

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

EXPLOSIVES

- §101. Applicability**
- §102. Definitions and Interpretation**
- §103. Manufacture, Storage, Sale, Display and Transportation of Explosives Regulated**
- §104. Penalty for Violation**

PART 2

FIRE HAZARDS

- §201. Definitions and Interpretation**
- §202. Prohibited Acts**
- §203. Penalty for Violation**

PART 3

OPEN BURNING

- §301. Purpose**
- §302. Definition**
- §303. Fires Prohibited**
- §304. Burning of Certain Materials Prohibited**
- §305. Exception for New Oxford Fire Company**
- §306. Exceptions for Fires on Private Property**
- §307. Penalties**

PART 1

EXPLOSIVES

§101. Applicability.

1. This Part shall apply to the manufacture, possession, storage, sale, transportation and use of explosives, blasting agents, pyrotechnics and ammunition except as provided in subsection (2) of this Section.
2. Nothing in this Part shall be construed as applying to:
 - A. The Armed Forces of the United States or the State Militia.
 - B. Explosives in forms prescribed by the official United States Pharmacopoeia.
 - C. The sale and use of fireworks.
 - D. The possession, transportation and use of small-arms ammunition or special industrial explosive devices.
 - E. The possession, storage, transportation and use of not more than 20 pounds of smokeless propellant and 1,000 small-arms primers for hand loading of small-arms ammunition for personal use.
 - F. The manufacture, possession, storage and use of not more than 15 pounds of explosives or blasting agents, exclusive of smokeless propellants in educational, governmental or industrial laboratories for instructional or research purposes when under direct supervision of experienced competent persons.
 - G. The transportation and use of explosives or blasting agents by the United States Bureau of Mines, the Federal Bureau of Investigation, the United States Secret Service or Police and Fire Departments acting in their official capacity.

(Ord. 251, 11/6/1969, §1)

§102. Definitions and Interpretation.

1. As used in this Part, the following words and terms shall have the meanings hereby respectively ascribed thereto:

EXPLOSIVES — any chemical compound or other substance intended for the purpose of producing an explosion, or that contains oxidizing and combustible units or other ingredients in such proportions or quantities that ignition

FIRE PREVENTION AND FIRE PROTECTION

by fire, by friction, by concussion, by percussion or by detonator may produce an explosion capable of causing injury to persons or damage to property. [Ord. 384]

PERSON — any natural person, partnership, association, firm or corporation.

PYROTECHNICS — any special fireworks which are manufactured and designed primarily for producing visible and audible pyrotechnics by a combustible explosion, and which are of such composition so as to be included under Class B explosives, as defined by the Interstate Commerce Commission Regulations, 1965 Edition.

SMALL-ARMS AMMUNITION — any shotgun, rifle, pistol or revolver cartridges and cartridges for propellant-actuated power devices and industrial guns.

2. In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 251, 11/6/1969, §2; as amended by Ord. 384, 6/7/1999)

§103. Manufacture, Storage, Sale, Display and Transportation of Explosives Regulated.

1. The manufacture of any explosives, blasting agents, including small-arms ammunition and pyrotechnics, as herein defined, shall be prohibited within the limits of the Borough. This shall not apply to hand loading of small-arms ammunition prepared for personal use when not for resale.
2. The storage of explosives and blasting agents shall be prohibited within the limits of the Borough, except for:
 - A. Temporary storage for use in connection with approved blasting operations.
 - B. Wholesale and retail stocks of small-arms ammunition, fuses, lighters, fuse igniters and safety fuses (not including cordeau detonant fuses) in quantities involving less than 500 pounds of explosive material; and, explosive actuated power devices, when employed in construction operations in quantities involving less than 50 pounds of explosive material.
3. The Chief of the Fire Department may limit the quantity of explosives, blasting agents or ammunition to be permitted at any location in the Borough.
4. No person shall sell or display explosives on any street, alley, sidewalk, public property or place of public assembly in the Borough.

5. The Chief of the Fire Department may designate the location and specify the maximum quantity of explosives or blasting agents which may be loaded, unloaded, reloaded or temporarily retained at each terminal where such operations are permitted.
6. Shipments of explosives or blasting agents delivered to carriers shall comply with Interstate Commerce Commission Regulations, 1965 Edition.
7. Carriers shall immediately notify the Chief of the Fire Department when explosives or blasting agents are received at terminals.

(Ord. 251, 11/6/1969, §3)

§104. Penalty for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay 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 for not more than 30 days. Provided, each day's violation of any provision of this Part shall constitute a separate violation.

(Ord. 251, 11/6/1969, §4; as amended by Ord. 384, 6/7/1999)

PART 2

FIRE HAZARDS

§201. Definitions and Interpretation.

The word "person," as used in this Part, shall mean and include any natural person, partnership, association, firm or corporation. In this Part, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

(Ord. 252, 11/6/1969, §1)

§202. Prohibited Acts.

No person shall deposit hot ashes or cinders, or smoldering coals or greasy or oily substances liable to spontaneous ignition into any combustible receptacle, or place the same within 10 feet of any combustible materials, except in metal or other incombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside a building, shall be placed on noncombustible stands, and in every case shall be kept at least 2 feet away from any combustible wall or partition or exterior window opening.

(Ord. 252, 11/6/1969, §2)

§203. Penalty for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$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 shall constitute a separate offense.

(Ord. 252, 11/6/1969, §3; as amended by Ord. 384, 6/7/1999)

PART 3

OPEN BURNING

§301. Purpose.

This Part is enacted for the interests of the health, safety and welfare of the residents of the Borough of New Oxford for the prevention of fires and to eliminate nuisances caused by smoke, cinders and ashes.

(Ord. 412, 8/1/2005, §1)

§302. Definition.

For purposes of this Part, the use of the word "person" shall mean and include any natural person, partnership, association, limited liability company or corporation.

(Ord. 412, 8/1/2005, §2)

§303. Fires Prohibited.

No person shall kindle, start or otherwise maintain any fire upon any street, alley, sidewalk, public ground or public square within the Borough of New Oxford.

(Ord. 412, 8/1/2005, §3)

§304. Burning of Certain Materials Prohibited.

No person shall use or permit to be used any property or portion of property within the Borough of New Oxford for the burning in the open or in covered or uncovered cans or exterior fireplaces of any garbage, refuse, trash, debris, uprooted trees and other vegetation, including leaves, branches, clippings, yard waste or other discarded substances or materials.

(Ord. 412, 8/1/2005, §4)

§305. Exception for New Oxford Fire Company.

Notwithstanding the prohibition contained in §304 above, New Oxford Fire Company may conduct fire training drills on its property within the Borough of New Oxford provided that such fire training drills are properly supervised by trained officials of the New Oxford Fire Company and that prior notification of such training drills be given the mayor of the Borough of New Oxford and to the police department engaged to provide police protection within the Borough of New Oxford.

(Ord. 412, 8/1/2005, §5)

§306. Exceptions for Fires on Private Property.

Notwithstanding the prohibition contained in §304 above, it shall be lawful to kindle contained charcoal or contained wood fires on private properties for the purposes of outside barbecues or to provide heat. Campfires and bonfires are, however, prohibited pursuant to § 304 above. Outdoor fireplaces on private properties shall also be permitted for the purpose of providing heat or for use as a barbecue, but in no event shall be used for the burning of materials as set forth in §304 of this Part.

(Ord. 412, 8/1/2005, §6)

§307. Penalties.

Any person who shall violate this Part shall, upon conviction thereof, in a summary proceeding before a District Judge, be sentenced to pay a fine of not more than \$1,000. Each day that a violation continues shall be a separate violation for which a separate fine of not more than \$1,000 may be imposed.

(Ord. 412, 8/1/2005, §7)