

INTRODUCED 3-14-19

BY Supervisor Carson

ENACTED 4-11-19

ORDINANCE NO. 2019-2

AN ORDINANCE OF THE TOWNSHIP OF CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, REPEALING AND REPLACING ORDINANCE 2010-3 PROMOTING THE PUBLIC HEALTH, SAFETY, AND WELFARE AND TO SAFEGUARD THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWNSHIP BY REGULATING THE AIR POLLUTION AND FIRE HAZARDS OF OPEN BURNING AND OUTDOOR BURNING, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

**THE SHORT TITLE OF THIS ORDINANCE SHALL BE
"TOWNSHIP OF CONNELLSVILLE BURNING ORDINANCE"**

BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF THE TOWNSHIP OF CONNELLSVILLE, and it is hereby ordained and enacted by the authority of the same.

SECTION I. PURPOSE

1.1 This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, safety and welfare of the citizens of the Township of Connellsville, Pennsylvania by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION II. APPLICABILITY

2.1 This ordinance applies to all Outdoor Burning and Open Burning within the Township of Connellsville, Pennsylvania.

2.2 This ordinance does not apply to grilling or cooking food – using charcoal, clean wood, propane or natural gas in cooking or grilling appliances.

2.3 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

2.4 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION III. SEVERABILITY

3.1 Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION IV. DEFINITIONS

4.1 "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

4.2 "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

4.3 "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

4.4. "Fire Chief" means the Chief of the Connellsville Township Fire Department or other person designated by the Fire Chief.

4.5 "Municipality" means the Township of Connellsville.

4.6 "Outdoor Burning" means open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.

4.7 "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

4.8 "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

4.9 "Refuse" means any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush, stumps, leaves, and other vegetative matter.

SECTION V. GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING.

5.1 Except as provided in this Ordinance, Open Burning and Outdoor Burning are prohibited in the Township of Connellsville.

SECTION VI. OPEN BURNING OF REFUSE

6.1 Open burning of refuse or grass clippings is prohibited.

6.2 Open burning of any recyclable material is prohibited.

6.3. Open burning of any material that can be composted is prohibited. Residents can compost themselves on their own property or work with the Township schedule to compost.

SECTION VII. OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

7.1 Open burning of brush, leaves and grass clippings is prohibited. Open burning of trees and logs is allowed only for recreational and ceremonial fires.

SECTION VIII. OUTDOOR WOOD-FIRED BOILERS

8.1. An outdoor wood-fired boiler may be installed and used in the Township of Connellsville only in accordance with all of the following provisions:

8.1.1 The outdoor wood-fired boiler shall not be used to burn refuse, garbage, debris, leaf and grass clippings, and construction and demolition waste and shall be used to burn only clean wood.

8.1.2 The outdoor wood-fired boiler shall be located at least 100 feet from the nearest residential dwelling which is not on the same property as the outdoor wood-fired boiler

8.1.3 The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface or 3 feet above the building it serves, whichever is greater. In addition, the chimney shall extend 3 feet above the highest peak of any residence located within 500 feet from the wood-fired boiler.

8.1.4 The owner of the outdoor wood-fired boiler shall obtain a permit from the Fire Chief prior to any installation and the final installation shall be inspected by the Fire Chief and only put into operation with written approval from the Fire Chief. The purpose of the Fire Chief's inspection will only be to ensure compliance with this ordinance and shall not be considered a safety inspection.

SECTION IV. PATIO WOOD-BURNING UNITS

9.1 A patio wood-burning unit may be installed and used in the Township of Connellsville only in accordance with all of the following provisions:

9.1.1 The patio wood-burning unit shall not be used to burn refuse, garbage, debris, leaf and grass clippings, construction and demolition waste.

9.1.2 The patio wood-burning unit shall burn only clean wood.

9.1.3 The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.

SECTION X. BURN PERMITS

10.1 For all fires not otherwise defined in this Ordinance or for fires which would otherwise result in the violation of specifications and requirements of this Ordinance, a permit shall be obtained through the Connellsville Township Supervisors. The Township Supervisors have the discretion to issue all such permits. The application must be made to the Connellsville Township Board of Supervisors at least 30 days in advance of any such fire. The Township shall immediately notify the Connellsville Township Fire Chief of any such application.

10.2 A burning permit for a Special Event Fire is necessary. Special Event Fires are those which are normally incident to commemorative or celebration events that are sponsored by schools, municipalities and other charitable type organizations. Any person, partnership,

firm, association, corporation, other entity seeking a special event fire must make application to obtain from the Connellsville Township Board of Supervisors for a permit for such fire. A formal written request must be made to the Township at least 30 days in advance of any such special event fire.

10.3 The Township shall immediately notify the Connellsville Township Fire Chief of any such application.

SECTION XI. LIABILITY

11.1 A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION XII. RIGHT OF ENTRY AND INSPECTION

12.1 Upon probable cause of a possible violation of this ordinance, the Fire Chief or any authorized office, agent, employee or representative of the Township of Connellsville who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION XIII. ENFORCEMENT AND PENALTIES

13.1 The enforcing authority for this Ordinance shall be the Connellsville Township Code Enforcement Officer, Connellsville Township Fire Department or the Connellsville Township Supervisors.

13.2 Any person who violates any section of this Ordinance shall, upon conviction before a District Magistrate be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars and/or undergo imprisonment for a period not to exceed thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

SECTION XIV. RECOVERY OF COSTS, CHARGES FOR FIRE DEPARTMENT SERVICES AND ADMINISTRATIVE SERVICES.

14.1 Any person, partnership, firm, association, corporation or other entity who violates this ordinance, and any owner of any property upon which a fire has been started in violation of this ordinance either through an intentional act or negligence, which necessitates a fire run by the Connellsville Township Fire Department, or any other fire department or police agency, shall pay to Connellsville Township any and all costs and charges incurred by the Township or Fire Department by reason of such fire or emergency run. Provided, however, that the minimum charge for any fire run shall be \$600.00 plus additional minimum charge of \$200.00 for a Township administration fee. All of the foregoing charges and expenses shall be due and payable within thirty (30) days from the date an invoice is prepared and mailed to any person, partnership, firm, association, corporation, or other entity, who sets or is responsible for such an open fire, or to any property owner upon which such a fire occurred. The Township and Fire Department may proceed in any court of competent jurisdiction for any such civil

damages and may recover any costs, expenses, or attorney fees incurred in the fire run or in the process of the recovery of such costs.

SECTION XV. EFFECTIVE DATE

15.1 This Ordinance shall become effective upon its enactment.

SECTION XVI. REPEAL OF PREVIOUS ORDINANCE

16.1 All ordinance or parts of ordinances inconsistent herewith are hereby repealed.

ATTEST:



Darla Hann

Secretary

BOARD OF SUPERVISORS OF
CONNELLSVILLE TOWNSHIP
FAYETTE COUNTY, PENNSYLVANIA

Todd Miner

Todd Miner, Chairman

Donald Hann

Donald Hann, Vice Chairman

Robert W. Carson

Robert Carson, Supervisor

I hereby certify that the foregoing Ordinance was advertised in the Daily Courier on, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a regular meeting of the Connellsville Township Board of Supervisors held on April 8, 2019.

Darla Hann

Secretary, Darla Hann