

## Chapter 87

### FIRES, CONDUCT AT

**[HISTORY: Adopted by the Borough Council of the Borough of Upland 8-8-1994 as Ord. No. 2-1994. Amendments noted where applicable.]**

#### **§ 87-1. Authority of fire officers in charge.**

While any duly constituted Fire Department recognized by the State of Pennsylvania Fire Prevention Commission is responding to, operating at or returning from a fire, service call or other emergency the Fire Chief, any other elected or appointed Fire Line Officer or any member serving in the capacity of Fire Officer in Charge shall have the authority:

- A. Of controlling and directing the activities at such scene.
- B. To order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such persons from injury.
- C. To blockade any public highway, street or private right-of-way temporarily while at such scene.
- D. To trespass at any time of the day or night without liability while at such scene.
- E. To enter any building, including private dwellings or upon any premises where a fire is in progress for the purpose of extinguishing the fire.
- F. To enter any building, including private dwellings or premises near the scene of the fire for the purpose of protecting the building or premises or for the purpose of extinguishing the fire which is in progress in another building or premises.
- G. To inspect for preplanning all buildings, structures or other places in their fire district excepting, however, the interior of a private dwelling, where any combustible material, including waste paper, rags, shaving, leather, rubber, crates, boxes, barrels, rubbish or other combustible material that is or may become dangerous as a fire menace to such building or buildings, structure or other places has been allowed to accumulate or where such chief or his or her designated representative has a reason to believe that such material of a combustible nature has accumulated or is liable to be accumulated.
- H. To direct without liability the removal or destroying of any fence, house, motor vehicle or other thing which he or she may judge necessary to be pulled down or destroyed, to prevent the further spread of fire.
- I. To request and be supplied with additional materials such as sand, treatments, chemicals, etc. and special equipment when it is deemed a necessity, to prevent the further spread of fire or hazardous condition, the cost of which to be borne by such property owner.

- J. To order disengagement or discouplement of any convoy, caravan or train of vehicles, craft or railway cars if deemed a necessity in the interest of safety of persons or property.
- K. To take command of all industrial management, fire brigades or fire chiefs whenever his or her company or department is called to respond to such; if in his or her opinion such action is in the interest of public safety.
- L. In the event of an incident involving a hazardous substance, to transfer command to the appropriate emergency response team in accordance with applicable local, county, state or federal incident contingency plans.

**§ 87-2. Violations and penalties.**<sup>1</sup>

Any person or persons who shall fail, neglect or refuse to comply with any lawful order or directive given in accordance with the provisions of this chapter, upon summary conviction before a District Justice, shall be sentenced to pay a fine not to exceed one thousand dollars (\$1,000.) and costs of prosecution for each and every offense and, further, shall be required to make payments for all secondary damages caused as a direct result of their failure, negligence or refusal to comply with said lawful order or directive.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.