

ORDINANCE NO. 80

AN ORDINANCE REGULATING THE KINDLING OR MAINTAINING OF OUTDOOR FIRES WITHIN THE LIMITS OF RUSH TOWNSHIP, SCHUYLKILL COUNTY, PENNSYLVANIA, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Rush, Schuylkill County, Pennsylvania.

SECTION 1. No person shall kindle or maintain any outdoor fire or authorize or permit any such fire to be kindled or maintained on any street, sidewalk, alley or public ground in Rush Township.

SECTION 2. No person shall kindle or maintain an open outdoor fire or authorize or permit any such fire to be kindled or maintained on private property within Rush Township without first obtaining a burning permit from the zoning officer or secretary and signed by the zoning officer or secretary or duly authorized designee of the Board of Supervisors and by the fire chief or assistant fire chief or the fire company closest to the proposed burning site who shall review each situation on a case-by-case basis and comply with the following conditions:

(a) Such fires shall be attended by a responsible person until such extinguished.

(b) Such fires shall be extinguished at or before sunset.

(c) Such fires shall not be kindled or maintained within twenty-five (25') feet of any building, structure, property line or combustible material.

(d) Such fires shall only be fed by wood, weeds, tree branches, tree trimmings and leaves.

SECTION 3. Any person kindling or maintaining any contained outdoor fire on private property within Rush Township shall not be required to obtain a burning permit, but must comply with the following conditions:

(a) Such fires shall be kindled within and confined to a non-combustible container covered with a screen of suitable mesh or other non-combustible cover.

(b) Such fires shall only be fed by paper or paper by-products, cardboard, wood, tree branches, tree leaves, and yard trimmings.

(c) Such fires shall be permitted only between the hours of 2 p.m. and 9 p.m. and shall not be allowed to smolder for more than fifteen (15) minutes after the flames have ceased.

(d) Such fires shall not be kindled or maintained closer than twenty-five (25') feet from any building, structure, property line, or combustible material.

(e) Such fires shall be attended by a responsible person until extinguished.

(f) The Board of Supervisors may prohibit any or all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION 4. The provisions of this Ordinance shall not apply to a small, well-controlled fire in an outdoor fireplace or container for outdoor cooking, barbecues and the like, provided said fire is attended by a responsible person until extinguished.

SECTION 5. Any person violating the provisions of this Ordinance shall be guilty of a summary offense and upon conviction thereof before any District Magistrate shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and not more than One Thousand (\$1,000.00) Dollars plus the cost of prosecution and in default of payment thereof shall undergo imprisonment in the County prison for a period of not more than thirty (30) days.

SECTION 6. Should any part of this Ordinance be held invalid, by a Court of competent jurisdiction, the remaining sections shall be severable and shall continue to be in full force and effect.

SECTION 7. All Ordinances inconsistent herewith are hereby repealed.

SECTION 8. This Ordinance shall take effect and be in force five (5) days after adoption.

ORDAINED AND ENACTED this 4<sup>th</sup> day of May, 1989.

BOARD OF SUPERVISORS  
OF THE TOWNSHIP OF RUSH

George A. Pinkey  
Chairman

S. Paul Fogley  
Supervisor

ATTEST:

Carol Ann Opet  
Secretary

Kenneth C. Kopper  
Supervisor