

## **Chapter 7**

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**Part 1****Fire Protection****§7-101. Definitions.**

Words and phrases shall be presumed to be used in the ordinary context unless such word or phrase is defined or interpreted differently. The following words and phrases shall have the particular meaning assigned by this Section:

*Borough* - the Borough of Huntingdon, Huntingdon County, Pennsylvania, a Pennsylvania municipal corporation acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

*Fire company* - any person, partnership, corporation, nonprofit corporation, agency or department of a municipal corporation or other organization, or its members, the primary purpose of which is the preventing and extinguishing of fires and the protection of life and property.

*Huntingdon Fire Department* - Huntingdon Fire Department, having its base of operations and principal station at 530 Washington Street, Huntingdon, Pennsylvania. [Ord. 858]

*Person* - an individual, partnership, corporation, or nonprofit corporation.

(Ord. 712, 6/21/1994; as amended by Ord. 858, 3/17/2009)

**§7-102. Authority to Fight Fires.**

No fire company or other person shall interfere or participate in any way in firefighting activities or respond to an alarm of fire within the confines of Huntingdon Borough unless such person or fire company is granted authority by the Borough to provide fire protection to the inhabitants of the Borough or is a fire company requested to assist a fire company granted such authority by the Borough or unless such person is a public officer.

(Ord. 712, 6/21/1994)

**§7-103. Fire Companies Authorized to Provide Fire Protection.**

The Borough authorizes and directs Huntingdon Fire Department to provide fire protection and to engage in firefighting activities within the geographical confines of the Borough.

(Ord. 712, 6/21/1994; as amended by Ord. 858, 3/17/2009)

**§7-104. Appropriation of Funds.**

The Borough may appropriate money to any fire company authorized to provide fire protection within the confines of the Borough for the purchase and maintenance of fire apparatus, for the operation and maintenance of the fire company and for the repair and maintenance of fire company stations.

(Ord. 712, 6/21/1994)

**§7-105. Injunctive Relief.**

Upon violation or threatened violation of the provisions of this Part, the Borough may, in addition to other remedies, institute in the name of the Borough any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate violations of the provisions of this Part.

(*Ord. 712, 6/21/1994*)

**§7-106. Collection of Costs for Fire Protection Services.**

The Borough of Huntingdon hereby authorizes the Huntingdon Fire Department to collect from persons, corporations or any other entity who use their services a sum sufficient to reimburse said Fire Department in full for the time and effort spent by said respective fire company.

(*Ord. 712, 6/21/1994; as amended by Ord. 769, 3/16/1999; and by Ord. 858, 3/17/2009*)

**§7-107. Legal Remedies.**

The Borough shall have the right, in the event that said payment is not made, to pursue these remedies in the Court of Common Pleas of Huntingdon County and to turn the successful completion of these processes over to the respective fire company which had rendered the services.

(*Ord. 712, 6/21/1994; as amended by Ord. 769, 3/16/1999*)

**§7-108. Charges Established by Resolution.**

For purposes of this Part, the charges for use of the Huntingdon Fire Department emergency services equipment, materials and personnel shall be established by resolution of the Council of the Borough of Huntingdon.

(*Ord. 712, 6/21/1994; as amended by Ord. 769, 3/16/1999*)

**§7-109. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 712, 6/21/1994; as amended by Ord. 858, 3/17/2009*)

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**Part 2****Firefighters' Relief****§7-201. Foreign Insurance Tax Money to Be Kept Separate.**

It shall be the duty of the Treasurer of the Borough to keep the money received from the State Treasurer for tax on foreign insurance companies under the second section of an act entitled "An Act to Provide Revenue by Taxation, etc.," approved the 28th day of June 1895, separate and apart from the other funds of said Borough.

*(Ord. 2/25/1896)*

**§7-202. Notification of Receipt of Money.**

It shall be the duty of the Treasurer of the Borough, immediately upon the receipt of the tax mentioned in the first Section of this Part, to notify the Mayor and Borough Council of the Borough of the receipt of said funds and the amount thereof.

*(Ord. 2/25/1896; as amended by Ord. 598, 3/18/1986, §17-2)*

**§7-203. Order to Be Issued upon Receipt of Notice.**

It shall be the duty of the Mayor and Borough Council, upon receipt of the notice mentioned in the second Section of this Part, to forthwith cause an order to be issued for the full amount of said fund, drawn to the order of the Treasurer of the Firemen's Relief Association of the Borough of Huntingdon, in the usual form of such orders directed to the Treasurer of the Borough and to cause the same to be delivered to said Treasurer.

