

Burning Ordinance #459

WHEREAS, the Township of Jefferson, Butler County, Pennsylvania (hereinafter the "Township") has a duly enacted Burning Ordinance #132, enacted in 1995; (Chapter 7 of the Jefferson Township Code of Ordinances); and

WHEREAS, the Jefferson Township Board of Supervisors now desire to amend portions of the Burning Ordinance with respect to burning prohibition, regulated residential burning and open burning; and

WHEREAS, the Pennsylvania Department of Environmental Protection DOES NOT allow open burning in the Commonwealth; and

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Jefferson Township, Butler County, Pennsylvania, as follows:

SECTION 1. Revision of Fire Prevention and Fire Protection and Open Burning Regulations.

Chapter 7 "Fire Prevention and Fire Protection", Part 1 "Open Burning" of the Code of Ordinances of the Township of Jefferson is hereby revised to read as follows:

**"PART 1
OPEN BURNING**

§7-101. Definitions and Interpretations.

In this Part, the following words and terms shall have the meanings hereby respectively ascribed thereto:

OPEN BURNING - any burning conducted in such a manner that combustion air is not effectively controlled and that combustion products are not vented through a stack or chimney, including but not limited to burning conducted in open outdoor fires, common burn barrels and backyard incinerators.

PERSON - any individual, partnership, association, corporation, commercial business (LP, LLC, Sole Proprietor, etc.), department, bureau, agency, or other legal entity.

PROHIBITED MATERIALS -

- 1) Any materials designated as recyclables under the Federal, State, County or Township regulations.
- 2) Sewage, solid or liquid household products, or diapers,
- 3) Any animal matter or offal, by-products or waste materials or vegetable matters resulting from the handling, preparation, cooking, and consumption of food,
- 4) Rags, old clothes, leather, rubber, carpets, furniture (including mattresses/box springs)
- 5) Tin cans, glass, crockery, masonry, metals, electronics, appliances, vehicles, or vehicle parts,

- 6) Tires, Chemicals, Batteries, Shingles, or any petroleum products, such as paint, staining products, grease, oil, accelerants, and plastic products.
- 7) Construction and demolition waste, insulation, shingles, or painted, stained, or treated wood,
- 8) Any other material the burning of which can produce noxious or hazardous smoke or fumes.

REFUSE or TRASH - waste material or discarded material which is reducible to ashes by ordinary incineration, and is intended to include, but not limited to, ordinary waste materials such as: paper, cartons, boxes and similar items, from residential dwellings within the Township of Jefferson.

RESIDENT - a person who lives in Jefferson Township permanently or on a long-term basis.

YARD WASTE – Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative materials.

§7-102. Prohibition Against Open Burning.

The Pennsylvania Department of Environmental Protection **DOES NOT** allow Open Burning in the Commonwealth. Furthermore, burning for disposal is **never** permissible for commercial establishments.

Contact DEP regarding the following ‘possible’ exceptions:

1. Agricultural Processing;
2. Prevention of a fire hazard by controlled burn;
3. Control of disease or pests by controlled fire (if no safe way to demolish the building otherwise); or
4. Fire Training

DEP Contact information is as follows:

Solid Waste Specialist
Department of Environmental Protection
New Castle District Office
121 N. Mill St. | New Castle PA 16101
Phone: 724.656.3471 | Fax: 724.656.3267

As hereby regulated by the Township it shall be **unlawful** for any Person or Resident to:

- A. Burn any Refuse or Trash, or Yard Waste on/within any public road/right-of-way within the Township.
- B. Transport into the Township for destruction by burning, any Refuse or Trash, or Yard Waste produced out- side the Township.

- C. Burn or permit the burning of solid waste which creates potential hazards to the public health or causes public nuisance within the jurisdictional limits of this Township.
- D. Burn Prohibited Materials within the limits of the Township. All Prohibited Materials shall be hauled away to a State approved Landfill.

§7-103. EXCEPTIONS (Residential ONLY regulated by the Township)

1. Cooking Food

2. Recreational Fires

- A. Recreational fires shall have a supervising adult present at all times and recreational fires shall not be closer than 25 feet to any structure or property line.
- B. Recreational fires shall be completely extinguished before the supervising adult leaves the fire location.
- C. Recreational fires are limited to dry and seasoned tree wood. No construction wood, which is chemically preserved or treated, shall be permitted to avoid smoldering or offensive odors.
- D. Recreational fires shall not be burned between 1:00 A.M. and 6:00 A.M.

3. Domestic Refuse Burning – It shall be lawful for “RESIDENTS” of one-family (single) or two-family (duplex) households within the Township to burn 'REFUSE or TRASH' and/or 'YARD WASTE' (as defined in Section 101) ONLY under strict compliance with the following:

- A. All burning of Refuse or Trash and/or Yard Waste shall be in a container which shall be located upon the property being occupied by the Resident located in the Township. The container shall be such as will permit the Refuse or Trash (permitted materials) to burn completely and prevent ashes or sparks from being carried to other properties.
- B. All burning of Refuse or Trash and/or Yard Waste shall be located a minimum of 50 feet from any structure or property line.
- C. All burning of Refuse or Trash and/or Yard Waste shall be conducted Monday through Saturday between DAWN and DUSK. Burning is prohibited on any business holiday recognized as such by the Commonwealth of Pennsylvania.
- D. In the case where the Refuse or Trash and/or Yard Waste is too large for such container; it may be burned in an open fire if:
 - 1) said fire must be fifty (50) feet or more from any structure, and from any other combustible materials;
 - 2) said fire is located in an open fire pit;

- 3) said fire is guarded continuously during burning and ashes or burning embers are controlled and extinguished before the fire is left unguarded; and
 - 4) It is the Residents' responsibility to NOTIFY the Butler County Emergency Services by calling "911" that you are planning to burn under this Section D., and provide date, time and location.
- E. All fires must be extinguished before DUSK and before being left unattended.

§7-104. Required Precautions.

1. Adequate means for extinguishing fires shall be within reasonable distance from any fire and shall be there for the duration of the fire.
2. Fires shall not be burned during periods of high wind or extreme drought nor when atmospheric conditions or local circumstances make such fires hazardous as designated by County and/or State notifications.
3. Fires shall be prohibited if conditions are such that burning would be hazardous to the health, safety and general welfare of persons or property in the community, including but not limited to smoke or odor emissions that are considered to be offensive. Any Person who refuses to extinguish such a fire after being informed by the Township codes officer, or a firefighter, or a police officer shall be in violation of this Part.

§7-105. Violations and Penalties.

Any Person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000, plus costs, including but not limited to reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense."

SECTION 2. Repealer and Effective Date.

All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith. This Ordinance shall become effective thirty (30) days following its adoption by the Board of Supervisors of Jefferson Township.

Ordinance #459

ORDAINED AND ENACTED this ____ day of _____, 2020.

ATTEST:

JEFFERSON TOWNSHIP

Township Secretary

Chairman, Board of Supervisors

Supervisor

Supervisor