

TOWNSHIP OF HEMPFIELD
WESTMORELAND COUNTY, PENNSYLVANIA

An Ordinance of the Township of Hempfield

AMENDING VARIOUS SECTIONS OF CHAPTER 47 (FIRE AND LIFE SAFETY) OF THE CODE OF HEMPFIELD TOWNSHIP, SPECIFICALLY SECTIONS 47-3 DEPARTMENT OF PUBLIC SAFETY, 47-4 FIRE PROTECTION AND RESCUE SERVICES, 47-5 FIRE PREVENTION AND SAFETY REGULATIONS, AND 47-6 OUTDOOR BURNING AND FIRES

WHEREAS, on the 28th day of February 2022, Hempfield Township adopted Ordinance No. 2022-03, which established the Hempfield Township Fire and Life Safety Code; repealing former Chapter 47, Fire Safety, adopted April 15, 1999 by Ordinance No. 99-6; and

WHEREAS, Ordinance No. 2022-03, which may be amended from time to time, is officially codified at Chapter 47 of the Code of Hempfield Township - Fire and Life Safety; and

WHEREAS, the Board Supervisors of Hempfield Township has determined that it is appropriate to amend various sections of Chapter 47 (“Fire and Life Safety”) as herein presented; and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Township of Hempfield, Westmoreland County, Pennsylvania, that Ordinance No. 2022-03, as amended and codified as Chapter 47 (“Fire and Life Safety”) of the Hempfield Township Code, is hereby amended as follows:

SECTION I: § 47-3 Department of Public Safety, Paragraph A, is hereby repealed and replaced in its entirety to read as follows:

§ 47-3 Department of Public Safety.

- A. Director. For the purposes of this chapter, the title of Director shall include the Director of Public Safety, the Director of Community Development, the Director of Emergency Services, Hempfield Fire Department Fire Chief, and/or any other persons designated by Township resolution to perform such duties and functions. The Director shall be responsible for all administrative work directing and enforcing the Fire Prevention Code and various ordinances relating to fire prevention and such other duties as may be assigned from time to time by the Board of Supervisors. The general work responsibility will include compliance with the Fire Code provisions, patrol designated fire lanes and no-parking zones and the issuance of citations for violations thereof.

SECTION II: § 47-4 Fire protection and rescue services, Part A, is hereby repealed and replaced in its entirety to read as follows:

§ 47-4 Fire protection and rescue services.

- A. Recognition and governmental standing. The Hempfield Fire Department consists of both chartered and non-chartered stations that collectively make up the Hempfield Fire Department. The following stations are formally recognized as part of the Hempfield Fire Department and as such provide a valuable service to Hempfield Township and surrounding communities:

Adamsburg Volunteer Fire Department and Relief Association

Bovard Volunteer Fire Department and Relief Association

Carbon Volunteer Fire Department and Relief Association

Fort Allen Volunteer Fire Department and Relief Association

Grapeville Volunteer Fire Department and Relief Association

Hannastown Volunteer Fire Department and Relief Association

Hempfield Fire Department

Hempfield Fire Department Relief Association

Hempfield No. 2 Volunteer Fire Department

Hempfield Township Emergency Management Association

Hempfield Township Fire Police Association

Midway St. Clair Volunteer Fire Department and Relief Association

Mutual Aid Ambulance Service

West Point Volunteer Fire Department and Relief Association

- (1) The aforesaid volunteer fire stations and ambulance, emergency and fire police services shall be considered to have local governmental agency immunities pursuant to the applicable laws and statutes, including 42 Pa.C.S.A. § 8541.
- (2) The foregoing fire stations, emergency medical services, emergency management agency, and fire police organizations shall be part of the Hempfield Fire Department.
 - (a) A chartered station is a fire station under the Hempfield Fire Department that maintains an original charter. A chartered station agrees to operate under the terms of a service agreement with Hempfield Township.
 - (b) A non-chartered station is a fire station under the Hempfield Fire Department charter. Members of a non-chartered station provide emergency service throughout Hempfield Township without the burden of fund-raising efforts.
- (3) The Hempfield Township Board of Supervisors shall, by resolution duly adopted from time to time, establish policies, practices and procedures for firefighters within Hempfield Township, which said resolution, policies, practices and procedures shall be consolidated into Hempfield Fire Department Standard Operating Policies.

