

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 187

AN ORDINANCE

**OF THE BOARD OF SUPERVISORS OF WASHINGTON
TOWNSHIP, FRANKLIN COUNTY, PENNSYLVANIA,
ESTABLISHING A CURBSIDE LEAF AND BRUSH
RECYCLING PROGRAM AND PROHIBITING THE BURNING
OF RECYCLABLE AND OTHER ITEMS.**

WHEREAS, the Board of Supervisors adopted Ordinance No. 125 on June 1, 1992, which provided for the Township's recycling program pursuant to the Municipal Waste Planning, Recycling and Waste Reduction Act, the Act of July 28, 1988, PL. 556, No. 101, as amended; and

WHEREAS, the Pennsylvania Department of Protections is now requiring municipalities to provide leaf and brush curbside recycling programs and prohibiting the burning of recyclable items; and

WHEREAS, the Board of Supervisors deems it in the best interest of the Township to provide these programs.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Washington, Franklin County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS

1. Backyard Composting – The gathering of onsite yard waste for composting in the rear yard of the property with the completed composted yard waste being utilized as a compost or mulch onsite.
2. Brush – Shall include bushes, shrubs, thickets, tree trimmings, hedge trimmings, and small trees.
3. Composting Facility – A facility that is used to compost leaf waste, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The facility shall be either public or privately owned and be permitted by DEP.

- 4. Clearing and Grubbing Waste – Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition waste and dirt-laden roots.
- 5. Demolition and Construction Waste – Lumber, roofing material, sheathing, plaster, conduit, pipes, wire, insulation, and other materials that result from a construction, demolition, or remodeling at the project site.
- 6. Person – Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution or agency, or any other legal entity whatsoever which is recognized by law as the subject of specific rights and duties.
- 7. Recyclable Items – Shall include glass bottles; bimetal, aluminum, and steel cans; plastic containers, numbers 1 and 2; newspaper; cardboard.
- 8. Yard Waste – Leaves, grass clippings, garden residue, trees, tree trimmings, clipped shrubbery, and other vegetative materials.

SECTION 2. BURNING PROHIBITION

It shall be unlawful for any person to burn any brush, demolition and construction waste, recyclable items, and yard waste in Washington Township except as provided in Section 3.

SECTION 3. EXCEPTIONS TO OPEN BURNING PROHIBITION

- 1. A fire set to prevent or abate a fire hazard, when approved by the Pennsylvania Department of Environmental Protection and set by or under the supervision of a public officer.
- 2. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Pennsylvania Department of Environmental Protection.
- 3. A fire set for the prevention and control of disease, pests, rats, snakes, bees, etc.
- 4. A fire set for agricultural management purposes on the premises of the agricultural operation.
- 5. A fire set for the purpose of burning clearing and grubbing waste for construction.
- 6. A fire set solely for recreational or ceremonial purposes.
- 7. A fire set solely for cooking food.

8. A fire set for conservation practices and protection, which includes storm damage cleanup and stream cleaning.

a. Fires set for this purpose shall be located one hundred feet (100') or more from any buildings or structures. Materials to be burned shall originate from the same property except stream cleanup materials, which may have floated to the site.

9. A fire set to keep persons warm at a building construction site, public gathering or other outdoor function shall be containerized and only wood may be burned.

SECTION 4. CURBSIDE COLLECTION OF CERTAIN WASTES

1. Washington Township will establish a curbside leaf collection pickup program by resolution.

2. Washington Township will establish a tree trimming and brush curbside pickup program by resolution.

SECTION 5. VIOLATION AND PENALTY

Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution, or, in default of payment of such fines and costs, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days. Provided: each violation of any provision of this Ordinance and each day the same is continued shall be deemed a separate offense. For purpose of this section, the doing of any act or thing prohibited by any provision of this Ordinance, or the failure to do any act or thing as to which any provision of this Ordinance creates an affirmative duty, shall constitute a violation of this Ordinance, punishable as herein stated.

SECTION 6. SEVERABILITY

In the event any of the provisions of this Ordinance is declared unconstitutional, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but such shall continue in full force and effect though the unconstitutional, unlawful, or unenforceable provision had never been a part hereof.

SECTION 7. CONSTRUCTION

The various headings used throughout this Ordinance are intended only as an aid in its organization, in order to facilitate ease of reading, and are not to be considered a substantive part of this Ordinance. In this Ordinance, unless the context

clearly indicates otherwise, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and neuter.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the 1st day of September 2005.

DULY ENACTED AND ORDAINED this 15th day of August 2005, by the Board of Supervisors of Washington Township in public session duly assembled.

Attest:

**TOWNSHIP OF WASHINGTON
FRANKLIN COUNTY, PENNSYLVANIA**

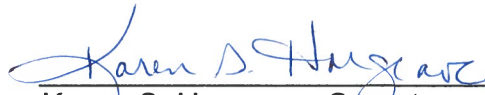


Karen S. Hargrave, Secretary



Arthur T. Cordell, Chairman

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 August 15, 2005, in a regular session duly assembled.



Karen S. Hargrave, Secretary

Date: August 15, 2005