

Chapter 7

Fire Prevention and Fire Protection

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Part 1**Fire Protection****§7-101. Oklahoma Volunteer Fire Department No. 1 Permitted to Render Fire Service Outside Borough Under Certain Circumstances.**

The Oklahoma Volunteer Fire Department No. 1 with its apparatus, equipment and personnel may render fire service outside the limits of the Borough of Oklahoma under certain conditions.

(Ord. 78, 11/6/1961, §1)

§7-102. Outside Fire Service Permitted Only Where Highways Passable for Fire Apparatus.

This fire service shall not be extended to any section of any area which is not reached by highways in a good passable condition for fire apparatus; and the officer in charge of said apparatus shall make every reasonable effort to reach the fire, and his judgment shall be final as to when and where the roads are passable for said apparatus.

(Ord. 78, 11/6/1961, §2)

§7-103. Contract Required Before Fire Service Extended Outside Borough.

No fire service shall be extended to any property in any township or borough unless the proper authorities of such township or borough shall enter into a contract with the Borough of Oklahoma for such service.

(Ord. 78, 11/6/1961, §3)

§7-104. Compensation and Conditions Stated in Contract.

The compensation and conditions for fire service in a township or borough shall be stated in a contract or agreement entered into between the Borough of Oklahoma and the township or borough.

(Ord. 78, 11/6/1961, §4)

§7-105. Free Fire Service Outside Borough Under Mutual Aid Agreements.

Fire service shall be rendered, without charge, to any borough or township which maintains an organized fire department, and enters into a reciprocal agreement with the Borough of Oklahoma for mutual aid fire service.

(Ord. 78, 11/6/1961, §5)

§7-106. Contracts Subject to Approval by Fire Department.

No contract for fire service herein provided for shall be entered into until approved by the Oklahoma Volunteer Fire Department No. 1.

(Ord. 78, 11/6/1961, §6)

Part 2**Emergency Service Cost Reimbursement****§7-201. Title.**

There shall, following the adoption hereof, be added to the Code of Oklahoma Borough this Part to be titled "Emergency Service Cost Reimbursement Ordinance."
(*Ord. 2006-1, 1/3/2006, Art. I*)

§7-202. Authority, Findings, and Purpose.

1. *Authority.* Under _____ of the Borough Code, 53 P.S. _____,¹ the Borough has the authority to make rules and regulations for the government of fire companies located within the Borough.

2. *Findings.* The Borough recognizes that the duties of volunteer fire companies require specialized emergency rescue tools and equipment, emergency rescue materials, hazardous material abatement equipment, and hazardous abatement materials during emergency responses. The Borough Council recognizes that such tools and equipment place a financial burden on volunteer fire companies, and the replacement of such materials and specialized training add to the additional financial burden for volunteer fire companies.

3. *Purpose.* To grant Oklahoma Volunteer Fire Department the authority to seek reimbursement for the reasonable cost of responding to such incidents, either directly or in coordination with the Office of Emergency Management.

(*Ord. 2006-1, 1/3/2006, Art. II*)

§7-203. Recovery of Costs.

1. The Borough authorizes the Fire Department to recover the reasonable cost of emergency rescue tools, equipment, and materials; hazardous material abatement tools, equipment, and materials; and personnel hours involving any hazardous material, environmental, fire safety, and/or rescue incident or operation, including vehicular accidents.

2. The reasonable costs outlined above may be recovered directly by the Fire Department or through a third party billing service as an authorized agent for the collection of such costs.

3. The Fire Department or third party billing service shall only have the authority to recover the aforementioned costs from the applicable insurance company/carrier.

4. The reimbursement rates for the aforementioned tools, equipment, and materials shall be set by the Fire Department from time to time and shall be only applied to the recovery costs arising out of incidents that occurred subsequent to the setting of the rates. These rates shall be approved by the Borough and be kept on file

¹Editor's Note: Codified as enacted by *Ord. 2006-1*. Blanks existed as indicated in *Ord. 2006-1, Art. II*, as enacted.

in the Borough Building.

5. In addition to the aforementioned reasonable costs, the Fire Department or third party billing service shall be authorized to collect reasonable interest, as well as a reasonable administrative fee for collecting the same, and any and all additional fees as may be authorized by the Hazardous Material and Emergency Planning and Response Act, 35 P.S. §6022.101 *et seq.*, or authorized by any other statute or law.

(Ord. 2006-1, 1/3/2006, Art. III)

§7-204. Responsibility of the Borough.

The Borough shall not be responsible for any aspect of the recovery of costs under this Part. The Borough shall not take any steps to assist the Fire Department or any third party billing service in recovery of costs under this Part.

(Ord. 2006-1, 1/3/2006, Art. IV)

§7-205. Revocation of Grant of Authority.

Any attempt by the Fire Department or third party billing service to recover costs from any individuals/entity other than the appropriate insurance company/carrier shall result in the immediate revocation of the authority to recover such costs granted under this Part.

