

ORDINANCE NUMBER 96-8

AN AMENDED ORDINANCE TO REGULATE AND CONTROL OUTDOOR FIRES IN PALMYRA TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Palmyra Township, Wayne County, Pennsylvania, as follows:

ARTICLE 1. TITLE. This Ordinance shall be known and may be cited as the 'Amended Palmyra Township Outdoor Burning Ordinance'.

ARTICLE 2. PURPOSE. This Ordinance is enacted so as to establish rules and regulations controlling and regulating outdoor fires so as to prevent public and private nuisances, to control air pollution, and to protect buildings, housing, property and safety of citizens resulting from improperly set and maintained outdoor fires. This Ordinance is intended to repeal Ordinance 87 35 adopted on March 2, 1987, titled "an Ordinance to regulate and control outdoor fires in Palmyra Township." The promulgations of this amended ordinance shall supersede any prior provisions which are inconsistent or contrary thereto.

ARTICLE 3. AUTHORITY. This Ordinance is enacted pursuant to Section 12 of the Air Pollution Control Act, as amended, 35 P.S. 4012(a) and Section 702, Clauses XXIX (Health), XXXII (Fire Prevention), XLI (Ordinances), XLVII (Public Safety), and LXII (General Powers) of the Second Class Township, 53 P.S. 65729, 65732, 65741, 65747 and 65762.

ARTICLE 4: DEFINITIONS.

Outdoor Fire - any fire set or maintained outside a building.

Contained Fire - a fire contained in an incinerator or other fire proof container covered with wire mesh or similar material not exceeding one-half (1/2) inch diameter of a fire used for the purpose of outdoor cooking, such as a barbecue pit, grill or fireplace.

Brush Clearing Fire - a fire built and maintained for the clearance of underbrush, trees, or foliage.

Open Field Fires - burning of any lawn and field areas.

High Fire Danger - periods of high wind or drought or such times as designated by any agency of the Commonwealth.

Fire - shall include an outdoor fire, contained fire, brush clearing fire, and open field fire, unless otherwise delineated or referenced.

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.

ARTICLE 5. GENERAL LIABILITIES AND PROHIBITIONS ON BURNING.

Section 501: No fire shall be set or maintained within fifty (50) feet of any building.

Section 502: No fire shall be set or maintained on any public road or Township property.

Section 503: An area within a thirty (30) foot radius of any fire shall be maintained in such a manner as to be free of all leaves, brush or other flammable material.

Section 504: A water hose or other apparatus with sufficient capacity to extinguish a fire must be provided before setting or maintaining any fire.

Section 506: No fire may be left unattended at any time.

Section 507: No fire may be set and/or maintained between the hours of sunset and sunrise, except that if a fire is set prior to sunset, it may be maintained for a period of no more than two (2) hours after sunset, provided it is attended by a person or persons equipped with a water hose or other apparatus with sufficient capacity to completely extinguish said fire prior to and the expiration of said two (2) hour extension.

Section 508: 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.

Section 509: No burning of toxic and/or non-organic material shall be permitted by any fire within the Township at any time.

Section 510: Any structural burning will be prohibited unless property arrangements with the municipality and local fire company have been previously arranged.

Section 511: No materials to be disposed of by a brush clearance fire shall be allowed to accumulate to a height in excess of six (6) feet.

Section 512: No brush clearing fire and/or open field fire shall be started without prior notice to the Wayne County Communications Center.

ARTICLE 6. OPEN FIRES EXEMPTED.

The following types of fires, provided that such fires are fueled by wood, coal, or natural gas/propane, are exempted from the regulations set forth in this Ordinance:

- a) Fires solely for the cooking of food for immediate consumption;
- b) Camp fires for warmth, fellowship, food preparation, or ceremonial purposes by bona fide groups or individuals such as hunting camps, recreational trailer and camping areas, non-profit organizations such as Boy Scouts and Girl Scouts;
- c) Fires set in the performance of public duty by any fireman, policeman, or public official for official purposes; and,
- d) Fires set in the performance of any military duty or operation which is authorized for military purposes.

ARTICLE 7. PENALTIES.

