

ORDINANCE NO. 3-1991

**MODEL AIR POLLUTION CONTROL ORDINANCE  
(Open Burning)**

An Ordinance of Jefferson Township, Fayette County, Commonwealth of Pennsylvania for the prevention and control of air pollution and outdoor burning. This Ordinance shall be known and may be cited as the Jefferson Township Air Pollution and Open Burning Control Ordinance of 1991.

WHEREAS the Supervisors of Jefferson Township have determined that open fires may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Jefferson Township, it is hereby declared to be the policy of Jefferson Township to safeguard the citizens of Jefferson Township from such open fires.

**SECTION III. 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:

- (1) **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.

- (2) COUNCIL-BOARD - Borough Council, Township board of Supervisors.
- (3) GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- (4) RUBBISH - Solids not considered to be highly flammable including but not limited to wood, tree branches, yard trimmings and other similar materials.
- (5) 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 however that trade waste shall not include any coal refuse associated with the mining or preparation of coal.
- (6) REFUSE - Garbage, rubbish and trade waste.

- (7) **PLASTICS** - Any domestic related plastic products, or materials containing plastics, styrofoam, foam rubber, tires, rubber products, paints, solvents, lacquers, varnishes, epoxies and resins.
- (8) **SALVAGE OPERATION** - Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.
- (9) **FURNACE** - Any enclosed device specifically designed for the burning of any material for the production of heat.
- (10) **INCINERATOR** - Any device specifically designed for the destruction by burning refuse, sewage sludge or any other combustible material.
- (11) **OPEN FIRE** - A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

#### **SECTION IV. Enforcement**

The fire chief for each designated area shall have the power and duty to enforce the provisions of this Ordinance.

**SECTION V. Regulations**

No person or persons shall set or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in Jefferson Township, or burn or cause to burn thereon any paper, boxes, rubbish, garbage or other materials or substance of any kind. Furthermore, no person or persons shall ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public place, outside of any building or cause, suffer, allow or permit the maintenance of any open for the destruction of refuse or the conduct of a salvage operation on any property under his control outside of any building except in the following circumstances:

a) Open fires maybe set upon private property in Jefferson Township between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. The outdoor fires shall be limited to combustible materials as papers, boxes, leaves but shall not include non-combustible materials and rubbish, trash, garbage, rubber or any material that will, on burning, cause unreasonable smoke or unreasonable odors. b) No such fires shall be closer then 25 feet from any building or from any adjoining property line. c) There shall be an adult present at all times during the burning of aforesaid fires. d) Open fires on property zoned R-1 are from the day and time restrictions of this Ordinance, however, the prohibition against burning non-combustible materials and rubbish, trash, garbage, rubber or any other material that will, on burning, cause unreasonable smoke or unreasonable odors shall be applied to restrict such outdoor

fires. Such fires shall not be closer to 25 feet from any building or any adjoining property line and an adult shall be present at all times during the burning of the aforesaid fires.

**SECTION VI. Penalties**

Any person violating any of the provisions of this Ordinance shall upon the conviction thereof by any justice of the peace or magistrate be sentenced to pay a fine of not less than \$25.00 nor more than \$100.00 together with the costs for the first violation and not less than \$50.00 nor more than \$200.00, together with costs for the second and subsequent violations. Each day a violation exist shall constitute a separate offense. In default in the payment of any fine, the Defendant shall be sentenced to jail for a period not exceeding 30 days.

**SECTION VII. Validity**

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not effect or impair the remaining sections, clauses, sentences, parts or provisions of this Ordinance. This is hereby declared to be the intent of the Jefferson Township Supervisors that this Ordinance would have been adopted if such illegal, invalid or

unconstitutional section, clause, sentence, part or provision had not been included herein.

**SECTION VIII. Effective Date**

This Ordinance shall become effective on the 19th day of November, 1991.

JEFFERSON TOWNSHIP

By Arnold Redman (SEAL)

By Larry Stuchelger (SEAL)

By Michael T. O'Leary (SEAL)

ATTEST:

Deborah M. Swift  
(Secretary)