

TOWNSHIP OF SWATARA

ORDINANCE NO. 06

AN ORDINANCE OF THE TOWNSHIP OF SWATARA, DAUPHIN COUNTY, COMMONWEALTH OF PENNSYLVANIA, CREATING PART 1, CHAPTER 30 ENTITLED "FIRE PREVENTION AND FIRE PROTECTION," PROMOTING THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS OF SWATARA TOWNSHIP BY REGULATING OPEN BURNING WITHIN THE TOWNSHIP AND PROVIDING FOR THE ENFORCEMENT, VIOLATIONS, AND PENALTIES THEREOF

WHEREAS, the Township of Swatara is aware of open burning conducted by residents of the Township and has determined such burning should be regulated in order to protect the health, safety and property of residents of the Township; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board as follows:

Section 1. The Swatara Township Code of Ordinances is amended to include a new Chapter 30 entitled "Fire Prevention and Fire Protection" which will read as follows:

§ 30-1 Title.

This Part shall be known and cited as the "Swatara Township Open Burning Ordinance."

§ 30-2 Definitions.

"Open burning" means any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chiminea, fire pit, outdoor fireplace, or grill.

§ 30-3 Open Burning.

1. No person shall conduct, or allow to be conducted, the open burning of any material, except where the open burning is conducted solely for the purpose of preparation of food for human consumption, recreation, light, or ornament, and in a manner which contributes a negligible amount of air contaminants, and which is in accordance with Subparagraphs A through C, below.
 - A. No material other than clean wood, propane, or natural gas may be burned except as provided for in this subparagraph.
 - i. Charcoal may be used in an outdoor fireplace or grill for the purpose of cooking.
 - ii. Commercially available fire logs, paraffin logs, or wood pellets may be used in outdoor fireplaces.
 - iii. Paper or commercial smokeless fire starters may be used with clean wood to start an allowed fire.
 - B. Any volume of clean wood being burned shall be no larger than 3' wide x 3' long x 2' high and shall be at least 25 feet from the nearest neighbor's dwelling

- or inhabited area, any property line, roadway, sidewalk, or public access way.
- C. Open burning using chimineas, firepits, or outdoor fireplaces may only be conducted using materials meeting Subparagraph A, above.
 2. Any open burning shall be tended by a responsible adult, 18 years of age or older, at all times.
 3. A minimum of one garden hose or one portable ABC fire extinguisher shall be available for immediate utilization at all times when there is open burning.
 4. The Township may prohibit, or reduce, any open burning activity which it determines to be a nuisance. This determination will be based on, but not limited to, the following criteria:
 - A. The severity of the amount of air pollutants, or malodorous material;
 - B. The duration or frequency of open burning;
 - C. The topography of the surroundings; and/or
 - D. The meteorological conditions.

§ 30-4 Enforcement.

Notwithstanding any other provision of the Swatara Township Code, the prohibitions of this Part may be enforced by the Township code enforcement officer, fire company official, police officer or other duly authorized law enforcement officer ("Officer") of Swatara Township.

1. An Officer may, upon investigation, order that any fire be immediately extinguished, abated, diminished, or corrected (in his or her sole discretion) if, in the Officer's sole judgment, the fire:
 - A. Is emitting excessive smoke, excessive odor, or malodorous emissions.
 - B. Contains prohibited materials or is using a prohibited or inadequate containment device or mechanism.
 - C. Is in a prohibited location or of a prohibited size.
 - D. Is emitting sparks or hot ashes that may pose a threat to nearby structures, trees, other combustible materials, or to the safety of persons or property.
 - E. Where its size, materials, containment, location, emissions, proximity to structures, trees, other combustible materials, conduct of participants, weather conditions (including, but not limited to, wind, drought, dry or other conditions) or air quality, or other circumstances, are such that continuation of the fire poses a risk of harm to persons or property.

§ 30-5 Violations.

1. Enforcement of this Part shall be by action brought before the magisterial district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof be sentenced to pay a criminal fine of not more than one thousand dollars (\$1,000.00) per violation, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each violation of any provision of this Part shall constitute a separate offense.
2. No penalty herein shall prevent the Township from enforcing this Part by equitable, injunctive and other remedies.
3. The Township, its agents, officials, and representatives shall not, under any circumstances, be liable for damages caused to any person or property by reason of

the provisions of this Part, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Part. The person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.


Section 2. Effective Date. This ordinance shall take effect immediately.


Section 3. Severability. If any one or more of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, such provision or terms shall be deemed severable from the remaining provisions or terms of this Ordinance.

Section 4. Repealer. All prior ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED this 8 day of November, 2023 by the Board of Commissioners of the Township of Swatara, Dauphin County, Pennsylvania.

ATTEST:


Secretary


Christine Zubeck, President
Board of Commissioners of
Swatara Township