

ORDINANCE NO. 4 of 1993

**AN ORDINANCE OF ADAMS COUNTY, PENNSYLVANIA,  
ESTABLISHING A FIRE PREVENTION BUREAU IN THE COUNTY OF  
ADAMS, AND SETTING FORTH FIRE PREVENTION MEASURES,  
AND PENALTIES FOR VIOLATION OF THE SAME**

**BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained by the Board of Commissioners of Adams County, Pennsylvania, as follows:

**I. Purpose**

The purpose of this Ordinance is to establish a Bureau of Fire Prevention in the County of Adams, providing regulations and standards, which shall be administered under the supervision of the appointed County Fire Marshal.

The County Fire Marshal may recommend to the County Commissioners any qualified persons for the position of Deputy and/or an Assistant Fire Marshal.

**II. Scope**

It shall be the duty of the officers of the Bureau of Fire Prevention to enforce and/or administer all laws and regulations of the Commonwealth of Pennsylvania as they pertain to Adams County and ordinances of municipalities within Adams County, in accordance with the duties imposed by, and authority granted by, such laws, regulations and ordinances, relative to the following:

1. The prevention of fires;
2. The storage and use of explosives and flammables;
3. The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
4. The maintenance and regulation of fire escapes;
5. The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheater, and all other places in which numbers of persons work, live or congregate, from time to time for any purpose;
6. The investigation of the cause, origin and circumstances of fires;
7. To control and regulate open burning in Adams County, Pennsylvania. (as added by Ordinance No. 2 of 1981)

as set forth in other sections of this ordinance, and may be conferred and imposed from time to time by law. The County Fire Marshal may delegate duties and authority as herein set forth to the Chief of any fire department or company in the County or to an Inspector appointed by him/her.

### III. Duties

- A. The County Fire Marshal and/or his/her assistants shall have the authority to investigate and to recommend to the County Commissioners such additional ordinances, or amendments to existing ordinances, as he/she may deem necessary for safeguarding life and property against fire.
- B. The Fire Marshal and/or his/her assistants shall prepare instructions for the Inspector and forms for his/her use in the reports required by this ordinance.
- C. The Bureau of Fire Prevention shall have the authority to investigate the cause, origin and circumstances of every fire occurring in the County by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations shall begin immediately upon occurrence of such a fire, by the Deputy and/or Assistant in whose district the fire occurs, and if it appears to the officer making such an investigation, that such fire is of suspicious origin, the Fire Marshal shall be immediately notified of the fact; he/she shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing to the Bureau of Fire Prevention within two (2) days after the occurrence of same, by the officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the County Fire Marshal, and shall contain a statement of all facts relating to the cause, origin and circumstances of such fire, the extent of damage thereof, and the insurance upon such property, and such other information as may be required.
- D. Before licenses may be issued for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly explosive gun or blasting powder, dynamite, or explosives of any kind, including fireworks, fire crackers, and signal explosives, the County Fire Marshal and his/her Inspector, or his/her Assistants, shall have the authority to inspect and approve the receptacles, vehicles, buildings or storage places to be used for any such purposes.

- E. The County Fire Marshal, Inspector or an Assistant specifically designated thereto, shall have the authority to inspect, as often as may be necessary, but not less than four (4) times a year, all specially hazardous manufacturing processes, storage or installations of acetylene or other gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards and appliances as the County Fire Marshal shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.
- F. The County Fire Marshal shall have the authority to inspect, or cause to be inspected by the Bureau of Fire Prevention, or by the fire department officers and members in the area, as often as may be necessary, but not less than twice a year in outlying districts and four (4) times a year in the closely built portions of the County, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any law or regulation of the State or Federal government, or ordinance of the County, affecting the fire hazard.

Whenever any inspector, as defined above, shall find in any building, or upon any premises or other place, combustible or explosive matter of waste or dangerous accumulation of rubbish unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire, he/she shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupants of such premises or buildings, subject to appeal within twenty-four (24) hours to the Fire Marshal, as provided in Section III, G. of this ordinance.

Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order, shall be liable to a penalty as hereinafter provided.

The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of the same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance

of said premises. Whenever it may be necessary to serve such order upon the owner of premises, such order may be served either by delivering to and leaving with said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing, by certified mail, such copy to the owner's last known post office address.

- G. The County Fire Marshal, upon the complaint of any person or whenever he/she shall deem it necessary, shall have the authority to inspect all buildings and premises within his/her jurisdiction. Whenever said officer shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire apparatus or fire extinguishing equipment or by reason of age or dilapidated condition or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, he/she shall order such dangerous conditions or material to be removed or remedied and such order shall forthwith be complied with by the owner of such premises or building.