Section 701: Any person who violates any provision of this Ordinance shall, upon conviction in summary proceedings before any District Justice, be sentenced to pay a fine or penalty of not less than Fifty (\$50) Dollars, nor more than Five Hundred (\$500) Dollars, and costs of prosecution, and upon the default of payment of the fine and costs, the Defendant may be sentenced to the County Jail for a period not exceeding thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought. This penalty section is enacted pursuant to Section 702, Clause XLI, of the Second Class Township Code, 53 P.S. Section 65741, for the health, fire, safety and air pollution purposes.

SECTION 8. EQUITABLE AND OTHER REMEDIES.

No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies in the Court of Common Pleas of Wayne County, Pennsylvania.

SECTION 9. 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 Hawley Fire Chief or designee.

SECTION 10: SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any provision be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

SECTION 11. REPEALER.

All Ordinances or parts of Ordinances currently in effect which conflict with or are inconsistent with the provisions of this Ordinance, are hereby repealed.

SECTION 12. EFFECTIVE DATE.

This Ordinance shall be effective five (5) days from the date of adoption.

BE IT ORDAINED AND ENACTED this 4th day of September, 1996, by the Board of Supervisors of Palmyra Township, Wayne County, Pennsylvania.

ORDINANCE NUMBER 09-02

AN AMENDMENT TO THE PALMYRA TOWNSHIP, WAYNE COUNTY ORDINANCE TO REGULATE AND CONTROL OUTDOOR FIRES

WHEREAS, on September 4, 1996, the Palmyra Township Board of Supervisors adopted Ordinance Number 96-8, which enacted an ordinance to regulate and control outdoor fires within the Township; and,

WHEREAS, the Board of Supervisors are desirous of amending said ordinance to further define and expand the penalties for violating any provision of the Ordinance so as assess and seek reimbursement for out of pocket costs incurred by local fire departments and their personnel in responding to and extinguishing outdoor fires which occur in violation of the provisions of Ordinance 96-8.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Palmyra Township, Wayne County, Pennsylvania as follows:

1. Article 7. Penalties shall be amended to read as follows:

Section. 701: Any person who violates any provision of this ordinance shall, upon conviction in summary proceedings before any district justice, be sentenced to pay a fine or penalty of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, together with costs of prosecution and reimbursement costs for fire equipment and manpower expended in responding to said outdoor fire and containing and extinguishing the same, as hereinafter set forth:

MANPOWER RATES

Fire Warden	\$	___	per hour
Crew Member	\$	___	per hour

SMALL EQUIPMENT RATES

Power Saw	\$10.00	per hour
Power Saw with Trained Operator	\$20.00	per hour
Leaf Blower	\$10.00	per hour
ATV Hire	\$15.00	per hour
Boat Hire (Based on Capacity Rating with PFD)	\$5.00	per person per hour
Small Portable Pump (Less Than 200 gpm)	\$10.00	per hour
Large Portable Pump (Greater Than 200 gpm)	\$20.00	per hour
Class A Foam - Current Market Value on Date of Response		

VEHICLE RATES

Engine (All Wheel Drive)	\$50.00 per dispatch
Tanker Tender (All Wheel Drive)	\$50.00 per dispatch
Engine	\$30.00 per dispatch
Tender	\$30.00_ per dispatch plus \$.50 per mile for hauling water
Other Fire Company Vehicles	\$.50 per mile (Ambulance, Tool Truck, etc., which must be registered with red emergency or blue municipal plates)
Vehicle Hire (1-3 people)	\$.25 per mile
Vehicle Hire (4 or more people)	\$.10 per mile

2. Article 5. Entitled General Liabilities And Prohibitions on burning is hereby amended to include Section 513 which shall provide as follows:

Section 513: From and after the passage of this Amendment, every person causing an outdoor fire within the Township, directly or by the act of an agent or employee, shall be liable to the Township for all costs and expenses incurred as more specifically described in Article 7, Section 701 herein by the fire department and any mutual aid or other emergency assistance rendered in response to and in furtherance of controlling and extinguish any such outdoor fire.

3. All other provisions of Palmyra Township Ordinance 96-8 shall be remain in full force and effect.
4. This Ordinance shall be effective five (5) days from the date of enactment.

THIS ORDINANCE IS ORDAINED AND ENACTED this 5th day of January, 2009, by the Board of Supervisors or Palmyra Township, Wayne County, Pennsylvania.