

ORDINANCE NO.111

TOWNSHIP OF PENN
BUTLER COUNTY, PENNSYLVANIA

AN ORDINANCE REGULATING AND RESTRICTING
OUTDOOR FIRES AND OPEN BURNING, AND REPEALING ORDINANCE
NO.81, 64 AND 64A AND ANY OTHER ORDINANCES INCONSISTENT
HEREWITH.

BE IT ORDAINED AND ENACTED by the Township of Penn, Butler County, Pennsylvania and it is hereby ordained and enacted by the authority of the same follows:

Section 1. Title. This Ordinance shall be known and may be cited as the Penn Township Open Burning Ordinance.

Section 2. Authority. This Ordinance is enacted pursuant to Section 12 of the Air Pollution Control Act, as amended, 35 P.S. 4012(a), and Section 702, clauses XXIX (Health), XXXII (Fire Protection), XLI (Ordinances), XLVII (Public Safety), and LXII (General Powers) of the Second Class Township Code, 53 P.S. 66501, et. seq.

Section 3. Declaration of Policy. It is hereby declared to be the policy of Penn Township as a matter of public health and safety to regulate fires and open burning in Penn Township for the purposes of controlling air pollution and protecting buildings, housing, property and the well-being of its citizens.

Section 4. Definitions. The following words, terms and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings described to them:

- (A) **OPEN BURNING OR OPEN FIRE:** Any fire which is burned outside of an enclosed structure or building.
- (B) **CONTAINED FIRE:** Any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure designed for outdoor cooking, or a fireproof container.
- (C) **PERSON:** Any individual, partnership, organization, association, agency, firm, estate, company, trust, corporation, department, bureau or other legal or commercial entity.
- (D) **RESPONSIBLE ADULT:** An individual eighteen (18) years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.
- (E) **UNCONTAINED FIRE:** Any fire not included in the definition of a contained fire.

- (F) **VEGETATIVE MATTER:** Tree leaves, grass clippings, cutting of plants and limbs of trees up to four inches (4") in diameter except for wood and wood products.
- (G) **WOOD AND WOOD PRODUCTS:** Trunks of trees and limbs of trees exceeding four inches (4") in diameter, and all products of, or made from, wood.

Section 5. Permission. Any person desiring to burn anything too large for a container, or wishing to burn grass or weeds off a field, shall first contact the Penn Township Police Department to obtain permission to burn outside of an approved container. Anyone starting such a fire without the permission of the Penn Township Police Department shall be deemed in violation of this Ordinance and subject to penalties thereof.

Section 6. General Restrictions. It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, or whatever nature, without complying with this Ordinance.

- (A) No fire shall be set or maintained within twenty (20) feet of any building or property line.
- (B) No fire shall be set or maintained on any public road right-of-way or on any public property, except in the case of public property a fire may be set and maintained in areas designated as having been set aside for this purpose and in the appropriate container, provided to contain such fire.
- (C) No fire shall be set or maintained that may endanger any building or property, except in the instance in which the Fire Department, for training purposes, has caused a fire to be set in any building or property under the supervision of the officers of the Fire Department.
- (D) The importing of materials from outside of Penn Township for the purpose of burning is strictly prohibited.

Section 7. Control of Burning and Unattended Fires.

- (A) No fire shall be allowed to burn unattended, without a responsible adult being present at all times and without readily-available fire extinguishing apparatus.
- (B) No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth or Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (C) No fire shall be set that results in uncontrolled burning of vegetation (field fire).

(D) Out-of-doors fires shall be confined in a non-combustible container, except for fires of leaves, brush, and/or natural, untreated wood which need not be confined to or covered by a non-combustible container.

Section 8. Hours.

(A) No person shall burn or cause to be burned any paper, boxes, rubbish, leaves or any other kind of substance, nor shall any person or persons set or maintain any contained or uncontained fire, or burn or cause to be burned an uncontained fire of any substance or material of any kind, out-of-doors, anywhere in the Township of Penn between the hours of 7:00 o'clock P.M. and 6:00 o'clock A.M., Monday through Saturday, except for fires exempted under Section 9 of this Ordinance. Burning is entirely prohibited on Sundays and holidays except for fires exempted under Section 9 of this Ordinance.

(B) Fires shall be completely extinguished by 7:00 o'clock P.M. and shall not be permitted to smolder past same time.

Section 9. Open Fires Exempted. The following types of fires, provided that such fires are wood and wood products only, are exempted from the regulations set forth in this Ordinance:

(A) Fires solely for the cooking of food for immediate consumption.

(B) Camp fires for warmth, fellowship, food preparation or ceremonial purposes by bonafide groups or individuals such as hunting camps or public organizations (i.e. Boy Scouts or Girl Scouts).

(C) Recreational fires using natural, untreated wood and containing a fuel source of no more than eight (8) cubic feet are exempt from the time restraints of Section 8, but must be extinguished by 12:00 o'clock A.M. Additionally, all recreational fires must comply with all other provisions of this Ordinance.

Section 10. Unlawful Substances.

(A) Burning of plastics, rubber products and byproducts, byproducts of manufacturing and processing operations, toxic construction debris and wastes from commercial operations is strictly prohibited.

(B) Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of PA or the United States of America or any other competent body.

- (C) No garbage or offal may be burned at any time either indoors or out-of-doors.
- (D) Fires shall be used only to burn readily combustible materials.

Section 11. Enforcement. Enforcement shall be by action before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates any provision of this Ordinance shall, upon conviction in summary proceedings before the District Magistrate, be sentenced to pay a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Three Hundred Dollars (\$300.00), and costs of prosecution. In default of the payment of the fine and costs, the defendant may be sentenced to the county jail for a period not exceeding thirty (30) days. This penalty section is enacted pursuant to Section 66601 (c.1) (2) of the Second Class Township Code, 53 P.S.66601 (c.1) (2), for health, fire and safety and for air and water pollution purposes. Each violation shall constitute a separate offense, for which a summary conviction may be sought.

Section 12. Severability. The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision 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 amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

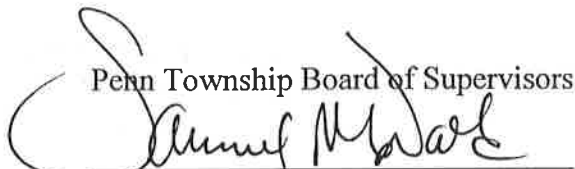

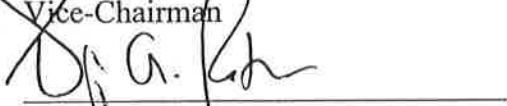
Section 13. Repealer. All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Penn, Butler County, Pennsylvania, this 15th day of September, 1998.

Attest:


Township Manager

-SEAL-

Penn Township Board of Supervisors

Chairman

Vice-Chairman

Supervisor