

BOROUGH OF PORT ROYAL BOROUGH, JUNIATA COUNTY, PENNSYLVANIA

ORDINANCE No. 1 of 2023

AN ORDINANCE OF PORT ROYAL BOROUGH, JUNIATA COUNTY, PENNSYLVANIA, AMENDING CHAPTER 7, PART 1 OF THE CODE OF ORDINANCES OF PORT ROYAL BOROUGH.

IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of Port Royal Borough, Juniata County, Pennsylvania THAT Chapter 7, Part 1, of the Code of Ordinances Port Royal Borough is hereby amended to read as follows:

Chapter 7

Fire Prevention / Fire Protection

Part 1

Open Burning

§ 7-101 Purpose

The purpose of this chapter is to provide the Borough with rules and regulations to improve public safety by promoting the control of fire hazards; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance of these objectives.

§7-102 Definitions

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

Extinguishment Agent – Continuous water source (example: garden hose), fire extinguisher or a device approved by the Port Royal Borough Fire Chief or his/her designee.

Garbage – all animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Outdoor Wood Furnace – means any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily hand loaded for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler, outdoor wood-fired hydronic heater or outdoor hydronic heater.

Refuse – discarded articles or materials, including but not limited to, building materials, house furnishings, machinery, vehicles, or parts thereof, and combustible and noncombustible waste other than rubbish, as hereinafter set forth.

Rubbish – combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

§7-103 Open Burning Prohibited

A. No person or persons shall set or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in the Borough of Port Royal or burn or cause to be burned thereon any rubbish or other material or substance of any kind.

B. No person or persons shall burn or attempt to burn any garbage or refuse or any other material other than material approved by the Port Royal Borough Fire Chief or his designee.

Exception: Office paper & cardboard only may be burned in an approved burning appliance on the following days / times:

**Wednesday 8am – 4pm
Saturday 8am – Noon**

§7-104 Cooking and Recreational Burning

The following types of outdoor burning may be conducted only on private residential property without a permit and in compliance with the following conditions:

A. Cooking of food contained on a cooking appliance such as a grill, an outdoor masonry fireplace, a food smoker, or an open propane burner using the manufacturer's recommended fuel. Solid fuel cooking appliances may only burn clean, dry, natural wood or charcoal.

B. Recreational burning of only clean, dry, natural wood or charcoal or commercial fire logs, propane, or natural gas contained in a burning appliance such as a metal fire pit, chimney or an outdoor masonry fireplace. Recreational burning appliances must be at least 10 feet from a building or structure. Metal fire pits are restricted to a maximum diameter of 3 feet. A metal drum, commonly known as a burning barrel, is not an acceptable container for a recreational fire.

§7-105 Special Events Permit

A. Every resident, agency or non-profit organization wishing to conduct a special event that includes an open outdoor fire, shall first complete an application to the Borough of Port Royal.

B. The application must be received at least 30 (thirty) days prior to the event date along with the associated application fee as set by resolution and listed on the Borough Fee Schedule.

C. Application will be reviewed by the Fire Chief and placed on the agenda for the next scheduled Council meeting. If approved, a permit will be issued within 3 business days of the Council meeting at which it was reviewed.

D. Borough Council or the Fire Chief may impose conditions as part of the approval.
Exemption: Any fire or controlled burn for firefighter training conducted by a local fire company.

§7-106 Requirements for all Open Fires

A. All fires shall be continually attended until by a responsible person at least 18 year or older until the fire is completely extinguished.

B. One portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing agent, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

C. Only commercial fire logs, charcoal or clean, dry, natural wood, may be burned in any fire except for Wednesday & Saturday exemption. (see §7-103)

D. Fires may not cause a public nuisance as determined by a Police Officer.

E. All outdoor burning including cooking and recreational fires must comply with any burning bans issued by State, County or Local Officials.

F. No fire is allowed to burn upon any day except between the hours of 8 AM and 12 midnight.

Exemption: Any burning done for health or safety reasons as part of the official duties of any public officer, official, or volunteer fire company is not subject to the requirements of this part.

