

**DICKINSON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-02

AN ORDINANCE OF DICKINSON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, REPEALING AND REPLACING CHAPTER 75, "BURNING, OUTDOOR," OF THE DICKINSON TOWNSHIP CODE OF ORDINANCES IN ITS ENTIRETY AND REPLACING IT WITH AN OUTDOOR BURNING ORDINANCE.

WHEREAS, the Dickinson Township, Cumberland County, Pennsylvania (the "Township"), is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township is authorized to make regulations as may be necessary for the health and welfare of the Township and its citizens pursuant to Section 1506 of the Second Class Township Code, 53 P.S. § 66506, and to adopt this Ordinance to regulate outdoor burning; and

WHEREAS, the Second Class Township Code empowers the Township to enact, revise, repeal, and amend ordinances and resolutions, not inconsistent with the laws of the Commonwealth, as it deems beneficial and to provide for enforcement of the same; and

WHEREAS, the Dickinson Township Board of Supervisors deems it in the best interest and for the general welfare of the residents and visitors of the Township to repeal and replace in its entirety Chapter 75, "Burning, Outdoor," of the Code of Dickinson Township.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Dickinson Township, Cumberland County, Pennsylvania, as follows:

SECTION 1. Recitals. The above recitals are incorporated herein.

SECTION 2. Amendments. Chapter 75, "Buring, Outdoor," shall be hereby amended it its entirety and shall read as follows:

"ARTICLE I Preliminary Provisions

§ 75-1. Title.

This chapter shall be known and may be cited as the "Dickinson Township Outdoor Burning Ordinance."

§ 75-2. Legislative intent.

This chapter is intended to promote public health, safety and welfare by preventing harmful air pollution and minimizing the potential for injury to persons and animals, and the loss of property or loss of life.

§ 75-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates or requires a different or contrary meaning:

BURNING

To be on fire or smoldering, the setting on fire, the causing of fire or smoldering, to cause by fire or smoldering.

CAMPFIRE

A fire contained by a noncombustible, nontoxic fire ring with a diameter of five feet or less which burns only natural, untreated wood for recreational purposes. Campfires must be set back 25 feet from any residence unless permission is obtained from all owners of residences within 25 feet of the campfire.

CEREMONIAL FIRE

A fire for carrying out a ceremony for cultural or religious purposes.

CLEAN WOOD

Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure-treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

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.

CONTAINED BURNING OR FIRE

Any fire contained outside a building or structure in an outdoor, wood-fired device, incinerator, fireplace, or fireproof container.

CONTROLLED BURN

A controlled burn or prescribed burn is the practice of intentionally setting a fire to change the assemblage of vegetation and decaying material in a landscape. The purpose is for forest management, ecological restoration, land clearing or wildfire fuel management.

COOKING FIRE

A fire set for cooking food in a container designed for such cooking, with a fuel source of

clean wood, charcoal, propane, or compressed wood pellets.

DOMESTIC REFUSE

Waste that is generated from normal occupancy of a structure solely used as a dwelling by two families or less. Domestic refuse is defined as materials or refuse that normally result from the function of life at a residence, such as kitchen garbage, untreated lumber, cardboard boxes, packaging, paper, clothing, grass, leaves, garden residue, and shrubbery and tree trimmings. It does not include such things as tires, non-wood construction debris, demolition waste, insulation, shingles, treated wood, paint, paint-stained objects, mattresses, box springs, metal, furniture, carpet, electrical wire, television sets, electrical devices, automobiles, automotive parts, batteries, PVC products, waste oil and other petroleum products, recyclable materials, and appliances. Residential Yard Waste which is a form of Domestic Refuse is further defined below.

FIRE

Any combustion or burning set or maintained outside of a building to include smoldering and open burning.

OCCUPANCY

The purpose for which a building, structure or portion thereof is utilized or occupied.

OPEN BURNING

A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PERSON

Any natural person or persons, partnership, organization, association, agency, corporation, firm, fictitious name or any other business, or legal entity or their agents.

