

**PALMYRA TOWNSHIP**  
PIKE COUNTY, PENNSYLVANIA

**ORDINANCE NO. 84 - 1999**  
**BURNING ORDINANCE**

AN ORDINANCE AMENDING ORDINANCE 73-1995 REGULATING FIRES AND BURNING WITHIN THE TOWNSHIP OF PALMYRA, COUNTY OF PIKE, COMMONWEALTH OF PENNSYLVANIA, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of Palmyra Township, Pike County, Pennsylvania, pursuant to their power to promote the public health, safety and general welfare, hereby ordain and enact the following ordinance:

**BE IT ENACTED AND ORDAINED**, by the Supervisors of Palmyra Township, County of Pike, Commonwealth of Pennsylvania, by authority of same, and pursuant to the authority granted to the Board of Supervisors by the Legislature of the Commonwealth of Pennsylvania in the Second Class Township Code, that Ordinance 73-1995 is hereby amended to read as follows:

**§1.00 - Short Title:** This Ordinance shall be known and may be cited as *The Palmyra Township Burning Ordinance*.

**§2.00 - Purpose:** This Ordinance is adopted for the purpose of promoting and protecting the public health, safety, welfare, and reasonable and comfortable use of property, and to avoid unnecessary calls and false alarms to the Fire Company, and to prevent needless damage to life and property and limit nuisances which may result from uncontrolled and unrestricted burning in the Township of Palmyra, County of Pike, Commonwealth of Pennsylvania.

**§3.00 - Definitions:** Certain words, and terms are used in this Ordinance and for the purposes hereof are defined as follows:

**Burning:** Any process which involves the use of an open flame or intense heat including, but not limited to, uncontained fires, contained fires, any manufacturing and commercial process involving burning, and incinerators.

**Contained Fire:** Any fire contained in a 55-gallon steel drum, incinerator, or other fireproof container covered with wire mesh or similar material not exceeding one-half (1/2) inch diameter; or, a fire used for outdoor cooking, such as a barbecue pit, grill or fireplace.

**Fire:** The phenomenon of rapid self-sustaining chemical reaction (oxidation) usually accompanied by the evolution of light and heat.

**High Fire Danger Period:** Periods of high winds or very dry conditions; or times designated as such by any agency of the Commonwealth.

Outdoor Fire: Any fire set or maintained outside a building.

Person: An individual, organization, corporation, partnership, government or governmental subdivision or agency, business, trust, estate, association, and any other legal or commercial entity.

Uncontained Fire: Any fire except a "contained fire" and typically ignited for the burning of brush or nontoxic construction materials.

**§4.00 - Conformance:** It shall be unlawful for any person to start or ignite an outdoor fire, or allow an outdoor fire to be started or ignited, or to cause and allow any outdoor fire to be maintained, except in strict conformity with this Ordinance. Any person violating any provision of this Ordinance shall be subject to the penalties herein provided.

§4.01 - Ordinance Provisions: Strict compliance with each and every provision of this Ordinance shall be required, and the violation of any one or more provisions of this Ordinance shall constitute a violation of the Ordinance.

§4.02 - Continuing Violation: A violation of any provision of this Ordinance on each and every day shall constitute a separate offense.

**§5.00 - Burning Not Prohibited:** Nothing herein provided shall prohibit:

§5.01 - Cooking and Heating: Any burning conducted wholly within the confines of a permanent structure intended for the habitation of human beings, and said fire or burning is used for cooking purposes or for heating said structure.

§5.02 - Outdoor Cooking: Any burning, the sole purpose of which is to cook or prepare food, provided that said fire is confined in a fireplace, barbecue pit, cooking grill or other container designed for outdoor cooking provided a responsible adult is present at all times.

§5.03 - Fire Fighting Training: Any burning conducted solely for the purpose of fire-fighter and/or rescue personnel training by a volunteer fire company.

**§6.00 - Standards Applicable to Outdoor Fires:** The following standards shall apply to all fires, burning, and incineration in Palmyra Township.

§6.01 - Endangerment: No fire shall be set or maintained that may endanger any building or property.

§6.02 - Unattended Burning: No burning shall be conducted without a responsible adult being present at all times.

§6.03 - Public Property: No fire shall be set or maintained on any public road or 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.

§6.04 - Fire Control Equipment: When any burning is conducted in accord with this Ordinance, the person responsible for said burning shall maintain at the site any and all equipment appropriate and adequate to contain and control the burning being conducted. Such equipment may, for example, include a charged hose, fire extinguisher, Indian tanks, shovels or rakes.

§6.05 - Setbacks: No outdoor burning shall be permitted within twenty (20) feet of any building.

