

HEPBURN TOWNSHIP
ORDINANCE NO. 10 . 03. 2006

*PASSED
Oct 3, 2006*

ORDINANCE ESTABLISHING THE REGULATION OF OPEN BURNING

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF HEPBURN TOWNSHIP, LYCOMING COUNTY, PENNSYLVANIA, UNDER THE AUTHORITY OF THE SECOND CLASS TOWNSHIP CODE AND OTHER AUTHORIZING LEGISLATION AS FOLLOWS:

Section 1 - Background

The Board of Supervisors of Hepburn Township, having concerns about the safety, health and welfare issues as a result of open fires within the township had determined that regulations concerning open burning are in the best interests of the residents of the township within the limits provided by the authority granted to the Board of Supervisors by the Second Class Township Code and other jurisdictional authority.

Section 2 - Definitions: For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed to them herein:

1. **CONTAINED FIRE:** Any fire contained in an incinerator, fireplace or other contained enclosure designed for outdoor cooking, or a fireproof container.
2. **FURNACE:** Any fully enclosed device specifically designed for burning any material for the production of heat.
3. **GARBAGE:** All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
4. **INCINERATOR:** Any fully enclosed device specifically designed for the disposal of contents through fully enclosed burning.
5. **OPEN FIRE:** A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.
6. **PERSON:** Any individual, partnership, association, corporation, department, bureau, agency, or legal entity.

7. **REFUSE:** Garbage, rubbish, and trade waste.

8. **RESPONSIBLE ADULT:** An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any disability which would impair his or her ability to properly supervise a fire.

9. **RUBBISH:** Solids not considered to be highly flammable or explosive including but not limited to, rags, old clothes, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items, and other similar items.

10. **TRADE WASTE:** All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry, including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.

11. **DOMESTIC WASTE:** Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling. The term does not include appliances, carpets, demolition waste (insulation, plaster, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

12. **YARD WASTE:** Leaves, garden residue, tree trimmings, chipped shrubbery, and other vegetative material which are in a dry condition.

Section 3 - Regulations:

A. Compliance with Ordinance:

1. It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, or whatever nature, without complying with this Ordinance.
2. Nothing herein shall be construed to prevent the Pennsylvania Department of Environmental Protection approved fire-fighting training by Township-designated fire-fighting organizations.

B. Public Roads and Public Properties: No person shall set, start, feed to burn or maintain any fire upon any of the streets, sidewalks, alleys or grounds in Hepburn Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such a fire.

C. Safe Distances:

1. Out-of-door fires shall take place at least twenty (20) feet from any building, property line, right-of-way, or road line.

D. Control of Burning and Unattended Fires:

1. No fire shall be allowed to burn unattended without a responsible adult (18 years of age or older) being present at all times and without readily-available fire-extinguishing apparatus.
2. No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed in effect by the Commonwealth of Pennsylvania or other governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fire in their opinion especially hazardous.
3. No fire shall be set that results in uncontrolled burning of vegetation (field fires).

E. Hours:

1. No person shall burn, smolder, or cause to be burned any domestic waste (paper, boxes), or yard waste (leaves), or any other kind of substance, nor shall any person or persons maintain any 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 Hepburn between the sunset and sunrise.
2. Recreational or ceremonial fires using natural, untreated wood are permitted at any time so long as they comply with all other provisions of this Ordinance.

F. Regulations:

1. Burning of refuse (rubbish, garbage, or trade waste) is strictly prohibited.
2. The burning of other domestic waste shall be permitted under the following conditions:
 - a. The fire shall be contained in a non-combustible, properly ventilated container covered with a wire screen, mesh or other suitable noncombustible cover so as to prevent pieces or particles from escaping, floating, and/or being blown away.
3. Contained fires set solely for cooking are permitted.
4. Fires set solely for recreational or ceremonial purposes are permitted.
5. A fire set for the purpose of burning that amount of yard waste generated from the premises of a structure occupied solely as a dwelling is permitted when the fire is on the premises of said structure.

6. Agricultural waste as defined in the clean air act is exempted from these regulations, enforcement and penalty.

Section 4 - Enforcement:


The township supervisors, or any other officer or designated person, are authorized to give notice by personal service or certified mail to the owner or occupant of any premises where upon an open fire in violation of this ordinance has occurred.

A. Hepburn Township may initiate a criminal enforcement proceeding before a district justice for violations of this ordinance in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal procedure. A violation of this ordinance shall be a summary offense subject to a fine of at least \$100.00 and not more than \$1,000.00 and may proscribe imprisonment to the extent allowed by law for the punishment of summary offenses. In addition to the enforcement proceeding before a district justice, Hepburn Township may enforce this ordinance in equity.

ENACTED AND ORDAINED this 3 day of Feb, 2006,
by the Board of Supervisors of Hepburn Township, Lycoming County, Pennsylvania.

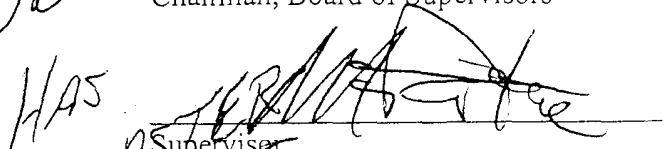
Hepburn Township

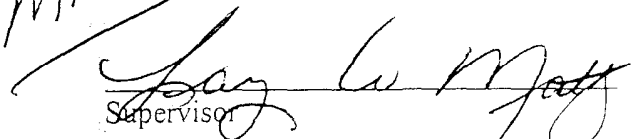
ATTEST:


Secretary


DENISE

Chairman, Board of Supervisors

HAS
MASTER

Supervisor


Supervisor