

**NORTH NEWTON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015-3

AN ORDINANCE OF NORTH NEWTON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, REPLACING & REPEALING ORDINANCE NO. 4-1-70, PERTAINING TO THE PREVENTION AND REGULATION OF AIR POLLUTION WITHIN NORTH NEWTON TOWNSHIP AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

**THIS ORDINANCE SHALL BE KNOWN AND CITED AS THE
“NORTH NEWTON TOWNSHIP BURNING ORDINANCE”**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania it is hereby enacted and ordained as follows:

SECTION 1: DECLARATION

The purpose of this Ordinance is to prevent needless public damage to life and property, and to control air pollution resulting from public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained.

SECTION 2: DEFINITIONS

For purposes of this Ordinance, the following words and terms shall have the meanings following:

Campfire – A fire contained by a non-combustible, non-toxic fire ring with a diameter of 5 feet or less which burns only natural, untreated wood for recreational purposes and subject to safe distances as specified in Article 3.

Contained Fire – Any fire contained in an incinerator, fireplace, cooking grill or other contained enclosure designed for outdoor cooking, or a fireproof container.

Domestic Refuse – Waste that is generated from normal occupancy of a structure solely as a dwelling by two families or less. The term does not include such items as demolition waste, insulation, shingles, treated wood, paint, painted or stained objects or furniture, tires, mattresses, box springs, metal, insulating coating on wire, television sets and appliances, automobiles, automotive parts, batteries, PVC products, waste oil and other petroleum products.

Enforcement Officer – The Board of Supervisors shall be the designated Enforcement Officer under the Ordinance or its designee.

Fire – Any fire set or maintained outside of a building to include smoldering and open burn.

Person – Any individual, partnership, organization, association, agency, firm, estate, or corporation and any other legal or commercial entity.

Responsible Individual – An adult individual 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.

Uncontained Fire – Any fire not included in the definition of “Contained Fire”.

SECTION 3: REGULATIONS

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 or the process of extinguishing a wildfire.

B. Public Roads and Public Properties – No person can set, start, feed, permit to burn or maintain a fire upon any of the streets, sidewalks, alleys or public grounds in North Newton 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 a fire.

C. Safe Distances

1. It shall be unlawful to allow any fire, except cooking grills, within a 20 foot distance from a building or property line.
2. Campfires must be setback 30' from any residence unless permission is obtained from all owners of residences within 30' of the campfire.
3. All fires, except for campfires and cooking grills, must be setback 300' from any residence unless permission is obtained from all owners of residences within 300' of the fire.

D. Control of Burning and Unattended Fires

1. Fires may be able to burn only under the supervision of a responsible individual.
2. No fires 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 government body.
3. The Township may prohibit any and all fires within the borders of North Newton Township, Cumberland County, Pennsylvania at any time due to drought or other condition, or at any time that such fires may constitute a safety or health hazard to the citizens and residents of North Newton Township.
4. At any time that the Township of North Newton, Cumberland County, Pennsylvania declares a ban on burning and fires within the Township of North Newton, Cumberland County, Pennsylvania, the Board of Supervisors or its designee will take reasonable steps to notify the public in such manner and in such fashion as may be proper and advisable.
5. No fire shall be set that results in uncontained burning of vegetation (field fire) except for fires of leaves, brush and/or natural untreated wood that grew on the property where it is to be burned and where the location of the fire is at least 300 feet from any residence, unless permission is obtained from all owners within 300 feet of the fire.

6. Fires shall be confined in a non-combustible container that is in good repair, covered with a wire screen of one-half inch or smaller mesh, except for fires of leaves, brush, and/or natural, untreated wood that need not be confined to or covered by a non-combustible container. All such fires shall be located at least 300 feet from any residence, unless permission is obtained from all owners within 300 feet of the fire.
- 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 the Board of Supervisors or its designee or extinguished immediately upon request by such official.
- F. Unlawful Substances and Unlawful Burning
1. Burning of plastics, byproducts of manufacturing, construction materials, tires, rubber, materials containing petroleum based products, and hazardous waste from commercial operations is strictly prohibited.
 2. Burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance is prohibited; nor shall any 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. Commercial and/or industrial burning is hereby prohibited within the Township of North Newton in accordance with the laws of the Commonwealth of Pennsylvania.
 3. Fires shall be used only to burn readily combustible materials.
- G. Special Circumstances – In the event that it is necessary to have an uncontained fire of a size other than permitted under this Ordinance, special permission must be obtained in advance from the Board of Supervisors of North Newton Township or its designee. In the event any Fire Company is required to respond to a fire that violates the provisions of this Ordinance, a service fee may be levied by the responding Fire Company.
- H. Notice of all uncontained burning shall be given to Cumberland County Communications Control Center at (717) 243-4121 prior to the institution thereof and when such burning has been completed.

SECTION 4: ENFORCEMENT

- A. Sanctions – Any person, whether as principle or agent, who violates this Ordinance or assists or abets its violation, shall upon conviction thereof before any District Justice, be sentenced to pay a fine of not less than One Hundred and no/100 (\$100.00) Dollars, nor more than One Thousand and no/100 (\$1,000.00) Dollars, together with the costs of prosecution, and/or undergo imprisonment for a period of ninety (90) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought.
- B. Equitable and Other Remedies – No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies.

SECTION 5: SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof 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 intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provisions had not been included herein.

SECTION 6: REPEALER

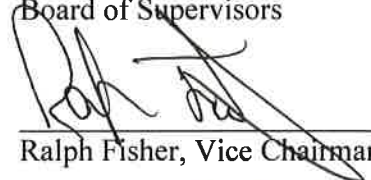
Ordinance No. 4-1-70 or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

DULY PRESENTED AND ORDAINED AND ENACTED at a regular meeting of the Board of Supervisors of North Newton Township, Cumberland County, Pennsylvania, held the 5TH day of JANUARY, 2015.

**NORTH NEWTON TOWNSHIP
CUMBERLAND COUNTY,
PENNSYLVANIA**



David R. Parthemore, Chairman
Board of Supervisors



Ralph Fisher, Vice Chairman



Michael L. Gutshall

ATTEST


Bonnie L. Myers, Secretary