

ORDINANCE NO. 88 - 3

AN ORDINANCE REGULATING FIRES AND BURNING
WITHIN THE TOWNSHIP OF WICONISCO, COUNTY OF
DAUPHIN, AND PROVIDING PENALTIES FOR THE VIOLA-
TION THEREOF

WHEREAS, the Board of Supervisors of Wiconisco Township,
Dauphin County, pursuant to their power to promote public safety
and welfare, hereby ordain and enact the following Ordinance:

1. Short Title: This Ordinance shall be known and may be
cited as the Wiconisco Township Burning Ordinance.

2. Declaration of Purpose: This Ordinance is adopted for
the purpose of promoting public health, life, safety, welfare,
peace, decency, and reasonable and comfortable use of property,
and the tranquility of the community and the tranquility of the
Township of Wiconisco, County of Dauphin, and to permit, limit and
restrict the burning or incineration of certain materials within
the Township of Wiconisco.

3. Definition: The term "person" shall include an individ-
ual, organization, corporation, partnership, association, and any
other entity.

4. Burning, Generally: It shall be unlawful for any per-
son to burn, ignite, incinerate, or allow to burn, ignite or incin-
erate, any and all materials, the burning of which shall emit

smoke or noxious fumes, or to cause and allow an open fire to be maintained, except as may be provided for in this Ordinance.

5. Out-of-Doors Fires: Out-of-doors fires shall be permitted upon private property in the Township of Wiconisco under the following regulations which must be strictly adhered to:

(a) Out-of-door fires shall be permitted on Tuesdays, Wednesdays and Thursdays between the hours of 8:00 a.m. and 8:00 p.m., with all such fires having to be extinguished and not permitted to smoke or smolder for longer than one-half hour after 8:00 p.m.;

(b) Fires shall be limited to the burning of general yard refuse such as tree limbs and leaves and any such fire shall be attended to and burned in a controlled manner;

(c) There shall be no burning of raw garbage such as, but not limited to, food-stuffs; tires or rubber products; paper products, such as, but not limited to newspapers and catalogs; animals or animal wastes, mattresses, and stuffed furniture or furniture of any sort;

(d) Every such fire shall be located at least fifteen (15) feet from any building;

(c) No such fire shall be allowed to burn upon any street, alley or sidewalk;

(f) All such fires shall be properly safeguarded so as to not cause damage or a nuisance to any person or property.

6. Bonfires and Fire Company Training: Bonfires and fire company training fires are permitted within the Township of Wiconisco, provided a permit is issued by the Board of Supervisors after approval by the Chief of the Wiconisco Fire Company. Any application for a permit shall be in writing and shall state the date, time, and exact location of the proposed bonfire or training exercise. The location of any such bonfire shall be not less than fifty (50) feet from any structure, and adequate provision must be made to prevent the fire from spreading to within fifty (50) feet of any structure. All such fires shall be constantly attended to by a competent person until extinguished, and such person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

7. Right to Ban Fires: The Board of Supervisors may prohibit and ban any and all burning when atmospheric conditions or location circumstances make such fires hazardous, as determined by the Board.

8. Permitted Activities: Nothing herein provided shall prohibit:

(a) Any fires or incineration, so long as such activity is carried on wholly within the confines of a permanent structure intended for the habitation of human beings;

(b) Any fire, the sole purpose of which is to cook or prepare food, provided that such fire is confined in a fireproof container;

(c) Any fire maintained on property in excess of ten (10) acres, with said property being used exclusively for agricultural purposes.

9. Penalties: Any person, whether as principal, agent, or employee, or otherwise, violating or assisting in the violation of any of the provisions of this Ordinance, shall, upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Three Hundred Dollars (\$300.00), together with the costs of prosecution, and in default of the payment of said fine and costs, shall be committed to the Dauphin County Prison for a period of not exceeding thirty (30) days. Each violation of any provision of this

Ordinance shall constitute a separate offense, for which a summary conviction may be brought.

10. Severability: The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such provision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been enacted as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

11. Repeal of Other Ordinances: All ordinances and parts of ordinances inconsistent herewith be, and the same are, hereby repealed, especially, but not limited to, Ordinance No. 84-2.

This Ordinance shall become effective October 6, 1988.

ENACTED AND ORDAINED, this 5th day of October, 1988.

ATTEST:

WICONISCO TOWNSHIP

Eugene E. Reed

By:

John H. Adams
Ronald S. Pincuski
Harry F. Standley