

**ORDINANCE NO. 101
OF HALIFAX BOROUGH
DAUPHIN COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF HALIFAX, DAUPHIN COUNTY, PENNSYLVANIA, PROMOTING THE HEALTH, SAFETY AND GENERAL WELFARE OF HALIFAX BOROUGH BY REGULATING OPEN BURNING AND, OR OUTDOOR FIRES AND REGULATING BONFIRES, OUTDOOR FIREPLACES, INDOOR FIREPLACES, INDOOR WOOD BURNING AND COAL STOVES, INCINERATORS, HANDLING OF ASHES AND COMBUSTIBLE RUBBISH AND PROVIDING THE ENFORCEMENT THEREOF.

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF HALIFAX BOROUGH as follows:

ARTICLE I. DEFINITIONS

For the purposes of this Ordinance, the following terms shall be defined as set forth below, unless a different meaning is plainly required by the context.

- 1.01 "PERSON" shall mean any natural person, partnership, firm, association or corporation.
- 1.02 "ORGANIC MATERIAL" shall mean material derived from living organisms such as wood, paper and yard scraps.
- 1.03 "NON-ORGANIC MATERIAL" shall mean material derived or formed from inanimate objects, other than vegetable, such as tin cans, glass crockery, metals, plastic and similar materials.
- 1.04 "BRUSH" shall mean bushes, shrubs, thickets, tree trimmings, hedge clippings and small trees.
- 1.05 "OPEN BURNING" shall mean burning any material in the open atmosphere, including burning in 55-gallon drums, outdoor fireplaces or other containers.
- 1.06 "RECYCLABLE" shall mean any material that is required to be recycled in Halifax Borough under the Pennsylvania Act 101, including scrap lumber (non-treated/painted") and brush.

ARTICLE II. OPEN AND OUTDOOR FIRES

2.01 It shall be unlawful for any person to open burn any material, including the following at any time in any zone within Halifax Borough:

Household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in Halifax borough under the Pennsylvania Act 101, including brush and scrap lumber or any vegetation, plywood, drywall plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 PA Code 271.1.

EXCEPT where fire or burning operations result from:

A. Any fire set for the purpose of training and instructing authorized personnel in fire fighting, and training of persons in the use of portable fire extinguishers. (Permit required).

B. Any campfire or bon fire solely for organized recreational or ceremonial purposes. (Permit required).

C. Any fire set for the prevention and/or control of disease of pests, rats, snakes, bees, etc. (Permit required).

D. Any fire set to keep persons warm at a building construction site, public gathering or other outdoor function, when in the Fire Marshal's opinion, it does not create a fire hazard. Fire must be containerized and only wood may be burned. (Permit required).

E. The burning of ONLY brush, exclusively for agricultural management and conservation practices and protection, and provided burning is located 100 feet or more from any building or structure. Brush must originate from the same property. (Permit required).

1. Burning is permitted from sunrise to sunset on Saturday and from sunrise to sunset on Sunday. No burning or smoldering shall occur between sunset and sunrise.

2. All such fires must be attended at all times by an adult, competent person.

3. No fire shall be set, started, or maintained unless confined within a non-combustible container covered with a non-combustible mesh screen having one inch (1") or smaller mesh.

4. No fire may be set, started or maintained in a non-combustible contained unless

such container is located at least fifteen feet from any building, automobile, garbage or waste container, or any other combustible substance.

2.02 The Fire Marshall, his Assistant Fire Marshal, a Police Officer or Code Enforcement Officer may suspend the above regulations at any time when the following conditions exist:

- A. When smoke and/or ash emission are or may be objectionable, offensive or deleterious to human or animal health or permeate or crosses neighboring properties, and/or falls on buildings, vehicles or vegetation.
- B. When extreme dry conditions or drought warrant a ban on all burning.

ARTICLE III. OUTDOOR FIREPLACES AND GRILLS

3.01 Outdoor fireplaces and charcoal grills shall be permitted upon private property within all zones of Halifax Borough solely for the purpose of cooking foods. The following regulations shall apply:

- A. No person shall use such fireplaces or grills for burning of materials as outlined in Article II Section 2.01 of this Ordinance.
- B. Outdoor fireplaces or outdoor grills shall not be used for such purposes other than cooking food.
- C. Outdoor grills shall not be used indoors or in any enclosed areas that are not properly ventilated, i.e. garages, etc.

