

ORDINANCE NO. 89 - 2

AN ORDINANCE OF THE TOWNSHIP OF PENN FOREST RESTRICTING FIRES AND OPEN BURNING; REQUIRING BUILDERS AND CONTRACTORS TO MAINTAIN DUMPSTERS AT THE CONSTRUCTION SITE FOR REMOVAL OF CONSTRUCTION REFUSE; AND PRESCRIBING PENALTIES FOR VIOLATION.

SECTION 1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FURNACE - any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

GOVERNING BODY - the Board of Supervisors of Penn Forest Township.

INCINERATOR - any device, not including a hole placed in the ground, specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material.

OPEN FIRE - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

RECREATIONAL FIRE - an outdoor fire used for cooking or to produce heat for the use of campers, vacationers, hunters and other recreational activities provided such fire is under continuous supervision.

REFUSE - garbage, rubbish and trade waste.

REPORTED BURN - a fire required under this ordinance to be reported in advance to the Carbon County Communications Center.

RUBBISH - solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - any business, trade or industry engaged

in whole or in part in salvaging or reclaiming any product or material, including but not limited to, metals, chemicals, shipping containers or drums.

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; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

SECTION 2. Enforcement. The Board of Supervisors of Penn Forest Township shall have the power to enforce the provisions of this ordinance. The chief of each of the volunteer fire companies in the Township, and in his absence the assistant fire chief, is hereby designated as the fire enforcement officer with authority to issue citations and prosecute violations of this ordinance.

SECTION 3. Regulations. Within the geographic limits of Penn Forest Township, excepting open fires as permitted in Section 4 below, no person shall:

1. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building, or

2. Cause, suffer, allow, or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation, on any property under his control outside of any building, or

3. Construct, ignite, allow or permit fires for the burning and destruction of building materials and refuse resulting from home and other building construction. All builders and contractors of homes and other facilities or improvements within Penn Forest Township shall be required to maintain a dumpster at the construction site for the removal of trade waste or refuse resulting from construction and shall make provisions for the ultimate removal of such waste and refuse from the construction site and disposal in a landfill approved by DER or in any other manner that will comply with all state and federal laws and regulations on or prior to the completion of construction.

SECTION 4 Open Fires

1. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

A. The prevention of a fire hazard which cannot be abated by other reasonable means; or

B. The protection of public health.

2. Open fires may be set with approval of the authorized enforcement agent of this ordinance; provided,

A. Leaves, branches and other non-putrescible vegetable matter only are burned,

B. There is no practical available alternative method for disposal of the material to be burned.

C. No hazardous or other objectionable condition will be created by such burning,

D. No such burning is allowed on any public street or sidewalk within Penn Forest Township, and

E. All such burning takes place between the hours of 7:00 A.M. and 7:00 P.M. These restrictions as to time shall not apply to recreational fires.

3. Open fires under the maintenance and control of the Township and its employees are permitted at the Township Transfer Station.

SECTION 5 - Restrictions Respecting Open Fires All open fires permitted under this ordinance, with the exception of recreational fires and fires permitted at the Township Transfer Station, (this includes fires to dispose of tree limbs, branches and leaves resulting from the grubbing of properties for new construction), shall meet the following regulations:

A. The ground within five feet of the fire shall be cleared of all combustible material.

B. A source of water, or other fire suppressant, sufficient to extinguish the fire, shall be located nearby.

C. The fire shall at all times be attended.

D. The fire shall be reported to the Carbon County Communications Center a minimum of thirty minutes in advance of starting the fire. Notice to the Carbon County Communication Center shall include the location and size of the fire, approximate burn time, and the name and telephone number of the person supervising the fire.

SECTION 6. Penalties. Any person who violates this ordinance shall, upon conviction thereof, be sentenced to pay a fine of fifty (\$50.00) dollars plus costs for failure to report a fire as

provided in Section 5 (D); a fine of three hundred (\$300.00) dollars plus costs when the fire company has to be dispatched to extinguish an open fire permitted under this ordinance, which fire has been reported in accordance with Section 5 (D) and for which this ordinance has otherwise been violated; and a fine of five hundred (\$500.00) dollars plus costs when an open fire not permitted under this ordinance or an open fire permitted under this ordinance but which has not been reported in accordance with Section 5 (D) has to be extinguished by the fire company. For any other violation of this Ordinance a fine of \$100.00 shall be paid.

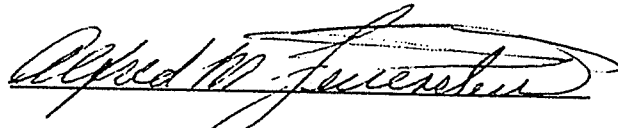
SECTION 7. Amendment of Regulations and Fines. The Board of Supervisors of Penn Forest Township shall have the power from time to time to amend the regulations and fines set forth in the foregoing Section 6 of this Ordinance by a Resolution duly adopted by a majority of said Supervisors at any regular or special meeting thereof.

SECTION 8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

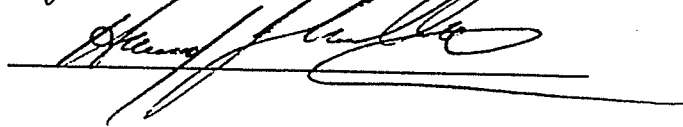
SECTION 9. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of Penn Forest Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. Effective Date. This ordinance shall become effective upon adoption.

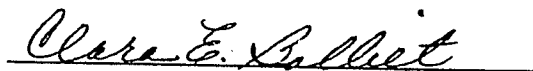
BOARD OF SUPERVISORS OF PENN
FOREST TOWNSHIP







ATTEST:


SECRETARY

Adopted July 3, 1989