

ORDINANCE NO. 1 - 92

AN ORDINANCE OF SOUTH PYMATUNING TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, PROHIBITING BURNING OF MATERIALS OF A NOXIOUS NATURE, CONFINING THE BURNING OF COMBUSTIBLE MATERIALS TO CERTAIN HOURS, REQUIRING PERMITS FOR BONFIRES AND AGRICULTURAL FIRES, AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of South Pymatuning Township, Mercer County, Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by authority of the same as follows:

SECTION 1: As used in this Ordinance, the term "combustible materials" shall mean materials that are dry, that can be burned to ash, which do not emit a noxious or offensive odor while burning, and which burn without having any harmful effect upon those either on or off the property where the burning takes place.

SECTION 2: It shall be unlawful for any person or persons to burn or attempt to burn any substance other than "combustible materials" at any time and at any place within the Township.

SECTION 3: It shall be unlawful for any person at any time to burn or attempt to burn any material or substance of any kind upon any public street or alley or, except with the express permission of the owner or other authorized persons, upon any public or private land.

SECTION 4: A reasonable quantity of combustible materials may be burned on a property upon which they originated, but only upon the following conditions:

(a) Burning may take place only on Tuesdays, Thursdays and Saturdays, between the hours of 7:00 o'clock a.m. and 11:00 o'clock a.m., and on Tuesday evenings between the hours of 7:00 o'clock p.m. and 10:00 o'clock p.m.

(b) No fire shall be ignited within thirty (30) feet of any building.

(c) All burning shall be done in an appropriate container, with a screen or solid top to prevent hot materials and ash from escaping.

(d) No fire shall be permitted to burn unattended or to smolder after the time for burning has expired.

SECTION 5: Notwithstanding the other provisions of this Ordinance, an organized group may conduct a bonfire of combustible materials if a permit is secured at least twenty-four (24) hours in advance from such person or officer as the supervisors may from time to time designate upon the payment of such fee as the

supervisors may require, and upon such terms and conditions as may be imposed by the issuer of the permit with regard to the location of the fire, material to be burned, date and time of burning, supervision and fire-extinguishing equipment required, maximum wind velocity permitted, and such other conditions as may be reasonably necessary in the interest of public safety.

SECTION 6: A person whose land, by size or usage, is considered agricultural may obtain a permit for a fire or fires of the type commonly employed in agricultural pursuits during a designated period of time. Said fire or fires need not conform to the requirements of the other sections of this Ordinance but only "combustible materials" may be burned, such burning shall take place only on Tuesdays, Thursdays or Saturdays during the hours specified in the permit and in accordance with all other terms and conditions of the permit. Permits will be issued without charge by such person or officer as the supervisors may from time to time designate.

SECTION 7: Notwithstanding any language contained in this Ordinance to the contrary, the provisions of this Ordinance shall not apply to the burning of combustible materials for cooking purposes in a charcoal grill, stove or other cooking device.

SECTION 8: Any person violating any of the provisions of this Ordinance shall, upon conviction before any district justice having jurisdiction, be subject to a fine of not less than Ten Dollars (\$10), nor more than One Thousand Dollars (\$1,000), to be collected as other fines are collected and, in case of default, such person shall undergo imprisonment in the Mercer County Jail for a period not to exceed thirty (30) days.

SECTION 9: The provisions of this Ordinance are severable. In the event any part of this Ordinance is declared to be invalid, such invalidity shall not impair or affect the remaining provisions of this Ordinance.

SECTION 10: Any ordinance inconsistent with the terms of this Ordinance is hereby repealed.

ENACTED AND ORDAINED this 22th day of SEPT., 1992.

BOARD OF SUPERVISORS OF
SOUTH PYMATUNING TOWNSHIP

Robert C. Bortner
Chairman

Samuel P. McCullough

Michael P. Mastrolia

Attest:

K. Glenn Adams
Township Secretary