ARTICLE IV. OUTDOOR PATIO STOVES, CHIMNEYS, FACTORY BUILT METAL NOVELTY STOVES.

4.01 Outdoor patio stoves, chimneys or factory built metal novelty stoves shall be permitted outside residential private property within all zones of Halifax Borough provided that the following regulations apply.

- A. No persons shall use such patio stoves, chimneys or factory built novelty stoves, for the burning of any material outlined in Article II, Section 2.01 of this Ordinance.
- B. If ash omitting from such patio stoves, chimneys or factory built novelty stove falls on neighboring properties, the Fire Marshal's Office, Police Officers or Code Enforcement Officers may suspend the operation of same.

ARTICLE V. INDOOR FIREPLACES, WOOD BURNING, COAL STOVES OR SOLID FUEL HEATERS

5.01 Fireplaces, wood burning and coal stoves shall be permitted inside residential private

property within all zones of Halifax Borough solely for the purpose of heating the dwelling unit. The following regulations shall apply:

- A. Only seasoned fire wood, coal or solid fuels recommended by the manufacturer may be burned in such fireplaces, wood burning, coal stoves or solid fuel heaters.
- B. No person may use such fireplaces, wood burning, coal stoves or solid fuel heaters for the burning of any material as outlined in Article I, Section 2.01 of this Ordinance.
- C. Such fireplaces, wood burning, coal stoves or solid fuel heaters shall not be used for such purpose when, in the judgment of the Fire marshal or Assistance Fire Marshal, a fire hazard is created by such use and operation and/or any danger is posed to the occupants therein or the neighboring buildings and/or occupants.
- D. If the smoke, ashes and/or smell emitting to the outside atmosphere from the chimney, stove pipe or flue are, in the opinion of the Fire Marshal or Assistant Fire Marshal, objectionable or offensive to the general public, the operation of such fireplace, wood burning, coal stove or solid fuel heater shall be suspended.

ARTICLE VI. HANDLING OF ASHES AND COMBUSTIBLE RUBBISH

- 6.01 Ashes, smoldering coals, wood and embers or other material liable to spontaneous ignite, shall not be deposited or allowed to remain within ten (10) feet of any combustible materials, but shall be deposited in non-combustible containers, but in no case, less than two (2) feet from any building, wall or partition. Rubbish of any kind shall not be allowed to accumulate.

ARTICLE VII. PERMITS

- 7.01 All permits required under any provisions of this Ordinance, shall be issued in accordance with Section 105 of the International Fire Code adopted by Halifax Borough with the following provisions.
- A. A Fire Prevention Application/Permit shall be obtained from the Borough Office a minimum of 24 hours prior to burning. The applicant shall provide name, address, phone number, the purpose for the permit and attach a drawing of the proposed burning site, and notify Dauphin County Dispatch at (717) 558-6900 at the time burning begins and ends.
 - B. Before the permit is issued, an inspection may be made by the Fire Marshal's Office to assure that the use of the permit complies with the provisions of the Ordinance and the International Fire Code.
 - C. There may be a charge for these permits, which will be set and revised from time to time by resolution by the Borough Council.

ARTICLE VIII. PENALTIES

8.01 Any person violating any of the provisions of this Ordinance or neglecting to comply with any order or notice issued pursuant hereto for violation of any section hereto, shall upon conviction before any District Justice, be subject to the payment of a fine of not less than three hundred dollars (\$300.00) or more than five hundred dollars (\$500.00) and the payment of costs of prosecution for each offense, or shall be subject to imprisonment for a period not exceeding thirty (30) days. Each day's continuance of nay violation of this ordinance shall constitute a separate offense, punishable by a like fine and imprisonment in default of payment thereof.

ARTICLE IX. SEVERANCE CLAUSE

9.01 Should a court of competent jurisdiction declare any section, paragraph, clause or phrase of this Ordinance unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

ARTICLE X. REPEALER CLAUSE

10.01 All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ARTICLE XI. EFFECTIVE DATE.

11.01 This Ordinance shall become effective 30 days after adoption hereof.

**BOROUGH COUNCIL
HALIFAX BOROUGH**

Attest:

Secretary

By _____
President

I, _____, being the Secretary of the Borough Council of Halifax Borough, Dauphin County, Pennsylvania, do hereby certify that the copy of the within Ordinance is a true and correct copy of the original which was adopted by the Borough Council of Halifax, Dauphin County, Pennsylvania, at a regular meeting held at 7:30 p.m. on _____, 2006.

, Secretary