***OFFICE OF THE MOUNT CARMEL TOWNSHIP BOARD OF SUPERVISORS***

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**AARON DOMANSKI, CHAIRMAN MOUNT CARMEL TOWNSHIP**

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ORDINANCE NO. 2021- 2

AN ORDINANCE REGULATING RECREATIONAL FIRES IN THE TOWNSHIP OF MOUNT CARMEL, COUNTY OF NORTHUMBERLAND COMMONWEALTH OF PENNSYLVANIA.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Mount Carmel, Northumberland County, Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same:

**SECTION ONE:**

1. Recreational fires may be set provided they are fully contained with a screened chiminea subject to the following restrictions:
	1. Only clean seasoned firewood or charcoal may be burned. No burning of trash, leaves, brush, pressure-treated wood or painted wood is permitted. All burning combustibles must be contained inside the chamber.
	2. All openings in the container must be covered with wire mesh or other non-combustible screening materials that will prevent the passage of sparks or embers.
	3. Fires must be kept 25 feet away from any building or structure AND 5 feet from all property lines and combustible materials.
	4. Fires are limited to a maximum overall size of 3 feet wide by 3 feet long by 2 feet high for wood burning.
	5. All fires shall be constantly attended by at least one (1) adult person until they are completely extinguished. A minimum of one portable fire extinguisher with a minimum Class A or better rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, water bucket or garden hose shall be available for immediate utilization.
	6. No such fire or container used for open burning may be used on any wooden/plastic porch, deck, balcony or other portion of building.
	7. Fires are not permitted during adverse wind and weather conditions.
	8. Fires shall not be permitted to smolder.
	9. All open fires as set forth herein shall be extinguished no later than MIDNIGHT. (12:00AM)
	10. Any fire permitted to burn in an unsafe manner under adverse weather conditions, unsupervised, determined unsafe by the Police, Code Enforcement or Fire Department or in violation of

any provisions of this Ordinance, shall be extinguished immediately upon demand by such official.

* 1. No provisions of this Section shall be interpreted to prohibit burning of appropriate fuels in residential fireplaces, barbeques or grills.
1. The Township Fire or Code Officials shall prohibit any open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances cause hazardous fire conditions.
2. The Township Fire or Code Officials are authorized to order the extinguishment by the responsible party or the Fire Department of any burning which creates or adds to a hazardous or objectionable condition. Repeat offenders may lose the privilege of open burning and/or may require compliance through legal action. All open burning is prohibited during any official Northumberland County Burn Ban resolution.

**SECTION TWO:** Enforcement

1. Penalties. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine of not less than two hundred dollars ($200.00) or more than one thousand ($1,000.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.
2. Remedies. No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive or any other remedies.
3. Liability. The Mount Carmel Township and 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 conduit of burning activity in compliance or non-compliance with the terms and provisions of the Ordinance. The person or party responsible for any such fire shall be solely responsible for any and all damages caused as a result thereof.

**SECTION THREE:** Repealer

All ordinance or parts of ordinances which are inconsistent here with are hereby repealed

**SECTION FOUR:** Severability

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 part of this ordinance. It is hereby declared as the intent of the Township of Mount Carmel that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION FIVE:** Effective Date.

This ordinance shall become effective upon the date of its enactment. Enacted and ordained as an Ordinance of the Township of Mount Carmel, Northumberland County, Pennsylvania, this 7th day of July 2021

ATTEST: TOWNSHIP OF MOUNT CARMEL

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Aaron Domanski, Chairman

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Richard Mychak, Vice Chairman

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Charles Koveleskie, Supervisor