

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Sale and Use of Fireworks****§7-101. General Provisions.**

1. *Scope.* The manufacture of fireworks is prohibited within the Borough. The display or discharge of consumer or display fireworks shall comply with the requirements of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the provisions of the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

2. *Permit Required.* A permit shall be obtained from the Borough for the display or discharge of consumer and display fireworks in compliance with the provisions of the Fireworks Law, 35 P.S. §1271 *et seq.*, and the International Fire Code, 2003 edition, as amended, supplemented or replaced, implemented by the Uniform Construction Code [Chapter 5, Part 1].

3. *Permit Applications.* Application for permits shall be made in writing at least 15 days in advance of the date of the display. Application for said permit shall be made pursuant to the procedure provided in the International Fire Prevention Code, 2003 edition, as amended, supplemented or replaced. The possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. A permit granted hereunder shall not be transferable, nor shall any such permit be extended beyond the dates set out therein.

4. *Definition.*

Consumer fireworks -

(1) Any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion and which is suitable for use by the public that complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in Title 16, CFR, (relating to commercial practices) or any successor regulation and which complies with the provisions for “consumer fireworks” as defined in the American Pyrotechnics Association (APA) Standard 87-1, or any successor standard.

(2) The term does not include devices as “ground and hand-held sparkling devices,” “novelties” and “toy caps” in APA Standard 87-1, the sale, possession and use of which shall be permitted at all times throughout this Borough.

Display fireworks - as provided in 27 CFR §555.11 (relating to meaning of terms).

(Ord. 205, 6/5/2007)

§7-102. Display and Discharge.

1. *General.* It shall be a violation of this Part for any person to conduct a public or private display of consumer fireworks and display fireworks within the Borough except in accordance with a permit issued upon application as provided in §7-101.3 of this Part. Every such display shall be handled by a competent operator and shall be of

such a character and so located, discharged or fired as, in the opinion of the officer of the Borough charged with enforcement of the International Fire Code, or such other officer of the Borough as may be designated from time to time, in writing, after proper inspection, to not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, possession and use of consumer fireworks and display fireworks for such display shall be lawful for that purpose only. No permit shall be transferable.

2. *Bond for Display.* The permittee shall furnish a bond in an amount deemed adequate by the Borough Council but not less than \$500, conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, the permittee's agents, employees or subcontractors.

3. *Seizure of Fireworks.* Any police officer of the Borough shall take, remove or cause to be removed at the expense of the owner, all stocks of consumer fireworks or display fireworks or combustibles offered or exposed for sale, stored, or held in violation of this Part or the Fireworks Law, 35 P.S. §1271 *et seq.* The owner shall also be responsible for the storage and, if deemed necessary, the destruction of these fireworks. (Ord. 205, 6/5/2007)

§7-103. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall 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 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. 205, 6/5/2007)

Part 2**Open Burning****§7-201. Title.**

This Part shall be known and may be cited as the Christiana Borough Air Pollution Control Ordinance of 1969.

(*Ord. 101, 10/7/1969, §I*)

§7-202. Policy.

Whereas the Council of Christiana Borough has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Christiana Borough, it is hereby declared to be the policy of Christiana Borough to safeguard the citizens of Christiana Borough from such air pollution.

(*Ord. 101, 10/7/1969, §II*)

§7-203. Definitions.

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

Council - Board - Borough Council, Township Board of Supervisors.

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.

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.

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.

Refuse - garbage, rubbish and trade waste.

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 material, or rubbish resulting from 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 however that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

(*Ord. 101, 10/7/1969, III*)

§7-204. Enforcement.

The Christiana Borough (Chief of Police, Fire Chief, Health Officer, or any other duly authorized agent) shall have the power and duty to enforce the provisions of this Part.

(*Ord. 101, 10/7/1969, §IV*)

§7-205. Regulations.

1. After the effective date 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 any 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.

C. Cause, suffer, allow or permit any person to kindle or burn any leaves, rubbish, trash or any other materials on or in any public street, avenue, alley or side gutter thereof, within the limits of the Borough of Christiana.

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.

B. Open fires may be set with the approval of the authorized enforcement agent of this Part provided:

(1) Rubbish only is burned.

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

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

(*Ord. 101, 10/7/1969, §V*)

§7-206. Penalties.

Any person violating any of the provisions of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$25 nor more than \$100, together with costs, for the first violation and not less than \$50 nor more than \$1,000 plus costs for the second and subsequent violations 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. 101*, 10/7/1969, §VI; as amended by *Ord. 205*, 6/5/2007)

