

ORDINANCE NO. 2004 - 5

AN ORDINANCE OF THE TOWNSHIP OF BROWN, MIFFLIN COUNTY, PENNSYLVANIA, REVISING AND AMENDING ORDINANCE NO. 1985-1, AN ORDINANCE PROHIBITING OUTDOOR FIRES, OR THE OUTDOOR BURNING OF CERTAIN MATERIALS OR SUBSTANCES AT CERTAIN TIMES AND IN CERTAIN LOCATIONS OR IN A CERTAIN MANNER, BY REVISING AND AMENDING SUBSECTION 2 - PROHIBITIONS, AND SPECIFICALLY SUBSECTION 2 (b) THEREOF, BY ADDING ADDITIONAL TIMES AND DAYS WHEN BURNING IS PROHIBITED AND CONTAINING SEVERABILITY AND REPEALER PROVISIONS.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ACTED, by the Board of Supervisors of the Township of Brown, Mifflin County, Pennsylvania, as follows:

SECTION ONE: LEGAL BASIS — This Ordinance amending and revising an existing ordinance is ordained and enacted pursuant to the General Powers of the Township to make or adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, and the health and welfare of the Township and of its citizens per Section 1506 of the Second Class Township Code, as amended, (53 P.S. Section 66506, as amended) and otherwise per law.

SECTION TWO: AMENDMENT TO “SECTION 2. PROHIBITIONS” OF ORDINANCE NO. 1985-1 — “SECTION 2. Prohibitions” of Ordinance No. 1985-1, is hereby amended by revising and amending Subsection (b) thereof to set forth additional times and days when burning is prohibited and, as such, “SECTION 2. Prohibitions.” is revised and amended to read, as follows:

“SECTION 2. Prohibitions.

Except as provided by the Exceptions in Section 3, it shall be unlawful for any person to set, conduct or maintain any type of fire outdoors upon, or to cause or permit the outdoor burning of any material or substance upon, any lot or tract of land which that person owns or occupies or as to which that person has charge, care or control

- (a) in such a manner that the fire or burning is likely to create a condition dangerous to the life, health, safety or property of occupants or users of the lot or tract or, to the life, health, safety or property of neighbors or the public;
- or (b)
 1. at any time between sunset and sunrise;
 2. at any time after twelve o'clock noon on any Saturday; and

3. at any time on a Sunday or on a holiday ---- holidays for purpose of this Ordinance being defined as:

New Year's Day
Good Friday
Memorial Day
Flag Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Christmas Day;

- or (c) at any location within 20 feet of: any property line; any building; any fence, sign, utility pole, fuel storage tank, parked motor vehicle, or other like structure or equipment which is not inherently impervious to fire, smoke or heat; any standing tree, any clump of standing shrubs or bushes, any standing vines, any standing garden or crop, or the like; or any overhead utility line;
- or (d) in such a manner that the fire or burning is left unattended at any time;
- or (e) in such a manner that the fire or burning cannot be quickly extinguished by some simple, but adequate, means (as, for example, a water hose);
- or (f) in such a manner that smoke or other emissions are visible or detectable at any time outside the lot or tract;
- or (g) in such a manner that odors are detectable at any time outside the lot or tract;
- or (h) in such a manner that such smoke, odors or other emissions as are confined to the lot or tract interfere with the right of occupants or users of the lot or tract to the reasonable enjoyment of health or property.

SECTION THREE: SEVERABILITY — If any sentence, clause or section or any part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Township Supervisors that this Ordinance would have been adopted if such unconstitutional, illegal and invalid sentence, clause, section or part thereof had not been included therein.

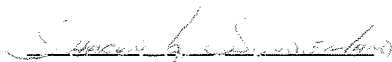
SECTION FOUR: REPEALER AND SAVINGS — Any Ordinance or part of any Ordinance or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance; otherwise, those provisions of Ordinances, Resolutions or Motions not hereby repealed or amended and not conflicting with or not inconsistent herewith, specifically including the remaining provisions of Ordinance No. 1985-1, are hereby confirmed.

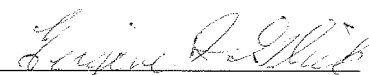
SECTION FIVE: EFFECTIVE DATE — The effective date of this Ordinance shall be five (5) days after the date of adoption of this Ordinance.

ORDAINED AND ENACTED by the Township of Brown, Mifflin County, Pennsylvania, by the Supervisors of the Township of Brown, in public session assembled, this 7th day of June, 2004.

Attest:


THE TOWNSHIP OF BROWN,
Mifflin County, Pennsylvania


Secretary

By 
Chairman
Board of Supervisors

(SEAL)

Vice Chairman
Board of Supervisors


Supervisor

ORDINANCE NO. 1985-1

A Ordinance of the Township of Brown, Mifflin County, Pennsylvania, prohibiting outdoor fires, or the outdoor burning of certain materials or substances, at certain times or in certain locations or in a certain manner.

BE IT ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF BROWN, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME, That:

SECTION 1.

Prohibitions.

