

Ordinance No. 2024-2 of 2024

AN ORDINANCE OF THE TOWNSHIP OF WAYNE, MIFFLIN COUNTY, PENNSYLVANIA RESTRICTING OPEN FIRES AND BURINING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS AND DEFINITION, DESIGNATING ENFORCEMENT AND PRESCRIBING PENELTIES FOR VIOLATION.

BE IT ORDAINED AND ENACTED by the Supervisors of the Wayne Township Mifflin, County, Pennsylvania and it be ordained and enacted as follows:

Section 1. Purpose:

This Ordinance is enacted in the interest of the health, safety, and welfare of the residents of the Wayne Township of in compliance with the laws of the Commonwealth of Pennsylvania and the regulations of the Department of Environmental Protection.

Section 2. Definitions:

As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

BONFIRE – Any outdoor fire with a base between 3 feet by 3 feet and 6 feet by 6 feet and a flame height up to 6 feet with a fuel of untreated wood and brush.

BURNING PIT or INCINERATOR -A pit with masonry walls and earth or masonry floor or a block or masonry structure with a block, masonry or earth floor which is covered by a chain link fence or which is enclosed by a door when in use. A ten-foot clear area shall be maintained around any burning pit or incinerator, free of any brush, tree or other combustible material.

CONTAINED FIRE - Any fire contained in an incinerator, fireplace or cooking grill, or other contained enclosure designed for outdoor cooking, or a fireproof container.

CONTROLLED FIRE - A fire with Responsible Adult supervision and surrounded by a noncombustible barrier.

DAWN – The first appearance of light in the sky before sunrise.

DUSK – The end of daylight in any given day.

ENFORCEMENT OFFICER - The person designated by the Board of Supervisors of the township to enforce this Ordinance.

OUTDOOR FIRE - Any fire set or maintained outside of a building.

PERSON - Any individual, partnership, organization, association, agency, firm, estate, corporation or any other legally recognized entity.

RECREATIONAL FIRE - A fire contained within a pit or other noncombustible enclosure for the purpose of pleasure, religious, ceremonial, or other similar purposes using only untreated wood and not exceeding eight cubic feet of fuel.

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.

SALVAGE OPERATION - Any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any products or materials, including but not limited to, metals, chemicals, shipping containers, or drums.

TOWNSHIP – Wayne Township, Mifflin County, Pennsylvania.

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

UNCONTAINED FIRE - Any fire not included in the definition of a "contained fire."

Section 3. Fires on public property unlawful; exception.

It shall be unlawful for any person or persons either directly or indirectly to kindle or maintain any fire or authorize or permit any fire to be kindled or maintained on any public road, street, alley, or sidewalk within the Township. Fires for cooking may be maintained upon park or recreation land owned by the Township if supervised by a Responsible Adult and if all other requirements of this chapter are met.

Section 4. General regulations on outdoor fires.

Outdoor fires shall be permitted upon private property in accordance with the following regulations:

A. No person, either directly or indirectly, shall kindle or maintain an outdoor fire except in an appropriate receptacle or burning pit at least 20 feet from any structure, building or property line. Any such contained fire shall be kept under constant supervision during incineration and at the end of said period shall be completely extinguished.

B. In those instances where it is impractical or impossible to confine an outdoor fire to a receptacle or burning pit, an outdoor fire may be kindled or maintained only if such outdoor fire is a controlled fire and is maintained at a distance of 30 feet from any structure, building or property line. All outdoor fires, whether maintained in a receptacle or burning pit or in the open as controlled fires, shall be kept under constant supervision by a Responsible Adult during incineration and at the end of said period shall be completely extinguished.

C. Nothing herein shall be construed to prevent fire-fighting training by township-designated fire-fighting organizations.

Section 5. Safe distances.

A. It shall be unlawful to allow any outdoor fire, including cooking fires, within an unsafe distance from any structure, building or property line.

B. No outdoor fire shall be set, started, fed, permitted to burn or maintained where such outdoor fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes or for any other purpose to further public health, safety and welfare.

C. Outdoor fires shall be permitted only upon private property and shall take place at least 20 feet from any building, structure, property line or road line.

D. Bonfires shall be permitted upon private property and shall take place at least 30 feet from any building, structure, property line or road line.

E. Nothing herein shall be deemed to prohibit indoor cooking activities, provided that reasonable safeguards are maintained.

F. Cooking grills may be less than 20 feet from a building, provided that reasonable safeguards are maintained.

G. No outdoor fire shall be set, started, fed, permitted to burn or maintained within 20 feet of any pond, lake, stream, river, or waterway, with the exception of recreational fires as defined in this ordinance.

Section 6. Control of outdoor fires and unattended outdoor fires.

A. No outdoor fire shall be allowed to burn without a Responsible Adult being present at all times and without a readily available fire-extinguishing apparatus, such as a water hose. Sand or dirt may also be considered, provided that an ample supply is available, or shovels and rakes are on hand.

B. No outdoor 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, by Proclamation, prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

C. No outdoor fire shall be set that results in uncontrolled burning of vegetation or property.

Section 7. Extinguishing unsafe fires.