§7-107 Extinguishing of Unsafe or Offensive Fires

If any person responsible for an outdoor fire is notified by a Police Officer, Fire Department Representative or other authorized representative of the Borough, to extinguish the outdoor fire, the person responsible for the outdoor fire must immediately extinguish the outdoor fire or will be in violation of this Part. If the outdoor fire appears to be unsupervised or the person responsible for it refuses to extinguish it after such notice, the Police Officer, Fire Department Representative or other representative of the Borough, may take any and all appropriate action to extinguish the outdoor fire.

Part 2

Fireworks

§7-201 Definitions

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

Consumer Fireworks (also known as "Class C")

A. Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion, is suitable for use by the public, complies with the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission and complies with the provisions for "consumer fireworks" as defined in the American Pyrotechnics Association Standard 87-a.

Examples include: firecrackers, bottle rockets, and other fireworks that contain a maximum of 50 milligrams of explosive materials.

B. The term does not include devices such as "ground and hand-held sparkling devices", "novelties" or "toy caps", the sale, possession and use of which shall be permitted at all times in Port Royal Borough.

Display Fireworks (also known as "Professional Grade")

Large fireworks to be used solely by professional pyrotechnicians and designated primarily to produce visible or audible effects by combustion, deflagration, or detonation. The term includes but is not limited to:

A. Salutes (devices) that contain more than two grains or 130 milligrams of explosive material.

B. Aerial shells containing more than 60 grams of pyrotechnic compositions; and

C. Other display pieces that exceed the limits of explosive materials for classification as consumer fireworks and are classified as fireworks UN0333, UN0334, or UN0335 under 49 CFR 172.101 (relating to purpose and use of hazardous materials table)

§7-202 Permits Required

A. A person may possess and ignite consumer fireworks upon private property only for holiday celebrations in compliance with the following:

1. The property owner must submit an application to Port Royal Borough at least 7-days prior to the event or holiday. The application must include:

a) A detailed site plan showing the area where the fireworks will be

discharged. All structures and property lines within 100' must be shown and labeled along with the distance to each from the discharge area.

b) Proof of homeowner's liability insurance listing Port Royal Borough as additional insured.

c) The required application fee as set by resolution and listed on the Borough fee schedule must be included as part of the submittal packet in order to begin review process.

B. Conditions for use of consumer fireworks upon private property :

1. The person responsible for igniting or discharging the consumer fireworks must be at least 18 years of age or if under 18 years of age, must be under the direct supervision of a parent, guardian or responsible adult.

2. The permit must be prominently displayed at the main entrance to the property within 10 feet from the public street or alley.

3. No consumer fireworks may be ignited or discharged after 12:00 midnight.

4. Only approved discharge area listed on permit may utilized for fireworks.

5. Consumer fireworks may only be used within seven (7) days of a recognized federal holiday.

6. The permit shall not be transferrable.

C. Display fireworks are permitted on upon private property at any time as authorized by permit in compliance with the following:

1. Every owner, agency, organization, corporation or non-profit wishing to possess or use display fireworks must first submit an application to Port Royal Borough at least 30-days prior to the activity. The application must include:

a) Detail of the specific activity and purpose of the discharge / display.

b) A detailed site plan showing the area where the fireworks will be discharged. All structures and property lines within 150' must be shown and labeled along with the distance to each from the discharge area.

c) The required application fee as set by resolution and listed on the Borough fee schedule must be included as part of the submittal packet in order to begin review process.

D. Conditions for use of display fireworks upon private property:

1. Each display shall be handled by a competent operator.
2. Possession and use of display fireworks shall be lawful for only the purpose listed on the permit.
3. The permit shall be transferrable.
4. The permit may not be issued to a person under 21 years of age.
5. Port Royal Borough shall require a bond deemed adequate from the permittee in a sum of not less than \$50,000 conditioned for the payment of all damages which may be caused to the person or property by reason of the display and arising from an act of the permittee or an agent, an employee, or a subcontractor of the permittee.
6. If the authorized display for which a permit has been granted does not occur, the applicant may within 24 hours apply for an extension to continue the permit to another date within 7 days of the original date. This extension shall be granted without the payment of an additional fee and without requiring a bond other than the bond originally given for the original permit.