*(Ord. 2/25/1896; as amended by Ord. 598, 3/18/1986, §17-3)*

**§7-204. Payment of Order to Firemen's Relief Association.**

It shall be the duty of the Borough Treasurer to pay the order mentioned in the third Section of this Part to the Treasurer of the Firemen's Relief Association of the Borough of Huntingdon whenever said order is presented to him and to charge it to the account of said tax.

*(Ord. 2/25/1896)*



**Part 3****Open Burning****§7-301. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

*Approved containers* -

(1) An appliance or device used for a recreational fire approved by and listed by a recognized testing agency, which is used in accordance with the listing and manufacturer's instructions. The use of such appliances is limited to residential, small commercial, or nonprofit use not requiring a building permit for installation and approvals or permits of other State and Federal agencies, the installation of which will be subject to applicable codes and regulations.

(2) Outdoor fireplaces constructed and intended for a recreational fire for residences, small commercial or nonprofit application. Such fireplaces shall have an essentially contained fire chamber in which all burning takes place and a flue or chimney through which exhaust, gas, smoke or emissions escape.

[Ord. 858]

*Bonfire* - an outdoor fire used for ceremonial or training purposes. [Ord. 858]

*Borough* - the Borough of Huntingdon, Huntingdon County, Pennsylvania.

*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.

*Outdoor burning* - a fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue/vent stack or chimney which is part of an inhabited building used for residential, business, industrial, or other public or private purposes. [Ord. 858]

*Outdoor furnace* - a device located outside an inhabited building and used to burn combustible materials for the purpose of generating heat inside the inhabited building. An outdoor furnace shall be considered an "accessory structure" for purposes of any other ordinance or regulation applying to or effective in the Borough of Huntingdon including, but not limited to, Zoning Ordinances and Building Codes. [Ord. 858]

*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.

*Recreational fire* - an outdoor fire which is used to cook food for human consumption. [Ord. 858]

*Source-separated recyclable materials* - materials that are separated from Borough waste at the point of origin for the purpose of recycling, including clear

glass, colored glass, aluminum, steel and bimetal cans, high-grade office paper, newsprint, corrugated paper, other marketable grades of paper, plastics, yard waste and food scraps.

*Yard waste* - leaves, grass clippings, garden waste, tree trimmings, chipped shrubbery and other vegetable materials.

(Ord. 788, 12/18/2001; as amended by Ord. 858, 3/17/2009)

### **§7-302. Outdoor Burning.**

1. *General Prohibition on All Outdoor Burning.* Except as set forth in subsections .2 through .4, under no circumstances shall any person perform or cause to be performed or permit to be performed any outdoor burning of any material including, but not limited to, garbage, rubbish, refuse, trash, paper, paper products, rubber, wire, roofing shingles, trash, plastic/synthetic materials, brush, trimmings, rakings, leaves, grass, wood, coal, wood products and other similar materials.

2. *Outdoor Burning - Recreational Fires.* Recreational fires in approved containers are hereby permitted.

3. *Outdoor Burning - Bonfires.* A bonfire may be made for purposes such as fire company drills, pep rallies, and public celebrations upon application submitted to the Borough and approved by the Mayor.

(Ord. 788, 12/18/2001; as added by Ord. 858, 3/17/2009)

### **§7-303. Authority to Extinguish.**

Authority is hereby granted to the Huntingdon Fire Department to extinguish any fire within the Borough of Huntingdon when the Fire Chief of said company deems that conditions warrant such action.

(Ord. 788, 12/18/2001)

### **§7-304. Enforcement.**

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

(Ord. 788, 12/18/2001)

### **§7-305. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 788, 12/18/2001; as amended by Ord. 858, 3/17/2009)



**Part 4****Fire Insurance Proceeds Escrow****§7-401. Compliance with Act 98 of 1992.**

This Part is intended to comply with the Act of July 9, 1992, P.L. 678, No. 98, §1, as amended, 40 P.S. §638. The provisions herein shall be interpreted to comply with said provisions and amendments thereto.

*(Ord. 723, 3/21/1995)*

**§7-402. Designated Officer.**

The Borough Manager is hereby appointed as the designated officer who is authorized to carry out all responsibilities and duties of the Borough of Huntingdon stated herein, other than the responsibilities and duties specifically assigned to the Tax Collector.

*(Ord. 723, 3/21/1995)*

**§7-403. Duties of Insurance Companies, Associations and Exchanges.**

No insurance company, association or exchange (hereinafter the "insuring agent") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within Huntingdon Borough where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500 unless the insuring agent is furnished with a certificate pursuant to §7-404 of this Part and unless in compliance with procedures set forth in this Part.

