

ORDINANCE NO. 1-1999
SHENANGO TOWNSHIP, LAWRENCE
COUNTY, PENNSYLVANIA

AN ORDINANCE ADOPTING REQUIREMENTS AND PROHIBITIONS FOR OPEN BURNING PURSUANT TO STANDARDS REQUIRED BY THE ENVIRONMENTAL PROTECTION AGENCY FOR THE UPPER BEAVER VALLEY AIR BASIN AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED, by the Board of Supervisors of Shenango Township, a municipal corporation, situate in the County of Lawrence, and Commonwealth of Pennsylvania, AND IT IS HEREBY ORDAINED:

SECTION 1. This Ordinance shall be known and may be cited as the "Open Burning Ordinance of the Township of Shenango, Ordinance No. 1-1999".

SECTION 2. That for the protection of life and property of the Township residents, and pursuant to the requirements of the Environmental Protection Agency and standards adopted for open burning by said agency for communities in the air basin, known as Upper Beaver Valley Air Basin, the Township hereby adopts regulations restricting and prohibiting open burning, except as may be allowed pursuant to said regulations, specifically Section 129.14 of the Environmental Protection Standards for open burning operations.

and when the refuse results from the normal occupancy of the structure.

(6) A fire set solely for recreational or ceremonial purpose.

(7) A fire set solely for cooking food.

(d) Clearing and grubbing wastes. The following is applicable to clearing and grubbing wastes:

(1) As used in this subsection the following terms shall have the following meanings:

Air curtain destructor - A mechanical devise which forcefully projects 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.

Clearing and grubbing wastes - 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 wastes and dirt laden roots.

(2) Subsection (a) notwithstanding, clearing and grubbing wastes may be burned in a basin subject to the following requirements:

(i) Air curtain destructors shall be used when burning clearing and grubbing wastes.

(ii) Each proposed use of air curtain destructors shall be reviewed and approved by the Department in writing with respect to equipment arrangement, design and existing environmental conditions prior to commencement of burning. Proposals approved under this subparagraph need not obtain plan approval or operating permits under Chapter 127 (relating to construction, modification, reactivation and operation of sources).

(iii) Approval for use of an air curtain destructor at one site may be granted for a specified period not to exceed 3 months, but may be extended for additional limited periods upon further approval by the Department.

SECTION 3. The specific requirements and standards and prohibitions for open burning are set forth as follows:

Section 129.14 Open burning operations.

(a) Air basins. No person may permit the open burning of material in an air basin.

(b) Outside of air basins. No person may permit the open burning of material in an area outside of air basins in a manner that:

(1) The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted.

(2) Malodorous air contaminants from the open burning are detectable outside the property of the person on whose land the open burning is being conducted.

(3) The emissions interfere with the reasonable enjoyment of life or property.

(4) The emissions cause damage to vegetation or property.

(5) The emissions are or may be deleterious to human or animal health.

(c) Exceptions. The requirements of subsections (a) and (b) do not apply where the open burning operations result from:

(1) A fire set to prevent or abate a fire hazard, when approved by the Department and set by or under the supervision of a public officer.

(2) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department.

(3) A fire set for the prevention and control of disease or pests, when approved by the Department.

(4) A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

(5) A fire set for the purpose of burning domestic refuse, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less

(iv) The Department reserves the right to rescind approval granted if a determination by the Department indicates that an air pollution problem exists.

(3) Subsection (b) notwithstanding clearing and grubbing wastes may be burned outside of an air basin, subject to the following limitations:

(i) Upon receipt of a complaint or determination by the Department that an air pollution problem exists, the Department may order that the open burning cease or comply with subsection (b).

(ii) Authorization for open burning under this paragraph does not apply to clearing and grubbing wastes transported outside of an air basin.

(4) During an air pollution episode, open burning is limited by Chapter 137 (relating to air pollution episodes) and shall cease as specified in that chapter.

SECTION 4. Repeal of inconsistent ordinances and provisions. Section 11 and Section 12 of Ordinance No. 1-1987 of Shenango Township, Lawrence County, Pennsylvania, are specifically repealed in addition, to any inconsistent sections of Ordinance No. 8-1986 or any other inconsistent sections of Ordinance No. 1-1987 of the Township of Shenango.

SECTION 5. Fines and Penalties for Violation. Any person who shall violate any section of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not more than \$300.00 for each violation thereof and/or shall undergo imprisonment for a period not to exceed 30 days.

The imposition of a fine or penalty for the violation of the provisions of this Ordinance shall not permit the continuance of such violation.

SECTION 6. The provisions of this Ordinance shall be severable, and if any provision thereof shall be held to be unconstitutional, invalid or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or illegal provisions not been included therein.

SECTION 7. This Ordinance shall become effective immediately upon its enactment.

ORDAINED AND ENACTED into an Ordinance by the Board of Supervisors of the Township of Shenango, Lawrence County, Pennsylvania, on this 17th day of June, 1999.

TOWNSHIP OF SHENANGO
LAWRENCE COUNTY, PENNSYLVANIA

BY *Richard G. Jakubowski*
Chairman

ATTEST:

Brian D. Tanner

BY *Andrew Piccirilli*
Supervisor

BY *Richard A. Kara*
Supervisor