

Cooke Township Ordinance 2001-4

Cooke Township Fire Safety Ordinance

Section 1

Title and Purpose

A. Title

This Ordinance shall be known, and may be cited, as the "Cooke Township Fire Safety Ordinance."

B. Purpose

The purpose of this Ordinance is to prevent needless damage to life and property and to the environment from outdoor fires deliberately or carelessly set.

Section 2

Definitions

Open burning or open fire is defined as the ignition and subsequent burning of any combustible material, including but not limited to garbage, litter, leaves, grass, twigs, vegetative matter left over from land clearing, and other debris, out-of-doors in a burn barrel or on the ground.

Section 3

General Provisions

A. Cabins on Leased State Lands

Persons occupying "cabins" on leased State lands in Cooke Township are subject to all Township fire regulations, in addition to any fire regulations imposed by the Bureau of Forestry or the Bureau of State Parks of the Pennsylvania Department of Conservation and Natural Resources.

B. The following materials are prohibited from open burning even if notification has been made as described elsewhere in this Ordinance:

1. Garbage, food waste, manure or other materials transported from any other property.
2. Tires, rubber, plastic, or fiberglass.
3. Upholstered furniture, mattresses, or box springs.
4. Building materials containing petroleum-based products, including but not limited to shingles, roll roofing, tar paper, insulation, vinyl siding, carpet, plastic pipe, or plumbing fixtures.
5. Waste oil, paint, thinners, solvents, pesticides, herbicides, and other household or industrial chemicals.

Section 4
Emergency Bans

A. Power to Impose Emergency Ban

When atmospheric conditions or local circumstances dictate, the Supervisors of Cooke Township shall have the power to impose emergency bans on open burning, with exemptions as described below (Section 5). The Supervisors may declare such an emergency ban with or without consultation with the Fire Chiefs of the volunteer companies that provide service within the Township.

B. Notification of Emergency Ban

1. When an emergency ban is declared, the Township shall publish as soon as practical a notice of the ban at least once in a local newspaper of general circulation. A reasonable effort will also be made to place and maintain signs announcing "Burn Ban in Effect" at the Township borders on roads leading into the Township.
2. As soon as practical, verbal notice of the imposition of the ban shall be given to the Pine Grove Furnace State Park office and the District Forester's office.

Section 5
Exemptions

- A. The use of propane or gas stoves, charcoal grills, or tobacco in any form is exempt from the provisions of this Ordinance.
- B. Open campfires by visitors on State Forest lands are subject to the rules, regulations, and bans of the Bureau of Forestry of the Pennsylvania Department of Conservation and Natural Resources.
- C. Open campfires by visitors on State Park lands and fires specifically set and supervised by State Park officials are subject to the rules, regulations, and bans of the Bureau of State Parks of the Pennsylvania Department of Conservation and Natural Resources.

Section 6
Restrictions on Routine Burning

Except as prohibited elsewhere in this Ordinance, open burning of unconfined material is permitted under the following conditions and limitations:

- A. **Fires burning materials measuring LESS THAN eight cubic feet** (two foot wide by two foot deep by two foot high, if the material were stacked into a cube) are permitted under the following condition:
 1. No material listed under the "General Provisions" (Section 3) of this Ordinance may be burned.
- B. **Fires burning materials measuring MORE THAN eight cubic feet** (two foot wide by two foot deep by two foot high, if the material were stacked into a cube) **but LESS THAN twenty-seven cubic feet** (three foot wide by three foot deep by three foot high, if the material were stacked into a cube) are permitted under the following conditions:

1. No material listed under the "General Provisions" (Section 3) of this Ordinance may be burned.
2. All burning shall occur between sunrise and sunset. All fires must be entirely extinguished and not permitted to burn or smolder after sunset.
3. No fire shall emit noxious smoke over another property.
4. No uncontained burning shall be permitted within fifty (50) feet of any building, whether or not owned by the person setting the fire and whether or not the building is occupied.
5. All fires shall be maintained and kept under the supervision of a responsible adult actually at the scene of the fire at all times. Adequate fire extinguishing equipment must be immediately available.

C. Fires burning materials measuring EQUAL TO OR MORE THAN twenty-seven cubic feet (three foot wide by three foot deep by three foot high, if the material were stacked into a cube) are permitted under the following conditions:

1. No material listed under the "General Provisions" (Section 3) of this Ordinance may be burned.
2. All burning shall occur between sunrise and sunset. All fires must be entirely extinguished and not permitted to burn or smolder after sunset.
3. No fire shall emit noxious smoke over another property.
4. No uncontained burning shall be permitted within fifty (50) feet of any building, whether or not owned by the person setting the fire and whether or not the building is occupied.
5. All fires shall be maintained and kept under the supervision of a responsible adult actually at the scene of the fire at all times. Adequate fire extinguishing equipment must be immediately available.
6. Verbal notice shall be given to a Township Supervisor no less than 48 hours prior to beginning the burn. The purpose of this notice is so that the Supervisor can confirm that no burn ban exists before the fire is ignited.
7. Verbal notice shall be given to the appropriate Fire Company Chief having jurisdiction over the location of the planned burn site, no less than 48 hours prior to beginning the burn. The purpose of this notice is to allow the Fire Company Chief or his designee to inspect the site of the proposed burn. The burn shall proceed only with the specific approval of and under any conditions set by the Fire Company Chief or his designee.
8. Notice of open burning shall be given to Cumberland County Communications Control Center by calling (717) 243-4121 just prior to beginning the burn, AND when such burning is completed. It is the responsibility of the adult supervising the burn to call the County Control Center directly.

Section 7
Enforcement

The Cooke Township Supervisors, appointed fire and emergency management officials, codes enforcement officer, or other designated official shall be responsible for enforcing the provisions of this Ordinance.

Section 8
Liability

Cooke Township, its agents, officials, and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property 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 party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

Section 9
Severability

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

Section 10
Penalties

Any person who shall violate or permit the violation of this Ordinance shall, upon being found liable therefor in a civil proceeding commenced by this Township, pay a civil penalty of not less than Fifty (\$50) Dollars and not more than One Thousand (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township. A new and separate offence shall be deemed to have been committed for each separate fire and each day that said fire burns in violation of this Ordinance.

Section 11
Inconsistent Ordinances Repealed

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 12
Enactment

Upon enactment by the Supervisors of Cooke Township, This Ordinance shall become effective as provided by law.

Enacted and Ordained this ____ day of December, 2001.

**COOKE TOWNSHIP BOARD OF
SUPERVISORS**

BY:

SAMUEL SANGIACOSLI
CHAIRMAN OF SUPERVISORS

BY:

CYRUS STEIGELMAN
VICE-CHAIRMAN OF SUPERVISORS

ATTEST:

JANET E. FRANTZ
SECRETARY

BY:

RICHARD S. MOWERY
SUPERVISOR

2001-4


Enacted and Ordained this 5th day of December, 2001.


COOKE TOWNSHIP BOARD OF
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