

ORDINANCE NO. O-5-2022

**AN ORDINANCE OF THE TOWNSHIP OF UNITY, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, AMENDING SECTION 55-1 OF THE CODE OF UNITY TOWNSHIP RELATING TO OUTDOOR FIRES AND BURNING**

WHEREAS, The Board of Supervisors of Unity Township recognize that burning and outdoor fires are, from time to time, necessary for the disposal of light brush, branches and twigs on properties within the Township; and

WHEREAS, the Board of Supervisors also acknowledges that burning and outdoor fires create a risk of harm and annoyance to the owners of adjacent properties; and

WHEREAS, the Board of Supervisors have enacted provisions in Chapter 55 of the Code of Unity Township to permit burning and outdoor fires to minimize the effect of outdoor burning and fires on adjoining properties; and

WHEREAS, the Board of Supervisors desire to repeal and replace Section 55-1 of the Code of Unity Township to clarify the requirements, limitations and prohibitions on burning and outdoor fires within the Township and specifically prohibit the burning of leaves.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN BY REFERENCE THERETO, THE BOARD OF SUPERVISORS OF THE UNITY TOWNSHIP HEREBY ORDAIN AND ENACT THE FOLLOWING:

1. THAT, Section 55-1 of the Code of Unity Township be repealed in its entirety and shall be replaced with the following:

**§ 55-1. General regulations.**

**A. Purpose.** The Board of Supervisors of Unity Township recognizes that burning and outdoor fires are, from time to time, necessary for the disposal of light brush, branches and twigs on properties within the Township. The Board of Supervisors also acknowledges that burning and outdoor fires create a risk of harm and annoyance to the owners of adjacent properties. The Board of Supervisors adopt those provisions set

forth hereafter to authorize burning and outdoor fires under and subject to those conditions set forth hereafter in order to minimize the effect of outdoor burning and fires on adjoining properties.

- B. Applicability of this Chapter.** No person shall kindle or maintain any bonfire or large outdoor fire, or authorize any such fire to be kindled or maintained on any public or private property within the Township other than as set forth in this chapter. Any person who burns, sets or maintains an outdoor fire in a manner that is contrary to those provisions set forth hereafter, shall be in violation of this Chapter and subject to those penalty provisions set forth hereafter.
- C. Time for Burning.** Unless prohibited by a burning ban as set forth in Subsection G below, or otherwise authorized hereafter, burning is only permitted in the Township from dawn to dusk on Tuesdays and Saturdays. All fires must be completely extinguished by dusk. No burning is permitted on a holiday or the weekend preceding or following a holiday in which the Township Offices are closed. All other outdoor burning and fires are expressly prohibited and shall be a violation of this Section. It shall be the responsibility of the property owner and/or the person responsible for starting or maintaining any fire to contact the Township to determine whether a burning ban is in place before starting or maintaining any fire.
- D. Burning of Certain Materials Prohibited.** All outdoor burning is restricted to the burning of light brush, branches and twigs. No person or persons shall burn or cause to be burned any garbage, newspaper or paper products, rubber, tires, trees or tree stumps, leaves that have fallen on the ground, paint, animal waste, plastics, diapers, toxic materials, or other matter consisting of solid waste. The burning of leaves that have fallen on the ground is strictly prohibited on any property in the Township.
- E. Fire Control.** All outdoor fires shall be controlled in a safe manner, be continually attended and have an adequate water supply or equal extinguishment agent immediately available throughout the duration of the burning. No person shall set or maintain any fire within 50 feet of any structure or 25 feet of any adjoining property line. The use of burn barrels to contain the burning of light brush, branches and twigs is permitted provided the burn barrel is located a minimum of 50 feet from any structure and a minimum of 25 feet from any adjoining property lines. The foregoing notwithstanding, no person shall deliberately, knowingly, carelessly or negligently kindle or maintain any fire, or cause the burning of any material, or kindle or maintain a fire of such size, or in such a manner as to endanger the safety of any person or property.
- F. Fires and Burning Authorized by the Township.** Outdoor fireplaces and grills used solely for food preparation purposes shall be exempt from these regulations. Bonfires for amusement purposes shall be permitted only upon the specific approval of the Unity Township Ordinance Officer.

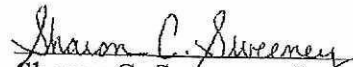
**G. Burning Bans.** To mitigate the threat to the public health, safety and welfare, the Board of Supervisors may impose an emergency ban on burning throughout the Township where dry weather conditions warrant same. Any emergency burning ban shall be posted on the Township's website and at the Township Municipal Building at the time it is issued and either be affirmed, reaffirmed or lifted by the Board of Supervisors at its next public meeting following the date such ban is imposed. A burning ban may be issued at the request of the Unity Township Fire Bureau or the Ordinance Officer if dry weather conditions dictate a need for same. It is unlawful and a violation of this ordinance to burn during a Township wide burning ban.

2. THAT, all other terms, conditions of Chapter 55 of the Code of Unity Township not otherwise affected by this Ordinance continue and remain in full force and effect.

THIS ORDINANCE IS ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF UNITY TOWNSHIP AT A DULY ADVERTISED PUBLIC MEETING HELD THE 8th, DAY OF DECEMBER, 2022 AND SHALL BE EFFECTIVE IN FIVE (5) DAYS FROM THE DATE OF ENACTMENT.

ATTEST:

THE BOARD OF SUPERVISORS OF  
THE TOWNSHIP OF UNITY

  
Sharon C. Sweeney, Secretary

  
Michael J. O'Barto, Chairman