§7-203 Temporary Outdoor Sales

Legal fireworks may be sold in temporary retail structures (tents, canopies, or other temporary structures) that are erected upon private property in compliance with all Federal, State and Local regulations. All fireworks must comply with APA Standard 87-1 for "toy caps," "novelties" or "ground and hand-held sparkling devices."

A. Permit Required

Temporary retail structures for the sale of fireworks are permitted only within commercial zoning districts by first obtaining a Zoning Permit from Port Royal Borough. Applications must be received at least 30-days prior to placement of the structure and include the following:

1. A detailed site plan showing the proposed location of the structure in relation to all other buildings on the property. Ingress and egress and designated parking areas must be indicated showing distances to all buildings and property lines.
2. Proof of property owner's insurance listing Port Royal Borough as additional insured.
3. The required application fee as set by resolution and listed on the Borough fee schedule must be included as part of the submittal packet in order to begin review process.

B. Conditions:

1. Temporary retail structures shall be setback a minimum of 50 feet from any building and 20 feet from an adjoining property line.
2. Fireworks must be monitored at all times during sale hours.
3. Fireworks must be safely secured at all other times.
4. Temporary retail structures may not obstruct any travel lanes, access / egress drives / loading areas or entrance(s) and exit(s) to principal use of property.

Part 3

Violations and Penalties

§7-301 Violations and penalties.

A. Whoever violates any provision of this chapter shall, upon conviction in a summary proceeding, be sentenced for as follows:

1. Upon a first offense, not less than one hundred (\$100.00) dollars plus all costs and, in default of payment of said fine and costs, to undergo imprisonment not to exceed fifteen (15) days.
2. Upon a second offense, not less than three hundred (\$300.00) dollars plus all costs and, in default of payment of said fine and costs, to undergo imprisonment not to exceed thirty (30) days.
3. Upon a third and subsequent offense, not less than five hundred (\$500.00) dollars plus all costs and, in default of payment of said fine and costs, to undergo imprisonment not to exceed thirty (60) days.
4. Each Day that a violation of this Part continues shall constitute a separate offense.

§7-302 Severability.

A. All ordinances or resolutions or parts of ordinances or resolutions as they are inconsistent herewith are hereby repealed and rescinded.

B. In the event any provision, section, sentence, clause or part of this chapter shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections sentences, clauses or parts of this chapter; it being the intent of Port Royal Borough that the remainder of the chapter shall be and shall remain in force and effect.

§7-303

Effective Date.


This Ordinance shall be effective immediately upon adoption.

Adopted this 12 day of June, 2023

PORT ROYAL BOROUGH



President of Council




Vice-President of Council



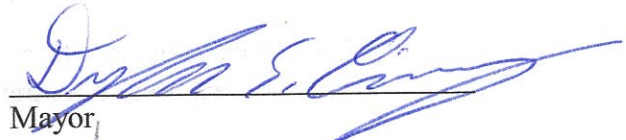
Member of Council



Member of Council



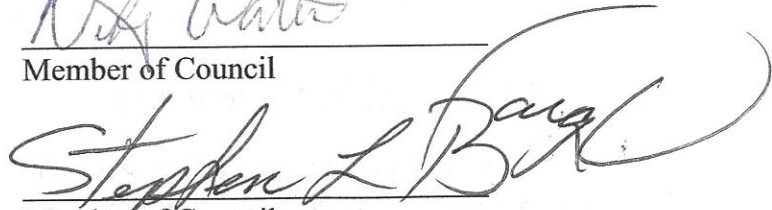
Member of Council



Mayor

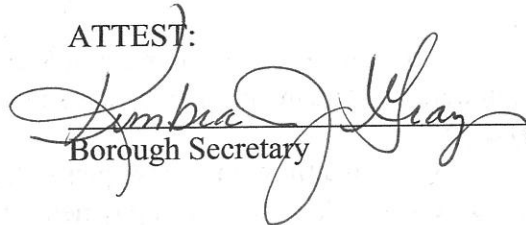


Member of Council



Member of Council

ATTEST:



Borough Secretary