

LOWER SAUCON TOWNSHIP

RESOLUTION #33-2006

AUTHORIZING A TEMPORARY BURN BAN

WHEREAS, there is no Ordinance enacted in Lower Saucon Township, (hereinafter the "Township") prohibiting open burning; and

WHEREAS, the Pennsylvania Department of Environmental Protection (hereinafter the "DEP") has issued drought warnings that are applicable to the Township and the extended drought has created emergency fire conditions; and

WHEREAS, recently a fire occurred in the Township that involved a large area of land; and

WHEREAS, Council is responsible for providing for the health, safety, and welfare of the people of the Township and protecting them from the dangers and threats of uncontrolled fires and unsafe fires; and

WHEREAS, Council determines that environmental concerns and the public health, safety and welfare of the Township and its residents requires temporary regulation of the outside burning at this time of drought; and

WHEREAS, the Fire Marshal has reviewed the within Resolution and agrees that a temporary ban is in the interests of protecting the residents and their property, as well as protecting the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Council of Lower Saucon Township, Glenn Kern, President; Priscilla deLeon, Vice President; Ron Horiszny, Tom Maxfield, and Sandra Yerger, hereby resolves as follows:

1. The foregoing WHEREAS clauses are incorporated herein by this reference the same as if set forth more fully again.
2. It shall be unlawful for any person, corporation, partnership, association or other entity to cause, allow or permit open burning upon any land in the Township, public or private and including private roadways and drives:
 - A. Definitions: Open burning is defined as the ignition and subsequent burning of any combustible material (garbage, leaves, grass, twigs, litter, paper, vegetative matter involved with land clearing, or any sort of debris) out-of-doors in either a burn barrel, (screened or unscreened) fire ring, or on the ground. The use of propane or gas stoves, charcoal briquette grills,

or the use of tobacco in any form is not covered under this temporary ban. This Temporary Ban shall not be construed so as to prohibit burning in a suitable container or pit for the sole and express purpose of cooking or barbequing food.

- B. Bonfire at school and/or community organization or neighborhood sponsored activities are prohibited. If the organization wishes to request a review of the plan, it must submit information in writing regarding the location and nature of the planned activity, and a contact person, at least two weeks in advance to the Fire Marshal. The Fire Marshal, in his or her sole discretion, may take any action deemed to be in the best interests of the Township, including rejecting the plan or amending the plan. The Fire Marshal is not under any duty or obligation to issue any written opinion or any written recommendation.
- 3. Duration: The burn ban imposed is temporary and shall be reviewed by Council monthly at its regularly scheduled meeting. The temporary ban shall remain in effect until the Township Manager or his designee, upon the recommendation of the Fire Marshal, Emergency Management Coordinator and State Forest Fire Warden, determines that the risk of fire due to the severe drought conditions has abated to a safe level. **THIS Temporary Burn Ban IS IN EFFECT UNTIL OTHERWISE RESCINDED.**
 - 4. This Temporary Burn Ban shall not be construed so as to amend the Township ordinances, including but not limited to the Township Fire Protection Code, regulating conduct which may affect the health, safety and welfare of the Township and others, all of which ordinances shall remain full effect. This Resolution shall not be construed so as to suggest any liability of and by the Township for acts or omissions of private persons and entities.
 - 5. Any person, corporation, partnership, association or other entity who violates this Temporary Burn Ban shall be liable to proceedings for enforcement to the fullest extent permitted under all applicable law. The Township Police Department and other code enforcement personnel designated by the Council shall have authority to investigate alleged violations. Upon a determination by the Police Department or other designated code enforcement personnel that a violation has occurred, a citation shall be given to or served upon the violator(s) and an action for enforcement instituted in the District Justice Court having appropriate jurisdiction in accordance with the Pennsylvania Rules of Criminal Procedure governing summary violations. Upon entry of judgment in favor of the Township and or the Commonwealth in such enforcement action, said judgment shall include a fine plus all court costs and all attorney fees incurred by the Township, including all appeals taken by the violator. Each day a violation continues it constitutes a separate offense. The following fines shall apply for violation of this resolution:

- (a) First Violation: \$100.00
- (b) Second violation: \$200.00
- (c) Third violation: \$300.00

In addition to the above prescribed fines the violator(s) shall be responsible for all expenses incurred in fighting or preventing the spread of, or extinguishing, any fire caused by, or resulting from, any violation of these sections.

- 6. If any section, subsection, sentence, clause, phrase or portion of Resolution or its application to any person, property or circumstances is for any reason held invalid or unconstitutional by any court, such holding shall not be construed to affect the validity of any of the remaining provisions of the Resolution or its application, for such portion shall be deemed as a separate, distinct and independent provision from the remaining provisions which shall be and remain in full force and effect.
- 7. No Ordinances or parts of any Ordinances are repealed by this Resolution.
- 8. The Township Manager or his designee is authorized to take all actions that are deemed reasonably necessary to carry out the intent of this Resolution, which may include but not necessarily be limited to the following: to ensure publication and distribution of this Temporary Burn Ban to appropriate media; to coordinate the enforcement of this ban with appropriate law enforcement agencies; to take any action needed to coordinate response to the dangers posed by the unusually dry conditions; and to take any other emergency management action deemed necessary to respond to this threat to the health, safety and welfare.

ADOPTED and ENACTED, this 19th day of April, 2006.

Attest

Lower Saucon Township

Jack Cahalan
Secretary

Glenn Kern
Council President