

# **OPEN BURNING ORDINANCE**

## **DECLARATION :**

It is hereby declared to be a matter of public health and safety to regulate the disposal of waste by open burning in the Township of Harris. It is further declared that the dangers of open fires, the air pollution from fires, and the management of waste removal and disposal necessitate regulation to protect the peace, good order, and welfare of the Township and the health and safety of its citizens.

## **DEFINITIONS:**

The following words, terms, and phrases, when used in this subchapter, unless the context clearly indicates otherwise, will have the following meanings ascribed to them:

**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.

**REFUSE** - all perishable animal and vegetable matter resulting from the handling, preparation, cooking, and consumption of food; any solid or liquid material which, when ignited, creates toxic or noxious fumes including, but not limited to, plastics, rubber, petro-chemicals, furniture, carpets, rags, and old clothing; any waste not herein defined as yard waste or trade waste.

**RIGHT-OF-WAY** - the total width of any land reserved or dedicated as a street, alley, or crosswalk, or for other public or semi-public purposes, including but not limited to the area reserved for cartway, shoulders, drainageways, and easements.

**TOWNSHIP MANAGER** - the manager of the Township of Harris or his/her authorized designee, which shall include the Ordinance Enforcement Officer.

**TRADE WASTE** - all solid or liquid waste material resulting from construction, building operations, or the performance of any business, trade, or industry including, but not limited to, asphalt shingles, electric wiring, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders, processed wood, shrubs, plants, and vegetation as part of a commercial landscape business, and other forms of solid or liquid waste materials, provided, however, that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

TREE LEAVES - leaves of ornamental or shade trees that fall in the late summer or autumn.

WASTE - material discarded as worthless or of no use.

YARD WASTE - waste resulting from the normal maintenance and upkeep of a yard including, but not limited to, limbs, branches, bushes, garden plants, etc.; under no circumstances will tree leaves be considered as yard waste for the purposes of this subsection. Yard waste will not include any fire set in conjunction with the production of agricultural commodities as excepted in Section 9.

**OPEN FIRES REGULATED:**

It is unlawful for any person to ignite or feed an open fire except in accordance with the regulations set forth herein.

**BURNING OF REFUSE AND TRADE WASTE PROHIBITED:**

It is unlawful for any person to ignite or feed an open fire for the burning of refuse or trade waste.

**BURNING OF YARD WASTE:**

It shall be unlawful for any person to ignite or feed a fire for the burning of yard waste unless notification at least one (1) hour in advance has first been provided to the Centre County Emergency Communications Center. The dispatch log shall record all notifications provided. The burning of yard waste shall further be subject to the following regulations:

1. Where the burning of yard waste takes place on the premises of a single-family or two-family dwelling, only yard waste which reasonably results from the normal maintenance of such property can be burned.
2. On the premises of any structure occupied by three or more families, yard waste can be burned only in a place approved by the Fire Chief or Assistant Fire Chief of the Boalsburg Fire Company. Any occupant, before burning yard waste in such designated place, must also have the written consent of the owner of the property.
3. If the Fire Chief or Assistant Fire Chief, Department of Environmental Protection, Department of Forestry, or the Centre County Commissioners, determine that, due to unusual weather conditions or other circumstances, open burning would constitute a danger to the public health, safety, or welfare, they may notify the Centre County Emergency Communications Center and the Township Manager of such conditions, upon which notice no burning of yard

waste will be allowed. Upon cessation of the conditions, the Fire Chief or Assistant Fire Chief, or the Centre County Commissioners, will advise the Centre County Emergency Communications Center and the Township Manager that such conditions no longer exist.

**BURNING OF TREE LEAVES PROHIBITED:**

No person will burn tree leaves for any reason within the Township of Harris.

**GENERAL REGULATIONS FOR BURNING OF YARD WASTE:**

The following regulations are mandatory for all fires that are permitted for the burning of yard waste:

1. No fire can be started until after the resident who wishes to burn has notified the Centre County Emergency Communications Center.
2. All fires must be properly attended so as to prevent the spread of fire or the creation of hazardous conditions.
3. All fires must be conducted only during daylight hours, defined as the period from sunrise to sunset.
4. All fires must be conducted only on the premises of the owner, provided, however, that the term "premises" does not include the area within the right-of-way of any street.
5. No fires will be conducted on any public street or within the right-of-way of a public street.
6. The Fire Marshal or designee may, when he/she determines that there is imminent or immediate danger to any person(s) or any property, buildings, structures or premises as a result of a fire, take any and all steps necessary, within the reasonable performance of his/her duties, to extinguish, mitigate and/or control that fire in order to preserve and protect the life, health, welfare or safety of any person(s) and to preserve and protect property, buildings, structures or premises.

**EXCEPTIONS:**

The following types of fires are excepted from the provisions of this Ordinance:

- fires solely for the cooking of food.
- Campfires for warmth, fellowship, food preparation, or ceremonial purposes of private individuals or organizations such as Boy Scouts, Girl Scouts, etc., must be attended at all times. Campfires must be of a size and nature to be contained in an enclosed area, such as a pit or a ring.
- any fire set in conjunction with the production of agricultural commodities in their unprocessed or unmanufactured state on the premises of the farm operation. Examples include, but are not limited to, butchering, making apple butter, etc.
- fires set in the performance of an official duty by any fireman or public officer where the fire is for the prevention of a hazard which cannot be abated by other means; for the protection of health, safety, or welfare; for the purpose of instructing personnel in fire safety; or for other official purposes.

#### **PENALTIES :**

Any person violating any of the provisions of this Ordinance will, upon conviction, be sentenced to pay a fine of not more than One Thousand (\$1,000) Dollars, together with costs of prosecution, and in default of such fine and costs to imprisonment for a period not exceeding thirty (30) days. Each day's continuance of a violation after notification will constitute a separate offense.

#### **SEVERABILITY :**

The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision will be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court will not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.