

Cooke Township Ordinance 2025-01

Cooke Township Fire Safety

Ordinance

AN ORDINANCE OF COOKE TOWNSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, FOR THE PREVENTION AND CONTROL OF OPEN BURNING AND AIR POLLUTION, DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR REGULATIONS, EXCEPTIONS, ENFORCEMENT ORDERS, RESPONSIBILITY OF OWNERS AND OPERATORS, PENALTIES, UNLAWFUL CONDUCT, PUBLIC NUISANCES, REPEALING PREVIOUS ORDINANCE 2001-04.

SECTION 1.

Title

This ordinance shall be known and may be cited as the COOKE TOWNSHIP, CUMBERLAND COUNTY OPEN BURNING AND FIRE SAFETY ORDINANCE OF 2025.

SECTION 2.

Authority

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Cooke, Couty of Cumberland, by authority of and pursuant to the provisions of Articles VI through X of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the " Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

SECTION 3.

Policy

Whereas the Board of Supervisors of Cooke Township, Cumberland County, has determined that uncontrolled open burning may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of Cooke Township, Cumberland County,

SECTIONS 4.

Definitions

The following words, terms, and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

- (1) **Board** - Township Board of Supervisors.
- (2) **Burning** - The act of consuming by fire; to flame, char, scorch, or blaze. as used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed as burning.
- (3) **Clearing and grubbing wastes** - Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

- (4) **Domestic refuse** - Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, demolition waste, furniture, mattresses or box springs, paint, solvents, tires, carpet, or treated wood.
- (5) **Duly Authorized Agent** - A supervisor, codes officer, Township Fire Marshall, Chief of the Penn Township Vol. Fire Department, or any other Township official authorized to enforce the provisions of this ordinance.
- (6) **Open burning** - A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.
- (7) **Person** - Any individual, corporation, partnership, association, estate, trust, or other legally recognized entity, and the officers of such corporation or the members of such partnership or association.
- (8) **Yard waste** - Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

SECTION 5.

Regulations

No person may permit the open burning of material with the exception of the following:

- (1) A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.
- (2) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office.
- (3) A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office.
- (4) A fire set for the purpose of burning clearing and grubbing waste.
- (5) A fire set for the purpose of burning that amount of domestic refuse generated from one dwelling, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less and when the refuse results from the normal occupancy of said structure.
- (6) A fire set for the purpose of burning that amount of yard waste generated from the premises of a structure occupied solely as a dwelling by two families or less when the fire is on the premises of said structure.
- (7) A fire set solely for cooking food.
- (8) A fire set solely for recreational or ceremonial purposes.
- (9) A fire set by a commercial landscaping or lawn maintenance company which disposes of otherwise lawful materials generated in the course of their business even if the work occurred beyond the boundary of Cooke Township, Cumberland County. Said burning must comply in all other respects to this Ordinance as well as regulations of the Department of Environmental Protection of the Commonwealth of Pennsylvania.

Safe Distances

- (1) It shall be unlawful to allow any fire, except cooking grills, within a fifty (50) foot distance of any building, whether or not owned by the person setting the fire and whether or not the building is occupied.
- (2) No fire shall be set, stalled, fed, permitted to burn or maintained where such fire may, in the opinion of a Duly Authorized Agent, endanger any building or property, except where such building or property is used by the fire company for training purposes.

Control of Burning and Unattended Fires

- (1) Fires must be under the direct supervision of an adult in attendance for the fire to be able to burn.
- (2) No fires shall be permitted to burn whenever a ban on burning has been placed into effect by the Commonwealth of Pennsylvania, Cumberland County or Cooke Township, Cumberland County.
- (3) No fire shall be set that results in uncontrolled burning.
- (4) Outdoor burning of domestic refuse shall be confined in a non-combustible container that is in good repair, covered with a wire screen of one-half inch or smaller mesh. Fires of leaves, brush, and/or natural untreated wood need not be confined in a non-combustible container with wire mesh screen. No outdoor burning may be left unattended.
- (5) Recreational fires using natural, untreated wood and containing a fuel source of no more than eighteen (18) cubic feet are permitted at any time so long as they comply with all other provisions of this Ordinance. Recreational fires must not be left unattended and must be extinguished at the end of the recreational activity. Any recreational fire of a size larger than that stated above will require prior approval from a Duly Authorized Agent. No recreational fires will be permitted when a ban on open burning has been issued.

Fires at cabins or on Leased State Lands

Persons occupying "cabins" on leased State lands in Cooke Township are subject to all Township fire regulations, in addition to any fire regulations imposed by the Bureau of Forestry or the Bureau of State Parks.

Extinguishing Unsafe Fires

It is a violation of this Ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire may be extinguished by a Duly Authorized Agent immediately.

Hours

- (1) No person shall burn or cause to be burned any substance or material of any kind out- of-doors, anywhere in Cooke Township, Cumberland County, between sunset and sunrise.
- (2) Recreational fires using natural, untreated wood are permitted at any time so long as they comply with all other provisions of this Ordinance.
- (3) No burning shall be permitted on Sundays, or the holidays of Memorial Day, July 4th, or Labor Day.
- (4) All fires, except otherwise permitted in the Ordinance, must be entirely extinguished after sunset. No fire shall emit noxious smoke over another property.

