

ORDINANCE NO. 206 – 2015 SERIES

**SADSBURY TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA**

AN ORDINANCE TO REGULATE AND RESTRICT OUTDOOR FIRES

Be It Ordained and Enacted by the Board of Supervisors of Sadsbury Township, Crawford County, Pennsylvania, and it is hereby enacted and ordained by and with the authority thereof as follows:

SECTION 1. TITLE

The title of this Ordinance shall be the **Sadsbury Township Burning Ordinance**.

SECTION 2. PURPOSE

The purpose of this Ordinance is to prevent public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained. The Board of Supervisors has determined that environmental concerns and the public health, safety and welfare of the Township and its residents, requires proper regulation of the outside burning of materials.

SECTION 3. ENACTMENT

This Ordinance is enacted pursuant to the authority of the Act of Assembly of May 1, 1933, P.L. 103, as amended.

SECTION 4. DEFINITIONS

For purposes of this Ordinance, the following words, terms and phrases shall have the following meanings respectively ascribed to them, unless the context clearly indicates otherwise:

BONFIRE - Any large outdoor fire that is used for warmth, recreational, social fellowship or ceremonial purposes fueled only with wood and not used for waste disposal purposes.

BURNING – The act of consuming by fire; to flame, char, scorch or blaze. As used in this Ordinance, smoldering shall have the same meaning as Burning and any smoldering shall be deemed a Burning. The terms “Burn” and “Burned” shall have the same meaning as Burning.

BURNING BAN – An area-wide prohibition on all outdoor Burning imposed by a government body or authority, whether local, state or federal.

CAMPFIRE – Any small outdoor fire, confined to a small area, not more than 16 square feet, that is used for warmth, recreational, social fellowship, or ceremonial purposes fueled only with wood and not used for waste disposal purposes.

CLEARING AND GRUBBING WASTE – Trees, shrubs and other vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition waste and dirt laden roots.

COMMERCIAL BURNING – The burning of solid material or rubbish resulting from construction or building operations. This does not include material as defined in Construction or Demolition Waste.

CONSTRUCTION OR DEMOLITION WASTE – Waste which is generated as the result of construction or demolition, including but not limited to shingles, paint, siding, insulation, metals, carpets, flooring, all solid or liquid materials or rubbish, plastic products, Styrofoam, cartons, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials that produce noxious or hazardous gases, odors, smoke or particles.

CONTAINED OUTDOOR FIRE – Any fire contained in an incinerator, fireplace, fireproof container, fire ring or similar fire proof barrier.

COOKING FIRE – Any fire contained in a fireplace, grill, pit or other suitable container using wood, charcoal, gas (natural or propane) or other similar fuel, for the sole purpose of cooking, grilling, barbequing or similar food preparation for human consumption.

FIRE DEPARTMENT – The fire company (or companies) officially recognized by the Sadsbury Township Board of Supervisors.

GARBAGE – Any animal and/or vegetable matter resulting from the handling, preparation, cooking and/or consumption of food.

OUTDOOR FIRE – Any fire set or maintained outside of a building, including contained and uncontained fires, cooking fires, campfires, recreational fires and bonfires.

PERSON – Any individual, partnership, corporation, association, institution, cooperative enterprise, governmental entity or agency, or any other legal entity, which is recognized by law. In any provision of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term person shall include the officers and directors of any corporation or other legal entity having officers and directors.

POLICE DEPARTMENT – Conneaut Lake Regional Police Department or any police department officially recognized by the Sadsbury Township Board of Supervisors

RECREATIONAL FIRE – An outdoor fire set solely for cooking, aesthetics, recreational and/or social gathering purposes, and not for the purpose of disposing of yard waste, which Burns in an outdoor fire place, wood stove, chimneys, patio heater, fire pit, permanent or temporary fire ring with a defined barrier or similar fire proof structure intended to prevent the spread of fire.

TOWNSHIP – Sadsbury Township

UNCONTAINED OUTDOOR FIRE – Any fire except a “contained outdoor fire.”

YARD WASTE – Leaves, grass clippings, garden residue, tree trimmings, brush, chipped shrubbery and other vegetative.

SECTION 5. BURNING ON PRIVATE PROPERTY

No person shall set or maintain any fire, or Burn, or cause to be Burned, any substance or material of any kind on private property unless in strict compliance with the following regulations:

- A. All outdoor fires, except cooking and recreational fires, shall be set and maintained not less than twenty feet (20') from any property line and/or building.
- B. To keep the fire from spreading, the area around the fire should be raked free of leaves, twigs and other combustible material for a distance of ten feet (10').
- C. No outdoor fire shall be set or maintained that may endanger any building or property. An adequate supply of water or fire extinguisher shall be readily available at all times to extinguish a fire that becomes out of control.
- D. All outdoor fires shall be maintained, attended, and supervised by a responsible adult eighteen (18) years or older, who is not under any influence of drugs or alcohol, or suffering from any other disability which would impair his or her ability to properly supervise a fire.
- E. No outdoor fire (excluding cooking fires, recreational fires, campfires and bonfires) shall be permitted to burn or smolder between sunset and sunrise. In the event there is good cause to have an outdoor fire at a time other than times permitted under this ordinance, a permit must be secured from the Township, and the Fire Department shall be notified of such fires.
- F. Prior to Burning Uncontained Fires greater than 6' in diameter, Bonfires, Commercial Burning, or burning of Clearing and Grub Waste, the owner shall secure a Burning Permit from the Secretary of the Township at least 24 hours in advance. Permission shall only be given after the Secretary of the Township and/or Fire Department Chief has concluded that such Burning can be done in a safe manner that does not constitute a nuisance and/or jeopardize the health, safety and welfare of Sadsbury Township residents.
- G. The Township, Police Department and Fire Department are authorized to require any fire be immediately extinguished and discontinued if it is determined that the fire is not in compliance with this Ordinance, the smoke is offensive to nearby neighbors, or the burning is determined to constitute a hazardous condition.

