

BURNING ORDINANCE
UPPER AUGUSTA TWP., NORTHUMBERLAND COUNTY, PA.
ORDINANCE NUMBER 2004 - 7

AN ORDINANCE OF UPPER AUGUSTA TOWNSHIP, NORTHUMBERLAND COUNTY, PA. PROVIDING FOR AND REGULATING THE USE OF OPEN FIRES AND BURNING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS, AND DEFINITIONS, DESIGNATING AN ENFORCEMENT OFFICER(S) AND PRESCRIBING PENALTIES FOR VIOLATION.

SECTION I: TITLE: This ordinance shall be known as the Upper Augusta Twp. Burning Ordinance.

SECTION II: PURPOSE: To reduce production of, dissemination of and exposure to products of combustion which may be noxious, hazardous to health and detrimental to quality of life in the township, and to reduce fire hazards created by uncontrolled burning of combustible materials.

SECTION III: DEFINITIONS:

1. **Contained Fire:** Any fire contained in a non-combustible container, incinerator, fireplace, furnace, stove, or other enclosure or device designed for containment of controlled combustion of combustible waste materials that are to be destroyed by the contained combustion process. A fire or controlled combustion process within a non-combustible container used for heating, cooking, smoking of meats for preservation, recreational or ceremonial purposes is not considered a contained fire for waste destruction by fire for the purposes of this ordinance.
2. **Controlled Fire:** Any fire not included in the definition of "Contained Fire" but under the control of a responsible person or persons equipped with appropriate fire suppression knowledge, experience, materials and equipment. A prescribed burn for the purposes of controlling growth of weeds, underbrush, insect pests, etc. in forestry/agricultural operations and the disposal of slash by burning in logging operations are examples of controlled fires. Additional instances where open controlled fire may be used include fires set for the purpose of instructing personnel in fire fighting, burning of waste vegetation generated by clearing prior to construction, prevention or abatement of a fire hazard when approved by Pa. DEP and set and supervised by a designated public official, prevention and control of disease or pests, prescribed controlled fire for the conservation and management of unique and natural areas and/or reduction of natural fuel loads, as a management technique for preventing wildfires, scientific research, or vegetation management.
3. **Fireplace:** An indoor or outdoor structure designed for containment of combustion of combustible materials within itself and with built-in safeguards to prevent escape of fire from its confines.
4. **Furnace/Stove:** An enclosed device specifically designed for burning combustible material for the purpose of heat production.

5. **Garbage:** All putrescible animal and plant matter resulting from the storage, handling, preparation, cooking and consumption of foodstuffs.
6. **Incinerator/Non-combustible Container:** A non-combustible device specifically designed for the destruction by combustion of combustible materials within its confines.
7. **Non-combustibles:** Solid materials considered to be incapable of being destroyed by burning including but not limited to ashes, crockery, metal, glass, masonry and other similar items.
8. **Open Fire:** A fire in which any material is burned in the open or in a receptacle other than a fireplace, furnace, stove, incinerator or other enclosed device designed to contain a controlled fire.
9. **Permit:** A burning permit to kindle or maintain an open fire or fires not specifically exempted from regulation by this ordinance.
10. **Person:** Any individual, partnership, association, corporation, department, bureau, agency or legal entity.
11. **Refuse:** Garbage, rubbish and trade waste.
12. **Responsible Person:** An individual 18 years or older with appropriate knowledge and ability to properly supervise a fire - and -who is unimpaired by drugs, alcohol or disability that could limit his or her ability to properly supervise a fire.
13. **Rubbish:** Solids not considered to be highly flammable or explosive, including non-combustibles, carpets, clothes, furniture, grass cuttings, leather, leaves, plastics (including styrofoam), rags, and other similar items.
14. **Salvage/Recycling Operations:** Any business, trade or industry engaged in whole or in part in salvaging, recycling or reclaiming any product or material, including but not limited to metals, chemicals, vehicles, tires, shipping containers/drums and similar items.
15. **Waste, Agricultural:** Materials, products or byproducts or components thereof used in, stored in, or produced by agricultural operations on the premises of an agricultural operation. Combustible residue of on-site forestry practices such as logging slash, underbrush cuttings, limbing, shearing, selective and clear cutting of timber, etc. shall be considered as within the definition of agricultural waste
16. **Waste, Animal:** Products or byproducts of animals raised by private persons as pets or animals raised, boarded or bred for commercial or agricultural purposes.
17. **Waste, Trade:** All solid or liquid material or rubbish resulting from construction, fabrication, building operations, or prosecution of any business, trade or industry, including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders/ashes, treated wood and other forms of solid or liquid waste materials; provided that "trade waste" shall not include any coal mining or coal preparation associated refuse.

