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ORDINANCE NO. 1988-A

AN ORDINANCE OF SCOTT TOWNSHIP, LAWRENCE COUNTY,
PENNSYLVANIA RESTRICTING OPEN BURNING AND
PRESCRIBING PENALTIES FOR VIOLATION

Section 1 - Definitions. As used in this ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

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, furniture, tin cans, glass, crockery, masonry and other similar materials, but excepting wood, excelsior, paper, ashes, tree branches, tree leaves and yard trimmings.

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 2 - Enforcement. The Constable, Fire Chief and Assistant Fire Chief of Scott Township, in the name of the Township, shall have the power and duty to enforce the provisions of this ordinance.

Section 3 - Regulations. Within Scott Township limits, no person shall:

1. Ignite or feed an open fire for the destruction of refuse in any public or private place outside any building; or

2. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse on any property under his or her control outside of any building.

Exceptions:

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

- A. The prevention of a fire hazard which cannot be abated by other means; or

- B. The protection of public health.

2. Any permitted open fire under this ordinance shall take place only between the hours of 4:30 o'clock, P.M., and

9:00 o'clock, P.M., on Monday through Friday inclusive of each week, and on Saturday between the hours of 9:00 o'clock, A.M., and 9:00 o'clock, P.M.

3. Any permitted open fire under this ordinance upon farm land being used for agricultural purposes shall be permitted on any day of the week except Sundays and commonly recognized holidays between the officially recognized time for sunrise and sunset on the day such burning occurs.

4. The Scott Township Volunteer Fire Department may conduct fire training exercises subject to the proviso that permission regarding the conduct of the training exercise is obtained in advance from the township supervisors.

Section 4 - Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), plus costs, and in default of payment of fine and costs, shall be sentenced to imprisonment for a term not to exceed thirty (30) days.

Section 5 - Repealer. All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 6 - 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 Scott Township 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 7 - Effective Date. This ordinance shall become effective on December 11, 1988; and was amended effective June 4, 1990.