

TOWNSHIP OF ABINGTON

Lackawanna County, Pennsylvania

ORDINANCE NO. 100 1997

REGULATING BURNING AND OPEN FIRES WITHIN THE
TOWNSHIP OF ABINGTON PROHIBITING OPEN FIRES
EXCEPT UNDER CONDITIONS PRESCRIBED, PROVIDING
FOR ISSUANCE OF PERMITS AND IMPOSING PENALTIES
FOR VIOLATION:

The Board of Supervisors of the Township of Abington, in order to better assure the prevention of fires and to secure the safety of persons and property within the Township of Abington, pursuant to the authority contained in Section 702, Clause XXXII and Clause SLVII, of the Second Class Township Code, Act of 1933, May 1, P.L. 103, as amended (53 P.S. 65732 and 65747), hereby ordain as follows.

SECTION 1: This Ordinance shall be known and may be cited as the Abington Township Burning Ordinance.

SECTION 2: After the effective date of this Ordinance, it shall be unlawful for any person to build or cause or allow to be built any open fire within the Township of Abington except in compliance with this Ordinance.

SECTION 3: For the purposes of this Ordinance the term "open fire" shall be deemed to mean and include any fire not confined within a building, or any fire not confined in a fireplace, barbecue pit or similar container for the purpose of preparing a meal or cooking.

SECTION 4: The burning of leaves, branches and grass clippings (the Material) by a property owner in an open fire will be allowed with a permit, provided that:

- (a) The fire is set and maintained on land belonging to such property owner at least thirty (30) feet from any building or structure, wooded area or grass less than three inches in height;
- (b) The material is at all times confined and burned within a non-combustible container with a screen cover sufficient to prevent burning or flying embers or ash from escaping during the burning activity.
- (c) The fire is within the reach of a reliable water supply and the property owner has on hand sufficient length of garden or other hosing to extinguish the fire.

- (d) The fire is attended at all times by an adult person until extinguished ; and
- (e) The fire is ignited not earlier than 9:00 AM and extinguished not later than 4:30 the same day.
- (f) only material originating in Abington Township may be burned.
- (g) no materials, (such as plastics, rubber. etc.) that may cause noxious odors or endanger the environment will be allowed.

SECTION 5: Open fires for the burning of debris resulting from construction or demolition of buildings or structures or domestic or residential refuse or garbage shall not be allowed under any circumstances. Waste agricultural materials including those resulting from normal farm planting operations including dried stalks and other non-marketable vegetation or crops may be burned by a farmer in an agricultural zone in open fires only upon the terms and conditions set forth in Section 4 of this Ordinance and after an annual permit is secured from the Abington Township Office, may be renewed annually upon payment of such fee.

SECTION 6: The fee for permits issued under Section 4 and 5 of this ordinance is hereby fixed at \$5.00, but the Board of Supervisors shall have the right to increase or modify such fee from time to time by Resolution. Permits under Section 5 may be renewed annually upon payment of such fee.

SECTION 7: Whether or not a permit has been issued, the Board of Supervisors (or any official of Abington Township) may order any person to extinguish any open fire wherein material other than as specified in this Ordinance is burned, or in event that they may deem that the open fire is creating a fire hazard or smoke nuisance is otherwise injurious to the health, safety and welfare to the residents of the surrounding neighborhood.

SECTION 8: Any person convicted of a violation of the provisions of this Ordinance in a summary proceeding before a District Magistrate shall be sentenced to pay a fine of One Hundred (\$100.00) Dollars for the use of the Township and the costs of prosecution, and on default of such payment shall be subject to imprisonment as provided in the Pennsylvania Rules of Criminal Procedure and other applicable statutes.

SECTION 9: If any provision of this Ordinance shall be held to be invalid by any court of competent jurisdiction, the other sections of this Ordinance shall not be deemed affected.

SECTION 10: The Abington Township Pollution Control Ordinance, No. 32 of 1970 and all other prior Ordinance and Resolutions or parts thereof including Ordinance No. 58 Year 1979 and Ordinance No. 91, Year 1992 are hereby repealed.

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECTED COPY OF ORDINANCE NO. 1997 WHICH WAS DULY ENACTED AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF ABINGTON DULY HELD ON THE DAY OF , 1997

Township Secretary
[Township Seal]

MEETING OF THE ABINGTON TOWNSHIP SUPERVISORS ON MONDAY APRIL 28, 1997 AT 8:00 PM IN THE ABINGTON TOWNSHIP OFFICE.

- Attending Supervisors: John Hennemuth, Chairman
Alfred Rice, Jr.
Heidi Matthews
- Asst. Solicitor: Robert Farrell
- Dept. Of Public Works: Harry Derr Jr.
- Guests: Scranton Times Reporter:

The Chairman called the meeting to order.

This being a special meeting there are no minutes or financial reports.

Bids were opened for a replacement of a bridge on Pequest Drive. The two bids were

Pedula and Sons	\$9680.00
Andzulis and Sons	8740.00

The low bid will be reviewed to make sure it is complete and then notified. Bid states work is to begin twenty days (20) days after the award of the contract.

Robert Bell's bond is not due until June 1, 1997.

CARBONDALE ROAD SEWER EXTENSION: Asst. Solicitor Farrell reported that only a few of the notarized easements have been received. Mr. Hennemuth noted that all property owners have committed to the project. Bids for the project are due May 12, 1997. Several banks have contacted the Township Office indicating they are interested in financing the proposed loan. This is also due on May 12, 1997.

The BURNING ORDINANCE was proposed. Mr. Rice made a motion that the ordinance #100 for 1997 be adopted as revised. Seconded by Mrs. Matthews. All in favor.

DEMKO: a letter was received from Dr. Demko. The supervisors noted they have done what work was required of the Township and would not do any work on private property.

Mr. Matthews reported the Eckersley & Ostrowski Accounts have completed a 1995 & 1996 audit and have found no wrong doings. The report will be on file in the Township Office. The Treasurer was commended for getting this report completed. Mr. Rice said the auditors should be thanked for their cooperation and making suggestions that will improve the quality of the records.

HISTORICAL DISTRICT: The Planning Commission has proposed an outline for the Historic District within the Village of Waverly. A list of six (6) interested in working of this project has been received by them. Mrs. Bisch will call these people and get their mailing address so that the material can be mailed to them.

SHADE TREE ORDINANCE: The Supervisors ask if Attorney Hailstone had looked over the material.

The annual road inspection was conducted on Monday April 28, 1997 and Mr. Derr was commended for the road conditions. Other areas will be looked at for possible paving.

SEWER ORDINANCE: An amendment to the present ordinance was discussed. Attorney Farrell will look into the Penna. State Laws pertaining to the ordinance.

Building Plans presented for review. A house on Stevenson Road for Dr. Henry Yeager.

Mr. Rice made a motion to pass a resolution to the STOP SIGN ORDINANCE . For a Stop sign on Starlight Dr. & Overlook Rd. Seconded by Mr. Hennemuth . All in favor.

There being no further business the meeting was adjourned.

Allean Derr, Transcriber.