

# **HATFIELD TOWNSHIP ORDINANCE NO. 366-C**

## **AN ORDINANCE AMENDING ORDINANCE NOS. 145.2, 366, 366-A AND 366-B TO REGULATE AND RESTRICT OUTDOOR BURNING WITHIN HATFIELD TOWNSHIP**

**WHEREAS**, Hatfield Township hereby amends Ordinance No. 145.2, which adopts the BOCA Basic Fire Prevention Code, edition of 1981 and all amendments thereto as last revised, as the Fire Code of Hatfield Township, and provides a description of the duties of the Enforcement Officer/Fire Marshal, along with penalties for violations of the subject Ordinance.

**WHEREAS**, Hatfield Township hereby amends Ordinance Nos. 366, 366-A and 366-B, which control the collection, storage, placement, movement or burning of litter, debris, trash, mud and junk upon public and private premises within the limits of the Township of Hatfield; provide for the removal of said materials in the event of noncompliance with Township notices or directives; and provide for penalties for violation of the subject Ordinance.

**NOW, THEREFORE**, the Commissioner of Hatfield Township hereby enact and ordain that Ordinance Nos. 145.2, 366, 366-A and 366-B be amended to regulate and restrict outdoor burning within Hatfield Township in accordance with the hereinafter stated provisions:

1. **Ordinance No. 145.2.**

Section V of Ordinance 145.2 entitled “ Repeal of Conflicting Ordinances “ is hereby amended to read as follows:

- A. All former Ordinances, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance, or of the Code adopted, are hereby repealed.
- B. Section F-301 of the BOCA Basic Fire Prevention Code, Edition of 1981 and Section F-403 of the BOCA National Fire Prevention Code/1993, which amended and superseded Section F-301 of the BOCA Basic Fire Prevention Code, Edition 1981, are hereby eliminated from the said Code adopted.

2. **Ordinance Nos. 366, 366-A and 366-B.**

Section 6 of Ordinance No. 366, as amended by Ordinance Nos. 366-A and 366-B, entitled “Burning” is hereby amended to read as follows:

**A. Unlawful Acts**

No owner or person shall cause, allow, permit or maintain outdoor burning, except as otherwise provided herein, of:

1. Garbage, litter, junk and debris
2. Household, business or industrial trash or similar waste products of any kinds or nature;
3. Leaves, brush, grass and similar organic matter;
4. Any and all construction and/or demolition debris, including that resulting from land clearing for development on a street, creek bed or right of way in the Township of Hatfield, or on a public or private property, whether in connection with any building operation in an open dump or otherwise, except as otherwise permitted by this Ordinance.

**B. Exceptions**

1. The open burning of yard trimmings consisting of twigs and branches not larger than one and one-half inches (1-1/2") in diameter, not including leaves, shall be permitted and allowed during the months of April, May, October, and November of each year. These time periods may be extended, if in the opinion of the Fire Marshal, inclement weather during the permitted months has resulted in an inadequate opportunity for yard clean up. Likewise, these time periods may be reduced if, in the opinion of the Fire Marshal, same is necessary to protect the public health and safety.
2. Maximum pile size shall not exceed three feet by three feet by three feet (3'x3'x3').
3. Only one (1) pile of yard trimmings, as described above, may be burned per parcel of property and per person at any given time.
4. All burning shall be at distance not less than fifty feet (50') from any structure and placed so as to prevent the spread of fire to within fifty feet (50') of any structure, vehicle or fuel tank, and the fire shall be set no closer than twenty-five feet (25') from any property line.
5. No burning shall be permitted prior to eight o'clock (8:00 a.m.) of any day, and all fires shall be completely extinguished, including all smoldering embers, within one (1) hour prior to dusk on the same day during which it was ignited.

6. All burning shall be constantly attended by a responsible person of at least eighteen (18) years of age. During such burning, a water hose shall be attached to an operable water faucet and be immediately ready for use in extinguishing the fire. The water hose must be of a sufficient length to extend at least fifteen (15) feet beyond the site of burning.

7. Burning shall not be permitted during periods of high winds, drought or weather inversion (i.e. hazardous air quality conditions), or any other condition deemed hazardous by a Fire Marshall, a Police Officer or their duly authorized representatives.

In such instances, any of the above personnel shall have the authority to order the fire extinguished.

8. The use of gasoline, kerosene or other flammable or combustible liquids to start a fire is prohibited.

**C. Variance**

The Fire Marshall shall have authority to grant a variance from the provisions of this Ordinance for reasons including, but not limited to, the following:

1. To prevent or abate a fire hazard.
2. For the purposes of instructing personnel in fire-fighting techniques and exhibitions.
3. For prevention and control of disease and pests
4. For fires set solely for ceremonial purposes
5. Campfires used for cooking food for human consumption
6. Bonfires used for recreational entertainment, not exceeding five feet by five feet by five feet (5'x5'x5') in size and not burning longer than three (3) hours.

Requests for variances shall be made in writing to the Hatfield Township Fire Marshal on forms provided by the Township.

D. **Agricultural**

Burning shall be permitted in connection with the production of agricultural commodities in their unmanufactured state on the premises of a farm operation in accordance with the provisions of subparagraph B, Item 7, of this Ordinance.

E. **Violations and Penalties**

Any person who shall violate any of the terms or provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine or penalty not exceeding One Thousand Dollars (1,000.00) plus the costs of prosecution and/or to imprisonment for a term not to exceed thirty (30) days. Said fines or penalties and costs may be collected and/or enforced by an action brought in the name of Hatfield Township before any District Justice, in like manner as debts of like amounts may be sued for or upon in accordance with existing laws.

F. **Ratification**

Any and all provisions of Ordinance Nos. 145.2, 366, 366-A and 366-B, except where same are contrary or in conflict with the provisions of this Ordinance, are hereby ratified and reaffirmed. In case of conflict, the provisions contained in this Ordinance shall govern and control.

G. **Severability**

Should any section, paragraph, sentence, clause or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and for this reason, the provisions of this Ordinance shall be severable.

**ORDAINED AND ENACTED** by the Board of Commissioners of Hatfield Township this 12<sup>th</sup> day of May, 1994