

**CHAPTER 7**

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**PART 1**  
**OUTDOOR BURNING**

**§101. 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 Elizabethtown, Lancaster County, Pennsylvania.

**FIRE PIT** — a completely open or semi-open containment constructed as below-ground pits, freestanding fireplaces and portable devices that are built with steel, brick, masonry and/or metal for the purposes of building and maintaining an open fire of no larger than two feet in height.

**NATURAL WOOD** — wood that has been produced naturally from a tree and not chemically treated with dye, paint or another form of artificial modification beyond cutting and drying.

**OPEN FIRE** — a fire outside of any building in which any material is burned in the open or in a receptacle other than in a grill used for the purposes of outside barbecues.

**OUTSIDE BARBECUES** — any fire maintained in a commercially constructed grill or masonry constructed grill for the purposes of heating, cooking and preparing food for the purpose of consumption.

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

(Ord. 819, 11/16/2000, §1; as amended by Ord. 945, 2/21/2013)

**§102. Regulations.**

Within the Borough limits, no person shall:

- A. Ignite, feed, cause, allow, permit or maintain on any property any open fire outside of any building for any purpose other than that specifically allowed herein.

(Ord. 819, 11/16/2000, §2)

## FIRE PREVENTION AND FIRE PROTECTION

### §103. Exceptions.

The activities prohibited in this Part are subject to the following 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 shall be permitted at any time when the same is conducted during an official act or exercise preapproved by the duly designated Borough enforcement officer by a volunteer fire department or a paid fire department recognized by the Commonwealth of Pennsylvania.
- C. Open fires may be set with written approval of the enforcement officer of the Borough provided:
  - (1) No hazardous or other objectionable condition will be created by such burning.
  - (2) No such burning is allowed on any street or sidewalk within the Borough.
  - (3) Said open fire is related to a public function including, but not limited to, fire works or a bonfire in support of a local organization.
- D. It shall be lawful at any time to burn charcoal or wood fires kindled for the purpose of outside barbecues, provided that the fire is confined for the purposes of outside barbecue, as defined in this Part, and used solely for the heating, cooking and preparing of food. Grills must be located 10 feet from any principal, combustible and/or accessory structures. It shall be unlawful at any time to burn and/or incinerate anything other than charcoal and natural wood as defined in this Part.
- E. Fire pits are lawfully permitted. A fire pit shall include belowground pits, freestanding fireplaces, and portable devices intended to control and contain outdoor fires. Only natural firewood may be burned. All fire pits must be located 10 feet away from any principal, combustible and/or accessory structure. The pit shall be built with steel, brick, masonry, and/or metal. The flames shall not be higher than two feet in height. A portable fire extinguisher or garden hose shall be readily available.
- F. All regulations of the International Fire Code shall be applicable, except provisions concerning distances of open burning, recreational fires and portable outdoor fireplaces.

(Ord. 819, 11/16/2000, §3; as amended by Ord. 945, 2/21/2013)

**§104. Authority to Extinguish.**

Authority is hereby granted to the Elizabethtown Volunteer Fire Company to extinguish any fire within the Borough of Elizabethtown when the Fire Chief of said Company deems that conditions warrant such action.

(Ord. 819, 11/16/2000, §4)

**§105. Prohibited Burning.**

All other burning is strictly prohibited.

(Ord. 819, 11/16/2000, §5)

**§106. Appeals.**

Upon the denial of written approval as described in §103B or C, an appeal may be taken to the Borough Council at a regularly scheduled meeting and such denial may be reversed upon a majority vote of the Borough Council. Borough Council reserves the right to limit this approval to a specific time, place and/or manner, and issue restrictions that may be placed on said open fire.

(Ord. 819, 11/16/2000, §6)

**§107. Enforcement.**

The Borough Council of the Borough of Elizabethtown shall designate the enforcement officer, in addition to the Elizabethtown Borough police officers, who shall have the power to enforce the provisions of this Part.

(Ord. 819, 11/16/2000, §6)

**§108. (Reserved)<sup>1</sup>**

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<sup>1</sup> Editor's Note: Former §108, Penalties (Ord. 819, 11/16/2000, as amended by Ord. 829, 11/15/2001), was repealed by Ord. 945, 2/21/2013.



