

ORDINANCE NO 180

AN ORDINANCE AMENDING ORDINANCE 89 OF THE CODE OF THE TOWNSHIP OF RUSH, REGULATING AND RESTRICTING OPEN BURNING IN THE TOWNSHIP OF RUSH, SCHUYLKILL COUNTY, PENNSYLVANIA

The Board of Supervisors of Rush Township desires to amend Ordinance 89 of the Code of Rush to provide regulation of the open burning of domestic refuse, leaf waste, and yard waste material within Rush Township to protect and preserve the health, safety, welfare and quality of life of both residents and the general public.

1. PURPOSE

It is against public policy to permit uncontrolled, unrestricted outdoor burning. The purpose of this Ordinance is to prevent needless public damage to life and outdoor property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and improperly maintained.

2. DEFINITIONS

For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed to them herein:

- A) Air Basin – A geographic area of this Commonwealth. Pursuant to 25 PA Code 121.1
- B) Air Curtain Destructor – A mechanical device which forcefully protects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.
- C) Burning – The act of consuming by fire; to flame, char, scorch, or blaze. As used in this Ordinance smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.
- D) Contained Fire – Any fire contained in an incinerator, fireplace, cooking grill or other contained enclosure designed for outdoor cooking, or a fireproof container.
- E) Domestic Refuse – Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two (2) families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.) furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, treated wood or similar materials.
- F) Leaf Waste – as defined in Act 101, as adopted and amended, includes leaves, garden residue, shrubbery and tree trimmings, and similar material, but not grass clippings.

- G) Grubbing Waste – Trees, shrubs and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition of waste and dirt laden roots.
- H) Open Burning – A fire, the air contaminants from which are emitted directly into outdoor atmosphere and not directed thereto through a flue.
- I) Person – Any individual, partnership, organization, association, agency, firm, estate or corporation, and any other legal or commercial entity.
- J) Responsible Adult – An individual eighteen (18) years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.
- K) Uncontained Fire – Any fire not included in the definition of a “Contained Fire.”
- L) Yard Waste – as defined in Act 101, as adopted and amended, includes leaves, garden residue, shrubbery, tree trimmings, and grass clippings.

3. GENERAL LIMITATIONS ON BURNING

- A) Compliance with Ordinance – It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, of whatever nature, without complying with this ordinance.
- B) Exceptions – The following types of open burning are permitted so long as such burning is in compliance with the general prohibitions listed below.
 1. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection’s Bureau of Air Quality and set by or under the provision of a public officer.
 2. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection’s Bureau of Air Quality.
 3. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection’s Bureau of Air Quality.
 4. A fire set for the purpose of burning grubbing waste. An air curtain destructor must be used and must be approved by the Department of Environmental Protection’s Bureau of Air Quality.
 5. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.
 6. A fire set solely for cooking food.
 7. A fire set for recreational or ceremonial purposes.
- C. General Prohibitions – The below listed prohibitions shall apply throughout the Township and to incidents of open burning:

1. Domestic Refuse, Leaf Waste, and Yard Waste – No person shall set, start, feed, permit to burn, or maintain any fire using domestic refuse, recyclable materials, leaf waste and/or yard waste at any time.
2. Public Roads and Public Properties – No person shall set, start, feed, permit to burn, or maintain any fire upon any of the streets and/or rights-of-way, sideways, alleys, or public.
3. Control of Burning and Unattended Fires – No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire extinguishing apparatus. No fire shall be set that results in uncontrolled burning of vegetation (field fires).
4. Drought/Extreme Weather – No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on open burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmosphere conditions or local circumstances make such fires hazardous.
5. Notice – Prior to a planned cooking, recreational or ceremonial burn, a person must notify the Rush Township Police Department at (570) 668-4242.
6. Hours – No person shall burn or cause to be burned any material of any kind outdoors, anywhere in the Township of Rush between sunset and sunrise; excepting fires set solely for cooking food and those set for recreational or ceremonial purposes. Recreational fires must use natural, untreated wood and contain a fuel source of no more than eight (8) cubic feet.
7. Unlawful Substances – Burning of construction debris, plastics, byproducts of manufacturing and processing operations, wastes from commercial operations is strictly prohibited. Nothing herein shall be construed to permit or encourage the burning of any substances determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance.
8. Total Prohibition – No open burning of any sort shall be permitted between the hours of 1 a.m. and 5:00 p.m.