

ORDINANCE NO. 2018-04

AN ORDINANCE OF GREENFIELD TOWNSHIP, BLAIR COUNTY,
PENNSYLVANIA, ESTABLISHING RULES AND REGULATIONS
RELATING TO OPEN BURNING; REPEALING INCONSISTENT
ORDINANCES; AND PROVIDING PENALTIES FOR THE
VIOLATIONS OF ITS PROVISIONS

The Supervisors of Greenfield Township, Blair County Pennsylvania, by virtue of the authority granted in the Second Class Township Code, 53 PA Statutes, Sections 66601 and 66801, hereby ordain and enact as follows:

Section 1 – Title

This Ordinance shall be known as the Greenfield Township Open Burning Ordinance.

Section 2 – 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:

Aluminum – All food and beverage cans made of light in weight, ductile and malleable metallic substance or element commonly known as aluminum.

Board – The Greenfield Township Board of Supervisors.

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.

Burning Barrel – A 55 gallon metal drum free of holes in the sides or bottom, except it may contain drain or vent holes not to exceed (1/2) square inch near the bottom for draft and holes in the bottom for drainage plus a heavy secure screen or mesh with 1/2 inch holes or smaller across the top to prevent blowing of fly ash. These must be cleaned at regular intervals to remove unburnable ash and residue and to promote clean burning. Burning barrels shall not be allowed to deteriorate to the point where they contain unpermitted holes or missing surface in the structure. No burning barrel shall be used without the proper cover in place.

Clear Glass – Clear glass consists only of clear food and beverage containers made of glass, and comprised of the hard, brittle, and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

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.

Colored Glass – Colored glass consists only of green or brown food and beverage containers made of glass, and comprised of the hard, brittle and transparent or partially transparent substance produced by fusion of silica and silicates or sand containing soda and lime and/or other chemicals and substances usually included in the manufacture of glass.

Commercial Recyclable Materials – Clear glass containers, brown glass containers, green glass containers, aluminum cans, corrugated paper (cardboard) and high grade office paper which are by-products of any business.

Construction/Demolition Waste – Waste products from the construction or demolition of buildings and other structures, including wood, plaster, drywall, and wall board, metals, asphaltic substances, bricks, block, and unsegregated concrete.

Contained Fire – Any fire contained in a burning barrel.

Controlled Fire – Any fire not included in the definition of “Contained fire”.

Domestic Refuse – Waste which is generated from normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

Farm – A tract of land containing ten (10) or more acres which is used for agricultural purposes, which agriculture activities provide the major and primary source of income to the residents of the tract.

Garbage – All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

High-Grade-Office Paper – Desktop generated paper, copy paper, and computer printout (CPO).

Household Hazardous Waste – Includes the following materials and other materials of similar nature: antifreeze, batteries, chlorinated hydrocarbons, fluorescent light bulbs and other mercury-containing devices, gasoline and kerosene, grease and rust solvents, oven, toilet and drain cleaners, paints, rust preventatives, stains, and wood preservatives, pesticides, fungicides, herbicides, insecticides, rodenticides, roach, and ant killers, photographic and pool chemicals, thinners, solvents and furniture strippers; transmission and brake fluids, used oil or other hydrocarbon based lubricants, wood, metal, rug, upholstery cleaners and polishes.

Multi-Family Unit – A property with four (4) or more Residential Units, including without limitation, apartment complexes, retirement homes and mobile home parks, excluding farms.

Non-Residential Unit – A property containing a commercial, municipal and/or institutional establishment, excluding a farm.

Open Burning – Any unclosed fire wherein air contaminants, including smoke and/or odor, are emitted to the open air and are not directed through a chimney, flue, duct, passage, conduit or stack.

Paper – Standard white and colored paper, newsprint, magazines, and corrugated paper (cardboard).

Person – Any individual, partnership, association, corporation, department, bureau, agency or legal entity.

Public Officer – A Township Fire Chief, Assistant Fire Chief, Fire Marshal, Police Chief, Greenfield Township Supervisor, or any designated person by the Township Board of Supervisors.

Putrescible Waste – Organic waste materials which due to biological decomposition are, or have a tendency to be rotten, foul, or odorous, including dead animals and spoiled foods, but not including sludge.

Refuse – Garbage, rubbish and trade waste.

Residential Recyclable Materials – Clear glass containers, brown glass containers, green glass containers, aluminum cans, bi-metal cans, plastic containers, newspapers, and corrugated paper (cardboard).

Residential Unit – Any single family detached, semi-detached or townhouse dwelling, or a dwelling unit within a Multi-Family building containing three (3) or fewer dwelling units excluding Farms.

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

Rubbish – Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items, and other similar items.

Salvage Operations – Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

Steel Cans – The ferrous metal food or beverage containers commonly known as tin cans.

Tires – Any pneumatic or solid rubber automobile, truck, or farm implement tire.