**PART 2**

**FIRE LANES**

**§201. Fire Lanes.**

There shall be maintained one or more unobstructed lanes on private property, used by the public, including but not limited to shopping malls, parks and restaurants, to provide for the ingress and egress of fire company vehicles, equipment and personnel, said lanes to be at least 12 feet in width and laid out for convenient access from the public thoroughfares and water supply to the building or buildings. The marking of said lanes shall be performed and maintained at the expense of the property owner or operator. The Borough shall approve of official fire lane designation, the length of the fire lane zone and the fire lane markings in cooperation with the owner and the fire company.

(Ord. 747, 12/16/1993, §1)

**§202. Obstructions.**

Any police officer or fire company officer may remove or order the removal of any obstruction in the fire lane(s) established pursuant to this Section and have the cost of such removal borne by the owner of the vehicle, equipment or other obstruction plus a cost not to exceed 10% for administrative expenses.

(Ord. 747, 12/16/1993, §2)

**§203. (Reserved)<sup>2</sup>**

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<sup>2</sup> Editor's Note: Former §203, Penalties (Ord. 747, 12/16/1993, as amended by Ord. 829, 11/15/2001), was repealed by Ord. 945, 2/21/2013.



**PART 3**

**FIRESAFETY STANDARDS**

**§ 301. International Fire Code.**

1. General. The provisions of this Section shall govern the responsibilities of persons for the safe maintenance of all structures.
  - A. Elizabethtown Borough hereby adopts, into the existing municipal fire prevention ordinance, all provisions of the International Fire Code of 2009, promulgated by the International Code Council, and any amendments, supplements, revisions, additions or replacements thereto, that pertain solely to existing buildings, existing structures, existing uses and occupancies and existing installations, including but not limited to, fire prevention, fire suppression, smoke control, mechanical systems, and natural fuel gas pipe systems, except that provisions therein concerning distances of open burning, recreational fires and portable outdoor fireplaces shall not apply.
  - B. All provisions of the International Fire Code that apply to new buildings, new structures, changes of use or occupancy and new installations that fall within the scope of and under the regulation of the Pennsylvania Uniform Construction Code are not adopted by this Part.
2. Borough Council shall appoint a Code Compliance Official to administer and enforce the fire prevention ordinance, to include, but not limited to, issuing permits, collecting fees, conducting inspections, taking enforcement action(s) and interpreting provisions of the International Fire Code.

(Ord. 945, 2/21/2013)

**§302. Fire Prevention.**

1. Fire Prevention.
  - A. The owner of any structure shall provide and maintain firesafety facilities and equipment in compliance with the latest edition of the International Fire Code. A person shall not occupy as owner-occupant or lease to another for occupancy or use any premises that does not comply with the requirements of this Section and/or the requirements specified in this Chapter.
  - B. Every residential building exceeding two stories in height above grade, not including basements, shall be provided with not less than two approved independent exits from each floor above the second floor, fully accessible to each occupant on the floor. See Section R311 of the International Residential Code for additional requirements.

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### 2. Fire Escapes.

- A. Existing fire escapes shall be accepted as a component in the means of egress in existing buildings only, provided that they are structurally sound and are in approved working condition.
- B. Portable ladders and similar approved emergency escape devices that are mounted to the inside wall are permitted. The approved device shall allow the occupant to descend to a roof or ground level, and if the room is used for sleeping, the individual occupying the room must be able to use the escape device.
- C. Where a new fire escape is proposed or is required by the Code Official in accordance with this Chapter and all applicable Borough Ordinances, the construction requirements must conform to the specifications contained in the International Fire Code and the International Residential Code.
- D. Permanent fire escapes located on the street front portion of a structure must conform to the setback requirements contained in Chapter 27.
- E. Emergency Escape. Requirements for sleeping rooms in the basement shall meet the regulations listed within the International Residential Code and the International Fire Code.
- F. Smoke and carbon monoxide detectors shall meet the requirements listed in the International Residential Code and the International Fire Code.

(Ord. 945, 2/21/2013)

**PART 4**

**VIOLATION AND PENALTY**

**§ 401. Penalties.**

Any person, firm, corporation or any legal entity who shall violate any provisions of this Chapter shall, upon conviction thereof, be subject to a fine of not less than \$200 nor more than \$1,000 plus costs of prosecution and, in default of payment of said fine and costs, to a term of imprisonment for a term not to exceed 30 days. The costs of prosecution shall include, without limitation, any court filing fees and the expenses incurred by the Borough for its employees to collect any such sums as well as attorney fees incurred by the Borough. Each day beyond the effective date of the notice that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

(Ord. 945, 2/21/2013)