

**BOROUGH OF HATFIELD
MONTGOMERY COUNTY, PENNSYLVANIA
ORDINANCE NO. 547**

AN ORDINANCE AMENDING CHAPTER 7 OF THE BOROUGH OF HATFIELD CODE, ENTITLED "FIRE PREVENTION AND FIRE PROTECTION," TO ADD REQUIREMENTS FOR RESIDENTIAL OUTDOOR FIRES.

RECITALS:

WHEREAS, The Borough Code authorizes the Hatfield Borough Council to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Borough and welfare of the Borough and its citizens;

WHEREAS, The Borough Code authorizes the Borough Council to adopt rules and regulations governing the safety and public welfare within the Borough;

WHEREAS, The Borough Council of Hatfield desires to amend Chapter 7 of the Borough of Hatfield Code, entitled "Fire Prevention and Fire Protection", to establish the safe use of certain fire containing devices and fire burning practices located within the Borough; and

WHEREAS, The Borough Council of the Borough of Hatfield, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Borough of Hatfield will be served by adopting this ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Hatfield, as follows:

SECTION 1. CODE AMENDMENTS.

The Hatfield Code is hereby amended as follows:

Chapter 7, Part 1, entitled "OPEN BURNING" of the Hatfield Borough Code is hereby amended as follows:

§7-101. Definition of terms.

Interpretation of words and phrases when used in this Part shall, for the purpose of this Part, have meanings as indicated below except in those instances where the context clearly indicates a different meaning:

OPEN BURNING

A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

OPEN-FLAME COOKING DEVICE

A manufactured cooking device, such as a barbecue grill, outside fireplace, or other outdoor appliance, solely intended for the cooking of food.

FIRE CONTAINMENT DEVICE – Portable devices intended to contain and control outdoor fires, including chimineas and fire dishes with covers, fire tables, constructed of noncombustible materials such as metal or ceramic material. A fire containment device does not include charcoal or gas powered grills that are intended to be used for cooking purposes.

FIRE PIT

An aboveground or below-ground structure built into the ground or constructed of stones, masonry, brick or other noncombustible material for the purpose of containing and controlling a wood or charcoal fire.

COMPRESSED LOG – Commercial wood products that have been designed for use in fireplaces.

AGED WOOD – Natural firewood that has been sized and aged for burning in a fireplace.

§7-103. Exceptions.

1. The following instances are exception to the prohibition of open burning:
 - A. The outdoor cooking of food shall be permitted in or on an Underwriters Laboratories (UL) approved open-flame cooking device, solely intended for the cooking of food, and in strict adherence with the manufacturer's use guidelines. Permitted open-flame cooking devices are limited to those specifically designed for cooking with the burning of charcoal, liquid petroleum (LP) gas, propane gas, or wood. Upon the completion of cooking, the flame must be extinguished.
 - B. Recreational. Burning shall be permitted for recreational and ceremonial purposes (i.e., bonfire and camp fires) if such burning is conducted in a safe manner in a place where open fires are otherwise permitted and such burning is under the direct supervision of an adult until such burning is completely extinguished. A permit shall not be required for open burning under this Chapter.
 - C. Outdoor burning of aged logs and/or compressed logs in a freestanding fire containment device shall be permitted pursuant to the manufacturer's instructions and only under the following conditions:

- (1) Fire containment devices shall employ screens and a lid to completely enclose the fire and burning logs contained therein, or a chimney. Fire containment devices shall not exceed three feet in diameter, nor may the fire pile exceed two feet.
- (2) Only aged logs or commercially produced “compressed logs” shall be burned. Burning of lumber, pallets, scrap wood, leaves, yard waste, paper cardboard, garbage and other similar items, including items as set out under §7-102 (2), is prohibited.
- (3) The fire containment device, or fire pit, shall be located not less than 15 feet from the nearest portion of any structure, tree (including canopy), wiring, vehicle or building, nor within 15 feet of any property line.
- (4) No fire containment device, or fire pit, shall be permitted to emit offensive or objectionable smoke or odors or when other circumstances make usage of said fire containment device hazardous including, but not limited to injury or damage to persons or property.
- (5) The fire containment device shall be used strictly in adherence with all manufacturer’s guidelines and specifications issued with respect to the make and model of said fire containment device.
- (6) Once a fire has been started in a fire containment device, the lid and side screens shall be secured and shall not be removed until the fire is out or extinguished, and no object shall be permitted to protrude outside the lid and screens while a fire is burning within the fire containment device, provided that recreational fires utilized to cook food shall be exempt from said requirement during that period when food is being cooked over the flame.
- (7) For the purposes of this section, an approved fire containment device includes those commercially manufactured devices specifically designed, intended and advertised for the purpose of entertainment.
- (8) A fire containment device, or fire pit, shall be attended and supervised at all times by a person 18 years of age or older when in use until the fire is out or extinguished.
- (9) A water source or other provisions for extinguishing the fire shall be immediately accessible at all time when there is a fire in the fire containment device.
- (10) Hours of operation. A person shall not use a fire containment device between the hours of 1:00 a.m. and 9:00 a.m.

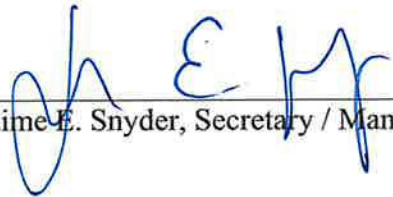
(11) Nothing in this chapter shall preempt the applicability of “no burn” periods issued by appropriate state authorities.

ORDAINED AND ENACTED by the Borough Council of HATFIELD BOROUGH on this 7th day of December, 2022 with 4 Council Members

Ferguson, Girard, Fagan, Kroesser voting “aye” and Ø voting “nay.”.

Attest:

HATFIELD BOROUGH


Jaime E. Snyder, Secretary / Manager

By: 
Jason Ferguson, Council President

Approved by the Mayor:


Mary Anne Girard

Date: 12/7/2022