

## 1Chapter 74: BURNING, OPEN

[HISTORY: Adopted by the Board of Supervisors of the Township of Kidder 9-14-1982 by Ord. No. 4. Amendments noted where applicable.]

### § 74-1. Title.

This chapter shall be known as the “Burning Ordinance of the Township of Kidder.”

### § 74-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**CLOSED CONTAINER FIRE** — Includes any outdoor fire set in and confined to a noncombustible container covered with a noncombustible screen of 1/2 inch or smaller mesh or with other noncombustible covering, and located more than 15 feet from all structures, property lines and other combustible materials.

**MUNICIPAL WASTE** — Any garbage, refuse or other waste resulting from the operation of residential, municipal, commercial or institutional establishments, including the following: cardboard, paper, building materials. [Added 10-20-2005 by Ord. No. 122]

**OPEN FIRE** — Any outdoor fire which is not a "closed container fire," as defined above. See "recreational fire." [Amended 10-20-2005 by Ord. No. 122]

**PERSON** — Includes any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and neuter.

**RECREATIONAL FIRE** — An outdoor fire which is used for relaxation, pleasure, religious or ceremonial purposes or to cook food for human consumption. Recreational fires may not exceed nine square feet in base area and two feet in height. [Added 10-20-2005 by Ord. No. 122]

**RECYCLABLES** — Items and materials that are identified as part of the county recycling program, i.e., paper, cardboard, glass, plastic, etc., or precluded by state law. [Added 10-20-2005 by Ord. No. 122]

**STRUCTURE** — Includes anything constructed, including a building or deck, designed or adaptable for permanent location on the ground. [Amended 10-20-2005 by Ord. No. 122]

### § 74-3. Precautions.

A. It shall be unlawful for any person to set fire to, or to procure another to set fire to, any structure, woods, brush, logs, leaves, grass, debris or other inflammable material within Kidder Township unless he previously shall have taken all reasonable care and precaution by having cut and piled the same or carefully cleared around the same to prevent the spread of such fire and a fire extinguishing agent is available for immediate use.

B. Closed-container fires and recreational fires shall not be set: [Added 10-20-2005 by Ord. No. 122]

- (1) Within 15 feet of any structure;
- (2) Within 10 feet of any property line; and
- (3) Unless there is someone in attendance at all times.

#### § 74-4. Restrictions due to wind.

Even though the precautions required by the foregoing section shall have been taken, it shall be unlawful, at any time, for any person to set fire to, or to procure another person to set fire to, any structure, woods, brush, logs, leaves, grass, debris or other inflammable material within Kidder Township on a day when the winds in the Kidder Township area exceed 10 miles per hour except that such burning may be done under the supervision of the local Fire Department.

§ 74-5. Burning permitted certain hours; notification. [Amended 6-16-2005 by Ord. No. 119; 10-20-2005 by Ord. No. 122]

A. Burning, except recreational fires, shall only be permitted from one hour after sunrise to no later than one hour before sunset.

B. The Carbon County Communication Center shall be notified prior to all burning except recreational fires.

#### § 74-6. Closed container fires.

Outdoor fires shall be permitted on private property, without prior approval, only under the following conditions:

A. Every such outdoor fire shall be built in and confined to a noncombustible container covered with a noncombustible screen of 1/2 inch or smaller mesh or with other noncombustible covering.

B. No such fire shall be closer than 15 feet to any structure, other combustible material, or within 10 feet of any property line. [Amended 10-20-2005 by Ord. No. 122]

#### § 74-7. Open fires.

All open fires shall require the prior approval of the officer then in charge of the Fire Company in the district where such fire will be set. Any such fire shall not be closer than 50 feet from any structure or other combustible material sufficient to prevent escape of any burning material.

§ 74-8. Burning of structures; other prohibitions. [Amended 10-20-2005 by Ord. No. 122]

A. It shall be unlawful for any person to set fire to a structure without prior approval and direct supervision of the local fire department.

B. It shall be unlawful to burn "recyclable materials" as defined in this chapter.

C. It shall be unlawful to burn when a proclaimed burn ban is in effect in Kidder Township or Carbon County.

D. Burning of structures in lieu of demolition shall be unlawful.

E. Attendance: Open burning or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher or other approved fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

#### § 74-9. Extinguishing of fires.

All fires of any type shall be totally extinguished before the person starting such fire shall leave the area of the fire.

#### § 74-10. Violations and penalties.

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the township before a District Justice, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

#### § 74-11. Enforcement. [Amended 10-20-2005 by Ord. No. 122]

This chapter shall be enforced by the police of the Township of Kidder or other designees of the Township Supervisors.