

**CHAPTER 7**  
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**PART 1**

**OPEN BURNING**

**Preface.** This Part establishes the rules and regulations for open burning within North Centre Township.

**§101. DEFINITIONS.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BOARD OF SUPERVISORS** - the Board of Supervisors of the North Centre Township.

**CONTROLLED FIRE** - a fire whose growth and movement of fire products is controlled by performing actions such as the application of water spray to areas where the fire can occur and to control the rate of burning and thereby limit the heat release from a fire until the fuel can be eliminated or extinguishment effected. [Ord. 2/8/2010]

**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.

**INCINERATOR** - any device specifically designed for the destruction by burning of refuse or any other combustible material.

**NUISANCE** - to be defined as physically harmful or destructive, or annoying, unpleasant or obnoxious to a person of reasonable nature and sensibility. [Ord. 2/8/2010]

**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 other legal entity.

**PUTRESCIBLE WASTE** – solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause decay. [Ord. 2/8/2010]

**REFUSE** - garbage and trade waste.

**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 and other similar materials.

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**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, other than wood products, resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid water materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

**YARD WASTE** - leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material. [Ord. 2/8/2010]

(Ord. 1999-01, 1/21/1999; as amended by Ord. 2/8/2010)

### §102. REGULATIONS.

1. Burning is allowed without permit daily from daybreak to 9 p.m.
2. Every controlled fire shall not be permitted closer than 25 feet from any building with the exception of burning in a device designed for fires set solely for recreational purposes or used only for cooking.
3. A burning permit is required for all burning:
  - A. To occur at any times other than those specified in the above subsection.
  - 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 street or sidewalk within the Township.
  - E. The burning permit is valid for one burn only. A permit may be requested by contacting the North Centre Township office.
4. Within the Township limits, no person shall:
  - A. 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.
  - B. 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.

5. All fires shall be attended to at all times by a responsible adult with readily available means of extinguishing the fire.
6. Fire must be extinguished thoroughly with no smoldering.
7. No open burning shall create a nuisance to or impact the health or safety of other persons or animals or create a deleterious effect to another's property.

(Ord. 1999-01, 1/21/1999; as amended by Ord. 2/8/2010)

### **§103. EXCEPTIONS.**

No person shall feed an open fire with any refuse, garbage, rubbish or trade waste other than untreated wood and yard waste with the following exceptions:

- A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
  - (1) The prevention of a fire hazard which cannot be abated by other means.
  - (2) The protection of public health.
- B. A fire may be set solely for recreational purposes, or used only for cooking, at any time without a permit.

(Ord. 1999-01, 1/21/1999; as amended by Ord. 2/8/2010)

### **§104. UNLAWFUL SUBSTANCES.**

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 persons if such burning is in violation of the Air Pollution Control Act or other legislation by the Commonwealth of Pennsylvania or the United States of America or any of their legislative agencies.

(Ord. 1999-01, 1/21/1999; as added by Ord. 2/8/2010)

### **§105. FIRE BAN EMERGENCY.**

The Board of Supervisors may declare a fire ban emergency in North Centre Township, with or without consultations with the fire chiefs of the volunteer fire companies operating within the Township, during periods of drought or other periods of high fire risk to woodlands or property within the Township. Upon the Board of Supervisors declaring a fire ban emergency,

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all outdoor burning or fires shall be prohibited until the ban is lifted by the Board of Supervisors. The Township shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the Township may issue news releases to all communication media, including radio, television and newspapers.

(Ord. 1999-01, 1/21/1999; as amended by Ord. 2/8/2010)

### **§106. ENFORCEMENT.**

The Code Enforcement Officer shall have the power to enforce the provisions of this Part, or in the absence of the Code Enforcement Officer, a Briar Creek Township Police Officer.

(Ord. 1999-01, 1/21/1999; as amended by Ord. 2/8/2010)

### **§107. PENALTIES.**

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 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.

(Ord. 1999-01, 1/21/1999; as amended by Ord. 2/8/2010)

**PART 2**

**FIRE INSURANCE ESCROW**

**§201. USE OF FIRE INSURANCE PROCEEDS.**

1. No insurance company, association or exchange (hereinafter "insurer") doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township of North Centre, Columbia County, Pennsylvania, where the amount recoverable for the fire loss to the structure under all policies exceeds \$7,500, unless the insurer is furnished by the Treasurer of the Township of North Centre with a certificate pursuant to §508(b) of the Insurance Company Law of 1921 as amended by Act 98 of 1992 and Act 93 of 1994 (collectively the "Act) and unless there is compliance with the procedures set forth §508(c) and 508(d) of the Act.
2. Where there are delinquent taxes, assessments, penalties or user charges against the property ("municipal claims"), or there are expenses which the Township has incurred as costs for removal, repair or securing of a building or other structure on the property (collectively "municipal expenses"), the Secretary of the Township shall immediately render a bill for such work, if not already done. Upon written request of the named insured specifying the description of the property, the name and address of the insurer and the date of receipt by the insurer of a loss report of the claim, the Treasurer of the Township shall furnish a certificate within 14 days after the request to the insurer either:
  - A. Stating that there are no unpaid municipal claims or municipal expenses against the property.
  - B. Specifying the nature and amount of such claims or expenses, accompanied by a bill for such amounts.

Taxes, assessments, penalties and user charges shall be deemed delinquent for this purpose if a lien could have been filed for such claims under applicable law. Upon receipt of a certificate and bill pursuant to subsection (2)(A) of this Section, the insurer shall transfer to the Secretary of the Township an amount from the insurance proceeds sufficient to pay said sums prior to making payment to the named insured, subject to the provisions of subsection (3) hereof.

3. When all municipal claims and municipal expenses have been paid pursuant to subsection (2) of this Section or when the Township Treasurer has issued a certificate described in subsection (2)(A) indicating that there are no municipal claims or municipal expenses against the property, the insurer shall pay the claim of the named insured-provided, however, that if the loss agreed upon by the named insured and the insurer equals or exceeds 60% of the aggregate limits of liability on all fire policies covering the building or structure, the following procedures must be followed:

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- A. The insurer shall transfer from the insurance proceeds to the Township Treasurer, in the aggregate, \$2,000 for each \$15,000 of such claim or fraction thereof.
- B. If at the time a loss report is submitted by the insured, such insured has submitted to the insurer, with a copy to the Township, a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure in an amount less than the amount calculated under the foregoing transfer formula, the insurer shall transfer to the Secretary of the Township of North Centre from the insurance proceeds the amount specified in the estimate. If there is more than one insurer, the transfer of proceeds shall be on a pro-rate basis by all insurers insuring the building or other structure.
- C. Upon receipt of the above described portion of the insurance proceeds the Secretary of the Township of North Centre, Columbia County, Pennsylvania, shall do the following:
  - (1) Place the proceeds in a separate fund to be used solely as security against the total municipal expenses anticipated by the Township to be required in removing, repairing or securing the building or structure as required by this Part. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township in connection with such removal, repair or securing or any proceedings related thereto.
  - (2) Mail to the named insured at the address received from the insurer a notice that the proceeds have been received by the Township and that the procedures under this subsection shall be followed.
  - (3) After the transfer, the named insured may submit to the Township of North Centre a contractor's signed estimate of the cost of removing, repairing or securing the building or other structure, in which event the Township Secretary shall, if such estimates deemed by the Township Secretary to be reasonable return to the insured the amount of the funds transferred to the Township of North Centre in excess of that amount required to pay the municipal expenses; provided, however, that the Township has not commenced to remove, repair or secure the building or other structure in which case the Township will complete the work.
  - (4) Pay to the Secretary of the Township for reimbursement to the Township general fund, the amount of the municipal expenses paid by the Township.
  - (5) Pay the remaining balance in the fund without interest to the named insured upon receipt of a certificate issued by the Township Secretary that the repair, removal or securing of the building or other structure has been completed in accordance with all applicable codes and regulations of the Township.

- (6) Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency in the amount of municipal claims or municipal expenses recovered pursuant to this Part, or to insurance proceeds, by an action at law or in equity to enforce the Township codes or to enter into an agreement with the named insured with regard to such other disposition of the proceeds as the Township may deem responsible.

(Ord. 1/12/2004, §1)

**§202. LIMITS OF LIABILITY.**

Nothing in this Part shall be construed to make an insurance company, association or exchange liable for any amount in excess of proceeds payable under its insurance policy or for any other act performed pursuant to this Part or to make the Township or any public official of the Township an insured under a policy of insurance or to create an obligation to pay delinquent property taxes or unpaid removal liens or expenses other than as provided in this Part.

(Ord. 1/12/2004, §2)

**§203. INSURANCE COMPANY RIGHTS RESERVED.**

An insurance company, associated or exchange making payment of policy proceeds under this Part for delinquent taxes or structural removal liens or removal expenses incurred by the Township of North Centre shall have full benefit of such payment including all rights of subrogation and of assignment.

(Ord. 1/12/2004, §3)

**§204. CONSTRUCTION.**

This Part shall be liberally construed to accomplish its purpose to deter the commission of arson and related crimes, to discourage the abandonment of property and to prevent urban blight and deterioration.

(Ord. 1/12/2004, §4)

**§205. NOTIFICATION OF PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT.**

The Secretary of the Township of North Centre shall transmit a certified copy of this Part promptly to the Pennsylvania Department of Community and Economic Development.

(Ord. 1/12/2004, §5)

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### **§206. PENALTY.**

Any owner of property, any named insured or insurer who violates the provisions of this Part or who shall fail to comply with any of the requirements hereof shall be sentenced upon conviction thereof to pay a fine not greater than \$1,000 plus costs and in default of payment of said fine and costs to a term of imprisonment not to exceed 30 days. Each day in which an offense shall continue shall be deemed a separate offense.

(Ord. 1/12/2004, §6)