

Chapter 7

Fire Prevention and Fire Protection

Part 1 Open Burning

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Part 1**Open Burning****A. Open Burning Regulations****§7-101. Background.**

The Board of Supervisors of Hepburn Township, having concerns about the safety, health and welfare issues as a result of open fires within the Township had determined that regulations concerning open burning are in the best interests of the residents of the Township within the limits provided by the authority granted to the Board of Supervisors by the Second Class Township Code, 53 P.S. §65101 *et seq.*, and other jurisdictional authority.

(Ord. 10.3.2006, 10/3/2006, §1)

§7-102. Definitions.

For the purpose of this Part, the following words and terms shall have the meanings ascribed to them herein:

Contained fire - any fire contained in an incinerator, fireplace or other contained enclosure designed for outdoor cooking, or a fireproof container.

Furnace - any fully 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.

Incinerator - any fully enclosed device specifically designed for the disposal of contents through fully enclosed burning.

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 legal entity.

Refuse - garbage, rubbish, and trade waste.

Responsible adult - an individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any disability which would impair his or her ability to properly supervise a fire.

Rubbish - solids not considered to be highly flammable or explosive including but not limited to, rags, old clothes, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items, and other similar items.

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.

Domestic waste - waste which is generated from the normal occupancy of a

structure occupied solely as a dwelling. The term does not include appliances, carpets, demolition waste (insulation, plaster, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

Yard waste - leaves, garden residue, tree trimmings, chipped shrubbery, and other vegetative material which are in a dry condition.

(Ord. 10.3.2006, 10/3/2006, §2)

§7-103. Regulations.

1. *Compliance with Chapter.*

A. It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, or whatever nature, without complying with this Part.

B. Nothing herein shall be construed to prevent the Pennsylvania Department of Environmental Protection approved firefighting training by Township-designated firefighting organizations.

2. *Public Roads and Public Properties.* No person shall set, start, feed to burn or maintain any fire upon any of the streets, sidewalks, alleys or grounds in Hepburn Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such a fire.

3. *Safe Distances.* Out-of-door fires shall take place at least 20 feet from any building, property line, right-of-way, or road line.

4. *Control of Burning and Unattended Fires.*

A. No fire shall be allowed to burn unattended without a responsible adult (18 years of age or older) being present at all times and without readily available fire-extinguishing apparatus.

B. No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed in effect by the Commonwealth of Pennsylvania or other governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fire in their opinion especially hazardous.

C. No fire shall be set that results in uncontrolled burning of vegetation (field fires).

5. *Hours.*

A. No person shall burn, smolder, or cause to be burned any domestic waste (paper, boxes), or yard waste (leaves), or any other kind of substance, nor shall any person or persons maintain any uncontained fire, or burn or cause to be burned an uncontained fire of any substance or material of any kind, out-of-doors, anywhere in the Township of Hepburn between the sunset and sunrise.

B. Recreational or ceremonial fires using natural, untreated wood are permitted at any time so long as they comply with all other provisions of this Part.

6. *Regulations.*

A. Burning of refuse (rubbish, garbage, or trade waste) is strictly prohibited.

B. The burning of other domestic waste shall be permitted under the following conditions:

(1) The fire shall be contained in a noncombustible, properly ventilated container covered with a wire screen, mesh or other suitable noncombustible cover so as to prevent pieces or particles from escaping, floating, and/or being blown away.

C. Contained fires set solely for cooking are permitted.

D. Fires set solely for recreational or ceremonial purposes are permitted.

E. A fire set for the purpose of burning that amount of yard waste generated from the premises of a structure occupied solely as a dwelling is permitted when the fire is on the premises of said structure.

F. Agricultural waste as defined in the Clean Air Act, 42 U.S.C. §7401 *et seq.*, is exempted from these regulations, enforcement and penalty.

(*Ord. 10.3.2006*, 10/3/2006, §3)

§7-104. Enforcement.

1. The Township Supervisors, or any other officer or designated person, are authorized to give notice by personal service or certified mail to the owner or occupant of any premises where upon an open fire in violation of this Part has occurred.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 8.5.2008*]

(*Ord. 10.3.2006*, 10/3/2006, §4; as amended by *Ord. 8.5.2008*, 8/5/2008)

B. Open Burning Ban**§7-111. Declaration of Ban.**

The Hepburn Township Supervisors may declare by resolution that there shall be no open burning within the Township or any designated portion thereof whenever it appears to the Supervisors that such open burning would create a fire hazard condition because of the lack of rain or dry condition of the land and vegetation within the Township or designated area thereof.

(Ord. 1989-2, 4/6/1989)

§7-112. Burning Prohibited Following Ban.

Upon the imposition of a ban against open burning it shall be unlawful for any person or entity to start a fire or burn any substance outside of the enclosed confines of a building or to permit, cause, facilitate or maintain in any way a fire or burning of any substance outside of the enclosed confines of a building; provided, however, that wood, charcoal or gas fires used for the preparation of foods shall not be subject to such ban if such fires are maintained in appropriate appliances or containers and reasonable safeguards are taken to prevent dangerous conditions from arising by the emission of sparks, flames or smoke from such cooking fires.

(Ord. 1989-2, 4/6/1989)

§7-113. Procedure.

1. The ban against open burning as above set forth may be imposed by resolution of the Hepburn Township Supervisors for such a period of time and in such areas of the Township, or the entire Township, as they shall determine to be warranted by the fire hazard conditions existing.

2. In addition, the Chairman of the Supervisors may impose such a ban if the Chairman, after consultation with the Chief of the Hepburn Township Volunteer Fire Company (or person acting in such capacity) determines that an emergency fire hazard condition exists warranting the imposition of an open burning ban; provided, however, that the Board of Supervisors at their next meeting affirm by resolution the imposition of the open burning ban; otherwise, the imposition of the ban by the Chairman's action shall be considered a nullity. Any open burning ban shall remain in effect until the Supervisors by resolution terminate the ban upon their determination that the fire hazard condition no longer exists.

(Ord. 1989-2, 4/6/1989)

§7-114. Notice of Ban.

Whenever an open burning ban is imposed or is terminated, notice thereof shall be published once in the legal advertising section of a newspaper of general circulation within Hepburn Township and shall be effective immediately upon such publication. The Township shall also take reasonable steps to publicize the imposition or termination of such a ban through the public news media.

(Ord. 1989-2, 4/6/1989)

§7-115. Fines and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

Each act of burning and each day that burning is continued shall constitute a separate offense.

(Ord. 1989-2, 4/6/1989; as amended by Ord. 8.5.2008, 8/5/2008)

§7-116. Enforcement.

The Hepburn Township Supervisors, or an officer thereof acting under their direction, in addition to other remedies, may institute in the name of Hepburn Township any appropriate legal action or proceeding to prevent, restrain, correct or abate such burning, or to prevent any act, conduct, business or use constituting a violation hereof.

(Ord. 1989-2, 4/6/1989)