SECTION 6. PROHIBITED ACTIVITY

- A. No outdoor fire shall be set or maintained on any public property, except where a designated area has been set aside for this purpose and an appropriate container has been provided to contain such fire.
- B. The following materials shall be not burned in Sadsbury Township at any time:
 - 1. Garbage
 - 2. Household waste such as and including furniture, mattresses and box springs, carpet, appliances, solvents, treated wood
 - 3. Tires and batteries
 - 4. Construction or Demolition Waste
 - 5. Toxic or hazardous chemicals or substances
 - 6. Explosive materials
 - 7. Materials that are not readily combustible
 - 8. Recyclable materials including, but not limited to, plastic milk, soda, laundry or soap type bottles; bi-metal and aluminum cans; clear or colored glass, magazines, and other such recyclable items that may be collected in the future.
- C. Yard Waste shall not be burned in the right-of-way of public roadways, including the ditches alongside public roadways, or within twenty feet (20') of any property line and/or building. Yard Waste shall not be burned when damp or wet. The Board of Supervisors retains the right to waive this restriction in its sole and absolute discretion.
- D. No person shall continue to maintain an outdoor fire, or fail to extinguish an outdoor fire, if ordered by Township personnel, Police Department, or Fire Department Chief (or officer in command when the Fire Department Chief is not available), due to unsafe conditions created by the fire, or due to the fire being maintained in violation of this Ordinance.
- E. No outdoor fire shall be permitted during periods of strong wind, drought, extreme weather conditions, Burning Ban, or during any other situation deemed hazardous by the Commonwealth of Pennsylvania, the County of Crawford, Sadsbury Township, Police Department or Fire Department Chief (or officer in command when the Fire Department Chief is not available).

SECTION 7. BURNING BANS

- A. A Burning Ban may be established by the Commonwealth of Pennsylvania, the County of Crawford, Sadsbury Township, or Fire Department Chief (or officer in command when the Fire Department Chief is not available) when conditions are present that represent a greater risk to the health, safety and welfare of the residents. A Burning Ban shall be publicly advertised in a newspaper of general circulation and by posting a notice at the Township Office, or by giving such

other notice as the Township shall deem appropriate. Removal of the Burning Ban shall be advertised in the same manner.

- B. During a Burning Ban, all Burning shall constitute a violation of this Ordinance.

SECTION 8. EXCEPTIONS

This Ordinance does not prohibit or restrict:

- A. A fire used in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation as long as the fire does not create a fire or health hazard, or
- B. A fire set and supervised by fire department personnel for training purposes, or
- C. A fire set and supervised by government officials for the purposes of abating a fire or health hazard, or for the safety of the community.

SECTION 9. ENFORCEMENT

- A. The Police Department, the Fire Department Chief (or officer in command when the Fire Department Chief is not available), as well as any other Township representative specially designated by the Township Supervisors shall be responsible for and have authority to enforce the provisions of this ordinance.
- B. These enforcement officers shall have authority to investigate complaints of violations and to issue orders to extinguish outdoor fires that are in violation of the Ordinance, to impose conditions on maintenance of outdoor fires to prevent nuisances or violations of this Ordinance, or to take other appropriate corrective actions. Any order issued by an enforcement officer shall take effect immediately upon notice to the landowner or other person in charge of the property or outdoor fire.
- C. The Police Department shall have authority to institute proceedings before a District Justice for a penalty as provided for in the Ordinance.

SECTION 10. PENALTIES

Any person who violates any provision of this Ordinance, or who fails or refuses to comply with any order of the Township's designated enforcement officers, shall be guilty of a summary offense and upon conviction shall pay a fine of not less than Twenty-five (\$25.00) or more than Five Hundred Dollars (\$500.00) plus costs of prosecution, including court costs and reasonable attorney fees incurred by the Township in enforcement proceedings. In default of such payment, such person shall be sentenced to imprisonment for a period not to exceed ten (10) days. Each day or portion thereof that a violation is found to exist shall constitute a separate offense. Each section of the Ordinance, which is being violated, shall also constitute a separate offense.

SECTION 11. REPEALER

All ordinances and parts of ordinances inconsistent herewith are hereby repealed including Ordinance No. 188 – 2007 Series enacted October 9, 2007, in its entirety.

SECTION 12. SEVERABILITY

Should any section, part or provision of this Ordinance be declared by appropriate authority to unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

SECTION 12. EFFECTIVE DATE

The provisions of this ordinance shall become effective five (5) days after adoption thereof.

Enacted as an Ordinance of Sadsbury Township this 5th day of January, 2015.

ATTEST:

SADSBURY TOWNSHIP
BOARD OF SUPERVISORS
CRAWFORD COUNTY, PENNSYLVANIA

By: Rose A. Mumau
Rose A. Mumau, Secretary

By: Kevin R. VanHonk
Kevin R. VanHonk, Chairman

By: Lyle E. Hoovler
Lyle E. Hoovler, Vice-Chairman

By: Bonnie B. Smith
Bonnie B. Smith, Supervisor

Date of Adoption: January 5, 2015