SECTION III: § 47-5 Fire prevention and safety regulations, is hereby repealed and replaced

in its entirety to read as follows:

§ 47-5 Fire prevention and safety regulations.

A certain document, three copies of which are on file in the office of the Township Secretary of Hempfield Township, being marked and designated as the International Fire Code, 2018 Edition, including Chapter 80, Appendixes B, C, D, E, F, G, H and I (see International Fire Code Section 101.2.1, 2018 Edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of Hempfield Township in the Commonwealth of Pennsylvania regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Township Secretary are hereby

referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in § 47-5.1 of this chapter.

SECTION IV: § 47-5.1, Revisions to 2018 Edition of International Fire Code, Part B, is

hereby amended to repeal and replace the following subsection:

§ 103.2 Appointment. The Director(s) shall be appointed by the Board of Supervisors of Hempfield Township, and shall serve as a Director until such time replaced by the Board of Supervisors.

SECTION V: § 47-5.1, Revisions to 2018 Edition of International Fire Code, Part G, is

hereby amended to repeal subsection **105.1, Permits Required**, and replace it in its entirety with the following:

§ 105.1 Permits Required. Any property owner or authorized agent of a property owner who intends to conduct an operation or business or install or modify systems and equipment which is regulated by the International Fire Code, 2018 Edition, or cause any such work to be done, shall first make application to the Director and obtain the required permit. In the event the proposed activity involves construction of facilities regulated by the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, application for necessary permits shall also be made to the Building Code Official. In the event of inconsistent language between the Pennsylvania Uniform Construction Code and the International Fire Code, 2018 Edition, the provisions of the Pennsylvania Uniform Construction Code shall apply.

§ 105.1-1 Types of Permits. There shall be two types of permits as follows:

(1) Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

- 1.1. A prescribed period.
- 1.2. Until renewed or revoked.

§ 105.1-2 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit.

SECTION VI: § 47-5.1, Revisions to 2018 Edition of International Fire Code, Part O, is

hereby amended to repeal and replace in its entirety the following subsection:

§ 505.1.3 Numeral Specifications. All numerals shall be Arabic (i.e., 1, 2, 3, 4). All numerals shall be contrasting in color from their background. All numerals which are displayed in accordance herewith shall be maintained in a clear and readable manner. It shall be the responsibility of the owner or other person in charge of said facility to repair and/or replace said numerals upon written notification from the Township.

a. Residential Numerals. All numerals on mailboxes shall be reflective and shall be a minimum of four inches in height and 1/2 inch in width. All numerals displayed on the residential structures shall be a minimum of four inches in height and 1/2 inch in width.

b. Commercial Numerals. All numerals on the exterior buildings or in windows shall be a minimum of six inches in height and 3/4 inch in width. All numerals on interior doors must be a minimum of three inches in height and 1/2 inch in width.

SECTION VII: § 47-5.2 Deletions to 2018 Edition of International Fire Code, Part A, is

hereby repealed and replaced in its entirety to read as follows:

A. Sections 105.3.2 through 105.5 and the subsections thereunder.

SECTION VIII: § 47-5.5 Fire & Life Safety and Emergency Equipment Inspection, shall be

added in its entirety under § 47-5 Fire prevention and safety regulations, to read as follows:

§ 47-5.5 Fire & Life Safety and Emergency Equipment Inspection.

A. Inspection Program Authority.

A program of Fire & Life Safety and Emergency Equipment Inspection is authorized for the following: commercial facilities, retail facilities, retail businesses, banks and all other facilities used for retail, wholesale, storage facilities, manufacturing facilities, processing facilities, auto repair shop, educational and daycares, places of worship and multi-family, three or more units served by common hallway. Exception: 1 and 2 single family dwellings.

B. Program as Cooperative Endeavor.

The program will be a cooperative endeavor between the fire department and community under the jurisdiction of the Hempfield Fire Department Fire Chief.

