

ORDINANCE NO. 08- 05

**AN ORDINANCE OF THE TOWNSHIP OF PENN FOREST  
RESTRICTING FIRES AND OPEN BURNING; 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** – an enclosed 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, and which is equipped with a flue as defined in 25 Pa. Code §121.1.

**OPEN FIRE** – a fire in which any material is burned in the open or in a receptacle other than a furnace, incinerator, or recreational fire.

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

**RECREATIONAL FIRE** – a fire which is set and maintained solely for the purpose of recreation, including camp fires, ceremonial fires and open fires for cooking.

**RECYCLABLE MATERIALS** – aluminum, tin and bi-metal cans, clear and colored glass bottles and jars, corrugated paper (cardboard), newspaper, office paper, plastic bottles and jars and such other materials as specified from time to time by resolution of the Township Board of Supervisors to be recycled.

**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, building materials, 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. Regulations.** Within the geographic limits of Penn Forest Township, excepting fires as permitted in Section 3 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. cause, suffer, allow, or permit the burning of recyclable materials, including leaf waste, collected through the municipal recycling program.

**SECTION 3. Exceptions.** Subject to the following exceptions:

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 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;
  - E. all such burning takes place between the hours of 7:00 A.M. and 7:00 P.M.; and
  - F. there is no burning ban in effect in the Township (whether declared by the Federal government, the State, the County, the Township, or any of their respective agencies).
3. Recreational fires provided:
- A. branches, tree limbs, and charcoal only are burned;
  - B. no garbage or refuse is burned;
  - C. no hazardous or other objectionable condition will be created by such burning; and
  - D. there is no burning ban in effect in the Township (whether declared by the Federal government, the State, the County, the Township, or any of their respective agencies).

**SECTION 4. Enforcement.** The chief of each of the volunteer fire companies in the Township, and in his absence, the assistant fire chief, is hereby designated as a fire enforcement officer who shall have the power to enforce the provisions of this ordinance. Additionally, the governing body may appoint additional fire enforcement officers who shall have the power to enforce the provisions of this Ordinance.

**SECTION 5. Restrictions Respecting Open Fires.** All open fires permitted under this ordinance (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 (5) 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; and

D. the fire shall be reported to the Carbon County Communications Center (using its non-emergency phone number), a minimum of thirty (30) minutes in advance of starting the fire. Notice to the Carbon County Communications 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 Section 5(D) of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of Two Hundred (\$200.00) Dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Any person who shall violate any other provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

**SECTION 7. Repealer.** All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 8. 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 9. Effective Date.** This ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED into an ordinance this 16<sup>th</sup> day of October, 2008.

PENN FOREST TOWNSHIP SUPERVISORS

BY: [Signature]  
Judith M. Knappenbuser  
[Signature]  
Wanda Penn  
[Signature]

ATTEST:

Tammy L Parent   
Secretary