

HICKORY TOWNSHIP, LAWRENCE COUNTY, PA
ORDINANCE NO. 2021-1
HICKORY TOWNSHIP BURNING ORDINANCE

An Ordinance of Hickory Township, Lawrence County, Pennsylvania, for the prevention and control of air pollution; defining certain terms used herein; providing for regulations, exceptions, enforcement orders, penalties, unlawful conduct, public nuisances, and repealing all ordinances or parts of ordinances conflicting or inconsistent with the provisions of this Ordinance.

SECTION I. – TITLE

This Ordinance shall hereinafter be known as the Hickory Township Burning Ordinance, having previously been known and identified officially as the Hickory Township Fire Emergency Ordinance of 1986, and having been referred to generally as the Hickory Township Burning Ordinance. The within Ordinance fully and comprehensively replaces Ordinance No. 1 of 1987 (Hickory Township Fire Emergency Ordinance of 1986) and Ordinance No. 2 of 2016 consisting of an amendment to the Ordinance No 1 of 1987.

SECTION II. – POLICY

WHEREAS, the Board of Supervisors of Hickory Township, Lawrence County, determined that the maintenance of open fires may, under certain circumstances of weather and season, be detrimental to the health, welfare, comfort, living conditions and safety of the residents of Hickory Township. It is hereby declared to be the policy of Hickory Township to safeguard its' residents from such fire hazards.

SECTION III. – DEFINITIONS

1. Person: Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by the law as the subject of rights and duties.
2. Burning: The act of consuming by fire; to flame, char, scorch or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.
3. Property Owner: The name shown on the deed of the property where any violation may occur. However, should the property be rented, the Lessee, Tenant, or Assignee may be held responsible as the person having ownership and control of the property per Lease, Rental Agreement or other similar agreement.
4. Open Burning: A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

5. Contained Fire: Any fire contained in an incinerator, fire proof container, burning barrel, fireplace, cooking grill, fire ring, or other contained enclosure designed for outdoor cooking.
6. Uncontained Fire: Any fire not included in the definition of a "Contained Fire."
7. Clearing and grubbing wastes: Trees, shrubs, and other native vegetation, which are cleared from land usually during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.
8. Yard Waste: Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.
9. Domestic Refuse: Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), discarded animal or vegetable matter, diapers, furniture, mattresses or box springs, paint, putrescent waste, solvents, tires, trash or treated wood.

SECTION IV. – REGULATIONS

It shall be unlawful for any person to start or maintain an open fire at any time within the Township of Hickory with the exception of the following:

1. A fire set for the purpose of clearing and grubbing waste.
2. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.
3. A fire set for the purpose of burning that amount of domestic refuse generated from one dwelling, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less and when the refuse results from the normal occupancy of said structure. Such a fire shall take place at least thirty feet (30') from a building, property line, or road line. A cooking grill may be less than thirty feet (30') from a building providing reasonable safeguards are maintained.
4. A fire set for the purpose of burning that amount of yard waste generated from the premises of a structure occupied solely as a dwelling by two families or less, when the fire is on the premises of said structure and is thirty feet (30') from any building, property line, or road line.
5. A fire set solely for cooking food outdoors or indoors.
6. A fire set solely for recreational or ceremonial purposes.
7. Burning contained in a manufactured type furnace or burner used exclusively for the heating of homes, or heating of out buildings.

IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPENLY BURN THE FOLLOWING:

- Demolition Waste
- Insulation
- Shingles
- Treated Wood
- Paint
- Painted or stained objects of furniture
- Tires
- Mattresses
- Box Springs
- Metal
- Insulating coating on wire
- Television sets
- Appliances
- Waste oil
- Petroleum products
- Glass
- Clothing
- Rags or materials wetted with cleaning materials
- Disposable diapers

Any material considered hazardous, noxious or emits noxious fumes before, during, or after burning; and any material that doesn't burn quickly and smolders for longer than two (2) hours.

SECTION V. – HOURS

1. An open fire may be started or maintained between the hours of 4:00 P.M. and 8:00 P.M. Monday through Friday.
2. An open fire may be started or maintained between the hours 8:00 A.M. and 5:00 P.M. on Saturday.
3. There is **NO BURNING** on Sundays or holidays.
4. Contained fires **shall not be permitted** to smolder between sunset and sunrise.
5. Recreational and ceremonial fires using natural, untreated wood and containing a fuel source of no more than eight (8) cubic feet are permitted at any time so long as they comply with all other provisions of this ordinance.

