

**AN ORDINANCE REGULATING OPEN BURNING OF COMBUSTIBLE  
MATERIALS**

**THE BOARD OF SUPERVISORS OF FRANKLIN TOWNSHIP HEREBY  
ENACTS, AS FOLLOWS:**

Title. This Ordinance shall be known and may be cited as "The Franklin Township Open Burning Ordinance of 2002."

Policy. Whereas, the Supervisors of Franklin Township having determined that an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of citizens of Franklin Township, it is hereby declared to be the policy of Franklin Township to safeguard the citizens of Franklin Township from such problem.

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:

BOARD – Franklin Township Board of Supervisors.

FURNACE – any enclosed devise specifically designed for the burning of any material for the production of heat.

GARBAGE – all putrescible animal and vegetable matter resulting from the handling, preparation, cooking consumption and storage of food, and generally considered as solid household waste as generated in a typical household on a daily basis.

INCINERATOR – any device specifically designed for the destruction by burning of refuse, sewage, sludge or any other combustible material, and which is constructed of a non-combustible material and is equipped with a spark-arresting cover.

OPEN FIRE – a fire in which any material is burned in the open 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.

RUBBISH – solids not considered to be highly flammable or explosive, including, but not limited to, wood, paper, tree branches, tree leaves, yard trimmings and including "brush", which is branches, leaves and parts of vegetative or woody matter.

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.

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.

Enforcement. The Board or its other duly authorized agent, shall have the power and duty to enforce the provisions of this Ordinance.

Regulation. No person shall:

1. Ignite or feed an open fire for the destruction of materials in the conduct of a salvage operation or trade waste in any public or private place outside of a building.
2. Burn garbage in any place at any time.
3. Burn hazardous or like matter, including, but not limited to, any petroleum, hydrocarbon, plastic, or chemical matter, *not normally considered as generated by the average household on a daily basis.*
4. Cause, suffer, allow or permit the maintenance of any open fire for the destruction by open fire, of rubbish on any property under his control outside of any building, except on holidays, Saturdays and Sundays between the hours of 8:00 a.m. and 8:00 p.m., and on weekdays between the hours of 4:00 p.m. and 8:00 p.m., at which concluding time, such fire shall be completely extinguished and free of flame and smoke. Such open burning shall be confined at all times to a furnace or incinerator.

Exceptions.

1. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
  - A. The prevention of a fire hazard which cannot be abated by other means, or
  - B. The protection of public health.
2. Open fires may be conducted only with prior notice to the applicable Communications Center serving Franklin Township, as follows:
  - A. Rubbish is to be burned; and
  - B. There is no practical available alternate method for the disposal of the material to be burned; and
  - C. Open burning must be actively supervised in the presence of an adult, and adequate fire suppression materials must be readily available throughout the period of open flame and smoke.

Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues shall be found to have been violated shall constitute a separate offense.

Effective Date. This Ordinance shall become effective in accordance with law.

Savings Clause. The provisions of this Ordinance, so far as it is the same as those ordinances and regulations in force immediately prior to the adoption of this ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations except as otherwise provided by law.

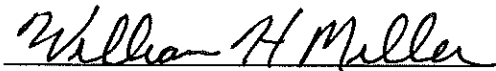
Severability of Parts of Ordinance. It is hereby declared to be the intention of the Board of Supervisors that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competence jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.


ENACTED AND ORDAINED THIS 6<sup>th</sup> DAY OF May, 2002,  
BY THE FRANKLIN TOWNSHIP BOARD OF SUPERVISORS.

ATTEST:

FRANKLIN TOWNSHIP BOARD  
OF SUPERVISORS

  
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SECRETARY

  
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SUPERVISOR

  
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SUPERVISOR

  
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SUPERVISOR