

Part 1
Open Burning

§101. Statement of Purpose. The Board of Supervisors of Providence Township, being concerned that unregulated open burning within the Township will constitute a danger to the health, safety and welfare of the Township's citizens, do hereby find it necessary to enact an Ordinance to regulate open burning within the Township. (Ord. 88-10, 12/5/1988, §101)

§102. Definitions. For the purposes of this Part, the following terms shall have the following definitions:

FURNACE - any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewage, sludge or any other combustible material.

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, corporation, department, bureau, agency or other legal entity.

REFUSE - garbage, rubbish and trade waste.

RUBBISH - solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

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; provided, that "trade waste" shall not include any coal refuse association with the mining or preparation of coal.

(Ord. 88-10, 12/5/1988, §102)

§103. Enforcement. The Board of Supervisors of Providence Township shall have the power and duty to enforce the provisions of this Part. (Ord. 88-10, 12/5/1988, §103)

§104. Regulations. Except as provided in §105, no person within Providence Township shall:

1. Ignite or feed any open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building; or,

2. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.

3. Notwithstanding anything herein to the contrary, any person setting an open fire shall be responsible for complying with all governmental regulations, if any, including those of the Commonwealth of Pennsylvania, relating to open burning. Nothing in this Part shall impose any responsibility on the Board of Supervisors to determine a person's compliance with any other governmental regulations other than those of Providence Township.

(Ord. 88-10, 12/5/1988, §104)

§105. Exceptions. The following exceptions shall apply for open fires within Providence Township:

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 set by citizens of Providence Township providing that there shall be compliance with all of the following conditions:

A. Only leaves, branches and other non-putrescible vegetable matter are burned.

B. No hazardous or objectionable condition will be created by such burning.

C. All burning shall be done in a flame-proof container or in an area where the risk of the spreading of the fire shall be eliminated.

D. No such burning shall occur on any street or sidewalk within the Township.

E. All such burning shall take place between the hours of 8:00 a.m. and 8:00 p.m.

3. Open fires for reasons other than those set forth in §105(1) and (2) shall be permitted only with the prior written approval of the Board of Supervisors.

(Ord. 88-10, 12/5/1988, §105)

§106. Power to Prohibit Open Burning. Notwithstanding anything in this Part to the contrary, the Board of Supervisors shall have the authority to prohibit open burning of any type on a temporary basis within Providence Township if the Supervisors shall determine that weather or other related conditions are such that burning will constitute a hazard to the citizens of the Township. (Ord. 88-10, 12/5/1988, §106)

§107. Penalties. Any person who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred (\$300.00) dollars and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 88-10, 12/5/1988, §107)