
TOWNSHIP OF LYCOMING

AN ORDINANCE
No.: 51

AN ORDINANCE OF THE TOWNSHIP OF LYCOMING, LYCOMING COUNTY, PENNSYLVANIA, AMENDING TOWNSHIP ORDINANCE NO. 50, RESTRICTING FIRES AND OPEN BURNING AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Supervisors of Lycoming Township, Lycoming County, Pennsylvania (the "Township") and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION I: SHORT TITLE: This Ordinance shall be known as the Lycoming Township Burning Ordinance."

SECTION II: AUTHORITY: This Ordinance is enacted pursuant to the authority granted to the Supervisors of Lycoming Township as set forth in §1601 of the Second Class Township Code.

SECTION III: PURPOSE: The purpose of this Ordinance is to promote and protect the health, safety, morals and general welfare of the citizens of Lycoming Township by regulating the ignition or feeding of any fire in the Township and to provide penalties for violation of said restrictions.

SECTION IV: DEFINITIONS: As used in this Ordinance, the following terms shall have the meaning indicated unless a different meaning clearly appears from the context:

- A. BONFIRE - A campfire contained in a fire ring or fire pit, or, a large fire built in the open air for the purpose of a special event or celebration approved by the chief officer of any Fire Company.

- B. CONTROLLED BURNING - A fire ignited or fed for the destruction of brush, tree limbs, and other foliage materials for the specific purpose of clearing landscape, etc.
- C. FIRE COMPANY - Any fire company providing fire protection within the Township.
- D. GARBAGE - All putrescible animal and vegetable matter or other organic substance subject to fermentation or decay including bottles or tin cans which contain animal, fish, vegetable or other organic matter.
- E. RUBBISH - Solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, disposable diapers, oil containers, oil filters, plastic bottles and other similar materials.
- F. RECYCLEABLES - Materials such as plastic, tin cans, aluminum cans, glass, magazines and newspaper which are typically collected throughout Lycoming County for the purpose of processing them to regain said materials for human use.
- G. REFUSE - Garbage, rubbish, recycleables and trade waste.
- H. 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.

SECTION V: ENFORCEMENT: The Township Supervisors shall have the power to enforce the provisions of this Ordinance. Furthermore, the Township Zoning Officer as well as the Pennsylvania State Police, Old Lycoming Township Police Department and chief officer of any Fire Company shall have the power to extinguish any fire which, in their opinion, violates this Ordinance, said extinguishment to be done at the cost of the person violating this Ordinance.

SECTION VI: REGULATIONS: Within the Township, and subject to the exceptions set forth below, no person shall,

- (a) Ignite or feed a fire for the destruction of Refuse;
- (b) Ignite or feed any fire for the destruction of any material in such a way as to violate any regulations established by the Pennsylvania Department of Environmental Resources;
- (c) Ignite or feed any fire for the destruction of any material in such a way as to cause unreasonable annoyance to neighbors or persons in the vicinity of the burning;
- (d) Ignite or feed any fire closer than fifteen (15) feet from any building or property line; or
- (e) Ignite or feed any fire during "severe winds" or "dry time" as these term are defined by the Pennsylvania Departmental of Natural Resources, Department of Forestry.
- (f) Ignite or feed any fire for the destruction of any material in the areas of the Township zoned C-H (Commercial-Highway District) as set forth in the Lycoming Township Zoning Ordinance of 1986, as amended.

SECTION VII: EXCEPTIONS: The following exceptions shall apply to Section VI (a), only. There shall be no exceptions to Section VI (b), (c), (d), (e) and (f).

- (a) A person may burn leaves or grass on their own property; provided:
 - (1) The burning is not to be done on a right-of-way, alley or sidewalk.
 - (2) The fire is to be attended at all times by a person 16 years of age or older.
 - (3) Water or other means to extinguish the fire must be readily available to prevent the fire from getting out of control.

(4) The burning takes place only between 7:00 a.m. and 6:00 p.m. except during daylight savings time when the burning may take place between 7:00 a.m. and 8:00 p.m. and excepting that no burning shall take place, whatsoever, on Sundays or holidays.

(b) A person may burn paper on their own property, provided:

(1) The burning is confined to a non-combustible container covered with a screen with $\frac{1}{8}$ " or smaller mesh or other similar container approved by the Fire Company.

(2) The fire is to be attended at all times by a responsible person.

(3) The burning takes place only between 7:00 a.m. and 6:00 p.m. except during daylight savings time when the burning may take place between 7:00 a.m. and 8:00 p.m. and excepting that no burning shall take place, whatsoever, on Sundays or holidays.

(c) A Controlled Burning may be permitted on a person's own property; provided:

(1) The Lycoming County Communications Center is notified immediately before and immediately after the Controlled Burning.

(2) A chief officer of any Fire Company must be notified of the nature of the Controlled Burning and the date thereof.

(3) The Controlled Burning is to be carried out in accordance with the restrictions, rules and regulations set by a chief officer of any Fire Company.

- (d) A person may make or set a Bonfire on their own property providing it does not cause Unreasonable annoyance to neighbors or persons in the vicinity.
- (e) A person may burn Refuse, other than that otherwise permitted as set forth above, on their property, provided:
 - (1) Said burning is confined to an enclosed non-combustible incinerator.
 - (2) Said burning is conducted in the course of a commercial or industrial operation.
 - (3) Said burning is conducted in accordance and compliance with all applicable federal and state regulations.
 - (4) Said burning is conducted in a manner which does not cause unreasonable annoyance to neighbors or persons in the vicinity of said burning.
- (f) Charcoal and wood burning fires (other than Bonfires) for the preparation of foods such as barbecue grills, etc. shall not be prohibited by this Ordinance, provided that such fires are kindled or maintained with reasonable safeguards to prevent dangerous burning and to prevent the emission of noxious or offensive fumes or odors.

SECTION VIII: PENALTIES: Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not to exceed \$1,000.00 per violation and may be imprisoned to the extent allowed by law for the punishment of summary offenses.

SECTION IX: REPEALER: Any Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION X: SEVERABILITY: If any sentence, clause, section or part of this Ordinance is for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect nor impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared to be the intent of the Lycoming Township Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION XI: EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED and ORDAINED this 6 day of March,

2007.

ATTEST:

LYCOMING TOWNSHIP SUPERVISORS

Wesley M. Gannery
Secretary

Robert E. Wayne
Chairman

Carl E. Koles
Supervisor

Dennis Paulhan
Supervisor