If such order is made by the Inspector or any of his/her assistants, such owner or occupant may within twenty-four (24) hours appeal to the County Fire Marshal, who shall, within five (5) days, review such order and file his/her decision thereon, and unless by his/her authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or decision of the Fire Marshal.

- H. The County Fire Marshal, the Inspector or any assistant, may, at all reasonable hours, enter any building or premises within his/her jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this ordinance, he/she or they may deem necessary to be made.
- I. The County Fire Marshal shall keep, in the office of the Bureau of Fire Prevention, a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and, if so, in what amount.

Such records shall be made daily from the reports made by the Inspector under the provision of this ordinance. All such records shall be public.

#### IV. Reports

The annual report of the Bureau of Fire Prevention shall be made on or before the 1st day of October and transmitted to the County Commissioners; it shall contain all proceedings under this ordinance, with such statistics as the County Fire Marshal may wish to include therein; the County Fire Marshal shall also recommend any amendments to the ordinance which, in his/her judgment, shall be desirable.

#### V. Open Burnings

A. No person or persons, corporation, partnership or association shall burn, or permit to be burned, a structure of any size, or burn, or permit to be burned, any material outside of a container with an approved cover, within Adams County, Pennsylvania, unless the following regulations and restrictions, which are hereby established, as well as any and all pertinent rules and regulations of the Pennsylvania Department of Environmental Resources, are strictly observed and adhered to:

1. Any person or persons, corporation, partnership or association wishing to conduct an open burning(s) shall first notify the Adams County Emergency 9-1-1 Communications Center, via a non-emergency telephone number, to register any and all planned burnings prior to commencement of such burning. This burning registration shall include structure(s) of any size, or the planned burning of any material outside of an approved container, by the initiator(s) thereof, and the initiator(s) shall notify the Communications Center, indicating the proposed burning site (address), size and type of burning, the responsible party's name and telephone number; and
2. This above required notification process is for registration purposes only, and shall not to be considered a submission for approval, and at all times the person or persons, corporation, partnership who have reported such a burn, shall be fully responsible and/or held responsible for any unexpected outcome; i.e., any and all damages or injuries resulting therefrom; and
3. Upon notification, the Communications Center personnel shall log and post the received registration information, within the Communications Center, so as to prevent a false call; however, if the reported registration consists of a structure, or is of an unusually large-sized open burning, immediately following the registration of the burning, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area of the planned burning, shall be notified by the Communications Center of its nature, location and size; and

4. If so desired, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area may be permitted to inspect any and all sites thereof prior to the initiation of the burning, if such inspection is requested or required by such official(s); and
  5. Further, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area of the proposed planned burning are hereby authorized and directed to regulate, restrict or ban all of such planned burnings, upon the inspection of the proposed site thereof, in the event that the interests of public safety mandate such regulation, restrictions or ban; additionally, immediately prior to the initiation of all reported proposed planned burnings, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area of the proposed planned burning shall notify the Adams County Emergency 9-1-1 Communications Center of the nature, time, exact location and person(s) supervising and controlling the proposed planned burning; and
  6. No planned burning shall be performed or permitted within less than fifty (50) feet from any building, structure of any type, forest or wooded area; and
  7. All open, planned or controlled burnings shall commence after sunrise and shall be extinguished before sunset; no open, planned or controlled burnings shall commence before sunrise or continue after sunset; and
  8. No open, planned or controlled burnings shall be performed or permitted, unless a person eighteen (18) years of age or older is present, at all times, to regulate and control such burning from the time such burning is ignited and commenced until the same is properly and finally extinguished.
- B. Any open burnings of any structures or substances whatsoever within Adams County, Pennsylvania, which have been reported as a "Fire" and have not been registered with the County, as required by this Ordinance, and/or any open burnings of any structures or substances whatsoever within the County which have been reported "Out-of-Control", willingly or unwillingly, shall be subject to immediate extinguishment. All such extinguishments shall be subject to response cost reimbursement which shall be paid to the all responding agencies, as per the County cost recovery table, and/or any and all fines prescribed by this Ordinance, by the responsible party(ies). (see County Fire SOP, Section X, H, the provisions of which, as, from time to time amended, are hereby incorporated herein by reference).

- C. The Adams County Fire Marshal is hereby authorized and directed to impose a "BAN" upon all open burnings of any structures or substances whatsoever within Adams County, Pennsylvania, when, from time to time, prevailing conditions and the interests of public safety mandate, in the judgment of such Fire Marshal, the imposition of such ban upon all open burning. Notice of the imposition and lifting of any such ban upon all open burning shall be announced by the Adams County Fire Marshal via announcements published in the Gettysburg Times, in the Hanover Evening Sun, as well as broadcasts over radio stations WGET/WGTY and WHVR/WYCR.
- D. Any Ordinance or Resolution, or any part of any Ordinance or Resolution, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby repealed insofar as the same is affected by or inconsistent with the provisions of the present Ordinance.