A. 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 or as an uncontrolled fire. Any such outdoor fire may be extinguished by an official of the township-designated fire company or extinguished immediately upon request of such official.

B. Contained and uncontained fires shall not be permitted to burn or smolder while unsupervised.

C. In the event that any fire company is required to respond to a fire which violates the provisions of this chapter, a service fee may be levied by the responding fire company for any costs associated with their response.

Section 8. Hours.

- A. No outdoor fire shall be permitted between Dusk and Dawn with the exception of recreational fires and bonfires.
- B. No outdoor fires are permitted on Sundays with the exception of cooking fires properly contained.
 - 1. Recreational fires and bonfires, using natural, untreated wood, and cooking fires are permitted so long as they comply with all other provisions of this Ordinance.

Section 9. Unlawful substances.

- A. Burning of by-products of manufacturing and processing operations and wastes from commercial operations is strictly prohibited.
- B. Burning of any trade waste from businesses operating inside or outside of the township is strictly prohibited.
 - a. This section shall not be construed to prohibit the burning of brush or wood by a business operating within the township so long as such burning conforms to all other sections of this ordinance and all other state or federal burning regulations.
- C. Igniting or feeding an open fire for the destruction of refuse or in the conduct of a salvage operation in any private or public place shall be strictly prohibited.
- D. 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 outdoor fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent body.
- E. No offal (animal waste or animal parts in whole or in sections) may be burned at any time either indoors or out-of-doors.
- F. Outdoor fires shall be used only to burn readily combustible materials.

Section 10. Special circumstances; service fee.

- A. In the event that it is necessary to have any fire exceeding that of the definition of Bonfire, signed, written permission must be obtained in advance from the Fire Chief.
- B. Notice must be given to Mifflin County 9-1-1 and the Fire Chief of the volunteer fire company of the Township at least one (1) hour in advance of any such burn.
- C. In the event that any fire company is required to respond to a fire which violates the provisions of this chapter, a service fee may be levied by the responding fire company for any costs associated with their response.

Section 11. Violations and penalties.

Any person who violates any provisions of this chapter as charged by the enforcement officer shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$250 and not more than \$1,000 and costs associated. In the event the fine and costs are not paid, the person shall be sentenced to serve not more than thirty (30) days in the Mifflin County Jail. Each day a violation exists shall constitute a separate offense.

Section 12. Liability.

The township 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 provisions of this chapter or by reason of the conduct of any burning activity in compliance with the terms and provisions of this chapter. The individual person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

Section 13. Repealer.

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

Section 14. Severability.

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, such declaration or decision shall not affect the validity of any remaining provisions of this Ordinance. It is

hereby declared to be the legislative intent of the Township Board of Supervisors that this Ordinance would have been enacted had any such unconstitutional, illegal or invalid provision not been included therein.

Section 15. Amendment.

This ordinance maybe amended, updated or modified by simple resolution.

Section 16. Effective Date.

This ordinance shall become effective the 2nd day of July 2024.

ENACTED AND ORDAINED this 1st day of July 2024 at a regular public meeting of the Board of Supervisors of the Township of Wayne.

ATTEST:

Township Secretary/Treasurer

Seal:

Resolution 2025-2



Notice is hereby given that Wayne Township Board of Supervisors, Mifflin County, PA, at a meeting held this 6th day of January 2025 did accept and approve the following Resolution amending Ordinance 2024-2 "Burning Ordinance".

Amendments:

Section 2. Definitions:

Bonfire: Be it resolved that the definition of Bonfire will be changed to read "Any outdoor fire with a fuel of untreated wood and brush occupying an area less than 100 square feet".

Burning Pit or Incinerator: Be it resolved that the definition of Burning Pit or Incinerator will be changed to read, "A pit with masonry walls and earth or masonry floor or block or masonry structure with a block, masonry or earth floor which is covered by a chain link fence or screen or which is enclosed by a door when in use. A ten-foot clear area shall be maintained around any burning pit or incinerator, free of any brush, tree or other combustible material. A certified approved outside furnace that is used to heat a structure is not considered to be an incinerator and therefore not prohibited or regulated by this ordinance."

Section 8. Hours.

- A. Be it resolved that subpoint A. will be changed to read, "No outdoor fire shall be permitted between 9 P.M. and Dawn with the exception of recreational fires or fires consisting of large legal combustible items such as stumps etc. that were started prior to

and will burn for a longer period of time stipulated by this ordinance.

Section 10. Special circumstances; service fee.



A. Be it resolved that the original subpoint A will be eliminated from this Ordinance.

New subpoint A will read, "Notice must be given to the Mifflin County Non-Emergency 9-1-1 (717) 248-9607 at least one hour in advance of any burn that is not considered a bonfire".

B. Be it resolved that the new subpoint B will read, "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 for any costs associated with their response".

This resolution will become effective as of January 7, 2025.

RESOLVED AND ENACTED this 6th day of January, 2025, by the Wayne Township Board of Supervisors.

ATTEST



Theodore M Reed

Donald C. Gearhart

Ralph Miles Jr.