

TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2014 - 870

AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA VACATING, AMENDING AND SUPPLEMENTING CHAPTER 19, FIRE PREVENTION, ARTICLE II, BURNING OF WASTES; PROHIBITING OUTDOOR BURNING AND FIRES; ESTABLISHING SPECIFIC DEFINITIONS, REGULATIONS AND EXCEPTIONS; AND PROVIDING PENALTIES FOR VIOLATIONS

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Tinicum, County of Delaware, Commonwealth of Pennsylvania, it is hereby enacted and ordained by the authority of the same.

Article II – Burning of Wastes

§19-6. Purpose and Intent.

The purpose of Tinicum Township in adopting this Ordinance is to regulate and prohibit the burning, ignition and combustion of rubbish, garbage and other materials within the Township of Tinicum and to promote and protect the health, safety and welfare of its residents; and to prevent the needless public damage to life and property by outdoor fires.

§19-7. Definitions.

BUILDING – A man-made structure, whether it is permanent or temporary, utilized for sheltering people, animals, property or business activity. The term "Building" and the term "Structure" are used interchangeably in this Ordinance.

BURN - To ignite or set on fire any material for the purposes of disposing/reducing such material, creating heat or creating light.

CHIMINEA – A single mouth opening fireplace that has a chimney to fuel the fire with fresh air.

FIRE PIT – An above-ground or below-ground structure built into the ground or constructed of stones, masonry, brick or other non-combustible material for the purpose of containing and controlling a wood or charcoal fire.

GARBAGE - All putrescible animal, vegetable matter or other food substances that are subject to decay which result from the handling, preparation, cooking, serving or consumption of food or food containers.

OUTDOOR FIRE APPLIANCE – Any above ground structure constructed of concrete block, brick or other non-combustible material for the purpose of containing and controlling a wood or charcoal fire.

PERSON - Includes any individual, partnership, association, syndicate company, firm, trust, corporation, department, bureau, agency, estate or other entity recognized by law.

RUBBISH - Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpet, wood excelsior, paper, ashes and similar material.

REFUSE - Garbage, rubbish and trade waste.

RESPONSIBLE ADULT – Any individual over the age of eighteen (18) years of age who is mentally competent.

TOWNSHIP – The Township of Tinicum, County of Delaware, Commonwealth of Pennsylvania.

TRADE WASTE – All solid or liquid material or rubbish resulting from construction, building operations or the execution of any business, trade or industry, including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.

§19-8. Burning Prohibited.

It shall be unlawful for any person to burn, ignite or cause to be burned any material within the Township, except as expressly provided otherwise hereinafter.

Nothing herein shall be construed to prevent firefighting training by Township designated fire-fighting organizations.

§19-9. Prohibited Acts.

- a. No person shall burn, ignite or cause to be burned any rubbish, garbage or any other material within the right-of-way of any public street, alley, road or public way, unless previously authorized by the Township Fire Marshall.
- b. No person shall burn, ignite or cause to be burned any garbage, rubbish, refuse or trade waste on any private land or public land within the Township of Tinicum whether or not such burning occurs within the confines of a building or outside the confines of a building.
- c. No person shall burn, ignite or cause to be burned any wood or wood products on any private land or public land within the Township of Tinicum outside the confines of a building except as otherwise set forth herein.
- d. No non-residential business or operation including, but not limited to, commercial, institutional or industrial establishments shall burn, ignite or cause to be burned any materials, whether the materials are garbage, refuse, wood, trade waste or rubble, or whether it is inside or outside the confines of a building unless such an establishment has a Permit with the Pennsylvania Department of Environmental Protection (DEP), or any successor agency that burns such materials.

§19-10. Exceptions.

Prohibitions contained in this Ordinance shall not apply to the use of any gas or charcoal standard, commercially designed non-combustible grill used for the non-commercial preparation of food to be consumed on the premises, when such use is conducted under the following conditions:

- a. Such charcoal and gas grills may be used only for the purpose of preparing and cooking food.
- b. Such charcoal and gas grills, when lit, must at all times be attended and supervised by a responsible adult.

- c. Such charcoal and gas grills, when lit, must be at least eight (8') feet away from any structure and shall not be permitted on any balcony in the Township.
- d. The use of charcoal and gas grills will be permitted between the hours of 9:00 a.m. and 10:00 p.m.

§19-11. Chimineas, Fire Pits and Other Outdoor Fire Appliances.

Nothing contained in this Ordinance shall be construed to apply to the use of any Chiminea, Fire Pit or Outdoor Fire Appliance when such use is conducted under the following conditions:

- a. Use shall be allowed only when used in compliance with this Ordinance.
- b. Such Chiminea, Fire Pit or Outdoor Fire Appliance, when lit, must at all times be attended and supervised by a responsible adult.
- c. The Chiminea, Fire Pit or Outdoor Fire Appliance shall be no more than thirty-six (36") inches in diameter, if circular; or thirty (30") inches in length and width, if square; or rectangular; and shall be used in strict accordance with the manufacturer's requirements.
- d. The Chiminea, Fire Pit or Outdoor Fire Appliance shall be completely enclosed with material to contain the combustion process and flames. This shall include a screen of 1/2" mesh type screening or smaller, or some device to arrest any sparks or embers from leaving the fire appliance or fire pit.
- e. Only wood, coal or propane may be burned in an outdoor fire pit. The burning of any other fuel, paper, leaves, trash, refuse or garbage is strictly prohibited.
- f. The Chiminea, Fire Pit or Outdoor Fire Appliance shall not be placed any closer than ~~fifteen (15) feet from a property line or~~ fifteen (15') feet from any structure, directly in line or under the window or door of any abutting home, or the side yard unless the side yard abuts a public street.
- g. Upon completion of the use of the Chiminea, Fire Pit or Outdoor Fire Appliance, all fire embers or coals shall be completely extinguished prior to leaving the Chiminea, Fire Pit or Outdoor Fire Appliance unattended.

- h. The Chiminea, Fire Pit or Outdoor Fire Appliance must not be used when utilization will create a disturbance or a nuisance to others or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental authorities.
- i. Use of Chimineas, Fire Pits or Outdoor Fire Appliances is permitted between the hours of 9:00 a.m. and 10:00 p.m.

§19-12. Liability.

The Township of Tinicum, its agents, officials and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance with the terms and conditions of this Ordinance. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

§19-13. Burning of Noxious or Malodorous Substances.

There shall be no burning or attempting to burn any material that is likely to give off noxious or offensive odors.

§19-14. Violations and Penalties.

Any person violating any of the provisions of this Ordinance shall, upon summary conviction before any Magisterial District Justice, pay a fine of not less than One Hundred (\$100.00) Dollars and not exceeding Six Hundred (\$600.00) Dollars and any costs incurred by the Township of Tinicum; and in default of payment of the fine and costs, the violator shall be subject to imprisonment to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense. The designated Code Enforcement Officer, Fire Marshal or Police Department may maintain a Summary Offense prosecution in addition to a civil enforcement proceeding wherein, the same are not mutually exclusive.

§19-15. Severability.

Should any section, subsection, paragraph, sentence, laws or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

§19-16. Repealer

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. The Township reserves the right at any time by Ordinance to amend or otherwise modify or repeal this Ordinance.

§19-17. Effective Date

This Ordinance shall become effective immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance and passed by the Tinicum Township Board of Commissioners on the 17th day of November, 2014.

TINICUM TOWNSHIP

(SEAL)

BY:


THOMAS J. GIANCRISTOFORO, PRESIDENT
BOARD OF COMMISSIONERS

ATTEST:


ELAINE M. BROLLEY
TOWNSHIP SECRETARY