ORDINANCE NO. O-03-19

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 open burning is harmful to their health; and,

WHEREAS, the Board of Supervisors of Washington Township has determined that 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 residential areas of the Township of Washington, or burn or

cause to be burned thereon any combustible material whatsoever.

Section 2.   The following recyclable materials 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)   yard and leaf waste.

Section 3.   Exceptions to the prohibition of burning are as follows:

(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 4.   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 5.   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 6.   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 7.   All fines collected for the violation of this ordinance shall be paid to the Washington Township Treasurer.

Section 8.   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 9.   This ordinance shall be effective five (5) days after adoption.

ORDAINED AND ENACTED by the Supervisors of Washington Township this

___10___ day of ___July___, 20_19_.

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Dan Moody, Chairman

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Janice Amoroso

_____
Charles Yusko

ATTEST:

_____
Secretary