

ORDINANCE NO. 03-2016

AN ORDINANCE OF THE TOWNSHIP OF SALEM, COUNTY OF
WESTMORELAND AND COMMONWEALTH OF PENNSYLVANIA
REGULATING OUTDOOR FIRES AND OPEN BURNING

WHEREAS, the Board of Supervisors have experienced an increase in burning in the Township of materials brought in from locations outside its boundaries; and

WHEREAS, the Board of Supervisors have experienced an increase in the burning of tires and other hazardous materials which pose a threat to the public health, safety and welfare; and

WHEREAS, the Board of Supervisors of Salem Township are vested with authority to pass regulations associated with open fires and open burning within the Township under the Second Class Township Code and the police powers generally afforded to it for the protection of the public health, safety and welfare; and

WHEREAS, the Board of Supervisors desire to adopt this Ordinance to regulate open burning and fires within the Township.

NOW THEREFORE, WITH THE FORGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA, HEREBY RESOLVE AS FOLLOWS:

1. GENERAL REGULATIONS.

A. All outdoor burning and open fires are expressly prohibited except as may be authorized under the terms of this Ordinance.

B. No person shall kindle or maintain any bonfire, rubbish fire or any other outdoor fire, or authorize any such fire to be kindled or maintained, on any public or private property other than as set forth in this chapter.

C. No person or persons shall deliberately, knowingly, carelessly or negligently set fire to or cause the burning of any material in such manner as to endanger the safety of any person or property.

D. All outdoor burning or fires shall be contained in a barrel, burn pit, receptacle or other area on their property specifically designated by the owner of the property for same.

E. All outdoor burning or fires shall be limited to the burning of cardboard, paper, brush, untreated wood, trees, limbs, logs, twigs and yard waste. No tires, rubber, asbestos, shingles, treated or wolmanized wood, paint, televisions, carpeting, insulation, electrical wiring, animal or human waste, plastics, diapers, toxic materials or other matters consisting of solid waste, material containing oils or any other hazardous materials shall be burned on any premises within the Township regardless of the size of the property upon which the outdoor burning or fire occurs.

F. All outdoor burning or fires shall be controlled in a safe manner and have an attended adequate water supply or equal extinguishing agent throughout the duration of the burning.

G. No person or persons shall burn or cause to be burned any waste of whatever nature or kind brought into the Township from any location outside the Township.

H. Outdoor fireplaces and grills used solely for food preparation and/or camp fires used solely for recreational purposes and enclosed outdoor wood-burning furnaces shall be exempt from these regulations.

2. BURNING FOR SITE CLEARANCE

A. For purposes of this section, "Site Clearance" shall be the clearing of land for construction purposes where the land area to be cleared is in excess of one acre.

B. Before any burning for the purpose of Site Clearance occurs under this section, the owner of the property upon which the burning occurs shall contact the Volunteer Fire Department having primary call-out responsibility for the property and (1) advise them of the date, time and place at which such burning will occur; and (2) follow any recommendations made by the chief of such volunteer fire department to ensure burning safely occurs on the site.

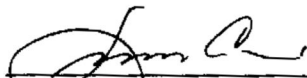
3. VIOLATIONS AND PENALTIES

Any person, firm or corporation who shall violate or fail to conform to any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of \$50.00 for a first offense, \$100.00 for a second offense and a fine of \$300.00 for a third or subsequent offense which occurs in any twelve (12) month period. In addition to the foregoing penalty, anyone found guilty under this Chapter shall be assessed the cost of prosecution and reasonable attorney's fees incurred by the Township in the prosecution of the offense.


4. REPEALER. This Ordinance repeals and replaces Salem Township Ordinance No. 2 dated October 15, 1954.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SALEM, WESTMORELAND COUNTY, PENNSYLVANIA, AT A DULY ADVERTISED PUBLIC MEETING HELD THE 15th DAY OF June, 2016, AND SHALL TAKE EFFECT IN FIVE (5) DAYS.


ATTEST:


Lynn Cain, Secretary

THE BOARD OF SUPERVISORS
OF SALEM TOWNSHIP


Robert Zundel, Chairman


Kenneth Trumbetta, Vice Chairman


Kerry Jobe, Supervisor