

TOWNSHIP OF MIDDLESEX
Cumberland County, Pennsylvania

ORDINANCE NO. 3-94

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, PROHIBITING
THE OBSTRUCTION OF FIRE HYDRANTS,
ESTABLISHING ALTERNATE IDENTIFICATION FOR
EXCEPTIONAL VISUAL OBSTRUCTION AND PROVIDING
PENALTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

SECTION 1: LEGISLATIVE INTENTION AND PURPOSE. The Board of Township Supervisors ("Board") hereby declares its legislative intention and the purpose of this Ordinance based upon the following background, facts, intention and purpose.

The Board recognizes the existence of fire hydrants installed throughout various areas of the Township for public fire protection. It has been reported to the Board that certain hydrants are obstructed from time to time by intentional storage of snow, the installation of plantings and by other materials causing delay in responding to fires which could result in unnecessary loss of lives and/or property.

Therefore, the Board enacts this ordinance in order to abate such obstructions and to promote the health, safety and welfare of the inhabitants, visitors and property owners in this Township

as well as the general public.

SECTION 2: DEFINITIONS. For the purposes of this Ordinance, the following terms shall have the meanings ascribed thereto as follows:

"Board" - the Board of Township Supervisors of Middlesex Township, Cumberland County, Pennsylvania.

"Fire Hydrant" - any hydrant, fire plug or other exterior water connection installed within this Township which is intended to be used by a fire fighting organization recognized by the Board in the extinguishment of fires.

"Person" - an individual human person, a partnership, a corporation or any entity.

"Township" - the Township of Middlesex situated in Cumberland County, Pennsylvania.

SECTION 3. OBSTRUCTION OF FIRE HYDRANTS PROHIBITED.

It shall be unlawful for any Person to obstruct a Fire Hydrant or to permit a Fire Hydrant to be obstructed without the specific permission of the Board.

A Fire Hydrant shall be deemed to be obstructed when any means is used to (a) prevent or hinder immediate physical access thereto, or (b) obscure the visual presence of such Fire Hydrant for a distance of thirty (30) feet as observed from the street, road, land or other way traveled by emergency vehicles searching for such Fire Hydrant.

A Person shall be deemed to have permitted the obstruction of a Fire Hydrant when such person engages another person to perform the activity causing the obstruction.

SECTION 4. PERMISSION FOR EXCEPTIONAL OBSTRUCTION.

The Board may grant special permission for visual

obstruction of Fire Hydrants under unique and factually exceptional circumstances which will not jeopardize the appropriate use of said Hydrant. In granting any such permission, the Board shall require the identification of the location of any such Fire Hydrant by a durable and permanent sign or symbol approved by the Board, which sign or symbol shall not be obstructed and which sign or symbol shall be maintained by the owner of the premises on which the sign or symbol is installed or constructed. The approval of any such sign or symbol shall not constitute any legislative exception to the conduct proscribed above.

SECTION 5: PENALTIES FOR VIOLATION; DISPOSITION OF FINES.

Any person who or which shall violate any provision of this Ordinance shall, upon conviction thereof in a summary proceeding before a District Justice, be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars and the costs of the action for each offense, or in default of payment of such fine, to undergo imprisonment at the Cumberland County Prison for a term of not more than thirty (30) days. Each day that a violation of this Ordinance continues or exists shall constitute a separate offense. All fines collected for violation of this Ordinance shall be paid to the Treasurer of the Township for the general use of the Township.

SECTION 6: CONSTRUCTION AND INTERPRETATION; SEVERABILITY.

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this

Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Ordinance. The Board hereby declares that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

SECTION 13: REPEALER. This Ordinance shall repeal any inconsistent Ordinances.

SECTION 14: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment by the Board of Township Supervisors of Middlesex Township.

ORDAINED AND ENACTED this 4th day of May A.D., 1994.

TOWNSHIP OF MIDDLESEX

By Robert M. Eppley
Chairman, Board of Township
Supervisors

ATTEST:

Shirley Jones
Township Secretary
(TOWNSHIP SEAL)

CERTIFICATION AND ATTESTATION

I, the undersigned, being the duly appointed Township Secretary in and for the Township of Middlesex, Cumberland County, Pennsylvania, do hereby certify and attest that the attached document is a true, correct and complete copy of the full text of an ordinance enacted at a meeting of the Board of Township Supervisors in and for said Middlesex Township at a public meeting held on 4 May 1994, at 7:00 o'clock, P.M., prevailing time, at the Middlesex Township Municipal Building, 350 N. Middlesex Road, Carlisle (Middlesex Township), PA 17013.



Gail W. Jenschik
Township Secretary

Dated: 4 May 1994