§6.06 - Contained Fires:

- A. The burning of readily combustible nontoxic household or commercial waste shall be conducted only in a non-combustible container in such location and of a design to prevent the spreading of the fire.
- B. Any such waste burned must be generated only upon the premises as part of the normal residential use.
- C. No contained fires shall be permitted to burn or smolder for more than two (2) hours duration or at any time between dusk and dawn.
- D. The area within a radius of ten (10) feet of the container shall be cleared of any leaves, brush or other flammable material.

§6.07 - Uncontained Fires:

- A. An area of twenty (20) feet in all directions from the outer edge of an uncontained fire shall be maintained free and clear of all flammable material.
- B. No uncontained fires shall be allowed to burn or smolder between dusk and dawn. If an uncontained fire will continue to smolder, the person responsible for the fire shall notify the Palmyra Township Board of Supervisors and the Tafton Volunteer Fire Company and shall provide the location, and name and telephone number of the responsible person.
- C. In the event it is necessary to have an uncontained fire at other than the times permitted under this Ordinance, special permission must be secured from the Palmyra Township Board of Supervisors, and the Tafton Volunteer Fire Company shall be notified of such fires not less than twenty-four (24) hours before ignition. The person requesting permission shall provide in writing the specific time, location, and name and telephone number of the responsible person.
- D. Indian tanks, charged hoses or other adequate fire fighting equipment shall be available on site at all times an uncontained fire is burning or smoldering.
- E. No materials to be disposed of by an uncontained fire shall be piled to a height of more than ten (10) feet.

**§7.00 - Prohibition of Outdoor Burning:** No uncontained fires shall be permitted during any high fire danger period as defined by this Ordinance. No outdoor burning of any kind shall be permitted

when a ban on burning has been instituted by the Township Board of Supervisors. The Township Board of Supervisors shall have the right to institute a ban on any or all outdoor burning in the Township when such unusual fire risk warrants a ban. The ban may be instituted or discontinued by the Board at a duly convened meeting, or may be instituted or discontinued by the Chairman of the Board at any time, with the ban or discontinuance of the ban to be ratified by the Board at the next following meeting of the Board. Notice of a ban or discontinuance of a ban shall be given in a paper of general circulation and by posting a notice at the Township office and the Tafton Volunteer Fire Company or by giving such other notice as the Township shall deem appropriate.

**§8.00 - Unsafe Fires:** Any fire permitted to burn in an unsafe manner, under adverse weather conditions or unsupervised, or otherwise in violation of this Ordinance, or determined unsafe or a nuisance by the Township Board of Supervisors or their designee, or an Officer of the Tafton Volunteer Fire Company shall be extinguished immediately upon demand by such official. Failure to immediately extinguish an unsafe fire shall be considered a public nuisance and this Ordinance authorizes the Township to take all necessary steps to extinguish the fire, including, but not limited to, entry onto private property, or authorizing the Tafton Volunteer Fire Company to do so.

**§9.00 - Enforcement and Penalties:**

**§9.01 - Enforcement Officer:** This Ordinance shall be enforced by the Township Board of Supervisors and/or any other agent, employee or official as may be designated by the Board of Supervisors.

**§9.02 - Violations:** Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violation, shall upon conviction thereof, before any District Justice, be sentenced to pay a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) per day of violation, together with the costs of prosecution, and in default of the payment of said fine and costs, shall be committed to the Pike County Jail for a period not exceeding thirty (30) days. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. Failure to provide the proper notice as required by this Ordinance for certain fires or failure to promptly extinguish any unsafe fire as set forth in §8.00 shall constitute a violation of this Ordinance.

**§9.03 - Equitable and Other Remedies:** In addition to the fines and penalties prescribed in §9.02, the Township may enforce this Ordinance by equitable, injunctive and other remedies of law, and shall recover from the violator(s) reasonable attorney fees, court costs and other costs incurred by the Township in enforcing this Ordinance.

**§9.04 - Fire Company Expenses:** Any person who violates any provision of this Ordinance or who is responsible for any unsafe fire as set forth in §8.00 shall pay all costs and expenses of any volunteer fire company resulting from the response of said fire company(ies) to any fire resulting from said violation or to any unsafe fire.

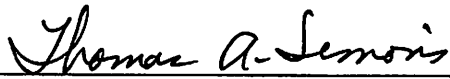
**§10.00 - Severability:** The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative 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.

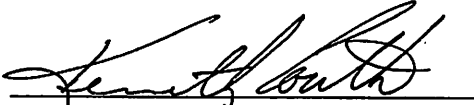
**§11.00 - Repealer:** Palmyra Township Ordinance No. 32- 1975 and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**§12.00 - Enactment:** This Ordinance is hereby adopted and enacted this 3<sup>rd</sup> day of August, 1999, and shall become effective five (5) days after its enactment.

PALMYRA TOWNSHIP SUPERVISORS

  
Thomas A. Simons, Chairman

  
Eric J. Ehrhardt, Vice-Chairman

  
Kenneth Coutts, Secretary

ATTEST:

