

PERRY TOWNSHIP
ORDINANCE
BURNING ORDINANCE # 3-10-05

An Ordinance providing for the health and welfare of the citizens of the Township of Perry, Lawrence County, Pennsylvania, by prohibiting the burning of refuse and other materials at specified times, and prescribing penalties for the violation thereof, to be known as the
“Perry Township Burning Ordinance.”

The Board of Supervisors of Perry Township, Lawrence County, Pennsylvania,
hereby adopts, enacts and ordains the follows:

Section 1. As used in this ordinance, the following terms shall have the meanings indicated:

- a. PERSON – any individual, partnership, firm, association, corporation or other legal entity.
- b. OPEN FIRE – any fire occurring outside of a structure and which is not completely enclosed within a fireproof container or vessel that has openings for only draft and flue. An “Open Fire” shall include smoldering material and material from a fire which has not been completely extinguished.

Section 2. It shall be unlawful for any person to ignite, permit, or maintain an open fire on property he owns, possesses, or controls, or on property of another person, except as herein provided.

Section 3. Open fires are permitted on Tuesdays, Thursdays and Saturdays between the hours of 8:00 a.m. and 8:00 p.m. local time. No open fires are permitted on Sundays, Mondays, Wednesdays, Fridays or any recognized holidays.

Section 4. It shall be unlawful for any person to ignite, permit or maintain an open fire on property that he owns, possesses, or controls, or on property of another person, unless there is present at the open fire at all times an individual who has with him an adequate means of controlling and extinguishing the open fire.

Section 5. It shall be unlawful for any person to ignite, permit, or maintain an open fire on property that he owns, possesses, or controls or on property of another person, which shall emit or cause noxious odors to be detectable beyond the boundaries of the property on which the open fire has burned, or to ignite, permit or maintain an open fire which is or shall become a public nuisance.

- a. Burning of construction debris, plastics, rubber, by-products of manufacturing and commercial operations is strictly prohibited.
- b. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the County, Commonwealth of PA or the United States Environmental Protection Agency to be a hazardous substance nor shall any fire be permitted to burn if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of PA.
- c. Fires shall be used only to burn readily combustible materials such as paper, cardboard and dried leaves.

Section 6. No person shall set, start, feed or permit to burn or maintain any fire upon any of the street, roadways, alleys, sidewalks, or public grounds in Perry Township except where a designated area has been set aside for this purpose and an appropriate container has been provided to contain the fire.

- a. Outdoor fires shall be at least 20 feet from any building, property or road line.
- b. Nothing herein shall be deemed to prohibit outdoor cooking activities providing that reasonably safeguards are maintained. Cooking grills may be less than 20 feet from a building.
- c. No fires shall be permitted to burn that produces smoke that is objectionable to neighboring areas.
- d. No fires shall be permitted whenever drought or extreme weather conditions exist.
- e. No fires shall be set that results in uncontrolled burning of vegetation (field fire).

Section 7. Any person who shall violate this ordinance shall pay a fine of not less than three hundred dollars (\$300.00), nor more than one-thousand dollars (\$1,000.00), plus court costs and reasonable attorney fees incurred by the township. Each day that a violation of this ordinance continues shall constitute a separate offense. Each separate open fire shall constitute a separate offense.

Section 8. The Solicitor of the Township of Perry may institute proceedings in equity in the Court of Common Pleas of Lawrence County for the purpose of enjoining any violation or potential violation of this ordinance.

Section 9. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 10. If any clause, sentence, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such shall not affect or impair any of the remaining provisions, clauses, sentences, sections or parts of this ordinance; and it is hereby declared to be the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, or invalid clause, sentence, section, or part thereof not been included herein.

Section 11. In the event that it is necessary to have an uncontained fire of a size and/or at a time, other than permitted by this ordinance, special permission must be obtained in advance from the Wurtemberg-Perry Volunteer Fire Company or his designee. In the event that any fire company is required to respond to a fire which violates the provisions of this ordinance, a service fee may be levied by the responding fire company.

The Perry Township Burning Ordinance No. 2 of 1996 was adopted on September 12, 1996 and is hereby revised on March 10, 2005

This amended Ordinance is Adopted, Enacted, and Ordained this 10th day of March, 2005.

By the Perry Township Board of Supervisors, Lawrence County, PA