

Point Township  
Northumberland County, Pennsylvania

Ordinance No: **2011-01**

AN ORDINANCE REGULATING **OUTDOOR FIRES AND BURNING**  
WITHIN THE TOWNSHIP OF POINT, NORTHUMBERLAND COUNTY,  
AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Point Township in a regular meeting assembled, and it is hereby ordained and enacted by and with the authority of the same, as follows:

SECTION 1 – PURPOSE

The Board of Supervisors of the Township of Point finds that it is in the public interest of the residents of Point Township, and in the promotion of the public health, safety and welfare of the citizens and residents of Point Township, to regulate and limit outdoor fires and burning within the Township of Point.

SECTION 2 – DEFINITIONS

The following words and phrases when used in this ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

- (a) Combustible Rubbish: paper, newspaper, rags, excelsiors, wood, straw, boxes, Christmas trees, pruning from vines, trees and shrubbery;
- (b) Dead Animals: all dead animals and parts thereof not intended to be used as food for human beings;
- (c) Garbage: any offal or refuse of fish, fruit, vegetables, animal matter or any organic substance, subject to fermentation, including matters liquid or solid, house and store sweepings, and tin cans which contain animal or vegetable matter;
- (d) Noncombustible Rubbish: glass, tin ware, wire, crockery, metal, waste materials, tires, plastic and foam products, baby diapers, aerosol cans, hazardous waste as defined in the Pennsylvania Solid Waste Management Act (35 P.S. §6018.101 et seq.) and other nonflammable refuse;
- (e) Normal Farming Operations: the pursuit of farming as an occupation conducted on ten (10) or more acres.

### SECTION 3 – PROHIBITED ACTS

- A. No person, firm, corporation or other entity shall kindle or maintain an outdoor fire or authorize or permit any such fire to be kindled or maintained on any street, sidewalk, alley or public property in Point Township.
- B. No person, firm, corporation or other entity shall kindle or maintain an outdoor fire or authorize or permit any such fire to be kindled or maintained on private property except in compliance with the conditions provided in this Ordinance.

### SECTION 4 – CONDITIONS FOR OUTDOOR FIRES AND BURNING

Any person, firm, corporation or other entity kindling or maintaining any outdoor fire or authorizing or permitting any such fire to be kindled or maintained on private property within Point Township shall comply with the following conditions:

- (a) Such fires shall not be kindled or maintained closer than twenty feet (20') from any residence, building or similar structure, property line, public utility, highway or traffic way, wooded area or field with crops or vegetation in excess of six inches (6") in height. In no event shall any fire be kindled or maintained with any flammable object overhead to include buildings or structures, trees and similar growth or any utility;
- (b) Such fires kindled or maintained shall be permitted only according to the following schedule and shall not be allowed to smolder more than one-half (1/2) hour after the flames have been extinguished
  - (1) Tuesday and Thursday from dawn until dusk, but in any event no later than 7:00pm, prevailing time;
  - (2) Saturday from dawn until 12:00pm, prevailing time;
- (c) Such fires kindled or maintained shall be tended to by a person in the immediate presence of said fire and said person shall remain until the fire has been extinguished. Said person shall have at their immediate disposal, a suitable fire suppression device to minimize the risk of uncontrolled fire to include a hose, bucket(s) of water, fire extinguisher or similar device;
- (d) Such fires kindled or maintained shall be contained in a structurally sound receptacle, whether it be block, brick, concrete or metal with a screen cover containing holes not larger than one-half inch (1/2") square, (small holes are permitted in the sides of the receptacle to provide air for burning);



- (e) The following materials shall not be burned: garbage, noncombustible rubbish, dead animals, compost, tires, demolition waste, and hazardous waste as defined in the Pennsylvania Solid Waste Management Act (35 P.S. §6018.101 et seq.), and other nonflammable refuse;
- (f) Such fires kindled or maintained may only contain combustible rubbish generated within Point Township and no person shall transport or burn or permit to be transported or burned any combustible rubbish from outside the township within Point Township;
- (g) Controlled Burns/Open Fires – Notification must be given to the Point Township Fire Chief and the Point Township Fire Department's dispatch center, presently Northumberland County Emergency Services, (NCES), at (570) 988-4539, regarding any allowable agricultural burning not confined to a screened receptacle, and burning that consists of trees, shrubs, and other native vegetation cleared from the land. Such notification shall be made to the Fire Chief and NCES before kindling any such fire and again immediately following the extinguishment of the flames thereof. Any such open fire shall not be kindled or maintained closer than one hundred feet (100') from any items as outlined in Section 4(a);
- (h) None of the aforementioned conditions shall be construed to permit any fire to be kindled or maintained on private property during the period of time declared to be a high fire risk due to dry conditions by motion adopted and publicized individually or collectively by the Board of Supervisors of Point Township or the Commissioners of Northumberland County.

#### SECTION 5 – AGRICULTURAL EXEMPTION

Notwithstanding any provisions of this Ordinance to the contrary, the restrictive limitations of this Ordinance shall not apply to the burning of combustible rubbish or any other farm produced agricultural waste such as seed bags, pesticide containers or the like, if the burning of such farm produced agricultural waste is completed pursuant to the manufacturer's guidelines, by persons engaged in a normal farming operation, except that such fires shall not be kindled or maintained from dusk until dawn, or during a ban on burning due to dry conditions, or within one hundred feet (100') of any items specified in Section 4(a), and shall not be allowed to smolder more than one-half (1/2) hour after the flames have been extinguished.

## SECTION 6 – EXCEPTIONS

Nothing herein provided shall prohibit:

- (a) Any fires, or incinerations, so long as such activity is conducted exclusively within the confines of an inhabited structure, i.e. furnaces and fireplaces;
- (b) A small, well controlled fire in an outdoor fireplace or other suitable receptacle for the purposes of cooking, barbeques and the like are exempt from Section 4(b);
- (c) Outdoor Furnaces used for residential heating and similar functions are exempt from Section 4(b);
- (d) Any adjacent property owners from placing their burning receptacle at their shared property line, provided all parties are in agreement to such placement and all other set back provisions under Section 4(a) are complied with;
- (e) Any fire set in the performance of an official duty by any public official if the fire is necessary for the prevention of a fire hazard that cannot be abated by other means, or as is necessary for the protections of public safety and health.

## SECTION 7 – ENFORCEMENT

Any member of the Point Township Police Department or Point Township Ordinance Enforcement Officer shall have the power and duty to enforce the provisions of this Ordinance.

## SECTION 8 – PENALTIES

Any person, firm, corporation or other entity violating the provisions of this Ordinance shall be guilty of a summary offense and upon conviction thereof before any Magisterial District Judge, shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1000.00) together with the costs of prosecution, and in default of payment of any fine levied hereunder, the Defendant shall be sentenced to undergo imprisonment for a period not to exceed ninety (90) days. Each violation of any provision of this Ordinance shall constitute a separate offense, for which a summary offense may be brought.

## SECTION 9 – SEVERABILITY

In the event that any phrase, clause or provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the invalidity of any such phrase, clause or provision shall in no way affect the validity of any other phrase, clause or provision herein contained.

## SECTION 10 – REPEALER

The following ordinances are hereby repealed: Nos. 153, 161, 182, 186, 187, 212.

ENACTED AND ORDAINED this 14<sup>th</sup> day of June, 2011.

ATTEST:

Deanna C. Fister  
Secretary

(SEAL)

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF POINT

Randall W. Yopkeimer  
Chairman

Mark D. Felt

James A. Nitzler

Steve P. Shin

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