SECTION IV: REGULATIONS:

1. Contained Burning Schedule Specifications in Suburban-Residential, Village Center, Highway Commercial and Industrial zoned areas:
Monday through Saturday: Daytime only from ½ hour after sunrise to ½ hour before sunset.
Sundays: No contained burning.
2. Contained Burning Schedule Specifications in Agricultural, Agricultural Holding and Conservation areas:
Monday through Sunday: Daytime only from ½ hour after sunrise to ½ hour before sunset.
3. Every contained fire shall be set in and confined to a non-combustible container covered with a screen or perforated non-combustible cover/lid with individual openings not greater than ¾ inch (19 mm) in diameter. Contained fires shall not be permitted closer than twenty five (25) feet from any building.
4. No animal waste, trade waste, salvage materials and/or rubbish shall be burned with or without the usual combustibles being incinerated by contained fires such as cardboard, newsprint, paper, sawdust, untreated wood and wood scraps.
5. Combustible agricultural waste, exclusive of animal waste, shall be burned in a controlled manner only on-site of the agricultural/forestry operations and under any additional rules established by Commonwealth regulations governing incineration of such agricultural waste.
6. All fires must be extinguished thoroughly with no smoldering before being left unattended.
7. Residue ash, cinders and other solids from contained burning must be disposed of in a manner not harmful to the environment.
8. Controlled open fires such as used for the disposal of large brush piles, prescribed burning of fields or woodlots/forests and burning of piled logging slash require notification of the Upper Augusta Twp. Volunteer Fire Company as to the date, time and location of the controlled fire as well as the person(s) responsible for control of the fire. If assistance of the Fire Company will be needed for a controlled fire, a permit must be obtained from the Upper Augusta Township Volunteer Fire Co. with the Fire Company setting the cost of the permit fee to cover the cost of the assistance.
9. Open controlled fires for disposal of combustible waste are not allowed to be set in Suburban-Residential, Village Center, Highway Commercial or Industrial zoned areas in Upper Augusta Township except for disposal of vegetative waste generated by clearing prior to construction or for the public good or safety. All such excepted open controlled fires require notification of the Upper Augusta Twp. Volunteer Fire Co. as to the date, time and location of the controlled fire as well as the person(s) responsible for control of the fire.
10. Open uncontrolled fires of any type are not allowed to be set in any areas of Upper Augusta Township.
11. No contained or open controlled fires are allowed during a Fire Ban Emergency, as proclaimed by Northumberland County Emergency Management Agency or Upper Augusta Township Board of Supervisors.

SECTION V: HIGHLY FLAMMABLE, EXPLOSIVE OR HAZARDOUS SUBSTANCES

1. 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 persons if such burning is in violation of the Air Pollution Control Act or other legislation by the Commonwealth of Pennsylvania or any United States Governmental Agency law or regulations.
2. Burning of any highly flammable substance (ex. gasoline) or explosive substance (ex. dynamite) or explosive materials (ex. aerosol or propane containers) is strictly prohibited.

SECTION VI: FIRE BAN EMERGENCY

1. The Board of Supervisors may declare a fire ban emergency in Upper Augusta Township with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township during period of drought, or other periods of high fire risk to woodlands or property within Upper Augusta Township. . Fire ban emergency shall be in effect when Northumberland County Emergency Management Agency has proclaimed the fire ban emergency for Northumberland County without any further action being required by the Board of Supervisors.
2. Upon the Board of Supervisors declaring a fire ban emergency, or upon a declaration by Northumberland County Emergency Management Agency, all outdoor burning or fires shall be prohibited until the ban is lifted by the Board of Supervisors. The Township shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition the Township may issue news releases to all communication media, including radio, television and newspapers.

SECTION VII: ENFORCEMENT

3. The Township Zoning Officer shall have the power to enforce the provisions of this ordinance, or in the absence of the Zoning Officer, an Officer of the Pennsylvania State Police. Fire ban emergency shall be in effect when Northumberland County Emergency Management Agency has proclaimed the fire ban emergency for Northumberland County without any further action being required by the Board of Supervisors.

SECTION VIII: PENALTIES

1. It shall be unlawful to burn, ignite, incinerate, maintain or otherwise permit the burning of any materials for their destruction without complying with the requirements of this ordinance.
2. A first time offender who shall violate any provisions of this Ordinance shall receive an official written warning from the Zoning Officer noting the provision(s) of the Ordinance violated and the penalties for any future violation(s) of the Ordinance.

3. Any person who shall violate any of the provisions of this Ordinance after having previously received a written warning from the Zoning Officer for violation(s) of the Ordinance shall, upon conviction in a summary proceeding brought in the name of the Township, before a district justice in the same manner provided for the enforcement of summary offenses under Commonwealth of Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not more than \$200.00, and costs of prosecution, provided that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION IX: ADDITIONAL COSTS

1. In the case of a fire requiring fire fighters and/or equipment and upon conviction of any violation of this Ordinance, the violator shall also pay charges in order to cover the fire fighting costs.
2. Charges shall be assessed for both use of fire fighting equipment and labor. Labor charges shall be assessed under this Ordinance based upon an hourly rate for all firemen engaged in the fire fighting activities.
3. The Board of Supervisors in consultation with the Fire Chief of the Upper Augusta Twp. Volunteer Fire Company shall determine by resolution a reasonable schedule of costs based upon mileage, operating costs, fire fighting equipment and man hours. These charges shall be in addition to and not in lieu of any penalties provided elsewhere in this Ordinance.

Repeal:

In so far as provisions of this Ordinance conflict with previous Ordinances adopted by the Board of Supervisors of Upper Augusta Township, the provisions of this Ordinance shall prevail and conflicting provisions of previous Ordinances are hereby repealed.

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 affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Upper Augusta Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

Effective Date:

~~This~~ Ordinance shall become effective five (5) days after enactment.

Encated and Ordained by the Board of Supervisors of Upper Augusta Township, County of Northumberland, Pennsylvania, this 16 day of August, 2004.

Board of Supervisors of
Upper Augusta Township

Chairman



Vice Chairman

Rebecca Ray

Supervisor

(SEAL)

Amy A. Horne

Secretary