

ORDINANCE NO. 6-04-2
VILLAGE BURN ORDINANCE

**AN ORDINANCE OF THE TOWNSHIP OF GREGG, CENTRE COUNTY, PENNSYLVANIA,
TO REGULATE OUTDOOR FIRES WITHIN THE VILLAGE OF SPRING MILLS; DEFINE
CERTAIN TERMS; PROVIDE FOR REGULATIONS, EXCEPTIONS, ENFORCEMENT, AND
PENALTIES; AND REPEALING ANY PRIOR INCONSISTENT ORDINANCE.**

SECTION 1. TITLE

This ordinance shall be known and may be cited as the Gregg Township Burn Ordinance which shall be applied specifically for protection within the Village of Spring Mills.

SECTION 2. AUTHORITY

The Board of Supervisors of the Township of Gregg, under, and by virtue of and pursuant to the authority granted by the Second Class Township Code hereby enacts and ordains this ordinance.

SECTION 3. POLICY

The purpose of this ordinance is to prevent public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained; to avoid unnecessary calls or alarms to the local fire department; to provide for safety of the citizens, air quality, buildings, or forests of Gregg Township within the Village of Spring Mills.

SECTION 4. DEFINITIONS

1. Adult person - A person of at least 16 years of age.
2. Burning - The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall be deemed a burning.
3. Contained Fire - Any fire contained in an incinerator, fireplace designed for outdoor cooking, or a fireproof container.
4. Domestic refuse - Any solid waste including but not limited to putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, non-putrescible wastes including rubbish, ashes, dead animals and any other solid waste that results from the normal occupancy of the structure.

5. Enforcing Officer – The Penns Valley Code Enforcement Agency or any other duly authorized agent.
6. Fire - Any fire set or maintained outside a building.
7. Noxious –Hurtful; offensive; offensive to the smell.
8. Smolder – Burning sluggishly with little or no flame and with much smoke.
9. Solid waste - Waste, including but not limited to, municipal, residual, or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials resulting from municipal, industrial, commercial, agricultural and residential activities.
10. Uncontained Fire - Any fire except a “contained fire.”
11. Village of Spring Mills - That area and group of properties which adjoin or are accessed from Musser Alley, Railroad Street, Cooper Street, Maple Lane, Egg Hill Drive, Water Tower Lane, School Street, Water Street, Firehall Lane, Tool Shed Lane, Stomeyer Lane, Long Street and Long Street Extension and which are not designated as agricultural on the May 2, 2001 Gregg Township Zoning Map produced by Geo-Decisions. In addition, the Village of Spring Mills shall include the baseball field adjacent to Sinking Creek Road and currently located on property owned by the Penns Valley Area School District.
12. Waste - Material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable material.
13. Yard waste - Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative materials.

SECTION 5. REGULATIONS (A)

From and after the effective date of this Ordinance, no person shall cause, suffer, or permit the burning of any material in an uncontained fire with the exception of the following:

1. A fire set for ceremonial or recreational purposes.
2. Fires set for outdoor cooking such as charcoal grill fires, campfires or smokehouses.
3. A fire set in conjunction with agricultural production.
4. A fire set to abate a hazard.
5. A fire set to generate heat.
6. A fire set for the control and prevention of disease.
7. A fire necessary for carrying out the Township’s Emergency Operation Plan.
8. Fires necessary to save life and property.

9. Fires set for the purpose of burning that amount of domestic refuse, except plastic, generated from one dwelling, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less, and when the refuse results from the normal occupancy of said structure.
10. Fires for burning yard waste.

REGULATIONS (B) RESTRICTIONS FOR ALL FIRES

1. All fires shall be constantly attended by at least one adult person until they are completely extinguished.
2. Any fire, contained or uncontained, permitted to burn in an unsafe manner under adverse weather conditions, or unsupervised, or determined unsafe by the Penns Valley Code Enforcement Agency Official, shall be extinguished immediately upon demand by such official.
3. Fires are not permitted during adverse wind and weather conditions as declared by the Board of Supervisors or the Centre County Board of Commissioners.
4. No fire, of any kind, shall be permitted to smolder or produce noxious fumes.
5. Fires shall not be set for the purpose of burning plastic or plastic-coated products, treated lumber, asphalt products, furniture, mattresses, tires and rubber products, automotive parts and batteries and the like.
6. Installation of outdoor wood-fired furnaces, boilers, or other heat-producing devices is prohibited from the date of enactment of this ordinance.

SECTION 6. ENFORCEMENT

The Penns Valley Code Enforcement Agency or any other duly authorized agent shall have the power and duty to enforce the provisions of this ordinance

SECTION 7. PENALTIES

Any person who violates any provision of this ordinance or any order of Gregg Township issued pursuant to this ordinance, may receive a verbal or written warning. If further action needs to be taken, a complaint may be filed with the District Justice's Office for prosecution.

SECTION 8.

All Ordinances previously adopted by the Gregg Township Supervisors inconsistent with this Ordinance are hereby repealed.

This Ordinance shall be and become effective five (5) days after enactment.

ENACTED THIS 10th Day of June, 2004

GREGG TOWNSHIP BOARD OF SUPERVISORS

By: _____
Jay Sletson, Supervisor

By: _____
Douglas P. Bierly, Supervisor

Attest: _____
Secretary

By: _____
Walter Strouse, Supervisor