

ORDINANCE NO. 3-99

AN ORDINANCE OF THE TOWNSHIP OF PRICE, MONROE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 34 AND REGULATING AND RESTRICTING OUTDOOR FIRES WITHIN THE TOWNSHIP, AUTHORIZING THE IMPOSITION OF TOWNSHIP BURNING BANS WHEN NECESSARY, AND IMPOSING FINES AND PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of the Township of Price have heretofore adopted Ordinance No. 34 on May 16, 1991, regulating and restricting outdoor fires within the Township and other provisions in order to protect the health, safety, and welfare of the residents of the Township; and

WHEREAS, the Board of Supervisors of Price Township, Monroe County, Pennsylvania, have determined that it is in the best interest and general welfare of said citizens and residents of the Township to amend the outdoor burning regulations for the protection and safety of these inhabitants of the Township; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1993, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, 53 P.S. 66506, entitled "General Powers", authorizes the Board of Township Supervisors to make and adopt ordinances necessary for the proper management, care, and control of the Township, and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, Section 1527 of the said Second Class Township Code, 53 P.S. 66527, entitled "Public Safety", authorizes the Board of Township Supervisors to adopt ordinances to secure the safety of persons or property within the Township; and

WHEREAS, Section 1801 of the said Second Class Township Code, 53 P.S. 66801, entitled "Authority of Board of Supervisors", authorizes the Board of Township Supervisors to provide for fire protection within the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Price Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION I: Prohibited Acts; Exceptions

ORDINANCE NO. 34 of the Township of Price adopted May 16, 1991, is hereby amended as follows, to wit:

No person or persons, firm, association or corporation shall set or maintain any fire upon any of the streets, roads, sidewalks, alleys, or public lands in the Township or burn or cause to be burned thereon any rubbish, leaves, or any other kind of substance, nor shall any such person or persons set or maintain any fire, or burn or cause to be burned any substance or material of any

kind out of doors anywhere in the Township, except between the hours of 6:00 P.M. and 9:00 P.M. on Monday, Tuesday, Wednesday, Thursday, and Friday or between the hours of 8:00 A.M. and 6:00 P.M. on Saturday, or between the hours of 1:00 P.M. and 6:00 P.M. on Sunday. There shall be no burning on the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

The following shall be exceptions to the above prohibitions: (a) Campfires and bonfires for recreational facilities related to their organization; (b) Any fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection, and when set by or under the supervision of a public officer; (c) Any fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection; and (d) Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection.

SECTION II: Permitted Locations and Containers

Out of doors fires shall be permitted only upon private property in the Township, shall take place at least twenty (20) feet from any building, property line, or road line and shall be built or confined to a noncombustible container, covered with a wire screen of one half (1/2) inch or smaller mesh, or in other suitable noncombustible container, except for fires of leaves or brush which need not be confined to nor covered by a noncombustible container. Fires of leaves and brush shall not be subject to any set back limitations from paved or gravel roads. A responsible adult must be present at all times when out of door burning takes place.

SECTION III: Prohibited Materials

No garbage, offal, or materials prohibited by state law may be burned at any time either indoors or out of doors.

SECTION IV: Enforcement

The fire chief and any supervisor may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION V: Appeals and Challenges

This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter or who kindles or sets any fire which gets out of control and requires extinguishment by the fire company servicing the Township at that time shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000.00 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of the chapter that is violated shall also constitute a separate offense. All fines collected for the violation hereof shall be paid over to the Township Treasurer.

SECTION VII: Liability for Damages

The Township and its agents, officials, and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the conduct of any burning activity in compliance with the terms and provisions of this ordinance. The person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

SECTION IX: Integration

The Township hereby declares that should any section, paragraph, sentence, or word of this ordinance be declared for any reason to be invalid, it is the intent of the Township that it would have adopted all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SECTION X: Previous Ordinances

All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION XI: Effective Date

This ordinance shall take effect five (5) days after its enactment.

ORDAINED AND ENACTED into an ordinance at a regular meeting of the Board of Supervisors of Price Township, Monroe County, Pennsylvania, this 18th day of February, 1999.

TOWNSHIP OF PRICE

Donald G. Cramer, Chairman and Supervisor

John F. Brush, Vice-Chairman and Supervisor

Richard R. Mosher, Secretary and Supervisor

Attest:
Richard R. Mosher