Trade Waste – All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry, including but not limited to, plastic products, cartons, paint, grease, oil, and other petroleum products.

White Goods – Large appliances including clothes washers, clothes dryers, dishwashers, freezers, refrigerators, stoves, ovens, hot water heaters, air conditioners, dehumidifiers, furnaces, and electrical heaters.

Yard Waste – All garden residues, leaves, clipped shrubbery, tree trimmings, and grass clippings.

Section 3 – Permitted Burning and Burning Times

No open burning shall be permitted in Greenfield Township on properties on which is located a residential unit, except as provided below:

1. Burning of contained fires by a responsible adult is permitted in Greenfield Township as follows:
 - a. Burning of paper and yard waste is permitted;
 - b. Except as provided in Section 4 below, Burning is permitted only during the hours of Monday through Saturday during the period of April 1 through October 31, between sunrise and 7:00 PM; and from November 1 through March 31, from sunrise until 4:00 PM;
 - c. The burning of contained fires of the following items is prohibited:
aluminum, clear glass, clothes, colored glass, commercial recyclable materials, construction/demolition waste, domestic refuse, food, garbage, high-grade-office paper, household hazardous waste, putrescible waste, refuse, rubbish, any by-products from a salvage operation, steel cans, tires, trade waste, insulation, shingles, tar paper, rolled roofing, siding, carpet, furniture, mattresses, box springs, paint, treated wood, aerosol cans, plastic, wire, and white goods. The burning of any items that are offensive to nearby neighbors, which would interfere with the reasonable enjoyment of life or property, are strictly prohibited;
 - d. Contained fires must be at least fifty (50) feet away from any building or structure;
2. Burning of controlled Fires by a responsible adult is permitted as follows:
 - a. Burning of yard waste, clearing, and grubbing waste is permitted;
 - b. Except as provided in Section 4 below, Burning is permitted only during the hours of Monday through Saturday during the period of April 1 through October 31, between sunrise and 7:00 PM; and from November 1 through March 31, from sunrise until 4:00 PM;
 - c. Controlled burning of the following items is prohibited:
aluminum, clear glass, clothes, colored glass, commercial recyclable materials, construction/demolition waste, domestic refuse, food, garbage, high-grade-office paper, household hazardous waste, putrescible waste, refuse, rubbish, any by-products from a salvage operation, steel cans, tires, trade waste, insulation, shingles, tar paper, rolled roofing, siding, carpet, furniture, mattresses, box springs, paint, treated wood, aerosol cans, plastic, wire, and white goods. The burning of any items that are offensive to nearby neighbors, which would interfere with the reasonable enjoyment of life or property, are strictly prohibited;
 - d. Blair County 911 must be notified (814-940-5955) prior to initiation of fire;
 - e. Fire location must be greater than fifty (50) feet from any structure or road edge;
 - f. Provisions must be made to contain fire to location;

- g. Fire shall be constantly attended by a responsible adult until the fire is completely out;
- h. The presence is required of a water source of at least a garden hose connected to a functioning spigot with enough hose to reach all sides of the fire;
- i. Fire size shall be limited to 5' X 5';
- j. Ignition shall be by a reasonable quantity of paper, NOT BY FLAMMABLE LIQUIDS;
- k. Fire must be extinguished thoroughly with no smoldering.

Section 4 – Exception to Burning Times Set Forth in Section 3

The following fires are not required to occur during the dates and times specified in Section 3 above except in the case of a burning ban set by the Commonwealth of Pennsylvania, the County of Blair, or the Greenfield Township Board of Supervisors:

- 1. A fire set to abate a fire hazard and under the supervision of a public officer;
- 2. A fire set for the purpose of instructing personnel in firefighting;
- 3. A fire set for the prevention and control of disease or pests under the supervision of a public officer;
- 4. A fire set solely for cooking food;
- 5. A fire set for recreational or ceremonial purposes;
- 6. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

Section 5 – Fire Ban Emergency

The Board of Supervisors may declare a fire ban emergency in Greenfield Township with or without consultation with the Pennsylvania Emergency Management Agency, Blair County Emergency Management Agency, the Blair County Commissioners, and the Fire Chief of the volunteer fire company operating within the Township during a period of drought or other periods of high fire risk to woodlands or property within Greenfield Township.

Upon the Greenfield Township Board of Supervisors declaring a fire ban emergency, all outdoor burning and fires shall be prohibited until the ban is lifted by the Greenfield Township Board of Supervisors.

The Township shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the Township may issue news releases to all communication media, including radio, television, and newspapers.

Section 6 – Prohibited Burning

1. No burning shall be permitted on property on which is located a non-residential unit.
2. No burning shall be permitted on property on which is located a multi-family unit.
3. No burning is permitted on any state, county, or township roadways.

