

TOWNSHIP ORDINANCE # 2 - 1993

AN ORDINANCE OF DUNKARD TOWNSHIP, GREENE COUNTY, PENNSYLVANIA, RESTRICTING OPEN FIRES AND BURNING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS AND DEFINITIONS, DESIGNATING ENFORCEMENT OFFICERS AND PRESCRIBING PENALTIES FOR VIOLATION.

The Board of Supervisors of Dunkard Township, Greene County, Pennsylvania, hereby ordains:

**SECTION 1. Title**

This Ordinance shall be known and may be cited as the Dunkard Township Air Pollution Control and Burning Ordinance.

**SECTION 2. INTENT**

The Supervisors of Dunkard Township has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Dunkard Township. It is hereby declared to be the intent of Dunkard Township, to safeguard the citizens of Dunkard Township from such air pollution.

**SECTION 3. DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BOARD** - The Board of Supervisors of Dunkard Township, Greene County, Pennsylvania.

**FURNACE** - Any enclosed device specifically designed for burning any material for the production of heat.

**GARBAGE** - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR - Any device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material.

OPEN FIRE - A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON - Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE - Garbage, rubbish and trade waste.

RUBBISH - Solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - 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.

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, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

#### SECTION 4 - PROHIBITED ACTIVITIES

Within the Township limits, no person shall:

A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building,  
or

B. Cause, suffer, allow, or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.

SECTION 5. Exceptions

Subject to the following exceptions:

A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

1. the prevention of a fire hazard which cannot be abated by other means; or
2. the protection of public health.

B. Open fires may be set with the approval of each Fire Department within their respective jurisdiction. No other agency or persons shall have this authority.

C. Small, well-controlled fires in an outdoor fireplace or container for outdoor cooking, barbecues and the like (provided said fire is attended by a responsible person until extinguished) may be set.

D. Fires in a receptacle covered with a screen of one-half inch or smaller mesh may be set each Wednesday between the hours of 9:00 A.M. and 6:00 P.M. At 6:00 P.M., said fires must be completely extinguished, not smoldering and producing smoke. At all times said fire must be attended by a responsible person.

SECTION 6. - ENFORCEMENT

The Dunkard Township Code Enforcement Officer shall have the power and duty to enforce the provisions of this Ordinance.

SECTION 7. Penalties

Any person who shall violate any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred and no/100 (\$300.00) Dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day a violation exists shall constitute a separate offense.

SECTION 8. Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 9. 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 Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 10. - EFFECTIVE DATE**

This Ordinance shall become effective on the 18 day of February, 1993.

ORDAINED AND ENACTED into an Ordinance of the Board of Supervisors of  
Dunkard Township, Greene County, Pennsylvania, this 18 day of February, 1993.

ATTEST

Linda Heltst

(SEAL)

BY:

Jerome K. Wiley  
Jerome K. Wiley - Chairman

Charles S. Caldwell, Jr.  
Charles S. Caldwell - Co-Chairman

Marvin L. Moody  
Marvin L. Moody - Secretary