ORDINANCE NO. 91-4

OPEN FIRE

BE IN ORDAINED AND ENACTED, is hereby ordained and enacted by the Council of the Borough of York Haven, York County, Pennsylvania as follows, to wit:

SECTION 1. Hereafter is shall be unlawful for any person or persons, firm or corporation to build or cause to be build any open fire within the Borough of York Haven, unless and until such person or persons, firm or corporation shall first have secured from the secretary of the Borough of York Haven a permit for the building of such fire.

SECTION 2. Definition Open Fire. For purpose of this ordinance shall mean any fire that is not confined within a building.

SECTION 3. Applications; form. Application for such permit shall be made upon a form supplied by the secretary of the Borough of York Haven which application form may require the disclosure of all facts deem necessary by the ordinance enforcement officer for the enforcement of the provision of this ordinance.

SECTION 4. Classes of permits. The permit herein required shall be one of the following classes:

A. Temporary Permit. A temporary permit shall be limited to the building of bon fires or open fires for the purpose of consuming large piles of brush, building materials and similar materials under the direct supervision of the Borough of York Haven.

1. (Such temporary permit will be issued to each individual in specific cases, as the need arises if approved by the Mayor and Borough of York Haven).

2. No fire should be built within fifteen (15) of any combustible building, fence or any material of combustible nature.

3. Such fire will only be permitted when only during such time is approved by the Mayor and the Borough of York Haven.

4. Such fire shall not be built under any circumstance in windy weather.

B. Permanent permit shall be issued under circumstances indicating a clear need for the destruction of classified materials and shall be issued for a calendar year which allow the building of

fires at various time of the following conditions:

1. Such fire should be built within an approved type commercial and industrial incinerator conforming to the requirements that are approved by the National Board of Fire Underwriters rules and regulation governing the manufacture of commercial and industrial type incinerators.

SECTION 5. Attendant required. A competent attendant shall be in continuous charge of an oversee to extinguish all fires.

SECTION 6. Fee for permit. The permit for the issue of the temporary permit shall be $20.00 and for the permanent permit $50.00.

SECTION 7. Meal preparation excluded. Nothing in this ordinance shall be construed to prevent the building of a fire in a fireplace, barbecue pit or similar container for the purpose of preparing a meal or the purpose of cooking. Further, the building of a fire in metal barrels shall be allowed without a permit.

SECTION 8. It shall be prohibited whether with or without permit to at any time at any place within the Borough to burn tires.

SECTION 9. Violation of penalties. Any person shall violate and provision of this ordinance shall, upon conviction thereof be punishable of a fine of not more than $300.00 in costs of proceedings or upon default of payment of such fine and costs by imprisonment in the County jail for a term of not more than thirty (30) days; providing that if the District Justice determines that the defendant is without the financial means to pay the fine and costs immediately or with a single remittance, such defendant shall be permitted to pay the fine or costs in installments and over such periods of time which the District Justice deems to be just.

SECTION 10. Any ordinance or any part of an ordinance conflicting with this ordinance be hereby repealed and so far as it affects this ordinance.

ENACTED AND ORDAINED by the Council of the Borough of York Haven, York County, Pennsylvania on this 4TH day of MARCH, 1991.

ATTEST:

Gethrow S. Reeser

Gethrow S. Reeser, Secretary

COUNCIL OF YORK HAVEN

By: Edgar W. Rowand

Edgar W. Rowand, President

APPROVED this 4TH day of MARCH, 1991.

Harvey R. Heistand Mayor

Harvey R. Heistand, Mayor