

NEWLIN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO.02 - 2017

AN ORDINANCE OF THE TOWNSHIP OF NEWLIN, CHESTER COUNTY, PENNSYLVANIA, REGULATING OUTDOOR BURNING WITHIN THE BOUNDARIES OF TOWNSHIP.

WHEREAS, the Board of Supervisors of Newlin Township (the "Board") is authorized to make and adopt any ordinances, rules and regulations not inconsistent with or restrained by the Constitution and laws of the Commonwealth of Pennsylvania necessary for the proper management, care and control of the Township and to promote the health and welfare of the Township and its citizens, 53 P.S. § 66506; and

WHEREAS, the Board believes that open burning on public or private property within the Township could cause a threat to public health, safety and welfare if not properly monitored and regulated; and

WHEREAS, the Board intends to impose reasonable restrictions and prohibitions on open burning on public or private property in order to protect the public health, safety and welfare;

NOW THEREFORE, the Board enacts and ordains as follows.

SECTION 1. The Board adopts the following regulations on outdoor burning which shall be titled, "the Newlin Township Burning Ordinance":

"§ 1. Burning restrictions and prohibitions.

- A. It shall be unlawful to burn or authorize another to burn brush, wood, or other materials out-of-doors anywhere within the Township, unless the fire is no less than 50 feet away from any adjacent property boundary where the adjacent property is owned by a person or entity different than the owner of the property where the fire is burning.
- B. No person shall burn or light a fire upon the land of another, without the permission of the owner. This permission shall be in writing, except in the case of a family member or employee.
- C. No person shall burn or light any fire when a ban on burning has been enacted by any Township, County or State official.

§ 2. Authority to extinguish fires.

Any fire on public or private property shall be promptly extinguished by the local fire company having jurisdiction, either with or without the consent of the property owner, if, in the opinion of the Fire Marshal, or a representative of the fire company, or a Pennsylvania Police Officer, such fire causes an imminent danger to persons or property, or violates any other provisions of this ordinance.

§ 3. Penalties and Enforcement.

Any person who violates or permits the violation of any provision of this ordinance shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this ordinance violated shall constitute a separate offense, and each day or portion thereof in which a violation of this ordinance is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this ordinance shall be paid to the Township Treasurer.”

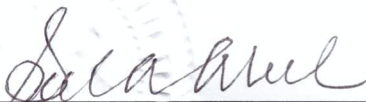
SECTION 2. Severability. If any term, condition, or provision of this ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective.

SECTION 3. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

ENACTED this 12th day of June, 2017.

ATTEST:



Gail A. Abel, Secretary

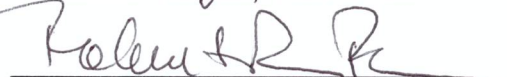
**NEWLIN TOWNSHIP
BOARD OF SUPERVISORS**



Jamie H. Baird, Chair



William J. Kelsall, Vice-Chair



Robert R. Pearson, Member