

ORDINANCE NO. 263
CHAPTER 50
Burning, Outdoors

AN ORDINANCE OF THE TOWNSHIP OF PARADISE, MONROE COUNTY, PENNSYLVANIA, TO REVISE CHAPTER 50 (BURNING, OUTDOOR) AS FOLLOWS:

AND NOW, the Board of Supervisors of Paradise Township hereby enacts and ordains, and it is here by ENACTED and ORDAINED as follows:

1. The Code of Ordinances of Paradise Township is hereby amended to add the following sentence to Section 50-1 and 50-4 of Chapter 50:

§ 50-1. Restrictions on place and time of burning.

No Business shall set or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in the Township of Paradise or burn or cause to be burned thereon any paper, boxes, rubbish, leaves or any other kind of substance, nor shall any person or persons set or maintain any fire or burn or cause to be burned any substance or material of any kind, out-of-doors, anywhere in the Township of Paradise, except between the hours of 9:00 a.m. and 9:00 p.m.

§ 50-2. Location and means of burning.

Out-of-door fires shall be permitted only upon private property in Paradise Township, or upon property owned by Paradise Township when burning is done by Paradise Township employees, shall take place at least 20 feet from any building, property line or road line and shall be built or confined in a noncombustible container, covered with a wire screen of one-half-inch or smaller mesh, or in other suitable noncombustible container, except for fires of leaves or brush which need not be confined to or covered by a noncombustible container. A responsible adult must be present at all times when out-of-door burning takes place.

§ 50-3. Prohibited burning; exceptions.¹

All burning is prohibited except brush, leaves, untreated lumber or trees.

§ 50-4. Permit requirements and restrictions.

A permit to kindle or maintain fires shall be issued by the designated township official upon application therefore presented to the designated township official. The permit shall be issued to any Business located within the township and shall be valid for a period of *seven (7) consecutive days* from the date of issuance thereof. A holder of a permit must notify the Monroe County Control Center and the designated township official in advance of any burning activity thereunder and must give notice of when and where any such burning shall take place. The conditions of a permit shall be outlined on the permit form and shall constitute provisions of this chapter. Any burning under a permit shall take place only between the hours of 9:00 a.m. and 9:00 p.m.

§ 50-5. Permit fee.

Each applicant for a permit shall pay a fee, as established by resolution of the Board of Supervisors.²

§ 50-6. Fires may be prohibited under special conditions.

The Chief of the Pocono Mountain Volunteer Fire Company or the Chairman of the Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous. In addition, when the National Weather Service declares a Red Flag Warning for Monroe County, which is an elevated risk of wildfire spread, an automatic burn ban shall be imposed for the duration of the warning. When a burn ban is in effect the Township will post the information on its website and on the front door of the Township Building. All open outdoor burning is prohibited when a burn ban has been imposed.

§ 50-7. Violations and penalties.³

This chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense. Each section of this chapter that is violated shall also constitute a separate offense.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: The current Fee Schedule is on file in the township offices.

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 50-8. Township not liable.

The Township of Paradise, and its agents, officials and representatives, shall not under any circumstance be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this chapter or by reason of the conduct of any burning activity in compliance with the terms and provisions of this chapter. The individual or person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

1. If any section, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Township reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interest of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.
2. Any other Ordinance or parts thereof inconsistent with the Ordinance be and are hereby expressly repealed.
3. This ordinance shall become effective five (5) days after enactment.