

ORDINANCE NO. 7-01 of 2024

**AN ORDINANCE OF THE TOWNSHIP OF PITTSTON, LUZERNE COUNTY,
PENNSYLVANIA RESTRICTING OPEN FIRES AND BURNING BY THE
ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS AND
DEFINITIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

Section 1. Statutory Authorization and Declaration.

This Ordinance is enacted pursuant to §1527 (Public Safety) and §1801 (Fire Protection) of the Second-Class Township Code, 53 P.S. §§ 66527 and 66801.

It is hereby declared to be a matter of public safety to regulate fires and open burning in the Township of Pittston for the purposes of prevention of injury to plant and animal life and to property Protection of the comfort and convenience of the public.

Section 2. Definitions.

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

Leaf Waste: Leaves, garden residue, shrubbery and tree trimmings, and similar material, but not including grass clippings.

Open Burn or Burning: The burning of any materials wherein smoke, ash, or embers are emitted into the air without passing through a stack or chimney.

Person(s): Any individual, partnership, organization, association, agency, firm, estate, or corporation and any legal or commercial entity.

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 3. Limitations on burning.

It shall be unlawful for any person to open burn any material, including the following at any time in any zoning district within Pittston Township: household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in Pittston Township under Pennsylvania Act 101, leaf waste and scrap lumber or any vegetation, plywood, drywall, plastic products, insulation material, upholstered furniture, garbage, metal, glass, abandoned vehicles, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation

from copper or other wiring, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 Pa. Code § 271.1 except as set forth herein.

Section 4. Exemptions.

Provided that the burning complies with applicable state and federal statutes, and regulations, and that the size of the fire does not exceed one foot high by two feet wide and two feet long, the following types of open burning shall be allowed:

(1) The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

(2) The burning of clean untreated wood in a commercially manufactured outdoor fire pit, commercially manufactured outdoor fireplace, or other reasonably safe outdoor fire pit or outdoor fireplace provided that:

- (a) The fire is wholly contained within the fire pit or fireplace.
- (b) The fire pit or fireplace is covered by a screen to control the emission of ash and embers.
- (c) The fire does not create a nuisance or hardship for other property owners or tenants in the vicinity of the offending fire.
- (d) The fire pit or fireplace must be placed on impervious material, such as concrete, gravel, rock, etc.
- (e) The fire is not within 50 feet of combustible materials or adjacent property lines.
- (f) The fire is not unattended and is supervised by a responsible adult.
- (g) There is not more than one fire pit or fireplace located on the lot.
- (h) Interferes with the navigation of aircraft in the vicinity of the Wilkes-Barre Scranton International Airport.
- (i) Interferes with travel on any public roadway.

(3) Any fire set for the purpose of training and instructing authorized personnel in firefighting, and training of persons in the use of portable fire extinguishers.

(4) Notwithstanding the above, 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.

Section 5. Public roads and public properties.

No person shall set, start, feed, permit to burn or maintain any fire upon any of the public streets, sidewalks, alleys or public grounds in Pittston Township.

Section 6. 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 shall be extinguished by the property owner or tenant immediately upon request by an official of the Township or an

official of the Township designated fire company. Said Township or fire company official may extinguish the unsafe fire in the absence of the property owner or tenant, or where the property owner or tenant refuses to comply with the request to extinguish the unsafe fire.

Section 7. Hours.

Outdoor fires shall not be permitted to burn or smolder between the hours of 10:00 p.m. and 8:00 a.m.

Section 8. Enforcement; violations and penalties.

- A. Any person, whether as principal or agent, firm or corporation, who shall violate this chapter, or assist or abet its violation, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300.00 nor more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.
- B. Equitable and other remedies. No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies.
- C. Liability. The Township of Pittston 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 chapter. The individual person or party responsible for any such fire shall bear sole liability for any damage caused as a result thereof.
- D. Access to private property. The Pittston Township Police Department and Pittston Township Code Enforcement official(s) are hereby authorized to enter upon private property for the purpose of conducting inspections and investigations to assure compliance with this Ordinance.

Section 9. Repealer

Ordinance No. 2 of 1986, Ordinance No. 3 of 1990 and any other Ordinances, Resolutions or Laws in conflict with this Ordinance are hereby **REPEALED**.

Section 10. Severability

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid, unenforceable or beyond the power of the Township of Pittston, said provision or provisions shall not be construed to affect the validity of any of the remaining portions of this Ordinance. It is hereby declared as the intent of the Supervisors of the Township of Pittston

that this Ordinance would have been adopted had such unconstitutional, invalid or unauthorized provision or provisions not been included therein.

Section 11. Short Title.

This Ordinance shall be known and may be cited as the "Pittston Township Open Burning Ordinance."

Section 12. Enactment

This Ordinance shall be effective immediately upon passage and shall remain in force until modified, amended or rescinded by the Supervisors of the Township of Pittston.

DULY ENACTED AND ORDAINED, by the Supervisors of the Township of Pittston, Luzerne County, Pennsylvania in lawful session duly assembled this 15th day of July, 2024.

Submitted by Ms. Taroli.....

Seconded by Mr. Slezak.....

**ROLL CALL
BOARD OF SUPERVISORS**

Supervisors:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mr. David A. Slezak, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Joseph Hawk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Deborah Taroli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

By: David A. Slezak
DAVID A. SLEZAK
Chairman, Board of Supervisors

ATTEST:

[Signature]
SECRETARY
(SEAL)