C. Annual Fire & Life Safety and Emergency Equipment Inspection.

The Fire & Life Safety and Emergency Equipment Inspection shall be performed annually, or

more frequently, if at the discretion of the Hempfield Fire Department Fire Chief or designee, a property or properties subject to this chapter requires more frequent inspections. It shall be the responsibility of the property owner to have said inspection performed. The facilities will be evaluated in accordance with the 2018 International Fire Code. The inspection shall include, but is not limited to the following matters:

- (1) Fire suppression and fire alarm system
- (2) Means of egress
- (3) Fire department access
- (4) Electrical service and panels
- (5) Utility and storage area
- (6) Room occupancy loads
- (7) Chapter 11 of the 2018 International Fire Code
- (8) Storage and handling of hazardous substance and materials
- (9) Any other aspect of a building or operation regulated by the 2018 International Fire Code

D. Process of cooperation.

The owner or tenant or authorized agent shall complete application for Fire & Life Safety Inspection. The property owner, tenant or authorized agent shall cooperate with the Hempfield Fire Department Fire Chief or designee. Once all fees have been paid to Hempfield Township, an inspection can be scheduled. The Hempfield Fire Department Fire Chief or designee will perform an inspection of the facility. All violations will be noted and a report will be prepared and sent to the property owner, tenant or authorized agent within five business days. Based off of violation severity, a reasonable timeline for correction will be assigned. Once all violations have been repaired, the property owner, tenant or authorized agent will contact the Hempfield Fire Department Fire Chief or designee to schedule re-inspection. At the completion of the inspection or re-inspection, the Hempfield Fire Department Fire Chief or designee will issue a certificate to the property owner, tenant or authorized agent to display in unit.

SECTION VIII: § 47-6, Outdoor burning and fires, is hereby amended to repeal and replace

in its entirety as follows:

A. General regulations.

- (1) All outdoor burning and fires are expressly prohibited except as may be authorized under the terms hereof.

- (2) A permit issued by Hempfield Township shall be required for all outdoor burning and fires for all categories in this section except residential areas.
- (3) The Board of Supervisors of Hempfield Township shall, from time to time, by resolution, adopt and authorize a permit form and a schedule of fees to be imposed for the issuance of permits hereunder.
- (4) No person or persons shall set or maintain any outdoor burning or fires upon the paved portion of any street, alley, or public grounds in Hempfield Township or burn or cause to be burned upon such street, alley, or public grounds any newspaper or paper product, boxes, rubbish, leaves or material or substance of any kind.
- (5) No person or persons shall knowingly maintain a fire hazard on any property within Hempfield Township.
- (6) No person or persons shall deliberately, knowingly, carelessly, or negligently set fire to or cause the burning of any material in such manner as to endanger the safety of any person or property.
- (7) All outdoor burning and fires are prohibited during Red Flag events, poor air quality and drought conditions.

B. Residential areas.

- (1) All outdoor burning or fires in areas of residential dwellings shall be limited to burning of twigs and yard waste during the hours of 8:00 a.m. to 2:00 p.m. on Saturday and shall not be located closer than 25 feet to any combustible material or structure or 30 feet to any property line.
- (2) All outdoor burning or fires in areas of residential dwellings shall be controlled in a safe manner and have a water supply attended by an individual or an equal extinguishing agent throughout the duration of the burning.
- (3) Except as herein provided in Subsection **B(5)**, no person or persons shall set or maintain any outdoor burning or fires closer than 25 feet to any combustible material or structure or 30 feet to any property line.
- (4) No person or persons shall burn or cause to be burned any garbage, newspaper or paper products, rubber, tires, paint, animal waste, plastics, diapers, toxic materials, or other matter consisting of solid waste as the term is defined in § **70-3** of the Code of Hempfield Township.
- (5) Outdoor fireplaces, grills, fire pits, and stone rings used exclusively for recreational purposes and/or for food preparation shall be exempt from these regulations, provided, however, that said outdoor fireplaces, grills, fire pits, and stone rings shall not be located closer than 15 feet to any property line.

C. Commercial properties.

- (1) All outdoor burning or fires at commercial properties shall be limited to between the hours of 7:00 a.m. and 1:00 p.m. on such dates and at such specific times as designated and authorized by the Hempfield Fire Department Fire Chief or designee.
- (2) All outdoor burning or fires at commercial properties shall be controlled in a safe manner, as approved and authorized by the Hempfield Fire Department Fire Chief or designee, and have a water supply attended by an individual or equal extinguishing agent throughout the duration of the burning; and they shall not be located closer than 50 feet to any combustible material or structure or 30 feet to any property line.
- (3) No person or persons shall set or maintain any outdoor burning or fires closer than 50 feet to any structure or property line, except as may be otherwise authorized and designated by the Hempfield Fire Department Fire Chief or designee.
- (4) No person or persons shall burn or cause to be burned any garbage, newspaper and paper products, leaves, rubber, tires, paint, animal waste, plastics, diapers or hazardous or toxic materials.
- (5) Hempfield Township reserves the right to deny any and all permits for outdoor burning or fires at commercial properties.