*(Ord. 723, 3/21/1995)*

**§7-404. Certification.**

The Borough Tax Collector shall, upon the written request of the named insured specifying the tax description of the property, name and address of the insuring agent and the date agreed upon by the insuring agent and the named insured as the date of the receipt of a loss report of the claim, furnish the insuring agent either of the following within 14 working days of the request:

A. A certificate or, at the discretion of the Borough, a verbal notification, which shall be confirmed in writing by the insuring agent, to the effect that as of the date specified in the request there are no delinquent taxes, assessments, penalties or user charges against the property and that, as of the date of the Tax Collector's certificate or verbal notification, no municipality has certified any amount as total costs incurred by the municipality for the removal, repair or securing of a building or other structure on the property; or

B. A certificate and bill showing the amount of delinquent taxes, assessments, penalties and user charges against the property as of the date specified in the request that have not been paid as of the date of the certificate and also showing, as of the date of the Tax Collector's certificate, the amount of the total costs, if any, certified to the Tax Collector that have been incurred by the Borough for the removal, repair or securing of a building or other structure on the property. The

certification may also specify the payee(s) of amounts owed, including, without limitation, the Tax Collector, Tax Claim Bureau or Borough. For the purpose of this paragraph, the Borough shall certify to the Tax Collector the total amount, if any, of such costs, as well as the amount of any delinquent taxes, assessments, penalties and user charges not otherwise available to the Tax Collector. A tax, assessment, penalty or user charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the Borough under applicable law.

(Ord. 723, 3/21/1995)

#### **§7-405. Payment of Proceeds.**

1. Upon the receipt of a certificate pursuant to §7-404.A of this Part, the insuring agent shall pay the claim of the named insured in accordance with the policy terms, unless the loss agreed to between the named insured and the insuring agent equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or other structure. In the case of such a loss, the insuring agent, the insured property owner and the Borough shall follow the procedures set forth in §7-406 of this Part.

2. Upon the receipt of a certificate and bill pursuant to §7-404.B of this Part, the insuring agent shall return the bill to the Tax Collector and transfer to the Tax Collector an amount from the insurance proceeds necessary to pay the taxes, assessments, penalties, charges and costs as shown on the bill, made payable as designated by the Tax Collector in the certificate and bill. The Borough shall receive the amount and apply or credit it to payment of the items shown in the bill.

(Ord. 723, 3/21/1995)

#### **§7-406. Proceeds to Be Escrowed.**

When the loss agreed upon by the named insured and the insuring agent equals or exceeds 60 percent of the aggregate limits of liability on all fire policies covering the building or other structure, the following procedures shall be followed:

A. The insuring agent shall transfer from the insurance proceeds to the designated officer of the Borough in the aggregate \$2,000 for each \$15,000 and each fraction of that amount of a claim unless paragraph .B herein applies.

B. If at the time of a loss report the named insured has submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insuring agent shall transfer from the insurance proceeds to the designated officer the amount specified in the estimate.

C. The transfer of proceeds shall be on a pro rata basis by all insuring agents insuring the building or other structure.

D. When transferring proceeds to the Borough, an insuring agent shall provide the Borough with the name and address of the named insured.

E. Policy proceeds remaining after the transfer to the Borough shall be disbursed in accordance with the policy terms.

F. After the transfer, the named insured may submit a contractor's signed

estimate of the costs of removing, repairing or securing the building or other structure, and the designated officer shall return the amount of the funds transferred to the Borough in excess of the estimate to the named insured, if the Borough has not commenced to remove, repair or secure the building or other structure.

G. This Section applies only to fire losses that occur after the effective date of this Part.

(Ord. 723, 3/21/1995)

#### **§7-407. Use of Escrowed Proceeds.**

Upon receipt of proceeds under §7-406, the Borough shall do the following:

A. The designated officer shall place the proceeds in a separate fund to be used solely as security against the total cost of removing, repairing or securing the building or other structure which are incurred by the Borough. Such cost shall include, without limitation, any material, labor, engineering, legal or administrative costs incurred by the Borough in connection with such removal, repair or securing of the building or any proceedings related thereto.

B. Upon receipt of the funds to be escrowed and the name and address of the named insured, the Borough shall contact the named insured, certify that the proceeds have been received by the Borough and notify the named insured that the procedures under this Section shall be followed.

C. When repairs, removal or securing of the building or other structure has been completed and the required proof received by the designated officer, and if the Borough has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured.