Special Circumstances

In the event that it is necessary to have an unconstrained fire of any size and/or at times other than permitted under this Ordinance, special permission must be obtained in advance from the Township Fire Chief, Chief of the Penn Township Volunteer Fire Company or his designee. Notice of all unconstrained burning shall be given to the Cumberland County Communications Control Center at (717) 243-4121 prior to the ignition of the fire, and when such burning has been completed. An adult must remain on site for the duration of the burn.

Unlawful Substances

- (1) Burning of plastics, byproducts of manufacturing, tires, rubber, materials containing petroleum-based products such as shingles and roll roofing, etc., hazardous wastes from offsite commercial operations, or other materials regulated by the Pennsylvania Department of Environmental Protection or U.S. Environmental Protection Agency is strictly prohibited.
- (2) Fires shall be used only to burn readily combustible materials.

SECTION 6. Emergency Burning Bans

(1) Power to Impose Emergency Burning Bans

When atmospheric conditions or local circumstances dictate, the Supervisors of Cooke Township shall have the power to impose emergency bans on open burning, with the exemptions as described within this ordinance. The Supervisors may declare such an emergency ban with or without consultation with the Township Fire Chief or with the Fire Chiefs of the companies that provide service within the Township.

(2) Notification of Emergency Ban

When an emergency ban is declared, the Township shall publish the ban on the Township website. Signs announcing "Burn Ban in Effect" shall be posted at the Township borders on roads coming into the Township. A reasonable effort will be made to maintain the signs for the duration of the ban.

(3) As soon as practical, verbal notice of the imposition of the ban shall be given to the Pine Grove Furnace State Park, the District Forester's Office in Caledonia and Cumberland County 911.

SECTION 7. Enforcement Orders

(1) Duly Authorized Agents by Cooke Township shall have the power and duty to enforce the provisions of this Ordinance.

(2) Cooke Township, Cumberland County, may issue such orders as are necessary to aid in the Enforcement of the provisions of this ordinance. These orders shall include, but shall not be limited to:

- a.) Orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this ordinance;
- b.) Orders to take corrective action or to abate a public nuisance;
- c.) Orders requiring the testing, sampling, or monitoring of any open burning;
- d.) Orders requiring production of information. Such an order may be issued by Cooke Township, Cumberland County, finds that any person is in violation of any provisions of this ordinance.

(3) Cooke Township, Cumberland County, may, in its order, require compliance with such conditions as are necessary to prevent or abate open burning or affect the purposes of this ordinance.

(4) Any individual as a party of the burning may be found liable.

SECTION 8.
Responsibility of Owners and Operators

- (1) Whenever a Duly Authorized Agent such as the Fire Chief, Codes Officer, or other Township Official, finds that open burning is occurring in Cooke Township, Cumberland County, other than those exceptions noted in Section 5 above, the duly authorized agent may order the owner or operator to take corrective action in a manner satisfactory to Cooke Township, Cumberland County, or the duly authorized agent may order the owner or operator to allow access to the land by a third party to take such action.
- (2) For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, Cooke Township, Cumberland County, may collect the amount in the same manner as civil penalties are assessed and collected following the process for assessment and collection of a civil penalty contained in Section IX of this Ordinance. Additionally, if, as a result of testing, the person or party is found to have violated this ordinance or state law, the person or party will be responsible for the cost of the testing or other corrective action.

SECTION 9.
Civil Penalties

- (I) Any person who burns unlawful substances, or violates any order of Cooke Township, Cumberland County, issued pursuant to this ordinance shall be subject to pay a civil penalty of not less than One Hundred (\$100.00) Dollars nor more than Six Hundred (\$600.00) Dollars for each separate offense together with costs and reasonable legal fees.

SECTION 10.
Unlawful Conduct

It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this ordinance or to fail to comply with any order or other requirement of Cooke Township, Cumberland County; or to cause a public nuisance; or to cause air, soil, or water pollution resulting from an open burning incident; or to hinder, obstruct, prevent, or interfere with the Cooke Township, Cumberland County, or its personnel in their performance of any duty hereunder, provisions of 18 Pa C.S.A' s. § 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities) in regard to papers required to be submitted under this ordinance. The owner or operator of an open Burning source shall not allow pollution of the air, water, or other natural resources of Cooke Township, Cumberland County, to result from the source.

SECTION 11.
Repealer

Any Resolution, Ordinance, including, but not limited to, Ordinance 2001-04 in its entirety, or part of any Resolution or Ordinance inconsistent herewith or any amendments thereof are expressly repealed.

DULY ENACTED AND ORDAINED this day the 4th of February, 2025 by the Board of Supervisors of Cooke Township, Pennsylvania in public session duly assembled.

**COOKE TOWNSHIP,
CUMBERLAND COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS**

Patricia Sangialosi

**Patricia Sangialosi
Chairman of Supervisors**

Diane Batt

**Diane Batt
Vice -Chairman of Supervisors**

Edward Strayer
**Edward Strayer
Supervisor**

Attest:

Janet E. Frantz

**Janet E. Frantz
Secretary**