

**LIBERTY TOWNSHIP**  
**MONTOUR COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2008-01**

**AN ORDINANCE OF LIBERTY TOWNSHIP, MONTOUR COUNTY, PENNSYLVANIA, REGULATING AND RESTRICTING FIRES AND THE BURNING OF DOMESTIC REFUSE AND OTHER MATERIAL WITHIN THE TOWNSHIP, PROVIDING FOR THE ENFORCEMENT THEREOF, AND ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS, the Board of Supervisors of Liberty Township has determined that unrestricted open burning is detrimental to the public health, safety and welfare of the residents of the Township.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Liberty Township as follows:

**ARTICLE I. PURPOSE**

The purpose of this Ordinance is to promote the health, safety and welfare of the residents of Liberty Township by reducing the risk of the spread of uncontrolled fires and reducing or eliminating the deleterious effects caused by smoke, cinders and ashes resulting from open burning.

**ARTICLE II. CONFINED BURNING**

**Section 2.01.** The confined burning of "domestic refuse" resulting from normal household occupancy, including paper, cardboard, and similar combustible materials which will not produce noxious fumes or smoke or excessive fly ash shall be permitted within Liberty Township subject to the regulations and restrictions set forth hereafter.

**Section 2.02.** All burning of domestic refuse shall take place within a wire basket, masonry enclosure, burning barrel, or other similar device with a wire mesh cover in order to restrict the discharge of burning embers and ashes.

**Section 2.03.** All confined burning of domestic refuse shall be conducted on private property , but shall not be kindled or maintained within twenty (20) feet of any building or within ten ( 10) feet of any property line.

**Section 2.04.** Charcoal or wood fires kindled for the purpose of outside barbeques or camp fires shall be permitted to the extent not otherwise prohibited by law or regulation.

### **ARTICLE III. OPEN BURNING**

**Section 3.01.** The open burning of brush, dry grass or leaves outside of a container, as described in Section 2.01, is permitted subject to the regulations and restrictions set forth hereafter.

**Section 3.02.** The open burning of brush, grass or leaves with a fire area not exceeding one hundred (100) square feet is permitted between sunrise and sunset without prior notification of the Montour County Emergency Communications Center.

**Section 3.03.** Prior to the open burning of brush, grass or leaves with a fire area not exceeding one hundred (100) square feet between sunset and midnight or any open burning of brush piles or grass areas in excess of one hundred (100) square feet at any time, the person conducting the burning shall be required to notify the Montour County Emergency Communications Center of the intended burning. This notification shall include the name, address and telephone number of the property owner to allow for notification of the

Township fire company. The person conducting the burning shall also be required to notify the Emergency Communications Center when the fire is extinguished.

**Section 3.04.** The Township fire company shall not be requested or required to standby or oversee any open burning and the property owner shall be solely responsible to actively supervise and control the fire and to take any necessary actions to prevent spreading of the fire.

**Section 3.05.** The Township Fire Chief and/or designated Enforcement Officer shall have the authority to order any fire extinguished if it is considered to pose a threat to the health, safety or welfare of the residents of the Township or surrounding areas.

**Section 3.06.** The aforementioned restrictions shall not apply to properly organized and supervised training conducted by any fire company within the Township to improve and upgrade the skills of its members to better serve the residents of the Township.

#### **ARTICLE IV. BURNING BAN**

The Board of Supervisors shall have the authority to place a complete ban on all burning within the Township if or when, in the discretion of the Board, any burning would pose a threat to the public health, safety and welfare.

#### **ARTICLE V. ENFORCEMENT AND PENALTIES**

**Section 5.01.** The provisions of this Ordinance shall be enforced by an Enforcement Officer appointed by the Board of Supervisors.

**Section 5.02.** Any person who violates any of the provisions of this Ordinance shall, upon conviction before a Magisterial District Judge, be sentenced to pay a fine of not less

that One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), plus the costs of prosecution for each violation or, in forfeiture of such payment, shall be sentenced to a period of incarceration in the Montour County Prison for a period not exceeding ninety (90) days.

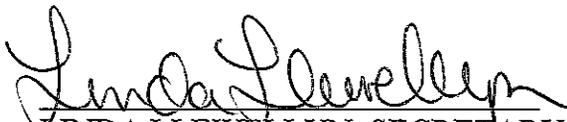
**ARTICLE VI. SEVERABILITY AND REPEALER**

**Section 6.01.** If this Ordinance or any part hereof is declared unconstitutional or otherwise unenforceable, the surviving provisions shall remain in full force and effect.

**Section 6.02.** If any other Ordinance of Liberty Township or any part thereof is determined to be incompatible or inconsistent with any provision of this Ordinance, the incompatible or inconsistent provision of such other ordinance is hereby repealed to the extent of such incompatibility or inconsistency.

ATTEST:

LIBERTY TOWNSHIP

  
LINDA LLEWELLYN, SECRETARY

BY   
JOEL RINE, CHAIRPERSON  
BOARD OF SUPERVISORS