

**ORDINANCE NO. 02-2017**

**AN ORDINANCE OF ROBINSON TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING AND RESTATING THE BURNING ORDINANCE RESTRICTING AND REGULATING FIRES AND OPEN BURNING IN VARIOUS ZONING DISTRICTS AND PRESCRIBING PENALTIES FOR VIOLATION.**

**WHEREAS**, the Board of Supervisors of the Township of Robinson (“Township”) has been vested with the power and authority to make and adopt ordinances, bylaws, rules, and regulations non inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care, and control of, *inter alia*, the Township’s finances, the maintenance of peace, good government, safety, and welfare of the Township, its trade, commerce, and manufacturers; and

**WHEREAS**, the Robinson Township Burning Ordinance (Ordinance #03-09) was most recently amended effective July 14, 2009; and

**WHEREAS**, after discussion with the public, and being vested with the power and authority to amend ordinances as determined to be necessary to promote, protect, and facilitate the public health, safety, morals, general welfare, coordinated and practical community development, the provisions of adequate light and air, transportation, water, sewerage, public grounds and other public requirements, to protect natural resources, as well as to prevent overcrowding of land, the Board of Supervisors has proposed changes to the July 14, 2009 Burning Ordinance; and

**WHEREAS**, the Board of Supervisors has properly advertised and held a public hearing on August 14, 2017 on the proposed amendment and restatement; and

**NOW THEREFORE**, it is hereby ordained and enacted by the Board of Supervisors of Robinson Township, Washington County as follows:

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

**CAMPFIRE** - a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood, yard debris or refuse.

**CLEAN WOOD** - natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

**GOVERNING BODY** - The Board of Supervisors of Robinson Township, Washington County.

**OPEN BURNING** - kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

**PATIO BURNING UNIT** - a chiminea, patio warmer, or other portable wood-burning, gas-burning or other device used for outdoor recreation and/or heating.

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

REFUSE -- any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION TWO: Enforcement. The Supervisors of Robinson Township shall have the power and duty to enforce the provisions of this Ordinance and therein, each Supervisor shall be considered an enforcement officer and additionally, the same may be enforced by the Zoning Officer or any other enforcement officer as designated by the Board of Supervisors from time to time.

SECTION THREE: General Regulations. Within the limits of Robinson Township, no person shall:

1. Ignite, feed, cause, allow permit or maintain on any property any open fire for any purpose other than that specifically allowed for herein.

EXCEPTIONS:

1. The Township of Robinson and its officers, employees and agents are exempt from the provisions of this Ordinance when the burning activity is conducted in the furtherance of Township operations or procedures.
2. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
  - A. The prevention of a fire hazard which cannot be abated by other means; or
  - B. The protection of public health.
3. Open fires may be set with approval of the Township and after issuance of a permit; provided,
  - A. Leaves, branches and other non-putrescible vegetable matter only are burned.
  - B. There is no practical available alternative method for disposal of the material to be burned.
  - C. No hazardous or nuisance condition will be created by such burning.
  - D. No such burning is allowed on any street or sidewalk within Robinson Township.
  - E. All such burning must take place between the hours of 7:00 A.M. and 7:00 P.M.
  - F. No open burning whatsoever shall be permitted on Sundays or Federal Holidays.

- G. No open burning whatsoever shall be permitted in the Single Family Residential District (R-1B), General Residential District (R-2), Commercial (C) District, the Interchange Business Development (IBD) District and the Industrial (I) District.
- H. The burning of open fields shall be allowed in the Agricultural (A) Zoning District ONLY.
- I. If located on the same parcel of land as a gas well, the open burning shall be located no closer than 300 feet from the gas well/gas line.
- J. The weather and wind shall be evaluated prior to starting the fire and open burns shall not be started when dangerous conditions exist or are forecasted to exist within a 4-6 hour period.
- K. No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire extinguishing apparatus. A responsible adult is defined to be an individual eighteen (18) years or older (sixteen (16) years or older if a certified Junior Fireman) who is not under the influence of drugs or alcohol or suffering from any disability which would impair his or her ability to properly supervise a fire.
- L. The Township itself and by and through its designated agents reserves the right to deny or stop burning if weather conditions are such that said burning is deemed to be dangerous or if said burning in and of itself is deemed to be a threat to the general health, safety and welfare of the Township and / or its citizens.

#### SECTION FOUR. Fees and Permits.

1. In Agricultural (A), Rural Residential (R1A) and Special Conservation (SC) Zoning Districts, an open burning permit may be obtained by filing an application with the Township. Permits are issued by the Township Manager and/or Zoning Officer. Permits are valid for one year and are issued on an calendar year basis. The annual fee for a burning permit in these districts is \$25. Payment of the fee must be included with the completed burning permit application. Fees are subject to change by review and recommendation of the Township Board of Supervisors.
2. The permit holder shall notify the Township of each planned open burning activity in advance of the activity. Once the Township, through its designated agents, inspects and approves the planned burning activity, burning may commence according to the plan.

SECTION FIVE. Recreational campfires, patio burning units, and outdoor cooking excluded but subject to conditions in certain zoning districts.

1. In all zoning districts, recreational campfires and the outdoor burning solely for the purpose of outdoor cooking, barbecuing, or ceremonies, and the use of patio burning units are allowed without a permit so long as through use of a fire pit, stone perimeter, or other non-combustible containment device.
2. If wood is used for burning, only clean wood may be used.
3. The activities in this Section Five shall be conducted in a safe, nuisance-free manner and shall be subject to the conditions set forth in Section 3(D), 3(J), 3(K), and 3(L).
4. Except for barbecue, gas, and charcoal grills, in Single Family Residential (R-1B) and General Residential (R-2) Districts, any burning under this Section Five must be contained in a containment device, or patio burning unit (“contained unit”). No other recreational campfires are allowed in Single Family Residential (R-1B) and General Residential (R-2) Districts.
5. Fire pits, containment devices, or patio burning units must be located at least ten (10) feet from the property line and twenty (20) feet from any structure.
6. All open burning under this Section Five must be extinguished by midnight.
7. Recreational campfires under this Section Five shall not be permitted on Sundays or Federal Holidays.
8. No permit is required for burning under this Section Five.

SECTION SIX: Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, shall be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00), and/or to imprisonment for a term not to exceed sixty (60) days.

SECTION SEVEN: Liabilities. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION EIGHT: Right of Entry and Inspection. The Fire Chief, Emergency Management Representative, Zoning Officer, or any authorized officer, agent, employee or representative of the Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION NINE: Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION TEN: 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 Robinson Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION ELEVEN: This ordinance, as amended, shall become a part of the Robinson Township Code of Ordinances.

SECTION TWELVE: Effective Date. This ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ROBINSON TOWNSHIP

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor