

**SHIPPENSBURG TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 2012-06**

**AN ORDINANCE OF SHIPPENSBURG TOWNSHIP, CUMBERLAND COUNTY
PENNSYLVANIA REGULATING AND LIMITING OUTDOOR FIRES AND BURNING
WITHIN SHIPPENSBURG TOWNSHIP, AND PRESCRIBING PENALTIES FOR
VIOLATION THEREOF**

It is hereby enacted and ordained by the Board of Supervisors of Shippensburg Township, Cumberland County, Pennsylvania under authority of the Second Class Township Code, 53 P.S. § 65101 *et seq.*, and other applicable law, as follows:

SECTION 1 – OPEN BURNING AND OUTDOOR BURNING PROHIBITION

It shall be and is hereby declared to be unlawful for any person or entity to burn or permit to be burned any substances or maintain or permit to be maintained any fire out-of-doors on any tract of land within Shippensburg Township except for the following:

- a. Outdoor fires to cook food for human consumption provided the fire is confined to a fire ring, fireplace, charcoal or gas grill or other similar fireproof container;
- b. Fires used exclusively for farming activities on properties containing a minimum of ten (10) acres, provided that any such burning occurs at a distance of not less than one hundred (100) lineal feet from the nearest point of any building and not less than one hundred (100) lineal feet from any boundary line of the tract of land on which said burning occurs.
- c. Upon the issuance of a permit from the Township Secretary or other duly authorized official of the Township, kindling a fire for recognized silviculture, range or wildlife management practices, prevention or control of disease or pests. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.
 - (1) Where required by state law or regulations, open burning shall only be permitted with prior approval from the Bureau of Air Quality Control or other state authority, provided that all conditions specified in the authorization are followed.
- d. Bonfires, upon the issuance of a permit from the Township Secretary or other duly authorized official of the Township, provided that:
 - (1) The fuel for the bonfire shall not be more than five (5) feet long by five (5) feet wide by five (5) feet high in dimension and shall not burn longer than three (3) hours. The size and duration of a bonfire shall only be increased with the approval of the Township Secretary or other duly authorized official of the Township;

- (2) Fuel for a bonfire shall consist only of seasoned, dry firewood and shall be ignited with a small quantity of paper;
 - (3) Any such bonfire must occur at a distance of not less than one hundred lineal feet from the nearest point of any building and not less than one hundred (100) lineal feet from any boundary line of the tract of land on which said bonfire occurs.
 - (4) All bonfires must be completely extinguished at the end of the event. The end time will be noted in the permit.
- e. Fires set or maintained for firefighting training practice.

SECTION 2 – ADDITIONAL RESTRICTIONS FOR ALL BURNING ACTIVITIES

- a. It shall be and is hereby declared to be unlawful for any person, firm, partnership or corporation to burn any substance or maintain any fire upon any of the public streets, roads, highways, alleys, sidewalks, parks or other public grounds within and under the jurisdiction of Shippensburg Township unless specifically authorized in advance of such burning by specific authority of the Board of Supervisors.
- b. Burning which produces noxious smoke that could travel to an adjoining property and cause personal discomfort to the residents of that adjoining property or when atmospheric conditions or local circumstances make such fires hazardous shall not be permitted. Additionally, no burning shall be permitted between dusk and dawn of any day or on Sunday. All fires must be completely extinguished by the initiating property owner before dusk.
- c. Any permitted open burning shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher, small hose line, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- d. Open burning of refuse is prohibited. Refuse shall refer to any waste material including, but not limited to, construction and demolition waste, brush, grass clippings and other vegetative matter.
- e. Open burning of recyclable material is prohibited.
- f. Additional restrictions may be placed on fires by the Township Secretary or other duly authorized official of the Township if it is determined that the situation is likely to constitute an unreasonable threat to people or property. During periods of low humidity, drought, high wind or other adverse weather conditions, the official may restrict burning to prevent the spread of fire. The Township Secretary or other duly authorized official of the Township shall have the authority to order the extinguishment of any fire in violation of this Ordinance or which could pose an unreasonable threat to people or property. Prior to any approved exception of this burning ordinance, the property owner must notify the Township Secretary other

duly authorized official of the township of their intent to burn within the hours of burning stated and notify the Cumberland County Communication Center of their intent to burn to prevent any unnecessary dispatching of fire apparatus.

SECTION 3 – PENALTIES

Any person or entity who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a Magisterial District Judge, be sentenced to pay a fine not to exceed one thousand (\$1,000.00) dollars, plus costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned for not more than thirty (30) days in the county prison. Extinguishing costs may also be assessed as necessary.

SECTION 4 – SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal or invalid provision had not been included herein.

SECTION 5 REPEALER

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6 EFFECTIVE


This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Shippensburg Township, Cumberland County, Pennsylvania, this First day of September, 2012 in session duly assembled.

SHIPPENSBURG TOWNSHIP
BOARD OF SUPERVISORS

By: _____
Chairman

By:  _____
Supervisor

By:  _____
Supervisor

ATTEST


Secretary