

ORDINANCE # 3 Of 1999

**TOWNSHIP OF BENTON
LACKAWANNA COUNTY, PENNSYLVANIA**

**PROVIDING FOR THE REGULATION OF OUTDOOR FIRES,
ESTABLISHING TIMES AND PLACES FOR THE SAME TO BE
ACCOMPLISHED AND PROHIBITING THE COLLECTION AND
ACCUMULATION OF COMBUSTIBLE OR EXPLOSIVE MATTER,
AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE
REGULATIONS SET FORTH.**

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF
BENTON, LACKAWANNA COUNTY, PENNSYLVANIA AND IT IS HEREBY ENACTED
AND ORDAINED BY AUTHORITY OF THE SAME, THAT:**

Section, 1: It is hereby declared to be unlawful for any person or persons, association, partnership, corporation, or any other entity or group, to burn any material of any description outside of the confines of the walls of a building, within the boundaries of the Township of Benton, Lackawanna County, Pennsylvania, except in accordance with the requirements herein set forth;

- A. No burning of garbage, rubbish or other materials, such as rubber tires and tubes, upholstery, or other substances which may create noxious odors, fumes or black smoke, shall be permitted at any time.
- B. All fires shall be built in, and confined to, a non-combustible container;
- C. In the event that the contemplated fire is not capable of being contained in a non-combustible container, or is of a nature so as to be unable to be completely consumed within the hours permitted by this Ordinance, such fires shall not be commenced unless and until the individual igniting the same shall have secured a permit, as herein provided;
- D. In the absence of a permit secured pursuant to this Ordinance, burning shall be permitted only between the hours of 5:00 p.m. and sundown on Mondays through Fridays inclusive, and between the hours of 9:00 a.m. and sundown on Saturdays, Sundays and legal holidays, declared such by the Commonwealth of Pennsylvania;
- E. Every fire hereby regulated, whether ignited pursuant to a permit or whether permissible without permit, shall be attended by an adult person until it is completely extinguished;

- F. No fire shall, in any event, be ignited at a point, or permitted to burn to a point, which is closer than twenty-five (25) feet from any structure and fifteen (15) feet from any wooded area or area of high grass. As used herein, an area of high grass is intended to mean a grassy area other than pasture land or residential mowed grass.

Section 2: No person or persons, association, partnership, corporation, or any other entity or business group, shall maintain in any building, or upon any premises or other combustible place, such as wooded areas or areas of high grass, as above defined, accumulations of combustible or explosive matter, including, without intending limitation hereby, waste matter, boxes, shavings, or any other inflammable materials especially liable to be ignited by fire, and which are so situated as to endanger life or property.

Section 3: No person or persons, association, partnership, corporation, or any other entity or business group, shall obstruct any fire escape, stairway, passageway, door, or window which would operate to interfere with the operation of the Fire Department, or the egress of occupants of such buildings, in the event of fire.

Section 4: In the event that any person discovers or notes a violation of the restrictions set forth in Sections 3 and 4 above, such persons shall notify the Fire Chief of the Fleetville Fire Company of the same, and said Fire Chief shall be empowered to direct the same to be eliminated within twenty-four (24) hours. Such notice shall be given orally to the owner, one of the owners, or any occupier of such a premises. Any person to whom such notice is authorized hereby, shall, within twenty-four (24) hours of the notice, comply with the same. Failure or neglect to do so shall be deemed to be a violation of this Ordinance.

Section 5: He shall be guilty of a violation of this ordinance and shall upon conviction thereof, pay a fine of not more than three hundred (\$300.00) dollars and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, shall be imprisoned for not more than ten (10) days; provided, each day's continuance of a violation shall constitute a separate offense.

Section 6: All prior ordinances or parts hereof, inconsistent with the provisions of this ordinance, are hereby repealed.

Section 7: This ordinance shall be and become effective from and after the date of its enactment.