D. Bonfires. Bonfires usually are large and associated with some kind of planned event (for example, a school pep rally, holiday celebration or camp celebration). This section restricts the location of these large fires to open areas in which sparks and burning embers would be unlikely to endanger structures and smoke would not be a significant hazard to public health. Allowing a bonfire in a barbeque pit automatically restricts the size of the fire to the fuel load that can be contained within the noncombustible fire pit.

- (1) Bonfires for amusement purposes shall be permitted only upon the specific approval of the Hempfield Fire Department Fire Chief or designee.
- (2) All bonfires shall be controlled in a safe manner, as approved and authorized by the Hempfield Fire Department Fire Chief or designee, and have a water supply attended by an individual or equal extinguishing agent throughout the duration of the burning; and they shall not be located closer than 50 feet to any combustible material or structure or 30 feet to any property line.

E. Land developments. Land development includes any of the following activities: The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other

features. This also includes a subdivision of land or a development in accordance with section 503(1.1).

- (1) All outdoor burning or fires at areas of land development for the purpose of clearing the property and removal of vegetation and other debris shall be limited to such dates and items as designated and authorized by the Hempfield Fire Department Fire Chief or designee.
- (2) All outdoor burning or fires at areas of land development shall be controlled and managed using a properly utilized air-curtain destructor with a firepit and shall have a water supply attended by an individual or an equal extinguishing agent throughout the duration of the burning; and they shall not be located closer than 50 feet to any combustible material or structure or 30 feet to any property line.
- (3) No person or persons shall burn or cause to be burned any garbage, rubber, tires, paint, animal waste, plastics, diapers or hazardous or toxic materials.

E. Salvage operations and demolition projects.

- (1) All outdoor burning or fires at areas of salvage operations and/or demolition projects shall be limited to such dates and times as designated and authorized by the Hempfield Fire Department Fire Chief or designee.
- (2) All outdoor burning or fires at areas of salvage operations and/or demolition projects shall be controlled and managed by use of a properly utilized air-curtain destructor with a firepit and shall have a water supply attended by an individual or an equal extinguishing agent throughout the duration of the burning; and they shall not be located closer than 50 feet to any combustible material or structure or 30 feet to any property line.
- (3) No person or persons shall burn or cause to be burned any garbage, rubber, tires, paint, animal waste, plastics, diapers or hazardous or toxic materials.

F. Construction sites, residential and commercial. No person shall set or maintain any outdoor burning or fires during the construction or remodeling of any structures within Hempfield Township.

G. Agricultural properties. Nothing herein shall regulate or restrict the reasonable and safe use of outdoor burning or fires by any person or persons for or incidental to any valid "agricultural use" within Hempfield Township, as the same is defined and set forth in Chapter 87, Zoning, § 87-210, Definitions, of the Code of the Hempfield Township. A valid agricultural use must be supported by submission to the Township of a true and correct copy of Schedule F, Profit or Loss from Farming, as approved by the Internal Revenue Service.

SECTION X: This Ordinance amends portions of Chapter 47 of the Township of Hempfield as herein set forth and all other sections and subsections of the prior ordinance not otherwise repealed, amend or revised by this ordinance shall remain in the same force and effect as if restated herein.

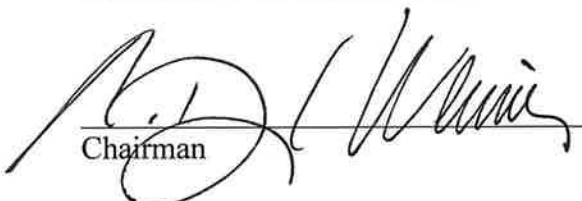
SECTION XI: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Township of Hempfield hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. .

SECTION XII: Nothing in this Ordinance or in the International Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION XIII: This Ordinance and the rule, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect ten (10) days from and after the date of the final passage and adoption of this Ordinance.

ORDAINED AND ENACTED this 25th day of MARCH 2024.

TOWNSHIP OF HEMPFIELD

By: 
Chairman

ATTEST: (SEAL)


Secretary