amended to read as follows:

a. The fuel tanks of motor vehicles shall be filled directly through hose from approved pumps 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 substances of like character within the Commonwealth of Pennsylvania (exclusive of Philadelphia and Allegheny Counties) of the Pennsylvania State Police and to Article 7 of this code. No transfer of gasoline in any garage shall be made in any open container.

- O. Paragraph a of Section 140 of said code is hereby amended to read as follows:

a. Fires on streets, alleys and public grounds; fires during building and demolition operations. No person shall kindle or maintain any bonfire or rubbish fire upon any street or alley in the Borough. No person shall kindle or maintain any bonfire or rubbish fire on any public ground in the Borough without first having obtained permission to do so from the Fire Marshal. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without first having obtained permission from the Fire Marshal.

P. Paragraph b of Section 140 of said code is hereby amended to read as follows:

b. Location and time restricted. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure or the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. No person shall kindle or maintain any bonfire or rubbish fire out of doors, whether or not contained in an approved waste burner, at any time between sunset and sunrise.

#### **§ 113-5. Modifications.**

The Fire Chief shall have the power to modify any of the provisions of the code hereby adopted upon application, in writing, by the owner of lessee 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 Fire Chief thereon shall be committed to writing; one copy thereof, signed by the Fire Chief, shall be filed with the Borough Manager, and another such signed copy shall be furnished the applicant.

#### **§ 113-6. Appeals.**

Whenever the Fire Chief shall disapprove an application or refuse to recommend or authorize a permit applied for 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 Borough Council within 30 days from the date of the decision appealed. The decision of the Council shall be handed down within 30 days from the date of the appeal.

#### **§ 113-7. Interpretation.**

In interpreting any of the provisions of the code hereby adopted, the following principles shall be governing:

- A. 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 said code; provided, however, that any provision of 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 Camp Hill, subject to the penalties herein prescribed for violation of 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 such use of property or establishment or carrying on of any such business or industry in the Borough. It is hereby declared the intent of the Borough Council that permitted or prohibited uses of property within the Borough shall be as governed by the Zoning Ordinance of the Borough.<sup>2</sup>

**§ 113-8. Violations and penalties. [Amended 3-10-1970 by Ord. No. 774, approved 3-10-1970; 12-9-1987 by Ord. No. 891, approved 12-9-1987]**

- A. Any person who shall violate any of the provisions of the code hereby adopted or who shall 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 shall have been taken or who shall fail to comply with such order as affirmed by the Borough Council or by 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 hereby adopted and, upon conviction thereof before the District Justice, shall be sentenced to pay a fine of not more than \$300, and costs of prosecution and in default of payment of such fine and costs, to imprisonment in the county jail for not more than 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 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.

ARTICLE II

**Smoke and Heat Detectors**

**[Adopted 4-10-1991 by Ord. No. 910, approved 4-10-1991]**

**§ 113-9. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

COMMERCIAL UNIT — Any structure or part thereof designed and used for the purpose of transacting the affairs of a business, profession or occupation within the Borough.

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2. Editor's Note: See Ch. 200, Zoning.

**DWELLING UNIT** — One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided within the dwelling unit, which is occupied by nonowner(s) on a lease/rental basis. This article shall not apply to any owner-occupied single-family dwelling.

**HEAT DETECTOR** — The minimal permissible heat detector shall be one approved by the Underwriters' Laboratories (UL) and installed in conformity with the National Fire Protection Association's (NFPA) latest standards.

**MULTIFAMILY DWELLING UNIT** — Any structure such as townhouses, condominiums, duplex dwelling units or apartment dwelling units containing one or more dwelling units.

**SMOKE DETECTOR** — The minimal permissible smoke detector shall be one approved by the Underwriters' Laboratories (UL) installed in conformity with the National Fire Protection Association's (NFPA) latest standards and powered by ordinary current with battery backup or by a battery unit having a usable battery life of at least 12 month's duration.

**§ 113-10. Responsibility for compliance.**

Compliance with this article shall be the responsibility of the owner of any dwelling unit, multifamily dwelling unit or commercial unit within the Borough of Camp Hill. In the case of multiple ownership of multifamily dwelling units, such as townhouses, condominiums and duplexes, it shall be the responsibility of each separate owner of the individual dwelling units to comply with the provisions of this article.

**§ 113-11. Detectors required.**

Heat or smoke detectors are required within 60 days from the effective date of this article. Every dwelling unit and commercial unit within the Borough shall be equipped with at least one heat or smoke detector.

**§ 113-12. Number and placement.**

- A. Every dwelling unit and commercial unit shall have one smoke detector or heat detector installed on every occupied floor.
- B. All multifamily dwelling units shall have smoke detectors or heat detectors in the following locations:
  - (1) One on every occupied floor in each dwelling unit.
  - (2) One at the top of any stairwell, if such stairwell is open to common hallways or corridors.
  - (3) One for each 50 linear feet in common hallways and/or corridors.
  - (4) One in each common storage area.
  - (5) One in each boiler room.

**§ 113-13. New construction.**

In the case of new construction, reconstruction or additions to a commercial unit, dwelling unit or multifamily dwelling unit, the owner of such unit shall be required to record all smoke detectors and heat detectors on the construction plan prior to the issuance of any building permit.

**§ 113-14. Multifamily dwelling units.**

Owners of multifamily dwelling units and individual owners of separate units within multifamily dwelling units shall, within 60 days of the effective date of this article, warrant, in writing, that they have complied with all provisions of this article.

**§ 113-15. Inspections.**

The Code Enforcement Officer and the Chief of the Borough of Camp Hill Fire Department or the Chief's designee shall be empowered to make any and all reasonable inspections ensuring compliance with all provisions of this article.

**§ 113-16. Violations and penalties.**

All owners of commercial units, dwelling units and multifamily dwelling units, as well as individual owners of separate units within multifamily dwelling units, found to be in violation of this article shall, within 30 days following receipt of written notification by the Borough of Camp Hill of such violation, install the required smoke or heat detectors as set forth in this article. Thereafter, the Code Enforcement Officer or his/her designee shall inspect the premises in question. If such official then determines that such violation continues, the owner of such premises shall be guilty of a summary offense and shall, upon conviction in a summary proceeding before any District Justice of Cumberland County, be punishable by a fine of not more than \$300 and costs of prosecution for each and every offense or, upon default in payment of the fine and cost not caused by indigence or lack of sufficient assets, by imprisonment in the Cumberland County Prison for a period not to exceed 30 days. Each day that such violation is continued after notice shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment; and further notices to the offender shall not be necessary in order to constitute such continuance as an additional offense or offenses.