

**ORDINANCE NO. 128-2017**

**COOLBAUGH TOWNSHIP, MONROE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF COOLBAUGH TOWNSHIP, A SECOND CLASS TOWNSHIP OF THE COUNTY OF MONROE, COMMONWEALTH OF PENNSYLVANIA FOR THE PURPOSE OF AMENDING CHAPTER 7, PART 1, "BURNING" OF THE TOWNSHIP CODE OF ORDINANCES BY ADDING A NEW PART 1, SECTIONS 101 THROUGH 109, IN ITS ENTIRETY.**

**WHEREAS**, the Board of Supervisors of Coolbaugh Township, Monroe County, Pennsylvania desire to amend the PART 1, BURNING portion of Chapter 7; and

**WHEREAS**, the Supervisors published the Notice of Intent to adopt the proposed amendment to Chapter 7, Part 1 on April 21, 2017 as required by the Second Class Township Code.

**NOW THEREFORE**, in consideration of the foregoing, be it ordained and enacted and it is hereby ordained and enacted by the authority of the Board of Supervisors of Coolbaugh Township:

**SECTION 1. General Provisions.** Chapter 7, Part 1 of the Coolbaugh Township Code, is hereby amended as set forth below, such amendment being adopted and incorporated in the official ordinance books by reference with the same force and effect as if duly recorded therein.

**SECTION 2. Repealer.** All ordinances, code sections, or parts thereof in conflict herewith are hereby repealed to the extent of such conflicts.

**SECTION 3. Severability.** Should any sentence, section clause, part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part not declared to be invalid.

**SECTION 4. Effective Date.** This ordinance shall become effective five (5) days after its adoption.

**SECTION 5. The Amendment:**

1. Chapter 7, Part 1, is amended in its entirety by replacing Chapter 7, Part 1 in its entirety with the following:

**Chapter 7  
Fire Prevention and Fire Protection  
Part 1  
Burning**

- §101. Title
- §102. Definitions
- §103. Regulations
- §104. Unlawful of substances
- §105. Fire and emergency
- §106. Enforcement
- §107. Penalties
- §108. Additional cost
- §109. Municipal liability

**Part 2  
Fire Lane Parking**

- §201. Title
- §202. Definitions
- §203. Designation
- §204. Specifications
- §205. Parking regulations
- §206. Enforcement
- §207. Signage
- §208. Maintenance

## **Part 3 Fire Safety Requirements**

- §301. Scope
- §302. Intent
- §303. Responsibility
- §304. Terms
- §305. Fire protection system existing dwellings
- §306. Inspection/documentation
- §307. Fire protection systems new construction
- §308. Certificate of use and occupancy
- §309. Penalty

### **Part 1 Burning**

#### **§101. Title**

This part shall be known as "Township of Coolbaugh Burn Ordinance" (Ord. 97, 2/16/1999)

#### **§102. Definitions**

- Contained fire - any fire contained in an incinerator, fireplace or other contained enclosure designed for outdoor cooking or a fire proof container.
- Controlled fire –any fire not included in the definition of contained fire
- Furnace – any enclosed device specifically designed for burning any material for the production of heat
- Garbage –all putrescible animal and vegetable matter resulting from the handling, preparation and consumption of food
- Incinerator/Noncombustible Container – any device specifically designed for the destruction by burning of refuse, sewage sludge or any combustible material
- Open fire –a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator

- Person – any individual, partnership, association, corporation, department, bureau, agency or legal entity
- Refuse –garbage, rubbish and trade waste
- Responsible adult –an individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise the fire
- Rubbish –solids not considered to be highly flammable or explosive including, but not limited to, rags old clothes, leather, rubber, carpets, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items and other similar items.
- Salvage operation –any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals chemicals shipping containers or drums
- Trade waste –all solids, liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other Petroleum Products, chemicals, cinders and other forms of solid or liquid waste materials, provided, that “trade waste” shall not include any coal refuse associated with mining or preparation of coal
- Recyclables – Materials designated as recycle by the Environmental Protection Agency which include but are not limited to paper, cardboard, metal, glass, plastic, leaves and branches.

**(Ord97, 2/16/1999)**

### **§103. Regulations**

1. Burning is allowed during the following time specifications:  
Everyday 8am to Midnight
2. Every contained fire shall be built in and confined to a noncombustible container no larger than 48" x 48", covered with a screen of ½ inch or smaller mesh, or with other suitable noncombustible cover, and shall not be permitted closer than 25 feet from any structure or combustible hazard.

3. Each resident of Coolbaugh Township may use a fire pit, such as campfire, grill, outdoor fireplace, fire ring, chiminea or similar device for cooking food or for warmth, fellowship, recreation or ceremonial purposes, provided the fire is set with charcoal, natural wood and wood products only (no treated or painted wood of any kind may be used). Commercially manufactured fire starters and fire logs may be used to kindle fires.