(Ord. 2006-1, 1/3/2006, Art. V)

Part 3**Open Burning****§7-301. Short Title.**

This Part shall be known and may be cited as the “Borough of Oklahoma Open Burning Ordinance 2015.”

(*Ord. 2015-02, 8/10/2015, §I*)

§7-302. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Borough—the Borough of Oklahoma, Westmoreland County, Pennsylvania.

Open burning—the burning of any material or combination of materials where the products of combustion are emitted directly into the ambient air without first passing through a stack or chimney from an enclosed chamber inside of any building. For purposes of this definition, a chamber is considered “enclosed” when, during the time combustion is taking place the only apertures, ducts, stacks, flues or chimneys are open to the outside of any building and emit into the ambient air.

Outdoor barbecue pits/containment—any commercial grill, charcoal patio pit, chiminea, or fire pit table used for the purpose of heating, cooking or preparing food for the purpose of consumption, provided they are screened and/or enclosed.

Person—any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

Recreational fire—an outdoor charcoal, propane or wood fire utilized to cook food for human consumption.

(*Ord. 2015-02, 8/10/2015, §II*)

§7-303. Prohibition Against Outdoor Burning.

Willful burning of solid waste or residual waste is prohibited. Willful burning of rubbish shall be prohibited except in fireproof containers equipped with a screen and located at least 25 feet from the nearest residence.

(*Ord. 2015-02, 8/10/2015, §III*)

§7-304. Minimum Distance.

Willful burning of brush or wood shall not take place within 25 feet from the nearest residence. Recreational fires and/or outdoor barbecue pits/containment shall not be used within the construction set back requirements for the zoning district where the fire is ignited.

(*Ord. 2015-02, 8/10/2015, §IV*)

§7-305. Attendance of Fires.

Except as otherwise provided, all intentional outdoor burning must be constantly

attended by an adult having at hand the means to extinguish the fire.

(*Ord. 2015-02, 8/10/2015, §V*)

§7-306. Hours and Days for Burning.

Designated days of burning shall be Wednesday and Saturday. Except as otherwise provided, no willful outdoor burning may take place after sunset or before sunrise on Wednesday and 8 a.m. to 5 p.m. on Saturday; however, recreational fires, barbecue pits, grills and/or commercially manufactured burn containers may be ignited and kept burning during such period, provided that at least one adult is constantly at the site of the fire, and sufficient means of extinguishing the fire is immediately available at the fire site.

(*Ord. 2015-02, 8/10/2015, §VI*)

§7-307. Prohibition Against Odor.

Objects which give off an offensive odor when burned may not be willfully burned.

(*Ord. 2015-02, 8/10/2015, §VII*)

§7-308. Notification of Intent.

Any person shall notify their local fire department at least 48 hours prior to burning large amounts of brush or wood. Large amounts of brush or wood shall be those which cover an area greater than 7 feet in diameter.

(*Ord. 2015-02, 8/10/2015, §VIII*)

§7-309. Exceptions.

1. The prohibition against open burning as set forth in §7-303 above shall not apply to:

A. Any fire ignited to prevent or abate a fire hazard.

B. Any fire ignited for the purpose of instructing firefighting personnel or to demolish a fire hazard.

C. Any fire ignited for the prevention and control of disease or pests.

D. Any fire ignited in conjunction with the production of agricultural commodities in their un-manufactured state on the premises of a farm operations.

2. The exceptions listed in §7-304, above, shall be permitted, if any, only if any open burning done pursuant to these exceptions are:

A. Authorized by the Oklahoma Borough Council.

B. Done under the supervision of a member of the Oklahoma Borough Fire Department.

C. To the extent required, authorized by a permit duly issued by the Commonwealth of the Pennsylvania Department of Environmental Protection (“DEP”).

(*Ord. 2015-02, 8/10/2015, §IX*)

§7-310. Exemption for Recreational Fires.

It shall be lawful at any time for any person to start kindle and maintain a recreational fire, barbecue pit, grill or for the purpose of outdoor barbeques, provided that such fire is confined to an outdoor barbecue structure as defined herein, and is used solely for the heating, cooking and preparation of food products for the purpose of consumption.

(Ord. 2015-02, 8/10/2015, §X)

§7-311. Prohibition Against Burning.

The Emergency Management Coordinator may institute a complete no-burning ban by notifying the local fire departments as well as the Borough. Such a ban shall be implemented as dictated by weather conditions.

(Ord. 2015-02, 8/10/2015, §XI)

§7-312. Authority to Extinguish Outdoor Fires.

Authority is hereby granted to the Oklahoma Fire Department to extinguish any fire of any nature within the Borough when the Fire Chief, or, in his absence, the highest acting officer of the Fire Department deems that conditions warrant such action.

(Ord. 2015-02, 8/10/2015, §XII)

§7-313. Enforcement.

The Borough of Oklahoma Council shall appoint an enforcement officer to enforce this Part.

(Ord. 2015-02, 8/10/2015, §XIII)

§7-314. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 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. 2015-02, 8/10/2015, §XIV; as amended by Ord. 2015-04, 12/14/2015)

