

## MARION TOWNSHIP ORDINANCE #2002-48

### An Ordinance of the Township of Marion, Centre County, Pennsylvania, Setting Restrictions on Open Burning

#### SECTION 1. Purpose

To provide for the regulation of open burning in a way that such activity does not present a threat to life, health, and property, and is conducted in such a way that its effect as a nuisance is minimized.

#### SECTION 2. Scope

This ordinance provides for regulation of outdoor burning. Where the rules set forth in this ordinance contradict rules and regulations set forth by Centre County or the State of Pennsylvania, the more stringent of the rules shall apply. This ordinance applies to all open fires.

This ordinance does not apply to:

1. Recreational fires.
2. Open burning as a method of recognized agricultural, horticultural, silvicultural or wildlife management practices.
3. Open burning and structural fires conducted as a part of instruction in methods of fire fighting, or in emergency, or other extraordinary circumstances deemed to be necessary by local, county, state or federal officials.

#### SECTION 3. Definitions

**Open Burning:** The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

**Recreational Fire:** A small outdoor fire constructed of seasoned wood and/or charcoal used for cooking food, for camping, picnics, or other outdoor entertainment.

#### SECTION 4. Restrictions

##### A. Allowable Burning

1. Open burning shall be allowed without prior notification to the zoning officer where the material burned is one or more of: paper and paper products, brush, wood, grass clippings, leaves and similar materials.
2. Open burning is restricted to those times when no cautionary alerts of forest fire hazard or air pollution levels have been issued by federal, state or local officials.

3. At least one means of on-site fire extinguishing must be available for immediate use. Approved means of fire extinguishing include, but are not limited to, loose soil, sand, garden hose, water barrel, one portable fire extinguisher with a minimum rating of 4-A or two portable fire extinguishers with a rating of 2-A.
4. Allowed open fires must be attended at all times by at least one competent person age 16 years or older.
5. The location for any open burning shall not be less than 50 feet from any structure, except for fires in approved containers, which shall not be less than 15 feet from any structure.
6. The size of the fire shall be controlled so that it does not endanger life or property.
7. Approved containers for outdoor burning may be steel drums, wire containers, or other containers constructed of non-combustible material, with a capacity of 55 gallons or less, or a commercially manufactured incinerator. The container shall be ventilated at the top and bottom to allow for complete and rapid combustion, and shall be shielded by a wire screen having a ½ inch or smaller mesh.
8. Fires must be extinguished and dead out at the end of burning hours. A smoldering fire shall be considered to be burning.

#### B. Burning Prohibited

1. Any open burning, except as allowed in Section 4.A. is prohibited. Specifically, open burning of the following materials is prohibited: plastic, rubber, petrochemical-and asphalt-based, household and farm chemicals, disposable diapers, textiles, food waste, pressurized containers, construction materials, batteries, household and personal goods.
2. Open burning is prohibited during periods of high forest fire danger as announced by County, State and/or Federal agencies, during air pollution health alerts, or in emergency, or other extraordinary circumstances deemed to be necessary by local, county, state or federal officials.
3. The zoning officer shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The zoning officer shall order the extinguishment, by the responsible person or the fire department, of any open burning that creates or adds to a hazardous or objectionable situation.

#### SECTION 5. Penalties

Any person found by the Township Zoning Officer to be in violation of any part of this Ordinance shall be guilty of a summary offense and, upon conviction, such person shall be subject to pay a minimum of a two hundred dollar (\$200.00) fine up to the state maximum plus all costs permitted by state law.

This Ordinance is duly adopted by the Marion Township Board of Supervisors on \_\_\_\_\_ day of \_\_\_\_\_, 2002.

ATTEST:

MARION TOWNSHIP SUPERVISORS

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman