

**OUTDOOR BURNING ORDINANCE  
TOWNSHIP OF BEDFORD, BEDFORD COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2009-04**

**An Ordinance of the Board of Supervisors of Bedford Township, Bedford County, Pennsylvania Amending, Repealing, and/or Revising Bedford Township Ordinance No. 90-02 to the extent that it is inconsistent herewith; Regulating and Restricting Outdoor Burning and Fires; and Prescribing Penalties for Violation hereof**

WHEREAS, under the Second Class Township Code, 53 P.S. Section 65607, the Board of Supervisors of Bedford Township have the duty, responsibility, and authority to regulate matters involving the health, safety, and welfare of the Township and its citizens; and

WHEREAS, the Board of Supervisors of Bedford Township previously enacted an Ordinance, No. 90-02, restricting fires and open burning in Bedford Township and prescribing penalties for violation thereof; and

WHEREAS, the Township Supervisors find it necessary to amend, repeal, and/or revise such Ordinance in order to more fully regulate outdoor burning and fires within Bedford Township and issues that have been brought to the Township over the course of time in connection therewith; and

WHEREAS, it is hereby expressly declared that it is not the purpose or intention of the Township, by this Ordinance, in amending, repealing, and/or revising its prior Ordinance to discriminate against or in any way to impose undue hardship, upon any individual, group, company, corporation, municipality or business entity of any type; and

WHEREAS, the Board of Supervisors of the Township believes it to be in the best interests of the citizens of the Township and necessary for their health, welfare and safety and that of the Township to make such amendment;

BE IT ORDAINED and ENACTED, and it is hereby ordained and enacted, by the Board of Supervisors of the Township of Bedford, County of Bedford, and Commonwealth of Pennsylvania, as follows:

**SECTION 1:            REPEALER**

All prior Ordinances of this Township and in particular Ordinance No. 90-02 are amended, repealed, and/or revised to the extent that it is inconsistent herewith.

**SECTION 2:            ENACTMENT/AUTHORITY**

This Ordinance is enacted pursuant to the authority conferred by Pennsylvania's Second Class Township Code, particularly 53 P.S. Section 65607.

### **SECTION 3: DEFINITIONS**

The following words when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

- (A) Burn - the act of lighting or attempting to light anything so as to cause a fire, including but not limited to generating heat, disposing of refuse, cooking or otherwise.
- (B). Person - any natural person of either sex, firms, co-partnerships, corporations, whether domestic, foreign, or municipal in nature, and all associations of natural persons, whether acting by themselves, or by a servant or employee, including but not limited to businesses or business entities, whether for a private or public purpose
- (C) Salvage operation – any business, trade, or industry engage in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers, or drums.
- (C). Township - the Township of Bedford and anywhere within its boundaries.

### **SECTION 4: GENERAL LIMITATIONS ON OUTDOOR BURNING**

#### **A. Compliance with Ordinance**

- 1. It shall be unlawful to burn, ignite, incinerate, maintain or permit any materials whatsoever, of whatever nature, without complying with this Ordinance.
- 2. Nothing herein shall be construed to prevent fire-fighting training by Township-designated fire-fighting organizations or companies.

#### **B. Public Roads and Public Properties**

No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in Bedford Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to control and contain such fire.

#### **C. Safe Distances**

- 1. It shall be unlawful to allow any fire, including cooking, within an unsafe distance of any building or property line.
- 2. No fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, whether publicly or privately owned, except where such building or property is used by a designated fire-fighting organization or company for training purposes.
- 3. Out-of-door fires shall be permitted only upon private property.

4. Nothing herein shall be deemed to prohibit indoor cooking activities providing that reasonable safeguards are maintained.
5. Cooking grills may be less than twenty (20') feet from a building provided that reasonable safeguards are maintained.
6. No fire shall be permitted to burn that produces smoke which interferes with the navigation of aircraft in the vicinity of Bedford County Airport.

D. Control of Burning and Unattended Fires

1. No fire shall be permitted to burn unattended without a responsible adult being present at all times and without readily-available fire-extinguishing apparatus.
2. No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
3. No fire shall be set which results in uncontrolled burning of vegetation (field fire).
4. Where out-of-door stoves or furnaces are utilized for heating or cooking purposes within a building or residence or for the benefit thereof, such stoves shall be equipped with a pipe or flue at least (12') feet in height or any greater height required under Federal law to dispense with smoke and particulate ash generated from the same so as to protect neighbors and citizens of the Township living or working in close proximity thereto from the hazards of smoke inhalation and breathing of ash therefrom and so as not to intentionally or recklessly direct smoke and particulate ash towards neighboring property. Where out-of-door stoves are used for the purposes set forth in this paragraph, such stoves must comply with all applicable Federal and Pennsylvania state regulations pertaining thereto in addition to this Ordinance.

E. Extinguishing Unsafe Fires

It shall be unlawful for any person to allow any fire to burn under adverse weather conditions or unsupervised or otherwise in an unsafe manner. Any such fire may be extinguished by an official of the Township-designated fire-fighting organization or company immediately upon request of such office.

F. Unlawful Substances

1. Burning of construction debris, plastics, by-products of manufacturing and processing operations, and wastes or items from or in the conduct of commercial operations, including but not limited to salvage operations, is strictly prohibited.

2. Nothing herein shall be construed to permit or encourage the burning of any substances determined by the Commonwealth of Pennsylvania, including but not limited to its Department of Environmental Protection, and the United States Environmental Protection Agency to a hazardous substance, nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or United States of America or any other competent body having jurisdiction over the same.
3. Fires shall be used to burn readily-combustible materials only.

G. Special Circumstances

In the event that it is necessary to have a contained fire of a size other than permitted under this Ordinance, special written permission must be obtained in advance from the Township Secretary and the Fire Chief of the Bedford Fire Company or his or her designee. In the event that any of this Fire Company or another Fire Company is required to respond to a fire which violates the provisions of this Ordinance, a service fee may be levied by the Fire Company.

H. Time and Day Restrictions for Burning

Burning which is otherwise permitted under this Ordinance shall be conducted Monday through Saturday, from daylight to dusk. No burning, even if otherwise permitted under this Ordinance, shall occur on Sunday or before daylight or after dusk on Monday through Saturday.

## **SECTION 5: ENFORCEMENT**

A. Sanctions

Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violation, shall, upon conviction thereof, before any Magistrate, be sentenced to pay a fine of not less than \$100.00 nor more than \$600.00, together with costs of prosecution and attorney's fees incurred by the Township, and in default of the payment of such fine and costs and attorney's fees, shall be committed to the Bedford County Prison for a period not exceeding thirty (30) days. Each violation or day that a violation is continued to permit shall constitute a separate offense for which a summary conviction may be sought. Enforcement and prosecution may be undertaken by the Township's solicitor or attorney without requiring and securing approval of the district attorney's office in advance.

B. Equitable and Other Remedies

No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies.

C. Liability

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

**SECTION 6: SEVERABILITY**

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision had not been included herein.

**SECTION 7: EFFECTIVE DATE**

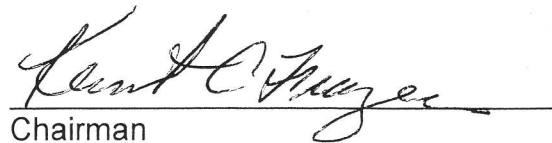
This Ordinance and the provisions contained herein shall be effective within five (5) day of the enactment or passage hereof.

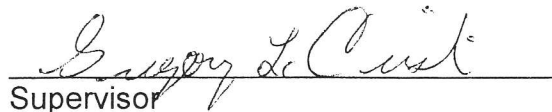
ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Bedford Township, Bedford County, Pennsylvania this 4th day of August, 2009.

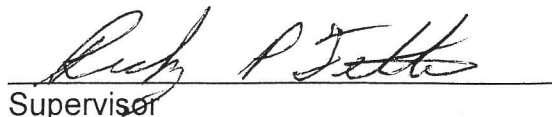
Attest:

  
Secretary

BOARD OF SUPERVISORS OF  
BEDFORD TOWNSHIP

  
Chairman

  
Supervisor

  
Supervisor