

BLOOMING GROVE TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 66

AN ORDINANCE OF BLOOMING GROVE TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, FOR THE REGULATION OF FIRES AND BURNING WITHIN THE TOWNSHIP, AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Blooming Grove Township, Pike County, Pennsylvania, at a regularly advertised meeting, the following Ordinance:

SECTION 1: *SHORT TITLE.*

This Ordinance shall be known and may be cited as “*The Blooming Grove Township Burning Ordinance.*”

SECTION 2: *AUTHORITY.*

This Ordinance is adopted pursuant to the provisions of The Second Class Township Code, 53 P.S. § 65101, *et seq.*, as amended (hereinafter referred to as the “*Code*”).

SECTION 3: *PURPOSES.*

The Board of Supervisors (hereinafter referred to as the “*Board*”) of Blooming Grove Township, Pike County, Pennsylvania (hereinafter referred to as the “*Township*”), hereby adopts and enacts this Ordinance for the following purposes, each of which may result from uncontrolled, unrestricted, and/or impermissible burning in the Township:

- (A) Protecting and preserving the public health, safety and general welfare of the residents of the Township; *and*
- (B) Promoting the reasonable and safe use of property in the Township; *and*
- (C) Preventing needless damage and/or risk of injury to life and property in the Township; *and*
- (D) Avoiding unnecessary calls, reports, and/or false alarms to the Fire Departments that serve the Township.

SECTION 4: DEFINITIONS.

As used in this Ordinance, the following terms are hereby given the meanings set forth below:

- (A) **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/or commercial process involving burning and incinerators.
- (B) **Contained Fire**: Any fire contained in a 55-gallon steel drum, incinerator, fireplace, wood burning or pellet stove, 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 grill, pit, or other outdoor fireplace.
- (C) **Fire**: The phenomenon of rapid self-sustaining chemical reaction (oxidation), usually accompanied by the evolution of light and heat.
- (D) **Fire Company or Fire Companies**: Any fire company, or combination of fire companies, that serve Blooming Grove Township, including, but not limited to, Blooming Grove Volunteer Fire Department No. 1, Inc., Station No. 25, (hereinafter referred to as “**BGVFD**”), and Hemlock Farms Volunteer Fire & Rescue Company, Station No. 29 (hereinafter referred to as “**Hemlock**”).
- (E) **High Fire Danger Period**: Periods of high winds or very dry outdoor conditions, or times designated as such by any agency, department, or political subdivision of the Commonwealth, including, but not limited to, the Township.
- (F) **Outdoor Fire**: Any fire set or maintained outside of a building or other structure.
- (G) **Person**: An individual, organization, corporation, partnership, government or governmental agency, department or political subdivision, business, trust, estate, association, and any other legal or commercial entity.
- (H) **Uncontained Fire**: Any fire except a “Contained Fire,” as defined herein, which is typically ignited for, but not limited to, the burning of brush, debris, garbage, trash, and/or non-toxic construction materials.

SECTION 5: COMPLIANCE.

- (A) **Unlawful Outdoor Fires**:

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 or allow any Outdoor Fire to be maintained, except in strict conformity with this Ordinance.

(B) **Conformity with Ordinance and Violations:**

- (1) Strict compliance with each and every provision of this Ordinance is required, and the violation of any one (1) or more provisions thereof shall constitute a violation or violations of the Ordinance.
- (2) A violation or violations of any one (1) or more provisions of this Ordinance shall constitute a separate offense (or separate offenses, as the case may be) for each and every day that the violation or violations exist.

SECTION 6: BURNING IS NOT PROHIBITED.

(A) Nothing herein provided shall prohibit the following:

- (1) **Cooking and Heating:** Any burning conducted wholly within the confines of a permanent structure intended for the habitation of human beings, provided that said fire or burning is used for cooking purposes or for heating said structure only.
- (2) **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, and further provided that a responsible adult is present at all times.
- (3) **Fire Fighting Training:** Any burning conducted solely for the purpose of fire-fighter and/or rescue personnel training by a fire department or other such rescue company.

SECTION 7: STANDARDS APPLICABLE TO OUTDOOR FIRES.

