

ORDINANCE NO. 87-0-167

AN ORDINANCE REGULATING FIRE AND BURNING WITHIN  
THE TOWNSHIP OF NEWTOWN, BUCKS COUNTY, PENNSYLVANIA  
AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the Board of Supervisors of Newtown Township, Bucks County, Pennsylvania, pursuant to their power to promote public safety and welfare, hereby ordain and enact the following ordinance:

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of Newtown Township as follows:

1. Short Title: This ordinance shall be known and may be cited as "The Newtown Township Burning Ordinance".

2. Declaration of Purpose: This ordinance is adopted for the purpose of promoting public health, life, safety, morals, welfare, peace, decency, and reasonable and comfortable use of property, and the tranquility of the community of the Township of Newtown, County of Bucks, Commonwealth of Pennsylvania, and to permit, limit and restrict the burning or incineration of certain materials, whether animal, vegetable or otherwise within the Township of Newtown.

3. Definitions: Certain words, and terms are used in this ordinance for the purposes hereof and are defined as follows:

A. Unless the context clearly indicates to

the contrary, words used in the present tense include the future, the singular numbers include the plural, and the plural the singular, and the masculine includes the feminine and neuter, and the neuter includes the masculine and feminine, and the feminine includes the masculine and neuter.

B. The term "PERSON" shall include an individual, organization, corporation, partnership, government or governmental subdivision or agency, business trust, estate, association, and any other legal or commercial entity.

4. Except as otherwise provided herein, it shall be unlawful to ignite, incinerate, or feed any fire in any public or private place or to cause, suffer, allow or permit the feeding of any fire in the Township of Newtown, Bucks County and Commonwealth of Pennsylvania.

5. Nothing herein provided shall prohibit:

A. Any fires, or incineration by the owner of a single family dwelling or a farm, whether within or without a permanent structure or within or without a container. This ordinance is not meant to prevent the controlled burning of leaves or trash.

B. Any fire, the sole purpose of which is to cook or prepare food, provided that said fire

is confined in a fireproof container.

C. Any fire maintained solely for the purpose of fire-fighter training by the Newtown Township Volunteer Fire Company, its successors and assigns, provided however, that said burning shall not be permitted to emit noxious fumes or flying debris.

D. Any fire maintained on property in excess of ten (10) acres and used exclusively for agricultural purposes.

E. Any fire for which a permit has been obtained from the Department of Environmental Resources pursuant to the Air Pollution Control Act and the regulations enacted thereunder. It shall be a violation of this ordinance to maintain any fire for which a permit is required, if a permit has in fact not been acquired prior to the fire.

6. In addition to the regulations and conditions for burning contained herein; the Air Pollution Control Act of the Commonwealth of Pennsylvania, P. L. 2119, and the provisions and conditions contained therein as well as regulations of the Department of Environmental Resource of the Commonwealth of Pennsylvania, as they pertain to said act, are incorporated in this Ordinance as if the same were set forth here at length.

7. Any person, whether as principal, agent or

employee, or otherwise, violating or assisting in the violation or any of the provisions of this ordinance shall, upon conviction thereof, by a similar proceeding, before any District Justice, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution, and in default of the payment of said fine and costs, shall be committed to the Bucks County Prison for a period not exceeding thirty (30) days. Each and every day a violation of any provision of this ordinance shall be permitted to continue shall constitute a separate offense, for which a summary conviction may be brought.

This Ordinance may be enforced by the Code Enforcement Officer, township, police or any other person viewing illegal burning.

8. The provisions of this ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent of the Township that this ordinance would have been enacted as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

9. This ordinance shall become effective five (5)

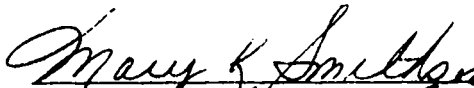
days after its inception.

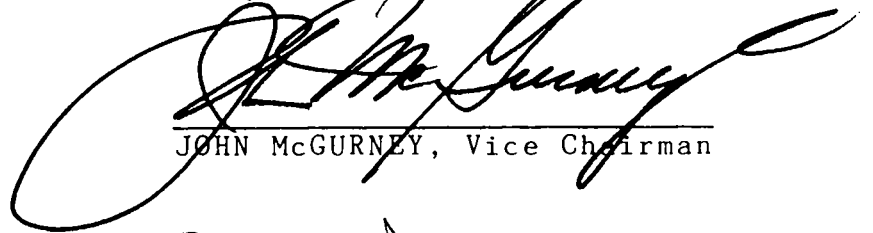
ENACTED AND ORDAINED this 1st day of JUNE,  
1986.

ATTEST:

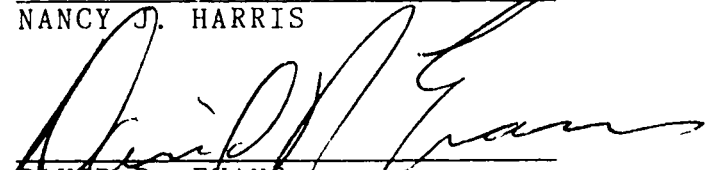
BOARD OF SUPERVISORS  
NEWTOWN TOWNSHIP

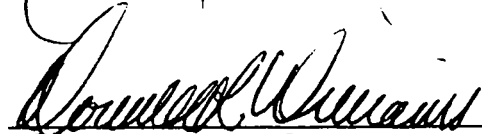
  
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DOROTHY M. PRAUL  
Township Manager

  
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MARY SMITHSON, Chairman

  
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JOHN MCGURNEY, Vice Chairman

  
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NANCY J. HARRIS

  
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DAVID R. EVANS

  
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DONALD WILLIAMS