## VI. Violations

Any person(s) or entity(ies) violating any of the provisions of this Ordinance, or neglecting to comply with any Order issued pursuant to any Section hereof, shall be guilty of a summary offense, and upon conviction shall pay a fine to the use of the County of Adams of not more than the maximum fine for a summary criminal offense, as established, from time to time, by the statutes of the Commonwealth of Pennsylvania, which statutes, as amended, are incorporated herein by reference together with the maximum term of imprisonment authorized or permitted pursuant to said statutes of the Commonwealth of Pennsylvania, in addition to, or in lieu of, or in default of, the payment of the aforesaid fine. Each violation of any of the provisions of this Ordinance shall constitute a separate offense; and, provided further, that each day during which a violator or violators neglect(s) to comply with any Order issued pursuant to any Section of this Ordinance shall likewise constitute a separate offense, punishable as aforesaid. In addition to the fines and penalties established as aforesaid, any person(s) or entity(ies) violating any of the provisions of this Ordinance, or neglecting to comply with any Order issued pursuant to any Section hereof, shall be liable for the payment unto the County of Adams for restitution equal to all costs of prosecution, as well as all costs and expenses incurred by the Fire Marshal, the Fire Chiefs and the Fire Companies in the prosecution and enforcement of the present Ordinance.

## VII. Effective Date

This Ordinance shall be effective the 18<sup>th</sup> day of August, 1993.

**IN WITNESS WHEREOF**, this Ordinance has been duly adopted, enacted and ordained, in public session duly convened, after notice, this 18<sup>th</sup> day of August, 1993.

COUNTY OF ADAMS

ADAMS COUNTY COMMISSIONERS

By: Thomas J. Weaver  
Thomas J. Weaver, Chairman

ATTEST:

By: Harry Stokes  
Harry Stokes

(seal)

Brenda J. Constable  
Brenda J. Constable, Chief  
Clerk/County Administrator

By: Richard C. Waybright  
Richard C. Waybright



## V. OPEN BURNINGS

- A. No person or persons, corporation, partnership or association shall burn, or permit to be burned, a structure of any size, or burn, or permit to be burned, any material outside of a container with an approved cover, within Adams County, Pennsylvania, unless the following regulations and restrictions, which are hereby established, as well as any and all pertinent rules and regulations of the Pennsylvania Department of Environmental Resources, are strictly observed and adhered to:
1. Any person or persons, corporation, partnership or association wishing to conduct an open burning(s) shall first notify the "Adams County Emergency 9-1-1 Communications Center", via a non-emergency telephone number, to register any and all planned burnings prior to commencement of such burning. This burning registration shall include structure(s) of any size, or the planned burning of any material outside of an approved container, by the initiator(s) thereof, and the initiator(s) shall notify the Communications Center, indicating the proposed burning site (address), size and type of burning, the responsible party's name and telephone number; and
  2. This above required notification process is for registration purposes only, and shall not to be considered a submission for approval, and at all times the person or persons, corporation, partnership who have reported such a burn, shall be fully responsible and/or held responsible for any unexpected outcome; i.e., any and all damages or injuries resulting therefrom; and
  3. Upon notification, the Communications Center personnel shall log and post the received registration information, within the Communications Center, so as to prevent a false call; however, if the reported registration consists of a structure, or is of an unusually large-sized open burning, immediately following the registration of the burning, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area of the planned burning, shall be notified by the Communications Center of its nature, location and size; and
  4. If so desired, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area may be permitted to inspect any and all sites thereof prior to the initiation of the burning, if such inspection is requested or required by such official(s); and
  5. Further, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area of the proposed planned burning are hereby authorized and directed to regulate, restrict or ban all of such planned burnings, upon the inspection of the proposed site thereof, in the event that the interests of public safety mandate such regulation, restrictions or ban; additionally, immediately prior to the initiation of all reported proposed planned burnings, the Adams County Fire Marshal or the Adams County Fire Chief(s) having jurisdiction in the area of the proposed planned burning shall notify the Adams County Emergency 9-1-1 Communications Center of the nature, time, exact location and person(s) supervising and controlling the proposed planned burning; and
  6. No planned burning shall be performed or permitted within less than fifty (50) feet from any building, structure of any type, forest or wooded area; and

7. All open, planned or controlled burnings shall commence after sunrise and shall be extinguished before sunset; no open, planned or controlled burnings shall commence before sunrise or continue after sunset; and
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