

BURNING

ORDINANCE NO. 48

OF

**BUFFALO TOWNSHIP,
WASHINGTON COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF BUFFALO TOWNSHIP,
WASHINGTON COUNTY, PENNSYLVANIA
PROVIDING FOR AND REGULATING THE USE
OF OPEN FIRES AND BURNING BY THE
ESTABLISHMENT OF SPECIFIC REGULATIONS,
EXCEPTIONS, AND DEFINITIONS, DESIGNATING
AN ENFORCEMENT OFFICER AND PRESCRIBING
PENALTIES FOR VIOLATION**

ARTICLE 1: PUBLIC POLICY – It is against public policy to permit uncontrolled and unrestricted outdoor burning. The purpose of this Ordinance is to prevent needless public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained.

ARTICLE 2: DEFINITIONS

- A. CONTAINED FIRE.** Any fire contained in an incinerator, fireplace or other contained enclosure designed for outdoor cooking, or a fireproof container.
- B. GARBAGE.** All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- C. INCINERATOR/NON COMBUSTIBLE CONTAINER.** Any device specifically designed for the destruction by burning of refuse, or any combustible material.
- D. OFFAL.** Waste meat; rejected parts of a butchered animal, rubbish; refuse.
- E. OPEN FIRE.** A fire in which any material is burned in the open or in a receptacle other than an incinerator.
- F. PERSON.** Any individual, partnership, association, corporation, department, bureau, agency or legal entity.
- G. REFUSE.** Garbage, rubbish and trade waste.

H. **RESPONSIBLE ADULT.** An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

K. **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, plastics, recyclable items, and other similar items.

L. **SALVAGE OPERATIONS.** 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.

M. **TRADE WASTE.** All solid or liquid material or rubbish resulting from construction, building operations, demolition of structures, or the prosecution of any business, trade or industry, including but not limited to, plastic products, cartons, paint, grease, oil, and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that trade waste shall not include any coal refuse associated with mining or preparation of coal.

ARTICLE 3: GENERAL LIMITATIONS ON BURNING

A. Compliance with Ordinance

(1) It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, of whatever nature, without complying with this Ordinance.

(2) Nothing herein shall be construed to prevent fire-fighting training by Township-designated fire-fighting organizations.

B. **Public Roads and Public Properties** – No person shall set start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in Buffalo Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

C. Safe Distances

(1) It shall be unlawful to allow any fire, including cooking, within an unsafe distance from any building or property line.

(2) Out-of-door fires shall be permitted only upon private property and shall take place at least twenty (20) feet from a building, property line, or road line.

(3) Nothing herein shall be deemed to prohibit outdoor cooking activities provided that reasonable safeguards are maintained.

(4) Cooking grills may be less than twenty (20) feet from a building provided that reasonable safeguards are maintained.

D. Control of Burning and Unattended Fires

(1) No fire shall be allowed to burn unattended without a responsible adult being present at all times.

(2) Readily available fire extinguishing apparatus, device, or method must be on hand at all times.

(3) No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

(4) No fire shall be set which results in uncontrolled burning of vegetation (field fire).

(5) Out of door fires shall be confined in a non-combustible container, covered with a wire screen of one-half inch or smaller mesh, or in other suitable non-combustible container, except for fires of leaves, brush, and/or natural, untreated wood which need not be confined to or covered by a non-combustible container.

E. Extinguishing Unsafe Fires-It is a violation of this ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire may be extinguished by an official of the Township-designated fire company or extinguished immediately upon request of such official

F Hours

(1) No person shall burn or cause to be burned any paper, boxes, rubbish, leaves or any other kind of substance, nor shall any person or persons set or maintain any uncontained fire, or burn or cause to be burned an uncontained fire of any substance or material of any kind, out-of-doors, anywhere in the Township of Buffalo between sunset and sunrise.

(2) Contained fires shall not be permitted to burn or smolder between the hours of 1 a.m. and 5 a.m.

(3) Recreational fires using natural, untreated wood and containing a fuel source of no more than eight (8) cubic feet are permitted any time so long as they comply with all other provisions of this ordinance and must be extinguished when no longer needed.

G Unlawful Substances

(1) Burning of construction debris, demolition debris, plastics, byproducts of manufacturing and processing operations, and wastes from commercial operations is strictly prohibited.

(2) 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 any other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent body.

(3) No garbage or offal may be burned at any time either indoors or out-of-doors.

(4) Fires shall be used only to burn readily combustible materials.

H Special Circumstances- In the event that it is necessary to have an uncontained fire of a size and/or at times other than permitted under this Ordinance, special permission must be obtained in advance from the Fire Chief Buffalo Township Volunteer Fire Company or his designee. In the event 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.

ARTICLE 4: FIRE BAN EMERGENCY

A. The Board of Supervisors may declare a fire ban emergency in Buffalo Township with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township during period of drought, or other periods of high fire risks to woodlands or property within Buffalo Township

B. Upon the Board of Supervisors declaring a fire ban emergency, all outdoor burning or fires shall be prohibited until the ban is lifted by the Board of Supervisors.

C. 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.

ARTICLE 5: ENFORCEMENT

A. The Board of Supervisors shall appoint the Zoning Officer who shall have the power to enforce the provisions of this ordinance.

B. Sanctions – Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violation, shall upon conviction thereof, before any Magistrate, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of the payment of said fine and costs, shall be committed to the Washington County Correctional Facility for a period not exceeding thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.

C. Equitable and Other Remedies – No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies.

ARTICLE 6: ADDITIONAL COSTS

A. In the case of a fire requiring fire fighters and/or equipment and upon conviction of any violation of this Ordinance, the violator shall also pay charges in order to cover the fire fighting costs. Charges shall be assessed for use of the following fire fighting equipment.

1. Pumpers and tankers;

2. Brush busters. Brush busters are all-wheel-drive vehicles equipped for off-road or wooded area use with a water tank of at least five hundred (500) gallons capacity and an appropriate size pump.

3. Chain saws.

B. Additional labor charges shall be assessed under this Ordinance based upon an hourly rate for all firemen engaged in the fire fighting activities.

C. The Board of Supervisors shall determine by resolution a reasonable schedule of costs based upon mileage, operating costs and fire fighting equipment and man hours. These charges shall be in addition to and not in lieu of any penalties provided elsewhere in this Ordinance.

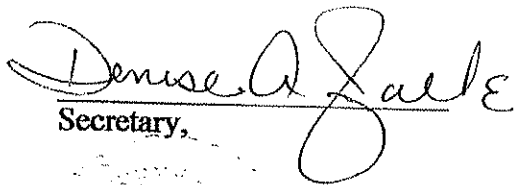
ARTICLE 7: REPEALER – All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE 8: SEVERABILITY – If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE 9: MUNICIPAL LIABILITY – The Board of Supervisors, and its agents, official, and representatives, shall not under any circumstances be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance or noncompliance with the terms and provisions hereof. The person, persons, company or companies responsible for any such fire and the permit holder shall bear sole liability for any damages caused as a result thereof.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of the Township of Buffalo, Washington County, Pennsylvania, this 6th day of December, 2006.

ATTEST:

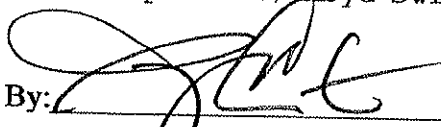

Secretary,



BOARD OF SUPERVISORS
OF BUFFALO TOWNSHIP

By: 
Chairman, Richard A Folle

By: 
Supervisor, Lloyd Swiger

By: 
Supervisor, Raymond L. Calvert