

*COPY
WITH AMMENDMENT*

EXETER TOWNSHIP
ORDINANCE NO. 2-2008 OF 2008

Enacted On:

Effective On:

AN ORDINANCE REGULATING THE OUTDOOR BURNING OF REFUSE, RUBBISH, SOLID WASTE AND OTHER WASTE. PROVIDED FOR THE ENFORCEMENT OF THE ORDINANCE AND PROVIDED FOR PENALTIES FOR PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE FOR THE TOWNSHIP OF EXETER.

WHEREAS, The Supervisors of the Township of Exeter declare that it serves a public purpose and it is in the best interest of the Township of Exeter to enact an Ordinance regulating the burning of refuse, rubbish and other waste, and to provide for the enforcement thereof.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Exeter Township, Luzerne County, Pennsylvania as follows:

ARTICLE I: DEFINITION

- A. ASHES** – The residue remaining from the burning of wood, coal, or other combustible material.
- B. DISPOSAL** – Includes the storage, collection, or handling of refuse and/or garbage.
- C. GARBAGE** – The term garbage as herein used shall mean every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use cooking, dealing in, or storage of meat, fish, fruit, or vegetables.

D. HOUSEHOLD – A housing unit and shall include room, rooms, apartments, house, or houses when occupied or intended to be occupied as a living quarters with a kitchen or have cooking equipment within.

E. PERSON – Includes all natural persons, associations, partnerships, firms or corporations.

F. REFUSE – All solid wastes except body waste and shall include garbage, ashes, and refuse.

G. RESPONSIBLE AUTHORITY – The Exeter Township Police Department, as designated by the Exeter Township Board of Supervisors, shall be authorized and directed to implement and enforce the provisions of the Ordinance.

H. RUBBISH – The term rubbish as herein used shall mean waste material and refuse of every character collected or accumulated within the Township of Exeter, except garbage, and shall include by the way of enumeration but not by way of limitation grass, leaves, sticks, tree branches, stone, concrete, old boards, broken glass, used furniture or household appliances, tin cans, newspaper, paper, rags, miscellaneous plant growth or nonputrescible (i.e. not liable to undergo bacterial decomposition when in contact with air or moisture at ordinary temperatures) solid wastes, or any other organic substance subject to fermentation and decay, excelsior, cartons, old clothes and shoes, straw, lawn trimmings, baskets, furniture, and other waste materials with will result from ordinary conduct of house cleaning.

I. SOLID WASTE – Garbage, refuse, construction and demolition waste, industrial or office waste and other material, including solid, liquid, semisolid, or gaseous material resulting from the operation of residential, municipal, commercial, community services, or institutional establishments.

J. BURN CONTAINER – Noncombustible container or enclosure, enclosed on all sides with a bottom. Example – Steel barrel 50 – 55 gallon drum, or square steel container with three (3) feet wide and high dimensions maximum, or a masonry fire ring with four (4) foot diameter.

ARTICLE II: BURNING PERMITTED

SECTION 1: BURNING PERMITTED

The burning of allowable material in the Township of Exeter can be done from one (1) hour after sunrise until one (1) hour before sunset. All fires must be extinguished thoroughly with no smoldering. If weather conditions are not suitable, or any other condition exists, including, but not limited to, drought, high winds, County or State burn bans, temperature inversion, air stagnation, pollution alert, or Ozone Action Day has been declared, burning shall not be permitted. All burning must be compliant with all County, State, and Federal regulations, and the Township expects compliance with the stricter of said regulations. It is unlawful to burn construction waste. All fires must be attended and supervised by a competent person of at least sixteen (16) years of age, until the fire is extinguished and is cold.

SECTION 2: ALLOWABLE MATERIALS

Allowable material shall be paper, wood, dry leaves, dry branches, dry tree limbs, dry brush, and non-corrugated or non-recyclable cardboard. Allowable materials do not include any other type of garbage, refuse, rubbish, or solid waste as above defined or standing structures, treated wood, construction material, or tires. Hazardous substances include but are not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, solvents, nylons, PVC, ABS, polystyrene, urethane foam, synthetic fabrics, or any plastic materials.

