

ORDINANCE NO. 06-16

**AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, FAYETTE COUNTY,
PENNSYLVANIA REGULATING BURNING ON PUBLIC AND PRIVATE PROPERTY
AND PROVIDING FOR PENALTIES FOR VIOLATION HEREOF.**

WHEREAS, certain residents have complained concerning open burning in the Township of Washington; and,

WHEREAS, certain residents have expressed that daily open burning is harmful to their health; and,

WHEREAS, the Board of Supervisors of Washington Township has determined that daily open burning is contrary to the health and welfare of the township and its citizens and creates the potential for air pollution; and,

WHEREAS, The Board of Supervisors of Washington Township endeavors to remain compliant with regulations promulgated by the Pennsylvania Department of Environmental Protection, and to avail the residents of Washington Township of the benefits of certain grants by placing certain limitations on the harmful act of open burning,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED BY THE SUPERVISORS OF WASHINGTON TOWNSHIP AS FOLLOWS:

Section 1. No person or persons shall set or maintain any fire upon any street, alley, sidewalk or public ground in the Township of Washington, or burn or cause to be burned thereon any combustible material whatsoever.

Section 2. The open burning of domestic refuse resulting from the normal occupancy of a structure, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less is permitted on the first and third Wednesday of each month from 9:00 a.m. to 7:00 p.m., prevailing time, during the months of September, October, November, December, January, February, March and April, subject, however, to the provisions contained in Section 3. All other open burning is prohibited. Open burning during the months of May, June, July and

August is prohibited. Open burning during times when air pollution episode exists or an ozone warning is in effect is prohibited.

Section 3. The following recyclable materials are excluded from domestic refuse pursuant to Section 2 of this Ordinance, and under no circumstance are to be disposed of through burning of any kind:

- (a) clear glass,
- (b) colored glass,
- (c) aluminum,
- (d) steel and bimetallic cans,
- (e) high grade office paper,
- (f) newsprint,
- (g) corrugated paper,
- (h) plastics, and,
- (i) leaf waste .

Section 4. No person may burn or permit the burning of material in a manner that:

- (a) The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted.
- (b) Malodorous air contaminants from the open burning are detectable outside the property of the person on whose land the open burning is being conducted.
- (c) The emissions interfere with the reasonable enjoyment of life or property.
- (d) The emissions cause damage to vegetation or property.

Section 5. The prohibitions and requirements of Sections 2 and 3 shall not apply where the open burning operations result from:

- (a) A fire set to prevent or abate a fire hazard when the same is set by or under the supervision of a public officer or fire-fighting personnel.

- (b) Any fire set for the purpose of instructing personnel in fire-fighting.
- (c) A fire set for the prevention and control of disease or pests, when approved in writing by the Board of Supervisors of Washington Township.
- (d) A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.
- (e) A fire set solely for ceremonial or recreational purposes, when approved by the Board of Supervisors of Washington Township.
- (f) A fire set solely for cooking food.

Section 6. The following shall be applicable to clearing and grubbing wastes:

- (a) As used in this section, the following terms shall have the following meanings:

Air curtain destructor- A mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matters are contained.

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.

(b) Section 2 notwithstanding, clearing and grubbing wastes may be burned upon approval in writing by the Board of Supervisors of Washington Township, subject to the following requirements:

- (1) Air curtain destructors shall be used when burning, clearing and grubbing wastes.
- (2) Each proposed use of air curtain destructors shall be reviewed and approved in writing by the Department of Environmental

Protection with respect to equipment arrangement, design and existing environmental conditions prior to commencement of burning. Each proposed use of air curtain destructors shall also be reviewed and approved by the Board of Supervisors of Washington Township.

(3) Approval for use of an air curtain destructor at one site may be granted for a specified period of time not to exceed three (3) months, but may be extended for additional periods of time upon further approval by the Department of Environmental Protection and the Board of Supervisors of Washington Township.

(4) The Board of Supervisors reserves the right to rescind approval granted if a determination by the Department of Environmental Protection indicates that an air pollution problem exists.

Section 7. Enforcement of this ordinance shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who shall violate or permit the violation of any provision of this ordinance shall, per violation, upon being found guilty in an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, pay a fine of not less than One Hundred (\$100.00) Dollars and not greater than One Thousand (\$1,000.00) Dollars, plus all Court costs, or imprisonment for a term not to exceed ninety (90) days, or both.

Section 8. The Washington Township solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. Rule of Criminal Procedure No. 83 (c) (relating to trial in summary cases).

Section 9. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the ordinance which is found to have been violated.


Section 10. All fines collected for the violation of this ordinance shall be paid to the Washington Township Treasurer.

Section 11. Any ordinance or portion thereof inconsistent with this ordinance shall be, and the same is hereby, repealed, and the remaining portions thereof shall have full force and effect.

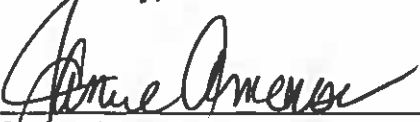
Section 12. This ordinance shall be effective five (5) days after adoption.

ORDAINED AND ENACTED by the Supervisors of Washington Township this

14 day of SEPTEMBER, 2016.



Dan Moody, Chairman

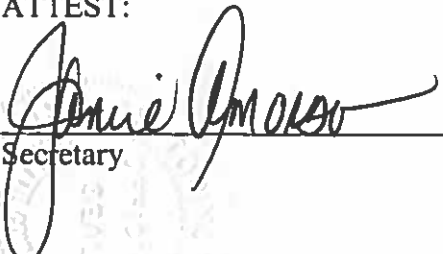


Janice Amoroso



Charles Yushko

ATTEST:



Secretary