(A) The following standards shall apply to all fires, burning, and incineration in the Township:

- (1) **Endangerment:** No fire shall be set or maintained that may endanger any building or property.
 - (2) **Unattended Burning:** No burning shall be conducted without a responsible adult being present at all times. For purposes herein, an “adult” is any individual over the age of 18 years.
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- (3) **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.
 - (4) **Fire Control Equipment:** When any burning is conducted in accord with this Ordinance, the adult person who is 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.
- (B) **Setbacks:** No outdoor burning shall be permitted within twenty (20') feet of any building.
- (C) **Contained Fires:**
- (1) The burning of readily combustible non-toxic 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.
 - (2) Any such waste burned must be generated only upon the premises as part of the normal residential use.
 - (3) 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.
 - (4) The area within a radius of ten (10') feet of the container shall be cleared of any leaves, brush, or other flammable materials.
- (D) **Uncontained Fires:**
- (1) All Uncontained Fires in the Township must be reported to the Pike County Communications Center (570-296-7700) prior to ignition of the fire. Further, all Uncontained Fires shall be reported to the Pike County Communications Center (570-296-7700) when the fire is completely extinguished.
 - (2) 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 materials.
 - (3) No uncontained fires shall be allowed to burn or smolder between dusk and dawn. If an uncontained fire will continue to smolder, the person
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responsible for the fire shall notify the Pike County Communications Center, and shall provide the location, the name and telephone number of the responsible person.

- (4) In the event that it is necessary to have an uncontained fire at other than the times permitted under this Ordinance, special permission must be secured from the Board; and, the Pennsylvania Communications Center 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, name and telephone number of the responsible person.
 - (5) Indian tanks, charged hoses or other adequate firefighting equipment shall be available on site at all times an uncontained fire is burning or smoldering.
 - (6) No materials to be disposed of by an uncontained fire shall be piled to a height of more than ten (10') feet.
- (E) The burning of any toxic substances, including but not limited to, toxic construction materials, toxic household materials, toxic debris and the like as determined by the regulations enacted by the DEP and DCNR shall be strictly prohibited in the Township.

SECTION 8: *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 Board. The Board shall have the right to institute a ban on any and 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 any time, with the ban or discontinuance of the ban to be ratified by the Board at the next following Board meeting. Notice of a ban or discontinuance of a ban shall be given in a newspaper of general circulation, and by posting a notice at the offices of the Township, the BGTVFD and Hemlock, or by giving such other notice as the Township shall deem appropriate.

SECTION 9: *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 Board, or their designee, or the Pike County Communications Center, shall be extinguished immediately upon demand by such person or agency. 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 BGTVFD or Hemlock to do so.

SECTION 10: *ENFORCEMENT AND PENALTIES.*

- (A) **Enforcement Officer:** This Ordinance shall be enforced by the Board, and/or any other agent, employee or Official as may be designated by the Board.
- (B) **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 (\$ 50.00) dollars, nor more than five hundred (\$ 500.00) dollars 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 Correctional Facility 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 Section 9 above, shall constitute a violation of this Ordinance.
- (C) **Equitable and Other Remedies.** In addition to the fines and penalties prescribed in Section 10(B) above, the Township may enforce this Ordinance by equitable, injunctive and any other remedies at law, and shall recover from the violator(s) reasonable attorneys' fees, court costs, and other costs or fees incurred by the Township in enforcing this Ordinance.
- (D) **Fire Company Expenses:** Any person who violates any provision of this Ordinance, or who is responsible for any unsafe fire as set forth in Section 9 above, shall pay all costs and expenses of any volunteer fire company(ies) resulting from the response of said fire company(ies) to any fire resulting from said violation or to any unsafe fire.

SECTION 11: *SEVERABILITY.*

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any parts thereof.

SECTION 12: *REPEALER.*

All other Ordinances or Resolutions, or sections thereof, that are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 13: EFFECTIVE DATE.

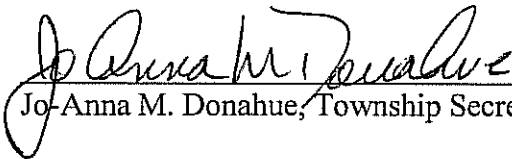
The provisions of this Ordinance shall become effective five (5) days after the date of adoption by the Board of Supervisors.

SECTION 14: ADOPTION.

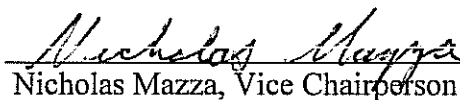
This Ordinance is DULY ENACTED AND ORDAINED into law by the Board of Supervisors of Blooming Grove Township, Pike County, Pennsylvania, on this 19th day of May, 2014.

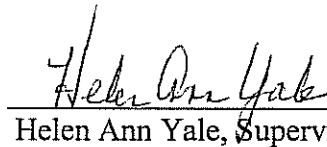
ATTEST:

BOARD OF SUPERVISORS OF BLOOMING
GROVE TOWNSHIP, PIKE COUNTY, PA


Jo-Anna M. Donahue, Township Secretary

By: _____
Randy Schmalzle, Chairman


Nicholas Mazza, Vice Chairperson


Helen Ann Yale, Supervisor