

PALMYRA TOWNSHIP  
PIKE COUNTY, PENNSYLVANIA  
ORDINANCE NO. *115*- 2012 BURNING ORDINANCE

AN ORDINANCE AMENDING ORDINANCE 84-1999 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 84-1999 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.

Camp Fire: Any wood fire conducted as part of a camp, or as part of outdoor recreation.

Contained Fire: Any outdoor fire contained in a fireproof container or confined by stone, brick or block laid on the ground; or, a fire used for outdoor cooking, such as a barbecue pit, grill or fireplace; or burning of leaves and brush contained by the actions of a responsible adult to prevent the spread of fire beyond the buffer zone of non-combustible materials.

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

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.

**§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.

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

**§6.05 - Prohibited Materials:** Burning of hazardous materials and any materials which produce noxious or harmful combustion products are prohibited.

**§6.06 - Nuisances:** Smoke from any contained fire or controlled burn shall not be allowed to create a nuisance for other properties.

**§6.07 - Fire Control Equipment:** When any burning is conducted in accordance with this Ordinance, the person responsible for said burning shall maintain at the site equipment appropriate and adequate to prevent the spread of fire outside the buffer area. Such equipment shall include an adequate water supply (not less than 10 gallons, or a hose capable of supplying at least 4 gallons per minute) and additional equipment, for example shovels or rakes.

**§6.08 - 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. The burning of leaves and brush need not be contained by a non-combustible container, but shall be conducted in such a location and manner so as to contain the fire to the leaves and brush intended to be burned.

C. Any such waste burned must be generated only upon the premises as part of the normal residential use.

D. 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.

E. A buffer zone with a radius of ten (10) feet of the container shall be cleared of any leaves, brush or other flammable material.

**§6.09 - Controlled Burns:**

A. No less than one hour prior to conducting a controlled burn, the person responsible for conducting the controlled burn shall notify the Pike County Communications Center at 570-296-7600 of the location and start time and finish time of the controlled burn.

B. A buffer zone of twenty (20) feet in all directions from the outer edge of a controlled burn shall be maintained free and clear of all flammable material.

C. No controlled burn shall be started before one hour after sunrise. All controlled burns shall be extinguished before one hour before sunset, unless a specific request is made otherwise.

D. No materials to be disposed of by an uncontrolled burn shall be piled to a height of more than ten (10) feet.

**§6.10 - Camp Fires:**

A. Camp fires shall be less than four feet in diameter and less than three feet high.

B. Camp fires shall not be required to conform to the requirements of §6.07 through §6.09.

**§7.00 - Prohibition of Outdoor Burning:**

A. No contained fires, controlled burns or camp fires shall be permitted during any high fire danger period as defined by this Ordinance.

B. No outdoor burning shall be permitted when a ban on burning has been instituted by the Township Board of Supervisors.

C. 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 Fire Company or by giving such other notice as the Township shall deem appropriate.

**§8.00 - Unsafe Fires:**

A. 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 the Incident Commander on the scene, shall be extinguished immediately upon demand by such official.

B. Failure to immediately extinguish an unsafe fire shall be considered a public nuisance and this Ordinance authorizes the Township, or the Incident Commander on scene, to take all necessary steps to extinguish the fire, including, but not limited to, entry onto private property, or authorizing a fire company to do so.

C. A fire that has spread beyond the buffer zone shall be *prima fascia* evidence of an unsafe fire.

#### **§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, or employee, or the Fire Chief or First Assistant Chief of the Tafton Fire Company (unless the Supervisors have designated someone in their stead), or an Incident Commander who has been dispatched to the scene by Pike County 9-1-1.

**§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.

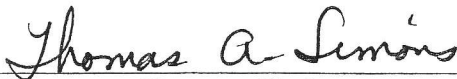
**§9.04 - Fire Company Expenses:** Any person who violates any provision of this Ordinance or who is responsible for any unsafe fire as set forth in §8.00 shall pay all costs and expenses of any volunteer fire company resulting from the response of said fire company(ies) to any fire resulting from said 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. 84- 1999 and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**§12.00 - Enactment:** This Ordinance is hereby adopted and enacted this 3rd day of August, 2011, and shall become effective five (5) days after its enactment.

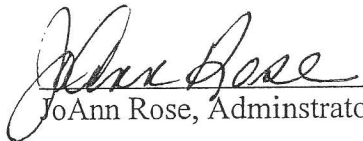
PALMYRA TOWNSHIP SUPERVISORS

  
Thomas A. Simons, Chairman

  
Eric J. Ehrhardt, Vice-Chairman

  
Kenneth Coutts, Secretary

ATTEST:

  
JoAnn Rose, Administrator