D. If the Borough has incurred costs for repairs, removal or securing of the building or other structure, the costs shall be paid from the fund. If excess funds remain, the Borough shall transfer the remaining funds to the named insured.

E. Nothing in this Part shall be construed to limit the ability of the Borough to recover any deficiency.

F. Nothing in this Section shall be construed to prohibit the Borough and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

(Ord. 723, 3/21/1995)

#### **§7-408. Fees and Further Procedures by Resolution.**

The Borough Council of the Borough of Huntingdon may, by resolution, adopt procedures and regulations to implement Act 98 of 1992, as amended, and this Part and may, by resolution, fix reasonable fees to be charged for Borough activities or services provided pursuant to Act 98 of 1992, as amended, and this Part, including, without limitation, the issuance of certificates and bills, performance of inspections and opening of separate fund accounts. Nothing in this Section shall prohibit or limit the Borough from recovering costs under §7-407 of this Part, whether or not such costs or fees have been fixed by resolution.

(*Ord. 723, 3/21/1995*)

**§7-409. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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. 723, 3/21/1995; as amended by Ord. 858, 3/17/2009*)

**Part 5****Smoke Detectors****§7-501. Definitions.**

*Leased and/or rented dwelling unit* - any dwelling designed for permanent living quarters including, but not limited to:

- A. One-family dwellings
- B. Two-family dwellings
- C. One-family semi-detached dwellings
- D. Row dwellings
- E. Multi-family dwellings

which is occupied by nonowners on a lease/rental basis. This Part shall not apply to any owner-occupied dwelling unit.

*Owner* - person, persona, or entity which holds legal title to real estate in question, according to the records in the Huntingdon County Recorder of Deeds Office.

*Smoke detector* - a device which, operating on the ionization principle, emits an audible signal when activated by smoke or fire. The smoke detector must meet or exceed the standards set forth by Factory Mutual Research Corporation or Underwriter's Laboratories. The smoke detector must have a self-contained power supply, and must be capable of emitting an audible signal of at least 85 decibels at a range of 10 feet.

(Ord. 858, 3/17/2009)

**§7-502. Location of Smoke Detector Within Dwelling Units.**

The smoke detector shall always be installed on ceilings, but never closer than 12 inches from corners of interior walls. The general area in which the smoke detectors should be installed are:

- A. At the top of stairways.
- B. At the doorways outside of sleeping areas.
- C. Between sleeping areas and potential fire sources, i.e., kitchens.

(Ord. 858, 3/17/2009)

**§7-503. Responsibility of Maintenance.**

It shall be the owner's responsibility and duty to:

- A. Install smoke detectors.
- B. Periodically inspect smoke detectors to insure working conditions.
- C. Maintain smoke detectors in proper working condition.
- D. To inform all persons residing in the dwelling unit of the presence and purpose of the smoke detector.

The time within which to comply with this Part shall be 6 calendar months from

the effective date of this Part.

*(Ord. 858, 3/17/2009)*

**§7-504. Inspection and Testing.**

1. The Borough, or its duly authorized agent or representative, is hereby authorized and empowered to inspect each smoke detector installed and in the case of fire within the leased or rented dwelling unit, immediately thereafter to ascertain that such smoke detector fulfills the requirements of this Part and is in an operable condition.

2. It shall be the duty of the Borough, or its duly authorized agent or representative to inform any person, who is determined to be in violation of any Section of this Part, of the exact nature of such violation. The Huntingdon Borough Council, and its agents and representatives, shall be immune from civil or criminal liability for any acts or omissions in connection with the inspection, maintenance and testing of any smoke detector installed in compliance with this Part.

*(Ord. 858, 3/17/2009)*

**§7-505. Penalties for Noncompliance.**

Any owner of a leased and/or rented dwelling unit who fails to comply with the provisions of this Part, upon conviction, shall be fined in an amount not to exceed \$100 for the first offense and for each offense thereafter shall be fined in an amount not less than \$200 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. 858, 3/17/2009)*

**§7-506. Penalties for Tampering with Smoke Detector So as to Render Said Smoke Detector Inoperative.**

Any person convicted of tampering with a smoke detector so as to render said smoke detector inoperative, upon conviction, shall be subject to a fine of not less than \$100 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. 858, 3/17/2009)*

**§7-507. Duty of Police Chief to Bring Charges.**

The Huntingdon Borough Council hereby authorizes the Huntingdon Borough Police Chief to, upon notice of any violation of this Part, to bring charges before the magisterial district judge in accordance with the penalties set forth in §§7-505 and 7-506 of this Part.

*(Ord. 858, 3/17/2009)*