

**HATFIELD TOWNSHIP, MONTGOMERY
COUNTY, PENNSYLVANIA**

ORDINANCE NO. 612

AN ORDINANCE OF THE TOWNSHIP OF HATFIELD, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING SECTION 238-6, "BURNING RESTRICTIONS", OF THE CODE OF ORDINANCES OF HATFIELD TOWNSHIP TO PROVIDE THAT FIRES SET SOLELY FOR RECREATIONAL AND CEREMONIAL PURPOSES SHALL BE LIMITED TO FOUR (4) FOUR-HOUR PERMITS IN A 12-MONTH PERIOD; TO PROVIDE THAT CAMPFIREs USED FOR COOKING FOOD FOR HUMAN CONSUMPTION SHALL BE LIMITED TO ONE (1) FOUR-HOUR PERMIT IN A 12-MONTH PERIOD; TO ADD PROVISIONS GOVERNING THE USE OF COMMERCIALLY MANUFACTURED FIRE PITS, CHIMINEAS, OPEN FLAME COOKING APPLIANCES AND OUTDOOR FIREPLACES; TO PROVIDE THAT BURNING SHALL NOT BE PERMITTED DURING PERIODS OF HIGH WINDS, DROUGHT OR WEATHER INVERSION OR ANY OTHER CONDITIONS DEEMED HAZARDOUS BY A FIRE MARSHAL, A POLICE OFFICER OR THEIR DESIGNEES, AND GIVING ANY OF THE ABOVE-LISTED OFFICIALS THE AUTHORITY TO ORDER A FIRE EXTINGUISHED; AND TO PROVIDE THAT THE USE OF GASOLINE, KEROSENE OR OTHER FLAMMABLE OR COMBUSTIBLE LIQUIDS TO START A FIRE IS PROHIBITED; REPEALING INCONSISTENT ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of Commissioners of Hatfield Township has enacted the Code of Ordinances of Hatfield Township which contains, *inter alia*, provisions governing burning in Hatfield Township; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the health, safety and welfare of the residents of Hatfield Township to limit permits for fires that are set for recreational and ceremonial purposes to four (4) four-hour permits in a 12-month period, and to limit permits for fires used to cook food for human consumption to one (1) four-hour permit in a 12-month period to prevent the proliferation of open fires in Hatfield Township; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the health, safety and welfare of the residents of Hatfield Township to provide regulations governing the safe use of commercially manufactured fire pits, chimineas, open flame cooking appliances and outdoor fireplaces in order to minimize the threat of fire that may injure persons or damage property in Hatfield Township; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the health, safety and welfare of the residents of Hatfield Township to prevent burning during periods of high winds, drought or weather inversion, and to prohibit the use of gasoline, kerosene

or other flammable or combustible liquids to start a fire in order to better protect the residents of Hatfield Township from damage caused by fire; and

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the health, safety and welfare of the residents of Hatfield Township to authorize a Fire Marshal, a police officer or their designees to order any fire violating the provisions of this ordinance extinguished.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. The Code of Ordinances of Hatfield Township is amended as follows:

A. Section 238-6.C.(1)(d) is amended to read as follows:

“(d) For fires set solely for recreational and ceremonial purposes, provided that permits for such a fire shall be limited to four (4) four-hour permits per 12-month period.”

B. Section 238-6.C.(1)(e) is amended to read as follows:

“(e) Campfires used for cooking food for human consumption, provided that a permit for such a fire shall be limited to one (1) four-hour permit per 12-month period.”

C. Section 238-6.C.(1)(f) is deleted in its entirety.

D. Section 238-6 is amended to add a new subsection E. as follows:

“E. Commercially manufactured fire pits, chimineas, open flame cooking appliances and similar devices, as well as outdoor fireplaces may be used only pursuant to the following conditions:

- (1) All conditions set forth in Section 238-6.A. shall be met.
- (2) Such use shall not, in the opinion of the Fire Marshal, a police officer or their duly authorized representatives, pose a health or safety risk to persons or property.
- (3) Such use shall be used in strict accordance with manufacturers’ instructions and recommendations.
- (4) Such use may be used year round.”

E. Section 238-6 is amended to add a new subsection F. as follows:

“F. Prohibitions.

- (1) No burning shall 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 Marshal, 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.
- (2) The use of gasoline, kerosene or other flammable or combustible liquids to start a fire is prohibited.”

II. **REPEALER.** All ordinances of parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

III. **SEVERABILITY.** The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

IV. **EFFECTIVE DATE.** This Ordinance shall be effective five (5) days following its legal enactment.

ENACTED and **ORDAINED** this 27th day of October 2010.

ATTEST:

**BOARD OF COMMISSIONERS OF
HATFIELD TOWNSHIP**

Andrew S. Haines, Manager

Scott Brown, President