

**MUSSEY TOWNSHIP  
ORDINANCE NO. 16**

**OPEN BURNING**

An ordinance to regulate the setting of fires, and to provide penalties for the violation thereof, and to provide a method of collection of costs and expenses of the Township caused by the setting of fires.

**THE TOWNSHIP OF MUSSEY ORDAINS:**

Section 1: APPLICABILITY: This Ordinance is adopted in the interest of public safety and is designed to promote the general peace, health, safety and welfare of the Township of Mussey.

Section 2: DEFINITIONS: As used in this Ordinance:

(a) "Person" means an individual, corporation, partnership, association or any other legal entity, or any officer, employee or agent of the foregoing.

(b) "Flammable material" means any substance that will burn, including, but not limited to refuse, debris, waste forest material, brush, stumps, logs rubbish, fallen timber, grass, stubble, leaves, fallow land, slash, crops or crop residue.

"Open fire" means any fire of any flammable material upon any woodland, lot, subdivision, grassland, field, public right-of-way or any other parcel of ground within the Township of Mussey, which fire is not wholly contained within an outside fireplace, grill, incinerator approved by the Township, or other receptacle used for the purpose of burning combustibles and approved by the Township of Mussey.

Section 3: OPEN FIRES - - PERMIT REQUIRED: No person shall set, cause to be set or maintain any open fire for any purpose within Mussey Township, without first obtaining a Permit to Burn. A Permit to Burn may be obtained from the Mussey Township Fire Chief, or from a duly authorized representative of the Mussey Township Fire Department. A Permit to Burn shall state the name and address of the applicant, the location of the land or premises where such fire is to be set, the owner of the property if someone other than the person setting the fire, the type of material to be burned, the time contemplated for setting such fire, the approximate duration of such burning, the person who is to be in charge of the fire and any other information deemed to be pertinent by the Mussey Township Fire Chief or his duly authorized representative.

Section 4: OPEN FIRES -- TIMES: No person shall set, cause to be set or maintain any open fire for any purpose except during daylight hours, unless by written authorization from the Mussey Township Fire Chief or his duly authorized representative.

Section 5: PROXIMITY OF FIRE TO BUILDINGS: No person shall start or have any open fire within twenty five (25) feet of any structure.

Section 6: FIRES IN STREETS AND PUBLIC PLACES: No person shall set, cause to be set or maintain any open fire on any sidewalk; parkway, street, highway, alley, park or other public way or place except as specifically authorized by the Mussey Township Fire Chief or his duly authorized representative.

Section 7: DANGER OF SPREADING: No person shall start or have any fire, open or contained, upon any woodland, lot subdivision, grassland, field or public right-of-way within the Township of Mussey whenever there is a danger of such fire spreading beyond the control of the person starting or maintaining such fire so as to injure, damage or endanger the life, limb, or property of another.

Section 8: ATTENDANCE AT FIRES: No person who sets, causes to be set or maintains any open fire within the Township of Mussey shall leave such open fire, unless attended by a person of mature years, until such fire has been completely extinguished.

Section 9: FOUL ODORS: No person shall burn garbage, animal carcasses, refuse, trash, rubbish, or like material which shall give off noxious or foul odors at any time.

Section 10: OTHER BURNING: All other burning shall be done in a debris burner constructed of masonry or metal with an approved spark arrestor with openings no larger than 1/4 of an inch square. Such burners shall not be located within fifteen (15) feet from any building or less than five (5) feet from any adjoining property line. No permit is required for burning under such containment.

Section 11: EMERGENCY CONDITIONS: The Mussey Township Fire Chief or his duly authorized representative may prohibit any and all outdoor burning, whether open or contained, within Mussey Township if in the opinion of the Fire Chief or his duly authorized representative the weather conditions are such that outdoor burning may not be done safely. It shall be unlawful for any person to set, cause to be set or maintain any Fire whatsoever, whether open or contained in an approved debris burner, during any time that such emergency conditions are in effect.

Section 12: PENALTIES: Any person who shall be found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not more than ninety (90) days or both such fine and imprisonment. Should the fire necessitate calling the Mussey Township Fire Department or any other fire department, the person violating the provisions of this Ordinance shall pay to Mussey Township all costs and charges incurred by said Township by reason of the calling of the Mussey Township Fire Department or any other fire department, and the Township of Mussey may sue in any Court of competent jurisdiction for civil damages, and may recover such costs and expenses incurred by them from such person.

Section 13: EFFECTIVE DATE: This ordinance will become effective thirty (30) days after publication.

Published in Tri City Times November 26, 1997

I hereby certify that the foregoing Ordinance was adopted by the Township of Mussey at a regular meeting of the Township Board on the 12th day of November, 1997.

Sheila McDonald  
Township Clerk

Motion:made by Downey

Supported by Lauwers.

Unanimous vote

All Board members present

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