

# Pedri Law Office

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\*Certified Civil Trial Advocate by National Board of Trial Advocacy

August 22, 2007

Mr. Scott Kostician  
Hazle Township Fire Company  
PO Box 499  
Harleigh, PA 18225

Ms. Fran Calarco  
Hazle Township Building  
PO Box 506  
Harleigh, PA 18225-0506

Re: Hazle Township Ordinance #2007-8-13-1

Dear Scott:

Enclosed please find Hazle Township Ordinance #2007-8-13-1 which was approved by the Hazle Township Supervisors on August 13, 2007.

As you can see, this restricts the burning of waste, garbage and debris within the confines of Hazle Township.

Very truly yours,  
HAZLE TOWNSHIP SUPERVISORS



Charles R. Pedri, Solicitor

CRP :fd  
Enclosure

cc: Hazle Township Supervisors

**ORDINANCE NO.2007-8-13-1**

An ordinance regulating outdoor burning within Hazle Township; and providing for enforcement and setting penalties for violations.

**WHEREAS**, The Board of Supervisors are desirous of providing for the health, safety, and welfare of the people of Hazle Township;

**WHEREAS**, The Board of Supervisors, in cooperation with the Hazle Township Volunteer Fire and Rescue Company and its officers are desirous in regulating the outdoor burning of residential, commercial, industrial, or any nature whatsoever;

**WHEREAS**, The Board of Supervisors and the Hazle Township Volunteer Fire and Rescue Company are desirous of protecting the people of Hazle Township in every possible way from the dangers and threats of uncontrolled and/or unsafe fires;

**NOW THEREFORE, ORDAINS AS FOLLOWS:**

Title.

The article is known as the "Burning Ordinance of Hazle Township".

**I. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**Closed Container Fire** – includes any outdoor fire set in and confined to a non combustible container covered with a noncombustible screen of ½ inch or smaller mesh or with other noncombustible covering, and located more than 15 feet from all structures, property lines and other combustible materials.

**International Fire Code** – The edition of the fire code adopted by Hazle Township to be referenced for interpretation when necessary.

**Municipal Waste** – any garbage, refuse or other waste resulting from the operation of residential, municipal, commercial or institutional establishments, including the following: cardboard, paper, building materials.

**Open Fire** – Any outdoor fire, which is not a "closed container fire," as defined above. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open

burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires.

**Person** – Includes any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and neuter.

**Recreational Fire** – An outdoor fire in which is used for relaxation, pleasure, religious or ceremonial purposes or to cook food for human consumption. Recreational fires may not exceed nine square feet in base area or three feet in diameter or less and the height of said fire may not exceed two feet in height at any time.

**Structure** – Includes anything constructed, including a building or deck, designed or adaptable for permanent location on the ground.

## II Precautions.

- A. It shall be unlawful for any person to set to, or to procure another to set fire to, any structure, woods, brush, logs, leaves, grass, debris or other inflammable material within Hazle Township.

Exception; Acquired structures used for fire service training, AKA Structural Burn Sessions. All applications for structural burn sessions must be obtained from the Department of Environmental Protection. All conditions imposed and safety controls must be strictly adhered to.

- B. Recreational fires shall not be set:

1. Within 25 feet of any structure;
2. Within 10 feet of any property line;
3. Unless there is someone in attendance at all times;
4. Fire extinguishing agent nearby;
5. If the by-products of the fire enter any structure or property nearby;
6. The wind speed exceeds ten miles per hour.

- C. Ceremonial Fire or Bon Fires may be set within Hazle Township under the following conditions:

1. The fire chief is given adequate notification of the event;
2. The fire department is present at the time of the event;
3. Luzerne County 911 is notified of the event;
4. A fire department representative is included in the coordination of the setup of the said fire.
5. The pile of debris may not be within two hundred feet of any structure or combustible materials.
6. The wind speed may not exceed ten miles per hour.

this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part or provisions has not been included herein.

VII REPEALER

All other ordinances, rules, regulations, policies or procedures, or parts of any of them, inconsistent herewith are hereby repealed.

VIII SAVINGS CLAUSE

Should any part or parts of this ordinance be found to be void by a court competent jurisdiction, the remainder of this ordinance shall remain in full effect.

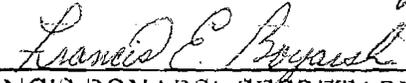
DULY ORDAINED, This thirteenth (13) day of August 2007 at a duly advertised and regularly scheduled meeting of the Hazle Township Board of Supervisors.

DATE: AUGUST 13, 2007

HAZLE TOWNSHIP SUPERVISORS

BY:   
WILLIAM J. GALLAGHER, CHAIRMAN

BY:   
ANTHONY MATZ, VICE-CHAIRMAN

BY:   
FRANCIS BOYARSI, SECRETARY TREASURER