SECTION 3: RESTRICTIONS

- A.** No person shall allow a fire to burn without being attended and supervised by a competent person of at least sixteen (16) years of age until fire is extinguished and is cold.
- B.** Fires in open burn piles shall be no larger than eighteen (18) square feet in area and must be attended and cleaned up in accordance with the provision herein. Only one (1) fire may be allowed to burn at a time.

C. Fires must be contained in a suitable non-combustible container with a suitable cover, such as a mesh screen ¼ inches or smaller, in accordance with the definition of burn container provisions herein.

D. No fires set in burn containers are allowed to burn within twenty five (25) feet from any building or property line, or any street or sidewalk of the Township of Exeter. Fires of land clearing wood, timber, and vegetation must not exceed thirty (30) feet in diameter by ten (10) feet high. Piles shall be located at least one hundred and fifty (150) feet from any combustibles, structure, or property boundary lines and fuel breaks exposing line must be around the burn pile.

E. It is unlawful for residents to burn any items that are collected or included within the Exeter Township Recyclable Center, with the exception of “unrecyclable paper products.”

SECTION 4: AUTHORITY OF POLICE DEPARTMENT

The Exeter Township Police Department is hereby authorized to be the Responsible Authority. They are to enforce the provisions of this Ordinance, and to issue citations and fines hereunder. In the discharge of such duty, the Responsible Authority may enter upon any private lane, vacant lot, backyard, or any other portion of the private property of any person or household within the Township of Exeter.

SECTION 5: LIABILITY OF OWNER OR OCCUPANT

Any person within the Township of Exeter who burns, and any property owner in the Township of Exeter who allows burning on their property, shall jointly and individually assume all liabilities for any property damages or impact to public health that may result from any burning.

SECTION 6: CLEAN UP OF BURN SITE REQUIRED

Any person who burns within the Township of Exeter, and any owner of property in the Township of Exeter who permits burning on their property, shall clean up and remove any and all residues or ash from burning within ten working days from the date of burning.

SECTION 7: PROHIBITED ACTIVITY

Within the Township of Exeter, no person shall:

- A. Ignite or feed an open fire for the destruction of garbage, rubbish, or refuse, or conduct in any type of salvage operation in any public or private place outside of any building, except as permitted by this Ordinance.
- B. Cause, suffer, allow, or permit the maintenance of any open fire for the destruction of garbage, refuse, or rubbish in the conduct of a salvage operation on any property under its control outside any building, except as permitted by this Ordinance.

SECTION 8: EXCEPTIONS

- A. Open fires may be set in performance of any official duty of any public officer or the Responsible Authority, if the fire is necessary for the prevention of a fire hazard which cannot be abated by other means or the protection of the public health.
- B. Camp fires, recreational or ceremonial, as long as the campfire is attended and cleaned up, and in compliance with the provisions of this Ordinance.
- C. Firefighter training.
- D. Fire extinguisher training.
- E. Does not apply to burning for purpose of generating heat in a stove, furnace, fireplace, or other heating devices within a building that is intended for human and/or animal habitation.

F. Does not apply to grilling, or cooking food using charcoal, wood, propane, or natural gas.

G. Does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene intended for heating, construction, or maintenance activities.

ARTICLE III: ENFORCEMENT

SECTION 1: FAILURE TO COMPLY

In the event any person engages in illegal burning under this provision of this Ordinance, The Exeter Township Police Department, and/or any Fire Chief, and/or Fire Marshall, and/or Township Fire Department shall notify said person in violation, and shall have the authority to immediately extinguish the fire.

SECTION 2: VIOLATIONS AND PENALTIES

A. Warning notice shall be given to first time violator stating that the person or property owner is in violation. The person or property owner must then correct the violation by immediately extinguishing the fire. Failure or refusal to immediately extinguish the fire shall result in citation being issued.

B. Failure or refusal by the violator to immediately extinguish a fire in violation of this Ordinance shall also result in the Fire Department having the authority to go upon private property to extinguish said fire. The violator shall pay costs which may include all expenses, direct or indirect, which the Fire Department has incurred in connection with the extinguishing of the fire.

C. Each subsequent starting, kindling, causing, or allowing of a new fire after a warning notice or citation has been issued, shall be considered a separate violation.

D. Any person that shall violate or fail to meet any of the provisions of the Ordinance, commits a summary offense and upon conviction before a Magisterial District Judge, or any court with proper jurisdiction, shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default thereof,

shall undergo imprisonment in the County Correctional Facility of not more than thirty (30) days.