Section 7 – Enforcement Orders

The Greenfield Township Police Department, code enforcement officer, or any other duly authorized agent shall have the power to enforce the provisions of this ordinance.

The Greenfield Township Police Department, code enforcement officer, or any other duly authorized agent 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: orders requiring persons to cease unlawful burning, orders to take corrective action or to abate a public nuisance; or orders requiring the testing, sampling, or monitoring of any burning; or others requiring production of information. Such an order may be issued if Greenfield Township finds that any condition existing in or on the facility or source involved is causing or contributing to burning or if Greenfield Township finds that any person is in violation of any provision of this Ordinance.

Greenfield Township may, in its order, require compliance with such conditions as are necessary to prevent or abate unlawful burning or effect the purposes of this Ordinance.

An order issued under this section shall take effect upon notice, unless the order specifies otherwise.

The authority of Greenfield Township to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this ordinance. The failure to comply with any such order is hereby declared to be a public nuisance.

Section 8 – Public Nuisances

A violation of this ordinance or of any order issued by Greenfield Township under this Ordinance shall constitute a public nuisance. Greenfield Township shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, Greenfield Township may recover the expenses of the abatement. Whenever the nuisance is maintained or continued contrary to this Ordinance or any order issued pursuant to this ordinance, the nuisance may be abatable in the manner provided by this ordinance. Any person who causes a public nuisance shall be liable for the cost of the abatement.

Section 9 – Persons Liable

For purposes of the obligations established by this Ordinance, and for purposes of any fine, penalty, imprisonment or other sanction, the terms "Person", "Residential Unit", and "Multi-Family Unit" shall (a) include officers and directors of any corporation or other legal entity having officers and directors and (b) refer to, and impose joint and several liability upon, both (i) the persons residing in or occupying any such Residential, Multi-Family, or Non-Residential Units and (ii) the owner, landlord, condominium owner's association and/or agent of an owner, landlord or condominium owner's association of such premises.

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 Greenfield Township; or to cause public nuisance; or to cause air, soil, or water pollution resulting from a burning incident; or to hinder, obstruct, prevent, or interfere with the Greenfield Township Board of Supervisors or its personnel in their performance of any duty hereunder, including denying the Greenfield Township Police Department, code enforcement officer, or any duly authorized agent access to the source or facility; or to violate the provisions of 18 Pa. C.S.A Section 4903 (related to false swearing) or 4904 (related to unsworn falsification to authorities) in regard to any papers required to be submitted under this ordinance. The owner or operator of a burning source shall not allow pollution of the air, water, or other natural resources of Greenfield Township to result from the source.

Section 11 – Criminal Penalties

Any person who violates any provision of this Ordinance or any order of the Greenfield Township Police Department, code enforcement officer, or any other duly authorized agent issued pursuant to this ordinance commits a summary offense and shall, upon conviction, be sentenced to pay fines as follows: first offense one hundred dollars (\$100.00), second offense two hundred dollars (\$200.00), third offense three hundred dollars (\$300.00), fourth offense four hundred dollars (400.00), fifth offense five hundred dollars (\$500.00), sixth offense six hundred dollars (\$600.00), and, in default of the payment of such fine, may be sentenced to imprisonment for ninety (90) days for each separate offense. Employees of Greenfield Township authorized to conduct inspections or investigations are hereby declared to be law enforcement officers authorized to issue or file citations for summary violations under this ordinance, and Greenfield Township Board of Supervisors is hereby authorized to prosecute these offenses. For the purposes of this section, a summary offense may be prosecuted before any Magisterial District Justice with venue of Greenfield Township. There is no accelerated rehabilitative disposition authorized for a summary offense.

Every day that a violation of any section of this Ordinance continues shall constitute a separate offense.

Section 12 – Additional Costs

Pursuant to 53 P.S. Section 66553, the Township is required to ensure fire emergency services and to provide appropriate financial assistance for those services. As such, in the case of a fire requiring fire fighters and/or equipment and upon conviction of any violation of this Ordinance, the violator shall also pay the reasonable charges in order to cover the fire-fighting costs. These charges shall be in addition to and not in lieu of any penalties provided elsewhere in this Ordinance.

Section 13 – Repealer

Greenfield Township Ordinance No. 2004-04 and all ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

Section 14 – Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 15 – Effective Date

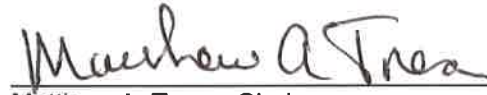
This Ordinance shall become effective on the 7th day of August, 2018.

ORDAINED AND ENACTED at a regular meeting of the Board of Supervisors of the Township of Greenfield held this 7th day of August, 2018.

ATTEST:


Secretary/Treasurer

GREENFIELD TOWNSHIP SUPERVISORS


Matthew A. Treon, Chairman


Jordan C. Oldham, Vice Chairman


Ray S. Benton, Supervisor