

**TOWNSHIP OF HALIFAX
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. ~~2015~~-9-2015

**AN ORDINANCE REGULATING AND RESTRICTING OUTDOOR FIRES IN THE
TOWNSHIP OF HALIFAX**

WHEREAS, the Second Class Township Code, 53 P.S. §66527 authorizes the adoption of Ordinances to secure the safety of persons within the Township;

AND WHEREAS, the Board of Supervisors finds it necessary and in the best interests of the Township residents and for the public safety, health and welfare to regulate and restrict outdoor fires within Halifax Township;

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Halifax Township, Dauphin County, Pennsylvania as follows:

**ARTICLE I
PURPOSE**

SECTION 101. The purpose of this Ordinance is to prevent public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained; and to avoid unnecessary calls and false alarms to the Fire Department.

**ARTICLE II
DEFINITIONS**

SECTION 201. Certain words and phrases shall have the meaning scribed to them, as follows:

FIRE. Any fire set or maintained outside of a building.

CONTAINED FIRE. Any fire contained in an incinerator, fire place designed for outdoor cooking, or a fireproof container.

UNCONTAINED FIRE. Any fire except a "contained fire".

EXCEPTION. This Ordinance shall not apply to gas or charcoal fires used for cooking purposes.

PERSON. Any individual, partnership or corporation.

ARTICLE III
GENERAL RESTRICTIONS

SECTION 301. No fire shall be set or maintained within 20 feet of any building or property line, except for cooking on appliances designed for the purpose of preparing foods (gas, electric or charcoal grilles or stoves, etc.).

SECTION 302. No fire shall be set or maintained on any public road or public property, except where a designated area has been set aside for this purpose and an appropriate container has been provided to contain such fire.

SECTION 303. No fire shall be set or maintained that may endanger any building or property, except where such building or property is used by the Fire Department for training purposes.

SECTION 304. No fire shall be maintained unless constantly attended by at least one adult person.

ARTICLE IV
CONTAINED FIRES

SECTION 401. Contained fires shall be used only to burn readily combustible material.

SECTION 402. No contained fire shall be permitted to visibly burn between the hours of 1:00 a.m. and 5:00 a.m., unattended.

ARTICLE V
UNCONTAINED FIRES

SECTION 501. No uncontained fires shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or the Halifax Township Supervisors. Notice of such restriction shall be given by notice in a paper of general circulation and by posting at the township office or by giving such other notice as the Township shall deem appropriate.

SECTION 502. Any uncontained fire permitted to burn in an unsafe manner under adverse weather conditions, or unsupervised, or if determined unsafe by an officials of the Fire Company, shall be extinguished immediately upon demand by such official.

SECTION 503. Dauphin County Dispatch, (717) 558-6900, must be notified in the event an uncontained fire continues to visibly burn or smolder after sunset.

SECTION 504. No uncontained fires shall be allowed to burn between the hours of 11:00 p.m. and 5:00 a.m. unattended.

SECTION 505. In the event it is necessary to have an uncontained fire at other than the times permitted under this Ordinance, special permission must be secured from the Township, and Dauphin County Dispatch, (717) 558-6900, shall be notified of such fires and of the Township's permission.

ARTICLE VI
PENALTY FOR VIOLATION; SUIT IN EQUITY; REMEDIES; NUISANCE

SECTION 601 An Owner who refuses to comply with this Ordinance may be prosecuted before the local Magisterial District Judge or in the Court of Common Pleas and if he or she shall be found guilty of a violation of this ordinance, shall, upon conviction thereof, pay a fine of not more than Three Hundred Dollars and No Cents (\$300.00) for each day in which the Owner is in violation of this Ordinance plus costs including but not limited to the costs incurred by the Township in prosecuting the violation, including attorney fees.

SECTION 602. The Township, by means of a Complaint in Equity may compel any individual to comply with this Ordinance or seek any such other relief as any such court of competent jurisdiction is empowered to afford including but not limited to costs, attorney fees and injunctive relief.

SECTION 603. The remedies above are cumulative and not subject to any election of remedies by the Township.

SECTION 604. A violation of this Ordinance may also be prosecuted under and is subject to the Township's Nuisance Law, Ordinance 2013-8.

SECTION 605. Any fire which has been deemed "safe" by an official of the Fire Company shall not be the subject of a violation of this Ordinance.

ARTICLE VII
ADMINISTRATIVE PROVISIONS

SECTION 701. Severability

The provision of this Ordinance are severable. If any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Halifax Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or section not been included herein.

SECTION 702. Repealer

All ordinances or parts of ordinances inconsistent with this Ordinance, including, but not limited to Ordinance #85-3, are hereby repealed insofar as they may be inconsistent herewith.

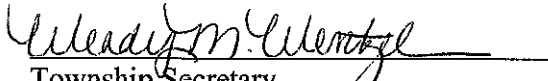
SECTION 703. Effective Date

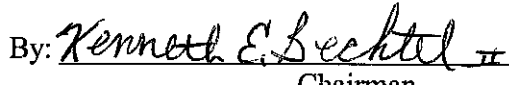
This ordinance shall be effective immediately.

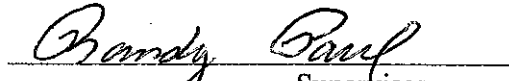
DULY ENACTED AND ORDAINED this 13th day of July, 2015, by the Board of Township Supervisors of Halifax Township in public session duly assembled after public hearing held thereon.

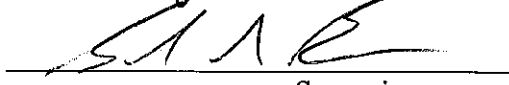
ATTEST:

HALIFAX TOWNSHIP
BOARD OF SUPERVISORS,
DAUPHIN COUNTY, PENNSYLVANIA

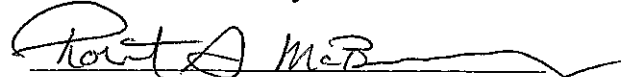

Township Secretary

By: 
, Chairman


, Supervisor


, Supervisor


, Supervisor


, Supervisor

(Township Seal)