

ORDINANCE NO. 1 OF 2025

AN ORDINANCE OF NEWPORT TOWNSHIP REGULATING OUTDOOR BURNING WITHIN THE TOWNSHIP

WHEREAS, Newport Township is desirous of preserving the health, safety and welfare of its citizens; and

WHEREAS, Newport Township citizens have submitted a number of complaints regarding outdoor burning within the Township; and

WHEREAS, Newport Township is authorized, pursuant to Section 1502.41 of the First-Class Township Code, 53 P.S. §§55101-58502, to regulate open burning, including the prohibition of the open burning of combustible material; and

WHEREAS, Newport Township believes it is in the best interest of its citizenry to regulate this activity.

BE IT ORDAINED AND ENACTED by the Township of Newport, Luzerne County, Pennsylvania as follows:

Section 1: Definitions

OPEN BURNING

The burning of any materials wherein smoke, ash or embers are emitted into the air without passing through a stack or chimney. Open burning does not include the legal smoking of tobacco products.

REFUSE

All putrescible and non-putrescible wastes (except body waste), including but not limited to garbage, dead animals and abandoned automobiles

Section 2: Prohibited Open Burning

The transportation of trash, refuse, and materials of any type onto residential, business, or commercial property in the Township of Newport for the purpose of open burning is prohibited. The open burning of materials within the Township of Newport is limited to open burning on the property only by the resident or owner thereof, who shall be at least eighteen (18) years of age and who shall be present to supervise the open burning. Open burning of any material which emits excessive smoke or particles and/or detectable malodors being omitted from the property where the open burning is taking place is prohibited. Open burning of any kind that results in the emission of noxious fumes or burning embers is prohibited. Open burning of any kind during non-daylight hours is prohibited. Any open burning within forty (40') feet of an adjacent structure is prohibited.

Section 3: Exemptions

Provided that the burning complies with applicable state and federal statutes, regulations, or other law, including but not limited to the International Fire Code 2009 Edition and any subsequent updates, and that the size of the fire does not exceed two feet high by two feet wide and two feet long, the following types of open burning shall be allowed:

- A. The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or traditional food cooking devices.

- B. The burning of clean untreated wood in a commercially manufactured outdoor fire pit, commercially manufactured outdoor fireplace, or other reasonably safe outdoor fire pit or outdoor fireplace, provided that:
- (1) The fire is wholly contained within the fire pit or fireplace;
 - (2) The fire pit or fireplace is covered by a screen to control the emission of ash and embers;
 - (3) The fire is not within 25 feet of combustible materials;
 - (4) The fire is not within 10 feet of any adjacent property lines;
 - (5) The fire is attended at all times.
- C. Burning for bona fide ceremonial or bona fide religious purposes.
- D. Burning by any government subdivision or government agency for training or other purposes including but not limited to, open burning during emergency, drought emergencies, drought or other similar conditions, shall not be prohibited by any Section of this Ordinance as long as it is pre-approved by the Newport Township Fire Chief.

Open burning, which would be otherwise exempted under this Section, shall nevertheless be prohibited if in the discretion of the Newport Township Fire Chief, such open burning constitutes a nuisance by representing a danger to the safety, health or welfare of the public.

Section 4: Penalties

Any person in violation of this Ordinance shall be guilty of a summary offense and upon conviction shall pay a fine not to exceed three hundred dollars (\$300.00) and/or undergo confinement in the Luzerne County Correctional Facility for a period not to exceed ninety (90) days. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

Section 5: Enforcement

This Ordinance shall be enforced by the Newport Township Code Enforcement Officer, Fire Department or Police Department

Section 6: Repealer

All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 7: Severability


If any portion of this Ordinance, or its application to any person or circumstances, is held invalid, the validity of this Ordinance as a whole, or any other portion thereof, or the application of the provisions to other persons or circumstances is not affected.

Section 8: Effective Date

This Ordinance shall take effect immediately upon adoption.

DULY ENACTED AND ORDAINED this 3rd day of March 2025, in public session
duly assembled.


Joseph Hillan
Secretary


Paul Czapracki
President, Board of Commissioners