

BURNING

SCOTT TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA ORDINANCE NO. 01-09-27 C

AN ORDINANCE OF SCOTT TOWNSHIP, LACKAWANNA 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.

SECTION 1. TITLE -This ordinance shall be known as the Scott Township Burn Ordinance.

SECTION 2: DEFINITIONS

1. **BURNING PERMIT.** A permit to kindle or maintain such open, contained, or controlled fires. The permit shall be issued, on behalf of the Board of Supervisors, by the Township Zoning Officer, upon application thereof. A Burning Permit is valid for one (1) day only. A fee for each Burning Permit, as established by the Board of Supervisors, shall be charged.

2. **CO-MINGLED MATERIAL.** All items in the categories defined in this Ordinance, including plastics, glass, and metal containers.

3. **CONTAINED FIRE.** Any fire contained in an incinerator, fireplace or other contained enclosure designed for outdoor cooking, or a fireproof container which is made of a non-combustible material and is covered with a screen or other non-combustible cover and not located closer than twenty-five (25) feet to any structure, vehicle, or combustible or flammable material.

4. **CONTROLLED FIRE.** Any fire not included in the definition of Contained Fire and which is located outdoors and not located closer than one hundred (100) feet to any structure, vehicle, or combustible or flammable material, including any wooded or high grass area, and which does not exceed an area of one thousand three hundred (1,300) square feet.

5. **FURNACE.** Any enclosed device specifically designed for burning any material for the production of heat.

6. **GARBAGE.** All putrescible animal and vegetable matter resulting from the handling, preparation, cooking, and consumption of food.

7. **GLASS CONTAINERS.** All containers made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling of various matter and all other material commonly known as glass excluding, however, blue glass, flat glass, plate glass, glass commonly known as window glass, and others as designated by the Township.

8. **INCINERATOR/NON COMBUSTIBLE CONTAINER.** Any device specifically designed for the destruction by burning of refuse, sewage sludge, or any combustible material.

9. **METAL CONTAINERS.** All containers made from aluminum, steel, tin, or other bimetal containers used to package various matter and all other material commonly known as cans, excluding cooking utensils, automotive fluid containers, paint cans, aerosol cans, and wire and others as designated by the Township.

10. OPEN FIRE. A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator. Open Fire shall be included as a controlled fire.

11. PERSON. Any individual, partnership, association, corporation, department, bureau, agency or legal entity.

12. PLASTIC CONTAINERS. All containers made from polyethylene terephthalate (PET) or high density polyethylene (HDPE) and being used for packaging and bottling various matter and all other matter commonly known as plastic with indentifiable markings, as approved by the Lackawanna County Recycling Center, including, but not limited to an arrow enclosing the numbers 1 or 2, or letters PET, PETE, or HDPE.

13. RECYCLABLES. Material having an economic value in the secondary materials market. The following have such economic value: aluminum, steel, tin and bimetallic cans; glass containers, plastic containers, newspapers, and any other materials designated as recyclables by Scott Township

14. REFUSE. Garbage, rubbish, and trade waste.

15. REGULATED MATERIALS. Materials subject to this Ordinance, prohibiting the burning thereof shall be any products or materials designated by Scott Township, now or in the future, to be collected for recycling

16. 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.

17. 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.

18. 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.

19. TRADE WASTE. All solid or liquid material or rubbish resulting from construction, building operations, 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.

SECTION 3: REGULATIONS

1. Unless otherwise provided herein, burning is allowed within the Township, without permit, during the following periods:

Monday through Friday 4:00 p.m. to 9:00 p.m.

Saturday and Sunday 8:00 a.m. to 9:00 p.m.

All burning shall be done in accordance with the Definitions of "Contained Fire" or "Controlled Fire".

2. A Burning Permit is required for all burning to occur at any times other than those specified herein. The Burning Permit is valid for one (1) burn only. The cost of the permit fee shall be set by resolution of the Board of Supervisors,

3. The following are exceptions:

(a) Fire set in conjunction with the production of agricultural commodities in their un-manufactured state on the premises of the farm operation;

(b) Fire set solely for recreational or ceremonial purposes, or used only for cooking;

- (c) Fire set to prevent or abate a fire hazard, when approved by PaDEP and set by or under the supervision of a public officer or fire department;
 - (d) Fire set for the purpose of instructing personnel in fire fighting;
 - (e) Fire set for the prevention and control of disease or pests;
 - (f) Prescribed controlled fire for the conservation and management of unique and natural areas and/or for the reduction of fuel loads; and
 - (g) Fire used as a management technique for preventing wildfires, scientific research, or vegetation management.
4. All burning shall be attended to at all times by a responsible adult with readily available means of extinguishing the fire.
 5. All fires must be extinguished thoroughly with no smoldering left intact.
 6. No burning is allowed during any Fire Ban Emergency, as proclaimed by the Lackawanna County Emergency Management, the Scott Township Board of Supervisors, or Commonwealth of Pennsylvania..

SECTION 4: BURNING PROHIBITIONS

1. Burning of any construction debris, aerosol cans, tires, rubber products, chemicals, chemically treated materials, recyclables, regulated materials, by-products of manufacturing and processing operations or 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 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.
3. Fires shall be used only to burn readily combustible materials.
4. It shall be unlawful to burn, ignite, incinerate, maintain, or otherwise permit the burning of any materials whatsoever without complying with the requirements of this Ordinance.

SECTION 5: FIRE BAN EMERGENCY - The Board of Supervisors may declare a fire ban emergency in Scott 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 risk to woodlands or property within Township.

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.

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.

SECTION 6: ENFORCEMENT - The Township Zoning Officer shall have the power to enforce the provisions of this ordinance, or in the absence or inability of the Zoning Officer, a Police Officer.

SECTION 7: PENALTIES - Any person who shall violate any of the provisions of this Ordinance shall, upon conviction in a summary proceeding brought in the name of the Township, before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not more than \$300.00, and the costs of prosecution and/or to imprisonment for a term of not to exceed ninety (90) days. Each day's (24-hour period) violation of any of the provisions of this Ordinance shall constitute a separate offense. In addition, any conviction under this Ordinance may also subject the violator to separate civil enforcement proceedings for enforcement, collection or reimbursement, as the case may be.

SECTION 8: ADDITIONAL COSTS

1. 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 any fire fighting costs. Such charges shall include, but shall not be limited to:

- (a) Pumpers and tankers;
- (b) 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.
- (c) Chain saws.
- (d) Foam.
- (e) Any other costs incurred to extinguish the fire.

2. Labor charges may be assessed under this Ordinance based upon an hourly rate for all firemen engaged in the fire fighting activities.

SECTION 9: REPEALER - All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 10: 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.

SECTION 11: MUNICIPAL LIABILITY - The Board of Supervisors and its agents, officials, 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.

**BOARD OF SUPERVISORS
OF SCOTT TOWNSHIP**

By: George J. Halesky
Chairman

ATTEST:

Melissa Weber
Secretary 9-27-01