

WARREN TOWNSHIP

Ordinance No. 1 of 2023

**ORDINANCE ADOPTING THE OPEN BURNING
CHAPTER OF THE WARREN TOWNSHIP CODE**

WHEREAS, the Second Class Township Code provides for the adoption of ordinances to protect the health, safety, and welfare of the citizens of Warren Township and their property; and

WHEREAS, the Board of Supervisors of Warren Township has determined that it would be in the interest and welfare of the residents of Warren Township to revise the restrictions imposed on open burning in Warren Township as follows:

NOW, THEREFORE, by the authority of the Second Class Township Code, as amended, **BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Warren Township, Franklin County, Pennsylvania as follows:

I. Chapter 12 of the Warren Township Code is adopted as follows:

“Chapter 12, Open Burning

Article I Dry Weather Conditions

§ 12-1 Purpose

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

§ 12-2 Definitions

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

FURNACE

Any enclosed device specifically designed for the burning of any material for the production of heat

INCINERATOR

Any device specifically designed for the destruction of burning of refuse, sewage sludge or any other combustible material within an enclosed container

EMERGENCY MANAGEMENT COORDINATOR

The Emergency Management Coordinator (or, in their absence, the assistant Emergency Management Coordinator) appointed by the Warren Township Supervisors for Warren Township

FIRE CHIEF

The Fire Chief of the MMP&W Volunteer Fire & Ambulance Company, or the fire chief of any other fire department providing significant coverage to Warren Township

FIREWORKS

Any combustible or explosive composition, or any substance or combination of substances, which is intended to produce visible or audible effects through combustion, including ground and hand-held sparkling devices

OPEN BURNING/OPEN FIRE

The outdoor ignition and subsequent burning of any fireworks, or 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 included under this definition.

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

§ 12-3 Authority To Ban Open Burning

A. During dry weather conditions in which open burning could be hazardous to the health, welfare and safety of the citizens of Warren Township and their property, the Chairman of the Board of Supervisors shall consult with the Emergency Management Coordinator and a Fire Chief or their representative. Upon receiving a favorable recommendation for an open burning ban, the Chairman of the Board of Supervisors may declare an open burning ban in Warren Township.

B. The ban will become effective 24 hours after public notice is: (1) published in a newspaper of general circulation within Warren Township and (2) posted at the Warren Township Municipal office building.

C. 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, except to the extent allowed by state law.

D. When it is determined that the dry weather condition no longer exists, the Chairman of the Board of Supervisors shall publish a notice in a newspaper of general circulation within Warren Township and shall post notice at the Warren Township Municipal Building that the ban on open burning has been terminated.

E. The Warren Township Board of Supervisors shall be informed of the decisions to declare an open burning ban and to terminate the ban at their next regularly scheduled meeting.

§ 12-4 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, except to the extent allowed by state law. 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.

§ 12-5 Enforcement

This chapter may be enforced by any employee or agent of Warren Township, or by any agent of a fire company serving Warren Township. Any violation of this chapter shall constitute a summary offense. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. The minimum fine to be imposed is \$50 per day or portion thereof for a first offense; \$100 per day or portion thereof for a second offense and \$500 per day or portion thereof for each subsequent offense. The Magisterial District Judge may impose a fine of more than the minimum amounts set forth above.

§ 12-6 Abatement of Nuisances

In addition to constituting a summary offense, any violation of this chapter shall also constitute a nuisance and may be abated by Warren Township either by seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of appropriate jurisdiction, in addition to any other remedies.”

II. EFFECTIVENESS

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

III. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by any Court or competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such portion shall not affect the validity of the remaining portions hereof.

IV. REPEAL

This ordinance repeals the portions of any and all other resolutions and ordinances which are inconsistent with the terms of this ordinance. Any and all such provisions not inconsistent with this ordinance are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township. It is the intention of said Board of Supervisors that only such provisions as this ordinance expressly amends shall be deemed repealed, and only changed provisions in this ordinance shall be deemed to be enacted from the effective date of this ordinance.