SECTION VI. – FIRE CONTROL EMERGENCY

If, in an exercise of their governmental discretion, the Board of Supervisors of Hickory Township declare that a fire control emergency exists, whether for reasons of weather or any other cause, the Board of Supervisors are hereby authorized to prohibit open fires as herein defined. Such prohibition shall be effective upon the passing of an appropriate Resolution by the Board of Supervisors declaring a fire control emergency and the advertisement of the passage of said Resolution in a newspaper of general circulation in Hickory Township. No open fire as herein defined would thereafter be permitted until such time as the Board of Supervisors declares by Resolution that the burning control emergency ceases.

SECTION VII. - ENFORCEMENT

1. The Hickory Township Police Department and the Hickory Township Volunteer Fire Department shall have the power and duty to enforce the provisions of this ordinance.
2. Investigation for issuance of a warning may be initiated by calling a complaint into the 911 **non-emergency number** (724) 656-9300.
3. On investigation of a burning complaint, if a violation of this ordinance is determined the Hickory VFD (or any member) has the authority to extinguish the fire.
4. A first offense warning may be issued requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this ordinance. Said warning will consist of a two-part form containing the name and address of the offender, date, time, burning materials, pertinent notes, etc. The warning shall be signed by either a member of the Hickory Township Police Department or a member of the Fire Department. The offender shall sign an acknowledgement of receipt of the warning and part two of the form shall be given to said offender.

The issuance of a warning is not required for any incident causing obvious property damage to another resident and can automatically be deemed severe and warrant the issuance of citation in lieu of a warning.

5. Only one (1) warning will be issued per property to the property owner. Any incident thereafter will proceed via the filing of a citation with the local Magisterial District Judge. Property owners are responsible for any incident on their property with the exception of renters, tenants, or lessees, as noted in the above definition.
6. Warnings shall be kept on file at the Hickory Township Municipal Building. Copies thereof will be delivered to the Hickory Township Police Department. In the event of a second complaint, the Hickory Township Police Department will issue a citation with the Magisterial Judge. The Hickory Township Police Department shall handle matters pertinent to the issuance of citations and correlating court proceedings.
7. Any aggrieved party may appeal to the Court of Common Pleas of Lawrence County within fifteen (15) days of service of citation pursuant to the provisions of this ordinance.

SECTION VIII. – PENALTIES

Any person violating any of the provisions of this Ordinance shall upon conviction thereof by any District Justice or Magistrate, be sentenced to pay a fine as prescribed as follows:

1. First offense: \$125.00 fine plus attorneys' fees and any fees and costs associated with the proceedings.
2. For each subsequent offense, the fine amount shall double from previous offense (i.e. 2nd offense - \$250.00, 3rd offense - \$500.00, etc.) plus attorneys' fees and any fees and costs associated with the proceedings. In default of the payment of said fine and costs, offender shall be committed to imprisonment to the extent allowed by law for the punishment of summary offenses.

SECTION IX. – VALIDITY/SEVERABILITY

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be deemed illegal, invalid or unconstitutional by any Court or competent jurisdiction, such declaration shall not prevent, preclude, or otherwise foreclose enforcement of the remainder of this Ordinance.

SECTION X. – REVISIONS

The Board of Supervisors of Hickory Township hereby reserve the right, from time to time, to adopt modifications of, supplement to, or amendment of this Ordinance, inclusive of this provision.

SECTION XI. – EFFECTIVE DATE

The within shall become effective five (5) days from date of adoption.

SECTION XII. – FAILURE TO ENFORCE NOT A WAIVER

The failure of Hickory Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder

SECTION XIII. – REPEALER

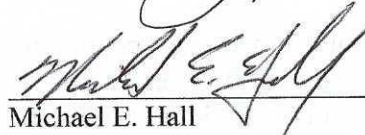
All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

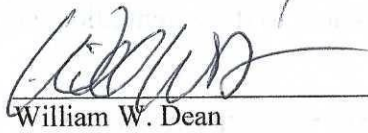


ORDAINED AND ENACTED, this 7TH day of JUNE, 2021, by the Board of Supervisors of Hickory Township, Lawrence County, PA

BOARD OF SUPERVISORS
HICKORY TOWNSHIP, LAWRENCE COUNTY, PA


Kathleen J. Abranovich


Michael E. Hall


William W. Dean

TWP. SEAL:


Secretary

