

**MOORE TOWNSHIP,
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013- 09

**AN ORDINANCE OF MOORE TOWNSHIP, NORTHAMPTON
COUNTY, PENNSYLVANIA WHICH REGULATES AND
RESTRICTS OUTDOOR FIRES AND WHICH REPEALS
ORDINANCE NO. 1997-2.**

TITLE

This Ordinance shall be known and cited as the "**Moore Township Burning Ordinance**".

ARTICLE 1: PUBLIC POLICY

It is against public policy to permit uncontrolled and unrestricted outdoor burning. The purpose of this Ordinance is to prevent needless public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained.

ARTICLE 2: DEFINITIONS

For the purposes of this Ordinance, the following words and terms shall have the meanings ascribed to them herein:

Section 220. Contained Fire

Any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure designed for outdoor cooking, or a fireproof container.

Section 230. Enforcement Officer

The Moore Township Police Department or Chief of the Klecknersville Rangers Fire Company ("Fire Chief") (and/or Chief's duly appointed agent) shall be designated Enforcement Officers under this Ordinance.

Section 240. Fire

Any fire set or maintained outside of a building.

Section 250. Person

Any individual, partnership, organization, association, agency, firm, estate, or corporation and any other legal or commercial entity.

Section 260. Responsible Adult

An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

Section 270. Uncontained Fire

Any fire not included in the definition of a "Contained Fire".

ARTICLE 3: GENERAL LIMITATIONS ON BURNING

Section 300. Compliance with Ordinance

- a) It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, of whatever nature, without complying with this Ordinance.
- b) Nothing herein shall be construed to prevent fire-fighting training by Township designated fire-fighting organizations.

Section 310. Public Roads and Public Properties

No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in Moore Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

Section 320. Safe Distances

- a) It shall be unlawful to allow any fire, including cooking, within an unsafe distance from any building or property line.
- b) No fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, except where such building or property is used by the fire department for training purposes.
- c) Out-of-door fires shall be permitted only upon private property and shall take place at least twenty-five (25') feet from any structure and at least fifteen (15') feet from any property line or road line.
- d) Nothing herein shall be deemed to prohibit indoor cooking activities providing that reasonable safeguards are maintained.
- e) Cooking grills may be less than five (5) feet from a building providing that reasonable safeguards are maintained.

Section 330. Control of Burning and Unattended Fires

- a) No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily-available fire-extinguishing apparatus, such as rakes, shovels, fire-extinguishers, and readily available on site water.
- b) No fire shall be permitted to burn whenever drought, high winds, or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body, The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- c) No fire shall be set that results in uncontrolled burning of vegetation (field fire).
- d) Out-of-door fires shall be confined in a non-combustible container, covered with a wire screen of one-half or smaller mesh, except for fires of natural or untreated wood which need not be confined to or covered by a non-combustible container. However, a reasonable area must be cleared around the burn site of any fire which need not be confined to or covered by a non combustible container.
- e) Prior to the start of an out-door fire which need not be confined to or covered by a non-combustible container, the property owner upon whose land the fire will be located, shall notify the Moore Township Police Department dispatcher of the burn, the name and address of the property owner, and the materials to be burned. The dispatcher shall also be notified by the property owner when the burn is completed.

Section 340. Extinguishing Unsafe Fires

It is a violation of this ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire may be extinguished by an official of the Township-designated Fire Company or the Township Police Department or the Fire Chief or shall be extinguished immediately upon request of such official by the property owner or his or her authorized representative.

Section 350. Hours

- a) No person shall burn or cause to be burned any paper, boxes, rubbish or any other kind of substance, nor shall any person or persons set or maintain any uncontained fire, or burn or cause to be burned an uncontained fire of any substance or material of any kind, out-or-doors, anywhere in Moore Township between sunset and sunrise.

- b) Contained fires shall not be permitted to burn or smolder between the hours of 10 p.m. and 5 a.m.
- c) Recreational fires using natural, untreated wood and containing a fuel source of no more than eight (8) cubic feet are permitted at any time so long as they comply with all other provisions of this Ordinance.

Section 360. Unlawful Substances

- a) Burning of construction debris, pressure treated wood or wood products, plastics, byproducts of manufacturing and processing operations, and wastes from commercial operations is strictly prohibited. Notwithstanding anything herein to the contrary, burning of untreated wood and paper is permitted as further set forth in this Ordinance.
- b) Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent public agency..
- c) No garbage or offal may be burned at any time either indoors or out-of-doors.
- d) Fires shall be used only to burn readily combustible materials.

Section 370. Special Circumstances

In the event that it is necessary to have an uncontained fire of a size and/or at times other than permitted under this Ordinance, special permission must be obtained in advance from the Fire Chief of the Moore Township Volunteer Fire Company #1 or his designee. In the event any Fire Company is required to respond to a fire which violates the provisions of this Ordinance, a service fee may be levied by the responding Fire Company.

ARTICLE 4: ENFORCEMENT

Section 400. Sanctions – Civil

Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violation, shall upon an adjudication thereof, before any magistrate, be sentenced to pay a fine or not less than Fifty (\$50.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of prosecution, including reasonable attorney fees. Each violation shall constitute a separate offense.

Section 410. Equitable and Other Remedies

No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies.

Section 420. Liability

Moore Township and its agents, officials, and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

ARTICLE 5: SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

ARTICLE 6: REPEALER

All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance, including but not limited to Ordinance No. 1997-2, are hereby repealed.

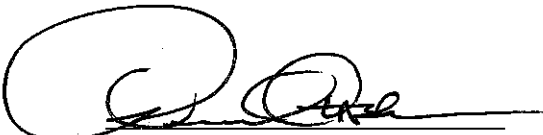
ARTICLE 7: EFFECTIVE DATE

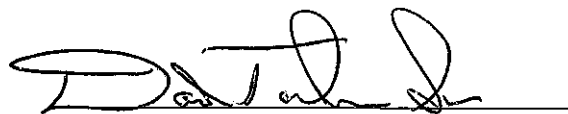
This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into an ordinance at a regular meeting of the Board of Supervisors of Moore Township, Northampton County, Pennsylvania, this 3rd day of December, 2013.

ATTEST

MOORE TOWNSHIP


Secretary


David Tashner, Sr., Chairman
Board of Supervisors