

**TOWNSHIP OF UPPER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 191

AN ORDINANCE

AMENDING THE CODE OF ORDINANCES OF UPPER NAZARETH TOWNSHIP, CHAPTER 7, PART 1, OPEN FIRES AND BURNING, PROVIDING FOR DEFINITIONS, ESTABLISHING REGULATIONS PROHIBITING OPEN FIRES, BURN BARRELS, BURNING RECYCLABLE MATERIALS, REFUSE, CONSTRUCTION/DEMOLITION WASTE, HAZARDOUS MATERIALS, AND TREES, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS; PROVIDING FOR RECREATIONAL FIRES; EXCEPTIONS, ENFORCEMENT, PENALTIES, REPEALER, AND SEVERABILITY.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Nazareth Township, Northampton County, Pennsylvania, and be it enacted and ordained by the authority of same, pursuant to the Second Class Township Code, as amended, as follows:

SECTION 1.

CHAPTER 7, FIRE PREVENTION AND FIRE PROTECTION, PART 1, OPEN FIRES AND BURNING, Sections 7-101 through 7-105, of the Code of Ordinances of Upper Nazareth Township, is hereby repealed.

SECTION 2.

CHAPTER 7, FIRE PREVENTION AND FIRE PROTECTION, PART 1, OPEN FIRES AND BURNING, of the Code of Ordinances of Upper Nazareth Township, shall hereinafter provide as follows:

§ 7-101. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

OPEN FIRE – A fire in which any material is burned in the open or in a receptacle other than that permitted as a recreational fire.

PERSON – Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

RECREATIONAL FIRE – Any deliberately set and maintained fire ignited in the confines of a fire ring, chiminea, fireplace, or patio wood-burning device, and used for the sole purpose of recreational pleasure. All recreational fires must include a metal covering device/ spark arrester over the entire surface of the containerized fire.

REFUSE – Garbage, rubbish and trade waste.

§ 7-102. Regulations.

1. Within the Township limits, all open fires are prohibited and without limitation no person shall:
 - A. Burn in a burn barrel.
 - B. Burn any material that can be recycled.
 - C. Burn any waste or refuse.
 - D. Burn any construction or demolition waste.
 - E. Burn any hazardous materials.
 - F. Burn any trees, brush, stumps, leaves, and grass clippings.
 - G. Burn any materials upon any public land, street, curb, gutter, or sidewalk or on the ice of any lake, pond, stream, or body of water.
 - H. Discharge fireworks other than those permitted by state statute or Upper Nazareth Township Ordinance.

§ 7-103. Exceptions.

1. Subject to the following exceptions:
 - A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
 - (1) The prevention of a fire hazard which cannot be abated by other means.
 - (2) The protection of public health.
 - (3) Training authorized by the Fire Chief.
 - B. Normal agricultural operations as defined by the Pennsylvania Right to Farm Act, Act of June 10, 1982, P.L. 454, No. 133, 3 P.S. § 951-957.

§ 7-104. Recreational Fires.

1. Recreational fires are permitted only in accordance with all of the following provisions:
 - A. Any recreational fire shall not be used to burn waste or any recyclable material.
 - B. Only clean, dry wood (paper may be used in the lighting of the fire only) shall be used in the recreational fire.
 - C. The recreational fire shall be located at least twenty-five (25') feet away from the nearest structure which is not on the same property as the recreational fire.
 - D. The recreational fire shall be located at least ten (10') feet away from the nearest structure which is on the same property as the recreational fire.
 - E. All recreational fires shall be supervised by the owner or occupant of the property or a responsible adult until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for total control of the fire.

§ 7-105. Enforcement.

The Board of Supervisors of Upper Nazareth Township hereby appoints the Upper Nazareth Township Police Department to enforce the provisions of this Ordinance.

§ 7-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

SECTION 3. REPEALER

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Upper Nazareth that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. EFFECTIVE DATE

This Ordinance shall become effective immediately.

ORDAINED AND ENACTED this 19 day of July, 2023.

TOWNSHIP OF UPPER NAZARETH

ATTEST:

BY: Scott Sylvainus
SCOTT SYLVAINUS, Chairman

Lisa M. Klein
, Secretary