

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

AN ORDINANCE REGULATING OPEN BURNING

ORDINANCE NO. 1992-09

BE IT ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED OF AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP SUMMIT AS FOLLOWS:

Section 1. Title. This Ordinance shall be known and may be cited as the Summit Township Open Burning Ordinance.

Section 2. Authority. This Ordinance is enacted pursuant to Section 12 of the Air Pollution Control Act, as amended, 35 P.S. 4012(a), and Section 702, clauses XXIX (Health), XXXII (Fire Prevention), XLI (Ordinances), XLVII (Public Safety), and LXII (General Powers) of the Second class Township Code, 53 P.S. 65729, 65732, 65741, 65747, and 65762.

Section 3. Declaration of Policy. It is hereby declared to be the policy of Summit Township as a matter of public health and safety to regulate fires and open burning in Summit Township for the purposes of controlling air pollution and protecting buildings, housing, property and the well-being of its citizens.

Section 4. Definitions. The following words, terms, and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings described to them:

(a) **OPEN BURNING OR OPEN FIRE:** Any fire which is burned outside of an enclosed structure or building.

(b) **PERSON:** Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by law as the subject of rights and duties.

(c) **RIGHT OF WAY:** The total width of any land reserved or dedicated for the public use of vehicular or pedestrian traffic, including streets, avenues, boulevards, roads, highways, interstates, freeways, parkways, lanes, alley viaducts, sidewalks, marginal access ways and any other ways used for vehicular and pedestrian traffic which are dedicated to public use or to the use of residents in a land development or subdivision.

(d) **VEGETATIVE MATTER:** Tree leaves, grass clippings, cuttings of plants, and limbs of trees up to four inches (4") in diameter except for wood and wood products.

(e) **WOOD AND WOOD PRODUCTS:** Trunks of trees and limbs of trees exceeding four inches (4") in diameter, and all products of, or made from, wood.

Section 5. Open Fires Prohibited. It shall be unlawful for any person to ignite or feed any open fire whatsoever in Summit Township except for fires permitted subject to regulation under Section 6 or exempted under Section 7.

Section 6. Open Fires Permitted Subject to Regulations. The following types of fires are permitted subject to the specific and general regulations contained herein:

a. Wood and Wood Products: Burning of wood and wood products is permitted subject to the following regulations:

- (1) **Permit Required for Open Burning to Clear Land:** Any landowner may obtain a permit for open burning of wood and wood products and vegetation on a lot for the purpose of clearing land for agriculture or construction. The application for a permit shall be made to Summit Township, shall be in substantially the same form as required by the Department of Environmental Resources, Bureau of Air Quality Control, Commonwealth of Pennsylvania, shall include the location of the clearing project, the size to be cleared, the type of air curtain destructor to be employed, description of the type and amount of waste to be burnt, the expected duration of the burning, the anticipated method of residue disposal, the name of the person who will attend the fire and be responsible to prevent the spread of fire or hazardous conditions and shall be accompanied by a permit fee as established from time to time by the Supervisors of Summit Township. Summit Township may impose such

further conditions as it deems appropriate for the control of air pollution and protecting buildings, housing, property and well-being of its citizens.

(2) **No Permit Required.** All other burning of wood and wood products is permitted without a permit, subject to the following regulations:

- i. All open fires shall be in a container such as a masonry fire place or metal container for fires.
- ii. No metal container shall be larger than a 55 gallon drum.
- iii. All containers for fires shall be covered by a screen or wire mesh to prevent sparks from flying while burning.
- iv. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible to prevent the spread of the fire or hazardous conditions.
- v. All open fires shall be conducted only on premises owned by the person responsible for such fire provided, however, that the term premises shall not include the area within the right of way of any street.

b. **Vegetative Matter:** Open burning of vegetative matter, other than as regulated by Section 6(a)(1), is permitted without a permit subject to the following regulations:

- (1) The fire must be attended at all times, and
- (2) The site of the fire shall be controlled so as to prevent endangerment to property or person.
- (3) The site of the fire shall not exceed one hundred (100) square feet.
- (4) No vegetative matter from another site may be burned.

c. **Burning of Fields for Weed or Brush Control or for Farm Purposes:**

The burning of fields for weed or brush control or for farm purposes is permitted without a permit subject to the following regulations:

- (1) The person desiring to burn a field for weed or brush control shall first notify the fire department which serves the area in which the fire shall occur.
- (2) The fire shall be attended at all times.
- (3) The person burning shall have sufficient fire suppression equipment and personnel present at all times to maintain control of the fire.

d. **General Regulations:** Any fire permitted pursuant to subsection a, b, or c of this section, shall be subject to the following General Regulations:

- (1) No open fire shall be permitted before the hour of 7:00 a.m. and shall be extinguished completely by 6:00 p.m., except that the time to extinguish such fire is extended to 8:00 p.m. from March 15 to October 15.
- (2) No open fires shall be permitted in a right-of-way.
- (3) No open fire shall be conducted closer than 20 feet from a building located on the property of the person conducting the fire, and no closer than 30 feet from a building or the land of another.

Section 7. Open Fires Exempted. The following types of fires, provided that such fires are wood and wood products only, are exempted from the regulations set forth in this Ordinance:

- (a) Fires solely for the cooking of food for immediate consumption.
- (b) Camp fires for warmth, fellowship, food preparation or ceremonial purposes by bona fide groups of individuals such as hunting camps or public organizations such as Boy Scouts or Girl Scouts.
- (c) Fires set in the performance of public duty by any fireman or public official for official purposes.

Section 8. Penalties for Violations of Section 5: Air Pollution Control. Any person who suffers or permits on the property controlled by such person, or who conducts, any open fire of any materials other than wood or wood products, vegetative matter or for weed or brush control, in violation of Section 5 of this Ordinance, shall, for each offense, be

subject to the provisions of Section 12(f) of the Air Pollution Control Act, Act of 1960, January 8, P.L. (1959) 2119, as amended, 35 P.S. 4012(h), as such now is or may in the future be amended, providing for prosecutions, costs, civil penalties, civil contempt, collection, lien and assessment of civil penalties under other provisions of the Air Pollution Control Act. Each day upon which a violation continues or occurs shall constitute a separate offense.

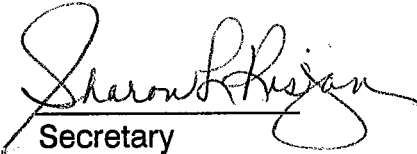
Section 9. Penalties and Violations of Section 6. Any person violating any of the provisions of Sections 6 of this Ordinance shall, upon conviction thereof before any District Justice, in a summary proceeding, be sentenced to pay a fine or penalty of not less than Three Hundred (\$300.00) nor more than One thousand dollars (\$1,000.00) plus costs, and in default of the payment of the fine and costs, the defendant may be sentenced to the county jail for a period not exceeding thirty (30) days. This penalty section is enacted pursuant to Section 702, clause XLI, of the Section Class Township Code, 53 P.S. Section 65741, for health, fire and safety and for air and water pollution purposes.

Section 10. Severability. The provisions of this Ordinance are severable and, if any of its provisions shall be held invalid or unconstitutional, the decision of the Court shall not affect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision had not been included herein.


ENACTED INTO LAW AS ORDINANCE 92-09 this 21st day of December, 1992.


BOARD OF SUPERVISORS OF
SUMMIT TOWNSHIP

ATTEST:


Secretary

By 
Chairman


Supervisor


Supervisor

Supervisor