- A. Except where special permission has been granted by the Board of Supervisors or except as provided by Exception A in Section 3, it shall be unlawful for any person to set, conduct or maintain any type of fire outdoors upon, or to cause or permit the outdoor burning of any material or substance upon:
- (1) any private, public, or Township road, alley or right-of-way or, any sidewalk abutting thereon;
 - or (2) any mall, parking lot, playground, park, or other like property which is owned or operated by the Township of Brown, the Brown Township Municipal Authority or any of their respective agencies, bureaus, boards or commissions;
 - or (3) the grounds or premises of the Township Municipal Building, the Municipal Wastewater Treatment Plant or any other facility owned or operated by the Township of Brown, the Brown Township Municipal Authority or any of their respective agencies, bureaus, boards or commissions.
- B. Any outdoor fire set or outdoor burning conducted under Section 1.A. with the permission of the Board of Supervisors shall be subject to the prohibitions of Section 2 and the Exceptions in Section 3 to those prohibitions.

SECTION 2.

Prohibitions.

Except as provided by the Exceptions in Section 3, it shall be unlawful for any person to set, conduct or maintain any type of fire outdoors upon, or to cause or permit the outdoor burning of any material or substance upon, any lot or tract of land which that person owns or occupies or as to which that person has charge, care or control:

- (a) in such a manner that the fire or burning is likely to create a condition dangerous to the life, health, safety or property of occupants or users of the lot or tract or, to the life, health, safety or property of neighbors or the public;
- or (b) at any time between sunset and sunrise;
- or (c) at any location within 20 feet of: any property line; any building; any fence, sign, utility pole, fuel storage tank, parked motor vehicle, or other like structure or equipment which is not inherently impervious to fire, smoke or heat; any standing tree, any clump of standing shrubs or bushes, any standing vines, any standing garden or crop, or the like; or any overhead utility line;
- or (d) in such a manner that the fire or burning is left unattended at any time;
- or (e) in such a manner that the fire or burning cannot be quickly extinguished by some simple but adequate means (as for example, a water hose);
- or (f) in such a manner that smoke or other emissions are visible or detectable at any time outside the lot or tract;
- or (g) in such a manner that odors are detectable at any time outside the lot or tract;
- or (h) in such a manner that such smoke, odors or other emissions as are confined to the lot or tract interfere with the right of occupants or users of the lot or tract to the reasonable enjoyment of health or property.

SECTION 3. Exceptions.

- A. The prohibitions of Section 1.A. and the prohibitions of Section 2 shall not apply to any fire set to prevent or abate a fire hazard, when approved by the Pa. Department of Environmental Resources or the Chief of the Township Fire Department and set by or under the supervision of the Chief of the Township Fire Department or other public officer.
- B. The prohibitions of Subsections 2 (f), (g) and (h) shall not apply to:
 - (1) any fire set for the purpose of instructing personnel in firefighting, when approved by the Pa. Department of Environmental Resources;
 - or (2) any fire set for the prevention and control of disease or pests, when approved by the Pa. Department of Environmental Resources.

- C. The prohibitions of Subsections 2 (b), (f), (g) and (h) shall not apply to:
- (1) any fire set for the purpose of burning trees, shrubs or other vegetation (but not for burning refuse or demolition waste) which has been cleared or grubbed from land during or prior to construction, when approved by the Chief of the Township Fire Department:
 - or (2) any fire set on a farm (as the term "farm" is defined by the Township Zoning Ordinance) for the purpose of: processing a farm product; burning trees, shrubs or other vegetation which has been cleared from the farm land; burning stubble; or burning the normal accumulations of domestic refuse generated by the occupants of the farmhouse;
 - or (3) any fire set solely for ceremonial, civic or recreational purposes, when approved by the Chief of the Township Fire Department.
- D. The prohibitions of Subsections 2 (b), (c), (d), (f), (g) and (h) shall not apply to: the use of a stationary outdoor barbecue fireplace, outdoor cooking stove or other like stationary outdoor cooking or grilling device or the use outdoors of a portable barbecue grill, camp stove or other like portable outdoor cooking or grilling device — provided that the device is used solely for cooking or grilling food and, not for the burning of refuse or other materials or substances.

SECTION 4. Penalties for Violations.

Any person who violates any provision of this Ordinance shall, upon conviction of the offense, be sentenced to pay a fine of not more than \$50.00 — together with the costs of prosecution; and upon failure to pay such fine and costs, to imprisonment in the county jail for not more than 10 days.

For the purposes of the imposition of the fine and costs prescribed by this Section 4, the word "person" when applied to partnerships, firms or associations shall mean the partners or members thereof; when applied to organizations or corporations, the officers thereof; and when applied to other entities, the officers, officials or other individuals responsible for managing the business or affairs of the entity.

SECTION 5. Severability and Savings Clause.

The Sections, Subsections and provisions of this Ordinance are severable, and if any of the Sections, Subsections or provisions of this Ordinance shall be held by a court to be invalid, unenforceable or unconstitutional, the decision of the court

shall not affect or impair any of the remaining Sections, Subsections or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Brown Township that this Ordinance would have been adopted by the Board if such invalid, unenforceable or unconstitutional provision had not been included herein.

SECTION 6. Effective Date.

This Ordinance shall take effect five days after the enactment of this Ordinance.

Ordained and Enacted as Ordinance No. 1985-1, this 3rd day of June 1985 by the Board of Supervisors of the Township of Brown.

(Seal)

TOWNSHIP OF BROWN
Mifflin County, Pennsylvania

Attest:

By

William F. Dippenz
[Vice] Chairman of the
Board of Supervisors

Charles E. Padon
Township Secretary