

ORDINANCE NO. 69 (AMENDED)

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, REGULATING AND RESTRICTING OUTDOOR FIRES AND PROVIDING PENALTIES FOR VIOLATIONS.

SECTION 1. This Ordinance shall be known and may be cited as the South Huntingdon Township Burning Ordinance.

SECTION 2. This Ordinance is enacted in the interest of the health, safety and welfare of the residents of the Township of South Huntingdon (hereinafter referred to as Township), for the prevention of fires and to eliminate nuisances caused by smoke, cinders and ashes and to avoid unnecessary calls and fire alarms to the fire department protecting property in the Township of South Huntingdon.

SECTION 3. Definitions. Where the following words are used in this Ordinance, they shall be defined as follows:

Person - includes any natural person or persons, individual, organization, group, association, partnership, firm or corporation, or their agents or employee

Department - Pennsylvania Department of Environmental Resources

SECTION 4. Open Burning. All open burning shall be a violation of the Ordinance, except the following instances of controlled open burning, and further provided that the waste or refuse (burnables) was generated on site and is non-hazardous, and will not create a public nuisance or adversely affect the public health, safety and welfare:

- (A) Any fire set solely for recreational or ceremonial purposes
- (B) Any fire set only for cooking food.
- (D) Any fire set for the purpose of burning tree limbs, branches, trunks, cut brush bushes, shrubbery, and vines.
- (E) The burning of fields or farm lands for the purpose of removing weeds and/or dead grass may be done at any time provided the person so burning notifies an appropriate fire department protecting property in the Township of South Huntingdon of the time and place of the proposed burning.
- (F) Any fire set to prevent or abate a fire hazard, when approved by the Department and when set by or under the supervision of a public officer.
- (G) Any fire set for the purpose of instructing personnel in fire fighting by the volunteer fire companies located within the Township.
- (H) Any fire set for the prevention and control of disease or pest, when approved by the Department.
- (I) No person shall cause the open burning of any material in the Township anytime on Sunday or anytime after sunset and before sunrise on any other day.

(J) Any fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of a farm operation.

SECTION 5. The burning of any material is prohibited upon the paved portion of any public street, alley or road.

SECTION 6. Any person causing a fire by negligent open burning which becomes out of control and requires a call to the fire departments protecting property in the Township shall pay a fine or penalty to the Township of five Hundred (\$500.00) Dollars to be collected as hereinafter set forth.

SECTION 7. In the event of an emergency, the Township Supervisors may, without the necessity of calling a special meeting, institute a ban on all open burning in the Township for as long as the emergency exists. The public will be notified of the ban, and of the lifting of the ban, by newspaper and/or radio.

SECTION 8. All persons shall comply with applicable laws, ordinances, rules and regulations of the Township and/or the Commonwealth of Pennsylvania relating to the open burning and any other activities regulated by this Ordinance.

SECTION 9. If this ordinance, or any part of the same is declared unconstitutional, invalid, or otherwise unenforceable, the remaining part shall remain in full force and effect. Any ordinance, or any part of any ordinance of the Township has heretofore been passed and which is inconsistent with any terms of this ordinance is hereby repealed

SECTION 10. Any person who shall violate any of the provisions of this Ordinance or fail to comply herewith shall, upon conviction before a District Magistrate, be subject to a fine of not more than Three Hundred (\$300.00) Dollars plus costs of prosecution, for each violation. In the event the fine and costs are not paid, the defendant shall be sentenced to serve not more than thirty (30) days in the county jail. Each day the violation exists shall constitute a separate offense. All fees, fines and penalties imposed under this Ordinance shall be paid to the Board of Supervisors of South Huntingdon Township.

APPROVED, ADOPTED AND ENACTED this 20th day of June, 2019, to become effective five (5) days after adoption.

ORDAINED AND ENACTED this 20th day of June, 2019.

TOWNSHIP OF SOUTH HUNTINGDON

BY:



Richard Gates, Chairman

ATTEST:

Jaimie Hribar

Jaimie Hribar, Secretary

CERTIFICATION

I, Jaimie Hribar, duly qualified Secretary of the Township of South Huntingdon, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 69 (Amended) is a true and correct copy of amended Ordinance No. 69 duly passed and adopted by a majority vote of the Board of Supervisors of the Township of South Huntingdon at a duly advertised and convened regular meeting held on the 20th day of June, 2019, and that the minutes of said meeting showing how each member voted have been duly recorded in the official minutes of said Township of South Huntingdon and remains in effect as of this date.

IN WITNESS WHEREOF, I affix my hand and attach the seal of the Township of South Huntingdon, this 20th day of June, 2019.

Certified to by:

Jaimie Hribar

Jaimie Hribar, Secretary