

# ORDINANCE #02-2021

## AN ORDINANCE AMENDING THE ALLEGHENY TOWNSHIP CODE, CHAPTER 81, AS AMENDED.

**WHEREAS**, the Allegheny Township Board of Supervisors (the "Board") has determined that it is in the best interest of the public health, safety and welfare of Allegheny Township (the "Township") to update and amend the various provisions of the Code of the Township of Allegheny (the "Code"), Chapter 81, Burning, as amended; and

**WHEREAS**, the Board has determined that it is necessary to amend the Code with regard to burning that occurs within the Township; and

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** that the Allegheny Township Code, Chapter 81, Burning, as amended, shall be further amended, and is enacted as follows:

### CHAPTER 81 BURNING, OPEN

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| § 81-1. Burning restrictions. | § 81-6. Prohibition against odor.        |
| § 81-2. Recreational fires.   | § 81-7. Notification of intent.          |
| § 81-3. Minimum distances.    | § 81-8. Violations and penalties.        |
| § 81-4. Attendance at fires.  | § 81-9. Prohibition against burning.     |
| § 81-5. Hours of burning.     | § 81-10 Burning not to cause discomfort. |

[HISTORY: Adopted by the Board of supervisors of the Township of Allegheny 6-13-1977 by Ord. No. 21-1977 (§§ 6.181 to 6.187 of the 1986 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

Fire prevention and safety – See Ch. 118.

Solid waste and recycling – See Ch. 210.

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#### § 81-1. Burning restrictions. [Amended 12-12-2005 by Ord. No. 6-2005]

Willful burning of solid waste, recyclable materials or residual waste is prohibited. These materials shall be disposed of in accordance with Chapter 210 of the Allegheny Township Code. Willful burning of rubbish shall be prohibited except in fireproof containers located at least 15 feet from the nearest structure.

### **§ 81-2. Recreational fires.**

Burning for the purpose of entertainment, pleasure, or cooking.

### **§ 81-3. Minimum distances.**

Willful burning of brush or wood not in a pit, receptacle, ring, or other fireproof barrier shall not take place within 30 feet of the nearest *combustible* structure.

Recreational fires in a pit, receptacle, ring, or other fireproof barrier shall not take place within 15 feet from the nearest combustible structure.

### **§ 81-4. Attendance of fires.**

Except as otherwise provided, all intentional outdoor burning must be constantly attended by an adult having at hand the means to extinguish the fire. However, where an occupier of land occupies more than 10 contiguous acres, he may place a fire on his premises at least 150 feet from the nearest property line or public road, and then may leave the immediate site of the fire. But in no case shall a lot, piece or parcel of land on which a fire is burning be left without occupants.

### **§ 81-5. Hours for burning.**

Except as otherwise provided, no willful outdoor burning may take place after sunset or before sunrise. However, wood or charcoal fires may be ignited and kept burning during such period, provided that at least two persons are constantly at the site of the fire, at least one of whom must be an adult.

### **§ 81-6. Prohibition against odor.**

Objects which give off an offensive odor when burned may not be willfully burned.

### **§ 81-7. Notification of intent. [Amended 8-8-2005 by Ord. No. 4-2005]**

Any person shall notify their local fire department at least 48 hours prior to burning large amounts of brush or wood. Large amounts of brush or wood shall be those which cover an area greater than seven feet in diameter.

### **§ 81.8 Violations and penalties.**

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000 plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is

permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

**§ 81-9. Prohibitions against burning.**

The Emergency Management Coordinator may institute a complete no-burning ban by notifying the local fire departments as well as the Township office. Such a ban shall be implemented as dictated by weather conditions.

Within R1 Residential Zoning Districts, open burning shall be banned, except for recreational fires, on Sundays, Mondays, and holidays recognized by the Township.

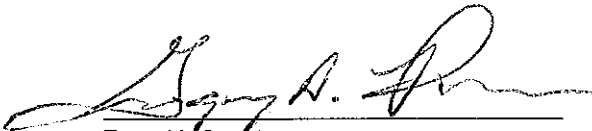
**§ 81-10. Burning not to cause discomfort. [Added 12-12-2005 by Ord. No. 6-2005]**

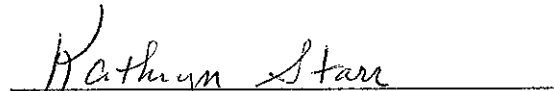
Burning not to cause discomfort. Within R-1 residential zoning districts and within 1,000 feet of the perimeter of an R-1 zoning district, burning shall be discontinued if the smoke and residue from burning causes discomfort and distress to nearby neighbors. Neighbors affected in such a manner shall notify the Police Department of the condition and the Department will notify the responsible party to discontinue burning. Failure to comply will result in penalties as outlined in § 81-8 of this chapter.

**ORDAINED AND ENACTED INTO LAW AT A PUBLIC MEETING BY THE BOARD OF SUPERVISORS OF ALLEGHENY TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA, THIS 11<sup>th</sup> DAY OF October, 2021, EFFECTIVE 11 November, 2021, A QUORUM BEING PRESENT.**

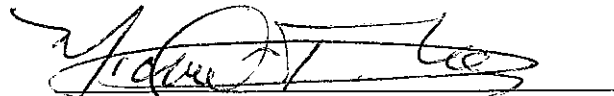
ATTEST:

**ALLEGHENY TOWNSHIP**

  
Township Secretary

  
Kathryn Starr, Chairman, Board of Supervisors

  
Ren Steele, Vice Chairman, Board of Supervisors

  
Mike Korns, Board of Supervisors