

**ORDINANCE NO. 2016 – 3**

**AN ORDINANCE OF TOWAMENSING TOWNSHIP, CARBON COUNTY,  
PENNSYLVANIA, PRESCRIBING PENALTIES FOR PERSONS WHO  
VIOLATE FIRE BURNING BANS, PROVIDING DEFINITIONS, AND  
DESIGNATING AN ENFORCEMENT OFFICER.**

The Board of Supervisors of Towamensing Township ("Board of Supervisors") hereby ordains:

**Section 1. Definitions.** As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

DOMESTIC FIRE – a fire which is set and maintained for the purpose of burning or disposing of refuse.

FIELD FIRE – a fire which is set and maintained for the purpose of burning or disposing of standing weeds in open fields or vacant lots.

FIRE BURNING BAN – a declaration by either the Fire Chief (or an Assistant Fire Chief) of the Towamensing Township Volunteer Fire Company ("Fire Chief") or the Board of Supervisors that Open Fires are not permitted during a set period of time, or until such time as either the Fire Chief (or an Assistant Fire Chief) or the Board of Supervisors declares that Open Fires are once again permitted.

FIREWORKS – any combustible or explosive composition or any substance or combination of substances intended to produce visible and/or audible effects by combustion, but not including devices commonly known as "ground and hand-held sparkling devices", "toy caps", and similar "novelties".

FURNACE – any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE – all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR – any enclosed device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material in a manner that such burning or incineration is nontoxic and free of any chemical or physical contaminants which may endanger the public health, safety and welfare, or which may pose a threat to the environment.

OPEN FIRE – a domestic fire or a field fire in which material is burned in the open or in a receptacle other than a furnace or an incinerator; a recreational fire; and fireworks; but the term "open fire" shall not include fireworks when used for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage, or the use

by railroads, or other transportation agencies for signal purposes or illumination, or when used in quarrying or for blasting or other industrial uses or the use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations or organizations composed of veterans of the United States Army or Navy.

PERSON – any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

RECREATIONAL FIRE – any fire which is set and maintained primarily for the purpose of recreation, including camp fires and ceremonial fires, whether or not also used for cooking.

REFUSE – garbage, rubbish and trade waste.

RUBBISH – all waste materials not included in garbage or trade waste, including but not limited to rags, old clothes, leather, rubber, carpets, wood, wood shavings, paper, cardboard, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

TRADE WASTE – all solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

**Section 2. Prohibited Conduct.** It is a violation of this ordinance to cause, set, ignite, feed, allow or maintain an Open Fire within the geographical boundaries of Towamensing Township while a Fire Burning Ban is in effect.

**Section 3. Enforcement.** The ordinance shall be enforced by the Fire Chief (or an Assistant Fire Chief), and such other persons as may be appointed by resolution adopted by the Board of Supervisors.

**Section 4. Penalties.** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

**Section 5. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

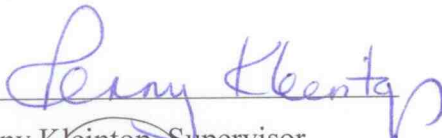
**Section 6. Severability.** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

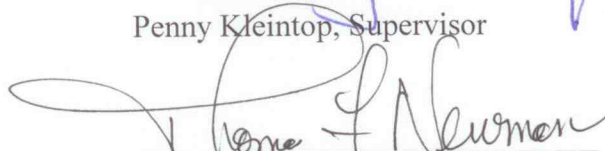
**Section 7. Effective Date.** This ordinance shall become effective on October 21, 2016.

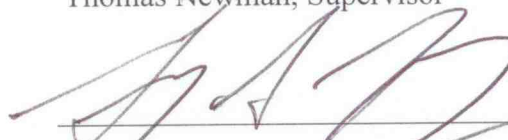
**DULY ENACTED** and **ORDAINED** this 13th day of October, 2016.



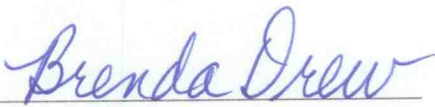
BOARD OF SUPERVISORS OF  
TOWAMENSING TOWNSHIP

  
\_\_\_\_\_  
Penny Kleintop, Supervisor

  
\_\_\_\_\_  
Thomas Newman, Supervisor

  
\_\_\_\_\_  
Guy Seifert, Supervisor

ATTEST:

  
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Brenda Drew, Secretary