PROTECTED PERSONAL INFORMATION (PPI)

Any information or characteristics that may be used to distinguish or trace an individual's identity, such as their name, SSN, or biometric records. Papers containing PPI are considered in the class of domestic refuse, as defined above.

PROHIBITED MATERIALS

Any materials for which the burning, discarding or disposition is regulated by local, state, or federal laws, statutes or regulations, and in addition thereto, the following:

- A. Garbage, food waste, recyclable materials, manure or other domestic refuse materials and waste materials as enumerated in paragraphs B-F below.
- B. Tires, rubber, plastic, and/or fiberglass materials.
- C. Upholstered furniture, mattresses, and/or box springs.
- D. Clothing and fabric material.
- E. Building materials containing petroleum-based products, including but not limited to

shingles, roll roofing, tar paper (felt), foam sheathing, insulation, vinyl siding and floor covering, carpet, plastic pipe, fiberglass materials, plumbing fixtures, and/or packing materials.

F. Waste oil, paint, thinners, solvents, and/or household cleaning products.

G. Pesticides and herbicides.

RECREATIONAL FIRE

An outdoor fire that burns clean wood, not contained by an incinerator or grill or other cooking apparatus. It is usually a campfire, bonfire, or backyard fire in a fire pit.

RECYCLABLE MATERIALS

Are defined under the Municipal Waste Planning, Recycling, and Waste Reduction Act (Act 101). The combustible recyclable materials pertinent to this ordinance are: High-grade office paper, Newsprint, and Corrugated paper [packaging material and packaging cardboard boxes, as opposed to cardboard from cereal boxes, as an example]. This type of recyclable materials falls into the prohibited materials as defined above, under PROHIBITED MATERIALS, paragraph A.

RESIDENTIAL YARD WASTE

Botanical material such as leaves, grass clippings, garden residue, tree and shrubbery trimmings, and similar plant material.

RESPONSIBLE ADULT

An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a burning.

SCREENED BURNING DEVICE

A device designed to contain or control the burning of materials. This typically involves the use of screens or barriers to prevent the escape of flammable substances during combustion.

SMOLDERING

Has the same meaning as burning, and any smoldering shall be deemed a burning.

STRUCTURE

Any man-made object having an ascertainable location on or in land or water, whether or not affixed to land.

UNCONTAINED FIRE

Any burning maintained outside of a building or structure which is not a contained burning, a campfire, a ceremonial fire, a cooking fire, or a recreational fire.

§ 75-4. Enforcement.

The Township appointed Code Enforcement Officer, fire or emergency management official(s), and any law enforcement officer are authorized and directed to enforce the provisions of this chapter.

§ 75-5. Violations and penalties.

Any person who violates any provision of this chapter, upon summary conviction thereof, shall be sentenced to pay a fine of not more than \$1,000, plus costs of prosecution, and in default of payment thereof, be imprisoned in the Cumberland County Prison for a period of not more than 30 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

§ 75-6. Civil remedies.

In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful activities and to recover damages including the costs of extinguishment of unlawful burning and the costs incurred in protecting persons or property.

ARTICLE II Outdoor Burning

§ 75-7. Burning and fires prohibited on public property; exceptions.

No person shall set, cause to be set, maintain or permit to be maintained any fire, or burn any matter, of any kind upon any of the streets, sidewalks, alleys, or public grounds in Dickinson Township, unless specifically authorized by the Board of Supervisors or its appointed agent, or in the case of the municipal parks, in appliances designed for the preparation of food.

§ 75-8. Permissible burning.

The following types of fires which do not burn prohibited materials are permitted on private property owned or occupied in Dickinson Township, provided the following stated conditions are met and the burning operations do not create a nuisance or safety hazard as may be determined by the Code Enforcement Officer or other authorized official of the Township.

