

Chapter 55

BURNING, OUTDOOR

§ 55-1. Conditions for kindling fires.

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§ 55-5. Violations and penalties.

§ 55-3. Supervised cooking fires excepted.

[HISTORY: Adopted by the Board of Supervisors of Bear Creek Township 9-3-1974 as Ord. No. 4-74. Amendments noted where applicable.]

§ 55-1. Conditions for kindling fires.

Any person, firm or corporation kindling or maintaining any bonfire or other fire or authorizing or permitting any such bonfire or other fire to be kindled or maintained on any street, avenue, road, alley or property, public or private, within Bear Creek Township shall comply with the following conditions:

- A. Bonfires or other fires shall be kindled or maintained between sunrise and sunset.
- B. Bonfires or other fires shall be kindled or maintained a safe distance from houses, barns, sheds, dry fields, woods or other inflammable materials or substances which might catch fire or explode, taking into account the quantity and nature of the material being burned, the velocity of the wind and other natural conditions existing at the time.
- C. Bonfires or other fires shall be attended by a responsible person until extinguished.
- D. When any person, firm or corporation desiring to kindle or maintain any bonfire or other fire is in doubt as to the application of the provisions of Subsection B of this § 55-1, the Chief of any fire company in Bear Creek Township shall be consulted and his decision shall be final.
- E. No bonfires or other fires shall be kindled or maintained in any ditch bordering any road, cartway, highway, street or lane.
- F. Burnout fires are allowed if the entire area can be covered by a water supply by the individual starting the fire or if it is approved in advance by the Fire Department. If § 55-5 applies, the Zoning Officer should be called by the Fire Department to issue the citations.¹
- G. Grub fires or skimmed fires shall not take place unless the fires have supervision while the fire is burning. Putting a grub fire or skimmed fire out by other than water (i.e., hole covered by bulldozer with dirt) is acceptable.²

¹ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

² Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

H. Other burning should be accomplished whenever and wherever possible in a burn barrel or enclosed area such as a fireplace.³

§ 55-2. Rubbish burning excepted.

The provisions of this chapter shall not apply to the burning of normal household rubbish in a metal container with a lid or an incinerator, in safe condition, by the occupants of a residence, provided that such burning is done between sunrise and sunset.

§ 55-3. Supervised cooking fires excepted.

The provisions of this chapter shall not apply to a small, well-controlled fire in an outdoor fireplace or container for outdoor cooking, barbecues and the like, provided that said fire is attended by a responsible person until extinguished.

§ 55-4. Notice of violation.

Any person, firm or corporation violating the provisions of this chapter shall be notified of the violation by a constable, peace officer or law enforcement official or agent of Bear Creek Township or the Chief of any fire company located in Bear Creek Township and shall immediately take the steps recommended by such person to cease or limit the violation.

§ 55-5. Violations and penalties.⁴

Any person, firm or corporation violating the provisions of this chapter and failing to comply immediately with the steps recommended by a constable or peace officer of Bear Creek Township, any law enforcement official or agent of Bear Creek Township or the Chief of any fire company in Bear Creek Township, shall upon conviction thereof before any Justice of the Peace of Bear Creek Township, Luzerne County, Pennsylvania, be sentenced to pay a fine of not less than fifty dollars (\$50.) and not more than than six hundred dollars (\$600.), plus the costs of prosecution, and in default of payment thereof, shall undergo imprisonment in the Luzerne County Prison for a period of not more than ten (10) days.

³ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.