

TOWNSHIP OF WASHINGTON  
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 159

AN ORDINANCE

OF THE BOARD OF SUPERVISORS OF WASHINGTON  
TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA,  
RESTRICTING OPEN BURNING DURING DRY WEATHER  
CONDITIONS.

**WHEREAS**, during periods of dry weather conditions, the Board of Supervisors would like to minimize the hazards that open burning may cause to the health, welfare and safety of the citizens of Washington Township and their property; and

**WHEREAS**, the Second Class Township Code Act of May 1, 1933 (P.L. 103, No. 69) reenacted and amended November 9, 1995, (P.L. 350, No. 60) as amended, provides for the adoption of ordinances to protect the health, welfare and safety of the citizens of Washington Township;

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, and it is hereby enacted and ordained by the same as follows:

SECTION 1. TITLE

This ordinance shall be known as the Washington Township Open Burning Ban Ordinance.

SECTION 2. PURPOSE

The purpose of this ordinance is to provide guidance and limitations on open burning within Washington Township during periods of dry weather conditions when such burning may be hazardous to the health, welfare, safety and property of the citizens of Washington Township.

SECTION 3. DEFINITIONS

Unless the context specifically and clearly indicates to the contrary, the meaning of the terms used in this ordinance shall be as follows:

- A. BOARD shall mean the Board of Supervisors of Washington Township.
- B. FURNACE shall have reference to any enclosed device specifically designed for the burning of any material for the production of heat.

- C. INCINERATOR shall have reference to any device specifically designed for the destruction of burning of refuse, sewage sludge or any other combustible material within an enclosed container.
- D. EMERGENCY MANAGEMENT COORDINATOR - The Emergency Management Coordinator or assistant Emergency Management Coordinator (in the Emergency Management Coordinator's absence) appointed by the Washington Township Supervisors for Washington Township.
- E. FIRE CHIEFS - The Fire Chief of the Blue Ridge Mountain Fire & Rescue Squad and the Waynesboro Fire Department.
- F. OPEN BURNING OR OPEN FIRE - Ignition and subsequent burning of any combustible material out-of-doors in either a burn barrel (screened or unscreened), fire rings, or on the ground. The use of propane or gas stoves, charcoal grills, burning in a furnace or incinerator, or use of tobacco in any form is not covered under this definition.
- G. PERSON shall be 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.
- H. TOWNSHIP MANAGER - The Manager of Washington Township appointed by the Washington Township Supervisors at their reorganization meeting annually.

#### SECTION 4. AUTHORITY TO BAN OPEN BURNING

During dry weather conditions in which open burning could be hazardous to the health, welfare and safety of the citizens of Washington Township and their property, the Township Manager or the Chairman of the Board of Supervisors in his absence, after consulting with the Fire Chiefs or their representative and receiving a favorable recommendation for an open burning ban from the Township's Emergency Management Coordinator, may declare an open burning ban in Washington Township effective twenty-four (24) hours after public notice is provided in a newspaper of general circulation within Washington Township and by posting notice of the decision at the Washington Township Municipal office building. When a ban on open burning is declared, all open burning within the Township shall be prohibited until such time as the open burning ban is terminated.

When it is determined that the dry weather condition no longer exists, the Township Manager or the Chairman of the Board of Supervisors in his absence shall publish a notice in a newspaper of general circulation within Washington Township and shall post notice at the Washington Township Municipal office building that the ban on open burning has been terminated.

The Township Manager or the Chairman of the Board of Supervisors in his absence shall notify the Washington Township Board of Supervisors of the decision to declare an open burning ban and when the ban is terminated at their next regular scheduled meeting.

#### SECTION 5. BURNING RESTRICTIONS

During periods when the open burning ban is in effect, no person shall start or maintain an OPEN FIRE for any purpose without the approval of the Township. Approval of the Township may be obtained by written application to the Township setting forth what is to be burned, the location of the proposed open burning, safeguards to insure that the burning will be properly contained and the availability of usable water supply in the vicinity of the burn to terminate the burn and to prevent its unintended spread. In the event permission is granted in response to any such application, the applicant shall be solely responsible for any damage that might be caused as a result of the burning activity.

#### SECTION 6. PENALTIES

Any person who violates any provisions of this ordinance, upon conviction thereof by summary proceedings, may be sentenced to pay a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1000.00) and/or may be imprisoned for a term not exceeding thirty (30) days. Each day or a portion thereof that such a violation continues shall constitute a separate offense. Prosecution shall be before a district justice in the manner provided for the enforcement of summary offenses for the Pennsylvania Rules of Criminal Procedure.

#### SECTION 7. ABATEMENT OF NUISANCES

In addition to any other remedies provided in this ordinance, any violation hereof shall constitute a nuisance and may be abated by Washington Township either by seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of common jurisdiction.

#### SECTION 8. REPEAL

All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith, shall be and they are hereby repealed.

#### SECTION 9. SEVERABILITY

If any provision of this ordinance is for any reason to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect nor impair any of the remaining provisions hereof and is hereby declared to be the intent of the Board that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision not have been included therein.

## SECTION 10. EFFECTIVE DATE

This ordinance shall take effect five (5) days after its enactment.

**DULY ENACTED AND ORDAINED** this 4<sup>th</sup> day of September 2002, by the Board of Supervisors of Washington Township, Franklin County, Pennsylvania, in lawful session duly assembled.

**WASHINGTON TOWNSHIP  
BOARD OF SUPERVISORS**

**ATTEST:**

BY *Karen S. Hargrave*  
Karen S. Hargrave, Secretary

BY *Paul G. Benchoff*  
Paul G. Benchoff, Chairman

**Certificate of Adoption**

I, Karen S. Hargrave, Secretary of the Board of Supervisors, Washington Township, Franklin County, Pennsylvania, do certify that the foregoing is true and correct copy of an ordinance adopted at a regular meeting of the Washington Township Supervisors held September 4, 2002, in a regular session duly assembled.

*Karen S. Hargrave*  
Karen S. Hargrave, Secretary

Date: September 4, 2002