- A. No contained fire shall be permitted within 25 feet of any building or structure, whether or not owned by any person causing the burning or whether or not occupied. This provision does not apply to recreational fires such as backyard fire pits, patio fire devices, or cooking devices.
- B. Persons responsible for any uncontained fire shall notify the Cumberland County

Communications Control Center prior to ignition to report the identified burning activities. Ensuring public safety officials are notified of the fire location. No burning shall occur when wind speeds are predicted to exceed 10 miles per hour.

- C. No uncontained fire shall be permitted closer than 50 feet from any building or structure, regardless of the ownership status of any person causing the burning or whether or not occupied. Uncontained fires must be extinguished by sunset.
- D. All fires shall be monitored at all times by a responsible adult and a readily available source of water must be nearby in case of emergency. All fires unless expressly permitted, must be fully extinguished by sunset and not allowed to smolder overnight.
- E. Camp, recreational, or ceremonial fires shall be fueled by clean wood that is seasoned and dry. These fires are permissible after sunset. Campfires by visitors on State Forest lands are subject to the rules and regulations, of the Bureau of Forestry of the Pennsylvania Department of Conservation and Natural Resources (DCNR).
- F. A cooking fire is permissible.
- G. A fire set for the purpose of burning non-prohibited domestic refuse, e.g. Residential Yard Waste, paper products containing PII, or paper containing personal sensitive material, that is deemed inappropriate for recycling must be burned in a screened burning device or in an open area that is free of dry, combustible material such as dried grasses and leaves, tree branches and trimmings, and generally dried vegetation. Burning of this type must be at least 15 feet from any property line of an adjacent landowner unless permission is granted by the adjacent property owner and at least 50 feet from any building or structure whether or not owned by any person causing the burning or whether or not occupied. Fire of this nature is prohibited after sunset and must be fully extinguished and not permitted to smolder after sunset.
- H. Any other fire that is permissible by Title 25 § 129.14. set to prevent or abate a fire hazard, when approved by the Pennsylvania Department of Environmental Protection (DEP), or other appropriate local, state or federal agency, and set by or under supervision of appointed Township fire or emergency management officials.
- I. Any fire set for the purpose of instructing personnel in firefighting when approved by the DEP, or other appropriate local, state or federal agency.
- J. A fire set for the prevention and control of disease or pests, when approved by DEP, or other appropriate local, state or federal agency.
- K. A fire set for the purpose of burning clearing and grubbing waste shall comply with the requirements of Title 25 PA Code § 129.14, including DEP written approval for air curtain destructor use where applicable.
- L. Any other fire permissible pursuant to Pennsylvania law.

§ 75-9. Imposition of burning ban.

When it is deemed to be in the interest of public health and safety, the Board of Supervisors may impose by resolution a temporary, partial, or full ban on burning, not to include cooking fires. Such a ban shall be reviewed from time to time and lifted when the condition(s) resulting in the imposing of the ban no longer exists. When it is deemed to be in the interest of public health and safety, the appointed township fire or emergency official(s) is authorized to institute a temporary burning ban, partial or full, which shall expire no later than the next duly convened meeting of the Board of Supervisors at which meeting the Board shall determine to maintain such ban in whole or in part or to discontinue such ban. In addition, the Township shall be governed by any burning ban imposed by the Board of Commissioners of Cumberland County. Burn Bans shall also prohibit any open burning when the DEP issues an air quality action day alert for the region.”

SECTION 2. Repealer. All provisions of previous Ordinances, which are contrary to this Ordinance, are expressly repealed.

SECTION 3. Savings Clause. In all other respects, the Ordinances shall remain as previously enacted and ordained.

SECTION 4. Severability. The provisions of this Ordinance are severable, and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

SECTION 5. Effective Date. This Ordinance shall become effective in accordance with law.

DULY ENACTED AND ORDAINED this 1st day of April 2026 by the Board of Supervisors of Dickinson Township, Cumberland County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Grace Hogue
Grace Hogue, Secretary

DICKINSON TOWNSHIP

By: R. Kole
Rob Kole, Chairman

By: J. DeGaetano
Jen DeGaetano – Vice Chairperson

By: Robert Line, III
Robert Line, III - Supervisor



APPROVED this 1st day of April 2026