4. The following are exceptions:

A. Fire set to prevent or abate a fire hazard, when approved by PA D.E.P. and set by or under the supervision of a public officer

B. Fire set for the purpose of instructing personnel in firefighting

C. Fire set for the prevention and control of disease and pests by authorized persons in accordance with federal, state and local law.

D. Prescribed controlled fire for the conservation and management of unique and natural areas and/or for the reduction of fuel loads by authorized persons in accordance with federal, state and local law.

E. Fire used as a management technique for preventing wildfires, scientific research or vegetation management.

5. All of fires shall be attended to at all times by a reasonable adult with readily available means of extinguishing the fire.

6. Fire must be extinguished thoroughly with no smoldering, by water, sand or other fire retardant product.

7. No burning is allowed during a fire emergency, as proclaimed by Monroe County Emergency Management, Coolbaugh Township Emergency Management, Coolbaugh Township Fire Chief or Township of Coolbaugh.

8. No recyclables may be burned at any time in Coolbaugh Township.

9. No person shall burn, ignite, incinerate, maintain or otherwise permit any fire upon the streets, roads, alleys and/or public rights-of-way in Coolbaugh Township.

**(Ord. 97, 2/16/1999)**

#### **§104. Unlawful Substances**

1. Burning of construction debris, aerosol cans, by-products of manufacturing and processing operations and wastes from commercial operations is strictly prohibited
2. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a "Hazardous Substance"; nor shall any fire be permitted to burn by any persons if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any of their legislative agencies

**(Ord. 97, 2/16/1999)**

#### **§105. Fire Ban Emergency**

The Township of Coolbaugh, Coolbaugh Township Emergency Management or Coolbaugh Township Fire Chief may declare a fire ban emergency in the Township during a period of drought, or other periods of high fire risk to woodland or property within the township. Upon the Township of Coolbaugh, Coolbaugh Township Emergency Management or Coolbaugh Township Fire Chief declaring a fire ban emergency, all outdoor burning of fires shall be prohibited until the ban is lifted by the Township of Coolbaugh, Coolbaugh Township Emergency Management or Coolbaugh Township Fire Chief. The Township of Coolbaugh, Coolbaugh Township Emergency Management or Coolbaugh Township Fire Chief shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the township may issue news releases to all communicated media including radio, television, newspapers and internet.

**(Ord. 97, 2/16/1999)**

### **§106. Enforcement**

The township of Coolbaugh shall appoint the Zoning Officer who shall have the power to enforce the provisions of this part, or in the absence of the Zoning Officer, a Pocono Mt Regional Police Officer or a Coolbaugh Township Fire Chief.

### **§107. Penalties**

It shall be unlawful to burn, ignite, incinerate, maintain or otherwise permit the burning of any materials whatsoever without complying with the requirements of this part. Any person who shall violate any of the provisions of this part shall, upon conviction in a summary proceeding brought in the name of the township, before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania rules of criminal procedure, be sentenced to pay a fine of not more than \$300 and the costs of prosecution and in default of payment, to imprisonment for a term of not to exceed 90 days, provided, that each day's violation of any of the provisions of this part shall constitute a separate offense.

### **§108. Additional costs**

1. In the case of a fire requiring fire fighters and/or equipment and upon conviction of any violation of this part the violator shall also pay charges in order to cover the fire-fighting costs.
  - A. Charges shall be assessed for use of all fire-fighting apparatus and equipment used.
  - B. Additional labor charges shall be assessed under this part based upon an hourly rate for all firefighters engaged in the fire-fighting activities
  - C. The township of Coolbaugh shall determine by resolution a reasonable schedule of costs based upon mileage, operating costs, fire-fighting equipment and man hours. These charges shall be in addition to and not in lieu of any penalties provided elsewhere in this part

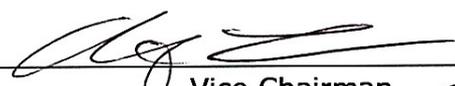
**§109. Municipality liability**

The Township of Coolbaugh and its agents, officials, and representatives shall not under any circumstance be liable or responsible for damages caused to any person or property under the provisions of this part, or by reason of the conduct of any burning activity in compliance or noncompliance with the terms and provisions hereof. The person, persons, company or companies responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

**ENACTED AND ORDAINED** by the Board of Supervisors of Coolbaugh Township, Monroe County, Pennsylvania on this 6<sup>th</sup> day of June, 2017.

COOLBAUGH TOWNSHIP BOARD OF SUPERVISORS

By:   
Chairman

By:   
Vice Chairman

By: 

By: 

By: \_\_\_\_\_

ATTEST:

  
Lynn Kelly, Secretary

(TOWNSHIP SEAL)