

ORDINANCE NUMBER 98-01
An Ordinance Regulating and Restricting Outdoor Burning

Be it enacted and ordained, and it is hereby enacted of and ordained by the Board of Supervisors of the Township of Spring as follows:

Section 1. Title

This Ordinance shall be known and may be cited as the Spring Township Open Burning Ordinance.

Section 2. Authority

This Ordinance is enacted pursuant to Section 12 of the Air Pollution Control Act, as amended, 35 P.S. 4102(a), and section 702, clauses XXIX (Health), XXXII (Fire Prevention), XLI (Ordinances), XLVII (Public Safety), and LXII (General Powers) of the Second Class Township Code, 53 P.G. 65729, 65732, 65741, 65747 and 65762.

Section 3. Declaration of Policy

It is hereby declared to be the policy of Spring Township as a matter of public health and safety to regulate the disposal of waste by fire and the open burning in Spring Township. It is further declared that the dangers of open fires, air pollution from fires, and the management of waste removal and disposal necessitate regulations to protect buildings, housing, property and the welfare of the township, and the health and well being of its citizens.

Section 4. Definitions

The following words, terms, and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them.

- A. Open burning or open fire: Any fire which is burned outside of an enclosed structure or building;
- B. 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;

- C. Right of Way: The total width of any land reserved or dedicated for the public use of vehicular or pedestrian traffic, including streets, avenues, boulevards, roads, crosswalks, highways, interstates, freeways, parkways, lanes, alleys, sidewalks, marginal access ways and other ways used for vehicular and pedestrian traffic which are dedicated to public use or semi-public or to the use of residents in a land development or subdivision, including but not limited to, the area reserved for cartways, shoulders, drainageways and easements;
- D. Vegetative Matter: Trees, leaves, grass clippings, cuttings of plants, and limbs of trees up to four inches (4") in diameter, except for wood and wood products;
- E. Wood & Wood Products: Trunks of trees and limbs of trees exceeding four inches (4") in diameter, and all products of, or made from wood, including, but not limited to, trade waste or construction waste;
- F. Refuse & Garbage: All municipal waste which is regulated by State Act 101 and the Centre County Solid Waste Authority, including, but not limited to, plastics, rubber, carpet, furniture, mattresses, tires and clothing, etc.;
- G. Hazardous Materials: The characteristics of this material as defined in Act 101, and EPA guidelines:
 - 1. Ignitability
 - 2. Toxosicity
 - 3. Reactivity
 - 4. Toxicity
 - 5. Items specially listed by name
 - 6. Chemicals subject to clean water act
 - 7. Mixed Hazardous and Non- Hazardous wastes
 - 8. Waste derived from certain processes

Methods for the said characterization of a waste, and testing it to verify the proper classification, as prescribed in EPA Regulations.

Section 5. Unlawful Substances

- A. Burning or construction debris, plastics, byproducts of manufacturing and processing operations, and wastes from commercial operations is strictly prohibited;
- B. No garbage, offal or rubbish may be burned at any time either indoors or out of doors;
- C. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania of the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania of the United States of America or any competent body

Section 6. Open Fires Prohibited

It shall be unlawful for any person to ignite or feed any open fire whatsoever in Spring Township, except for fires permitted subject to regulation until Section 7 or exempted under Section 8.

Section 7. Open Fires Permitted Subject to Regulation

- A. Open burning to clear land for agriculture or construction of a subdivision site. Special permission must be obtained in advance from the fire chief of the local fire company and the Spring Township Board of Supervisors or their designee. In the event any fire company is required to respond to a fire which violates any provision of this ordinance, a service fee may be levied by the responding fire company. Subject to General Regulations Section 7 C;
- B. Open burning on lots larger than three (3) acres, for express pupose of burning brush or leaves. Subject to General Regulations Section 7 C;
- C. General Regulations:
 - 1. No open fire shall be permitted before the hour of 7:00 a.m. and shall be extinguished

- completely by 6:00 p.m., except that time to extinguish such fires is extended to 8:00 p.m. from March 15 to October 15;
2. No open fire shall be permitted in a right of way;
 3. No open fire shall be conducted closer than 50 feet from any building.

Section 8. Open Fires Exempted

The following types of fires, provided that such fires are wood and wood products only, are exempted from the regulations set forth in this ordinance.

- A. Fires solely for cooking of food for immediate consumption;
- B. Camp fires for warmth, fellowship, food preparation or ceremonial purposes by bonafide groups of individuals, such as hunting camps, or public organizations, such as the Boy Scouts or Girls Scouts;
- C. Fires set in the performance of public duty by any fireman or for public official purposes.

Section 9. Enforcement

- A. Sanctions: Any person, whether as principal or agent, who violates this Ordinance or assists or abets its violation, shall upon conviction thereof, before magistrate, be sentenced to pay a fine of not less than fifty dollars (\$50), nor more than five hundred dollars (\$600), together with the costs of prosecution, and in default of the payment of said fine and costs, shall be committed to the Centre County Prison for a period not exceeding thirty (30) days. Each violation shall constitute a separate offense, for which a summary conviction may be sought;
- B. Equitable & Other Remedies: No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies;
- C. Liability: The Township of Spring and its agents, officials, and representatives, shall not, under any circumstances, be liable or responsible for damages

caused by any person or property by reason of the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof;

Section 10. Severability

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein;

Section 11. Repealer


All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of the Ordinance hereby adopted are hereby repealed;

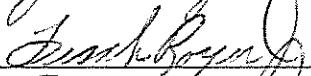
Ordained and enacted into an Ordinance at a regular meeting of the board of supervisors of this Township of Spring, Centre County, Pennsylvania this the 2nd day of February, 1998. This ordinance shall become effective five (5) days after its adoption.

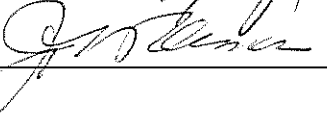
Spring Township Board of Supervisors

Attest



 Chairman

 Vice Chairman

 Secretary
