

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

DISPLAY AND DISCHARGE OF FIREWORKS

- §7-101. General Provisions**
- §7-102. Display and Discharge**
- §7-103. Penalties**

PART 2

OPEN BURNING

- §7-201. Definitions**
- §7-202. Prohibited Activities**
- §7-203. Exceptions**
- §7-204. Penalties**

PART 1

DISPLAY AND DISCHARGE OF FIREWORKS

§7-101. General Provisions.

1. Scope. The manufacture of fireworks is prohibited within the Borough. The display or discharge of fireworks shall comply with the requirements of this Part.
2. Permit Required. A permit shall be obtained from the Fire Marshal for the display or discharge of fireworks.
3. Permit Applications. Application for permits shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. 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.
 - A. The term "fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, aerial fireworks or other fireworks of like construction, and any fireworks containing any explosive or flammable compound or any tablets or other device containing an explosive substance.
 - B. The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grain or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than .20 grain of explosive mixture, the sale and use of which shall be permitted at all times, nor shall the term "fireworks" include toy cannons which operate on the principle of mixing calcium carbide, weighing less than 1/10 of an ounce, and water in the reservoir of the cannon and in which ignition results upon the creation of a spark.

(Ord. 590, 3/14/2005, §1)

§7-102. Display and Discharge.

FIRE PREVENTION AND FIRE PROTECTION

1. General. It shall be a violation of this ordinance for any person to store, or use or explode any fireworks, except as provided in the rules and regulations issued by the fire official for the granting of permits for supervised public displays of fireworks by the Borough, fair associations, amusement parks and other organizations. Every such display shall be handled by a competent operator approved by the [Designated Official]. The fireworks shall be arranged, located, discharged or fired in a manner that, in the opinion of the Fire Marshal, will not be a hazard to property or endanger any person.
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. Disposal of Unfired Fireworks. Unfired fireworks and trash that remain after the display is concluded shall be immediately disposed of in a safe manner approved by the Fire Marshal.
4. Seizure of Fireworks. The fire official shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for display, stored or held in violation of this ordinance.

(Ord. 590, 3/14/2005, §1)

§7-103. Penalties.

Any person, firm or corporation who shall violate any provision of this part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 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 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. 590, 3/14/2005, §1)

PART 2

OPEN BURNING

§7-201. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meaning ascribed to them:

FURNACE — any enclosed device designed for the burning of any material primarily for the production of heat.

GARBAGE — all putrescible animal and vegetable matter resulting from the handling, preparation or cooking of food.

INCINERATOR — any device designed or used for the destruction or reduction of refuse by burning.

OPEN FIRE — a fire in which any material is burned in the open or in a receptacle other than a furnace or an incinerator.

PERSON — any individual, partnership, association, company, syndicate, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

REFUSE — garbage, rubbish and trade waste.

RUBBISH — solids which may or may not be highly flammable or explosive including, but not limited to, leaves, yard trimmings, tree stumps or branches, rags, clothes, leather, rubber, carpets, furniture, plastic products, tin cans, metal products, glass, crockery, masonry and other similar materials. [Ord. 369]

SALVAGE OPERATION — any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material.

TRADE WASTE — all solid or liquid material resulting from the pursuit of any business, trade or industry.

(Ord. 368, 3/10/1975, §I; as amended by Ord. 369, 8/11/1975, §I)

§7-202. Prohibited Activities.

After the effective date of this Part no person shall:

- A. Ignite or feed an open fire nor cause, suffer, allow, or permit the maintenance of any open fire, for the destruction or reduction of refuse or in the

FIRE PREVENTION AND FIRE PROTECTION

conduct of a salvage operation, in any public or private place, or on or in any property under his control in the Borough of Rockledge.

- B. The use of incinerators or furnaces for the destruction or reduction of refuse is prohibited.

(Ord. 368, 3/10/1975, §II)

§7-203. Exceptions.

The requirements of this Part shall not apply under the following conditions:

- A. A fire may be set by or under the supervision of a public officer to prevent or abate a fire or health hazard. Such permission shall be in writing and shall be issued by the Rockledge Borough Fire Marshall.
- B. A fire may be set in dwelling unit fireplaces.
- C. A fire may be set for the grilling, broiling, or barbecuing of food
- D. A fire may be set for the destruction or reduction of paper, cardboard and wood (excluding tree and bush trimmings and tree branches) [Ord. 369]

(Ord. 368, 3/10/1975, §III; as amended by Ord. 369, 8/11/1995, §II)

§7-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 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 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. 590, 3/14/2005, §1)