

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

PART 1

OUTDOOR BURNING

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PART 1
OUTDOOR BURNING

§101. TITLE.

This Part shall be known and may be cited as the “Spring Township Open Burning Ordinance.”

(Ord. 98-01, 2/2/1998, §1)

§102. AUTHORITY.

This Part is enacted pursuant to §12 of the Air Pollution Control Act, as amended, 35 P.S. 4102(a), and §702, clauses XXIX (Health), XXXII (Fire Prevention), XLI (Ordinances), XLVII (Public Safety) and LXII (General Powers) of the Second Class Township Code, 53 P.S. §§65729, 65732, 65742, 65747 and 65762.

(Ord. 98-01, 2/2/1998, §2)

§103. DECLARATION OF POLICY.

It is hereby declared to be the policy of Spring Township as a matter of public health and safety to regulate the disposal of waste by fire and the open burning in Spring Township. It is further declared that the dangers of open fires, air pollution from fires and the management of waste removal and disposal necessitate regulations to protect buildings, housing, property and the welfare of the Township and the health and well being of its citizens.

(Ord. 98-01, 2/2/1998, §3)

§104. DEFINITIONS.

The following words, terms and phrases, when used in this Part, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them.

HAZARDOUS MATERIALS - the characteristics of this material as defined in Act 101 and EPA guidelines:

- (1) Ignitability.
- (2) Toxosicity.
- (3) Reactivity.

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- (4) Toxicity.
- (5) Items specially listed by name.
- (6) Chemicals subject to clean water act.
- (7) Mixed hazardous and nonhazardous wastes.
- (8) Waste dervied from certain processes.

Methods for the said characterization of a waste, and testing to verify the proper classification, as prescribed in EPA regulations.

OPEN BURNING OR OPEN FIRE - any fire which is burned outside of an enclosed structure or building.

PERSON - any individual, partnership, association, syndicate company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

REFUSE AND GARBAGE - all municipal waste which is regulated by State Act 101 and the Centre County Solid Waste Authority including, but not limited to, plastics, rubber, carpet, furniture, mattresses, tires and clothing, etc.

RIGHT-OF-WAY - the total width of any land reserved or dedicated for the public use of vehicular or pedestrian traffic, including streets, avenues, boulevards, roads, crosswalks, highways, interstates, freeways, parkways, lanes, alleys, sidewalks, marginal access ways and other ways used for vehicular and pedestrian traffic which are dedicated to public use or semipublic or to the use of residents in a land development or subdivision including, but not limited to, the area reserved for cartways, shoulders, drainageways and easements.

VEGETATIVE MATTER - trees, leaves, grass clippings, cutting of plants and limbs of trees up to 4 inches in diameter, except for wood and wood products.

WOOD AND WOOD PRODUCTS - trunks of trees and limbs of trees exceeding 4 inches in diameter and all products of, or made from wood including, but not limited to, trade waste or construction waste.

(Ord. 98-01, 2/2/1998, §4)

§105. UNLAWFUL SUBSTANCES.

1. Burning or construction debris, plastics, byproducts of manufacturing and processing operations and wastes from commercial operations is strictly prohibited.
2. No garbage, offal or rubbish may be burned at any time either indoors or out of doors.

3. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any competent body.

(Ord. 98-01, 2/2/1998, §5)

§106. OPEN FIRES PROHIBITED.

It shall be unlawful for any person to ignite or feed any open fire whatsoever in Spring Township except for fires permitted subject to regulation under §107 or exempted under §108 of this Part.

(Ord. 98-01, 2/2/1998, §6)

§107. OPEN FIRES PERMITTED SUBJECT TO REGULATION.

1. Open burning to clear land for agriculture or construction of a subdivision site. Special permission must be obtained in advance from the fire chief of the local fire company and the Spring Township Board of Supervisors or their designee. In the event any fire company is required to respond to a fire which violates any provision of this part, a service fee may be levied by the responding fire company. Subject to subsection (3) below.
2. Open burning on lots larger than 3 acres for express purpose of burning brush or leaves. Subject to subsection (3) below.
3. General Regulations.
 - A. No open fire shall be permitted before the hour of 7 a.m. and shall be extinguished completely by 6 p.m. except that time to extinguish such fires is extended to 8 p.m. from March 15 to October 15.
 - B. No open fire shall be permitted in a right-of-way.
 - C. No open fire shall be conducted closer than 50 feet from any building.

(Ord. 98-01, 2/2/1998, §7)

§108. OPEN FIRES EXEMPTED.

The following types of fires, provided that such fires are wood and wood products only, are exempted from the regulations set forth in this Part.

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- A. Fires solely for cooking of foods for immediate consumption.
- B. Camp fires for warmth, fellowship, food preparation or ceremonial purposes by bondafide groups of individuals such as hunting camps or public organizations such as the Boy Scouts or Girl Scouts.
- C. Fires set in the performance of public duty by any fireman or for public official purposes.

(Ord. 98-01, 2/2/1998, §8)

§109. ENFORCEMENT.

1. Sanctions. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures, shall be sentenced to pay a fine of not less than \$50 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. 09-00]
2. Equitable and Other Remedies. No penalty herein shall prevent the Township from enforcing this Part by equitable, injunctive and other remedies.
3. Liability. The Township of Spring and its agents, officials and representatives shall not, under any circumstances, be liable or responsible for damages caused by any person or property by reason of the provisions of this Part or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Part. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

(Ord. 98-01, 2/2/1998, §9; as amended by Ord. 09-00, 10/2/2000)