

Washington Township Open Burning Control Ordinance of 2006

§ 44-1 Title

This chapter shall be known as the "Washington Township Open Burning Control Ordinance of 2006."

§ 44-2. Purpose.

The purpose of this chapter is to minimize risk to the health, safety and welfare of the residents of Washington Township that could be caused by open burning in certain areas of Washington Township where, because of the proximity of residences as hereinafter identified, regulated open burning may cause a public nuisance.

§ 44-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BONA FIDE CAMPFIRES

An outdoor fire used recreationally for cooking or warmth.

COMPOSTING

The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

FURNACE

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

INCINERATOR

Any device specifically designed for the destruction or burning of combustible material.

MUNICIPALITY

Washington Township, Erie County.

OPEN BURNING

Burning or incineration of any material in the out-of-doors or in a receptacle other than a furnace or incinerator.

PERSON

Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

YARD WASTES

Leaves, grass clippings, tree trimmings and branches, chipped shrubbery and other organic materials.

§ 44-4. Burning of yard wastes prohibited.

Except as hereinafter provided, the burning of yard wastes shall be prohibited in the Angling Acres I through V, Lake Isle Estates subdivisions and the entire R-3 zoning district. (See attached map of area. *Editor's Note: Said map is on file in the Township offices.*) Yard wastes may only be burned on Tuesdays in the above-mentioned areas as identified on the attached map.

§ 44-5. Exceptions.

- A. Bona fide campfires are permitted in any zoning district. Campfires must be contained to a fire ring, chimenea, or other noncombustible fire-containment measures (ring of stone, steel ring, etc.).
- B. The burning in a suitable container or pit for the sole and express purpose of cooking or barbecuing food is permitted in any zoning district.
- C. This chapter shall not prohibit bonfires at school or community events or neighborhood/civic organizational activities when the proper officials of the Fire Department and Township have been notified in advance of the event and all precautions related to making the event safe are in place.
- D. Any open burning that would be considered as part of normal and accepted agricultural operations which do not have a direct adverse effect on the public health and safety and which are protected

under the Act of June 10, 1982, P.L. 454, as amended, 3 P.S. 951 et seq., commonly referred to as the Right to Farm Act.

§ 44-6. Enforcement; violations and penalties.

A. A violation of this chapter or any order issued by the Township of Washington under this chapter shall constitute a public nuisance. The Township, through its enforcement officer or the Edinboro Volunteer Fire Departments Chief Officer, shall have the authority to order any person causing a public nuisance to abate the public nuisance. When deemed necessary due to conditions determined by the Chief Officer of the Edinboro Volunteer Fire Department to be conducive to a dangerous condition, the Chief Officer may request the Washington Township Council to authorize and to impose temporary bans on outdoor burning or fires, which bans shall operate to prohibit outside fires and burning otherwise authorized by this chapter. It shall be unlawful for any person to burn, or cause or allow to be consumed by burning, any materials during the term of the burning ban.

B. This chapter may be enforced by the Township through an action in equity brought in the Court of Common Pleas of Erie County.

C. Any person violating the provisions of this chapter shall, upon conviction therefore by the District Magistrate, be sentenced to pay a fine not to exceed \$300 per violation, and in default thereof, imprisonment for up to 30 days.

D. Each day of a violation shall constitute a separate offense of this chapter.

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