ARTICLE IV: MISCELLANEOUS

SECTION 1: SEVERABILITY

Should any portion whatsoever of this Ordinance be held invalid or unenforceable for any reason by the courts of competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding, and such holding shall not affect the remaining portions hereof.

SECTION 2: INCONSISTENT ORDINANCE REPEALED

All Ordinances or parts of Ordinances inconsistent herewith are and the same are hereby repealed.

SECTION 3: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enacted by the Board of Supervisors of the Township of Exeter, Luzerne County, Pennsylvania.

SECTION 4: AMENDMENTS

The Board of Supervisors of the Township of Exeter may ,from time to time, amend this Ordinance according to law.

EXETER TOWNSHIP BOARD OF SUPERVISORS

R.R. #1 BOX 191 — WEST PITTSTON, PA 18643

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Exeter,
Luzerne County, Pennsylvania this day 3RD of NOVEMBER 2008.

Township of Exeter

By _____


ATTEST:

Mary Frances Martin

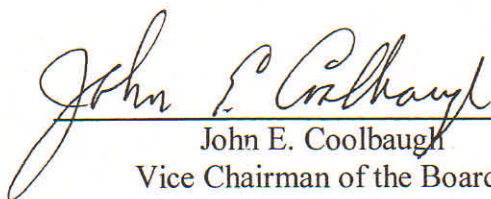
THE FOREGOING ORDINANCE is hereby approved by the Board of Supervisors
this day 3RD of NOVEMBER 2008.

EXETER TOWNSHIP BOARD OF SUPERVISORS

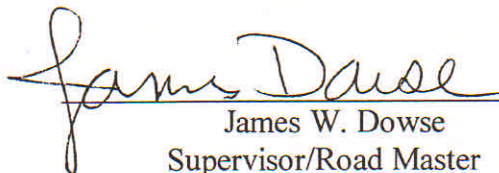
R.R. #1 BOX 191 — WEST PITSTON, PA 18643



Donald J. Hoffman
Chairman of the Board



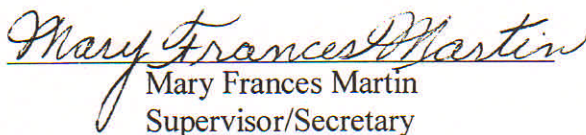
John E. Coolbaugh
Vice Chairman of the Board



James W. Dowse
Supervisor/Road Master



Richard E. Overman
Supervisor



Mary Frances Martin
Supervisor/Secretary

**AMENDMENT TO ARTICLE III, SECTION 2 OF
EXETER TOWNSHIP'S BURNING ORDINANCE**

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Board of Supervisors of Exeter Township, and it is hereby ORDAINED and ENACTED by the authority of same that Exeter Township's Burning Ordinance is hereby amended as follows:

Article III, Section 2

A. Notice shall be given to violator stating that the person or property owner is in violation. The person or property owner must then correct the violation by extinguishing the fire. Failure or refusal to extinguish the fire may result in citation being issued.

B. Failure or refusal by the violator to extinguish a fire in violation of this Ordinance shall also result in the Fire Department having the authority to go upon private property to extinguish said fire. The violator shall pay costs which may include all expenses, direct or indirect, which the Fire Department has incurred in connection with the extinguishing of the fire.

C. Each subsequent starting, kindling, causing, or allowing of a new fire after a notice or citation has been issued, shall be considered a separate violation.

Effective Date

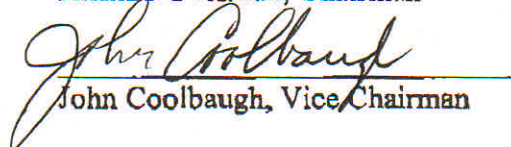
The provisions of this amendment shall become effective immediately upon enactment.

ORDAINED and ENACTED at a regular meeting of the Exeter Township Board of Supervisors held on June 7, 2010.

EXETER TOWNSHIP

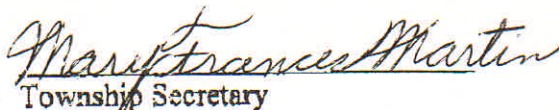


Richard Overman, Chairman



John Coolbaugh, Vice Chairman

Attest:


Township Secretary

June 7, 2010