**FRANKLIN TOWNSHIP**
**CARBON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2006 - 02**

**AN ORDINANCE REGULATING AND RESTRICTING OUTDOOR DOMESTIC FIRES, OPEN FIRES AND FIELD FIRES WITHIN THE TOWNSHIP OF FRANKLIN; AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.**

**BE IT ORDAINED AND ENACTED**, by the Board of Supervisors of the Township of Franklin, Carbon County, Pennsylvania, and it is hereby ordained and enacted by the same, as follows:

**Section 1**. This Ordinance shall be known as the "Burning Ordinance".

**Section 2**. For the purpose of this Ordinance the following terms shall have the meanings respectively ascribed to them in this Section, unless from the particular context it clearly appears that some other meaning is intended:

(a) Astronomical Sunrise - means the time that the sun officially rises as calculated by official local weather bureau reports.

(b) Domestic Fires – means those fires which are set and maintained for the purpose of disposing of household waste, refuse, trash, lawn trimmings and twigs.

(c) Field Fires - means those fires which are set and maintained for the purpose of disposing of standing weeds in open fields or vacant lots.

(d) Garbage – means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

(e) Open Fires – means those fires which are set and maintained for the purpose of disposing of large cartons, tree branches, shrub and bush trimmings.

(f) Person – means any individual, individuals, corporation, partnership, unincorporated association, or entity.

(g) Recreational Fire – means those fires which are set and maintained solely for the purpose of recreation, including camp fires, ceremonial fires and open fires for cooking.

**Section 3**. No person shall set or maintain any fire upon any of the streets, sidewalks, alleys or public grounds nor on any property owned by any other person, unless by written consent of such person, in the Township of Franklin.

**Section 4**. The Supervisors of Franklin Township shall have the authority to declare a "fire burning ban" due to a drought or dry conditions. The "fire burning ban" may be called at a regular or specially called meeting of the Board of Supervisors pursuant to the Pennsylvania Sunshine Law. This declaration of fire burning ban shall continue to be effective until the next regularly scheduled meeting of the Board of Supervisors of Franklin Township. At said meeting the Board of Supervisors shall authorize the "fire burning ban" to continue until the next scheduled Board meeting or declare the "fire burning ban" terminated.

**Section 5**. No domestic fires shall be set or maintained nor be allowed to burn, on any day, before the astronomical sunrise or after 10:00 P.M., prevailing time. This section does not apply to recreational fires because recreational fires are not domestic fires.

**Section 6**. Domestic Fires shall be set, maintained and confined in closed containers made of metal, brick, stone or metal mesh with openings of not more than one square inch, or a combination of said materials, and such containers shall not be closer than 25 feet to any dwelling and closer than 15 feet to any other structure, wooden fence or piled combustible materials. The use of containers which are in disrepair is prohibited.

**Section 7**. Open fires shall be set and maintained in areas free of weeds, shall be attended by an adult at all times and shall not be closer to any building, structure, wooden fence or piled combustible materials than 50 feet.

**Section 8**. Field fires shall not be set or maintained unless firemen and fire apparatus of a recognized volunteer fire company are in attendance at all times or unless proper arrangements have been made with the fire chief to provide for the proper care of such fire.

**Section 9**. Before setting an open fire or a field fire, the person setting or maintaining the open fire or field fire shall contact the Carbon County Communication Center (using its non-emergency phone number) and notify them when and where the open fire or field fire will be set and maintained. Further, the person setting or maintaining the open fire or field fire shall contact the Carbon County Communication Center (using its non-emergency phone number) after the fire has been extinguished.

**Section 10**. The Franklin Township Police shall have the power to enforce the provisions of this Ordinance.

**Section 11.** Any person who violates this Ordinance shall be subject, upon a summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine of not more than $1,000.00, together with cost and prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

**Section 12.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Franklin that this

Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 13.** This Ordinance shall become effective five (5) days after its enactment.

**DULY ENACTED AND ORDAINED** this 15th day of August , 2006.

FRANKLIN TOWNSHIP SUPERVISORS

ATTEST:

Secretary