

ORDINANCE NO. 1-12-91

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN RESTRICTING OPEN FIRES AND BURNING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS AND DEFINITIONS, DESIGNATING AN ENFORCEMENT OFFICER AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Township of Franklin hereby ordains:

Section 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

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.

BOARD OF SUPERVISORS - the Board of Supervisors of the Township of Franklin.

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 associated with the mining or preparation of coal.

Section 2. Regulations. Within the Franklin Township limits, no person shall:

1. ignite or feed an 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.

Section 3. Exceptions. Subject to the following exceptions:

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 with approval of the authorized Code Enforcement Officer of this Ordinance; provided,
 - A. leaves, branches and other non-putrescible vegetable matter only are burned,
 - B. there is no practical available alternative method for disposal of the material to be burned,
 - C. no hazardous or other objectionable condition will be created by such burning,
 - D. no such burning is allowed on any street or sidewalk with Franklin Township, and

E. all such burning takes place between the hours of 9:00 A.M. and 9:00 P.M. E.D.S.T., and 9:00 A.M. and 5:00 P.M. E.S.T., Tuesday through Saturday. No burning shall be done on Sunday or Monday.

F. All fires must be tended at all times until the fire is out.

G. No such outside fire shall be kindled or maintained within fifteen (15) feet of any building or the opening of any building or within fifteen (15) feet of any property line or street line.

H. The burning of large brush piles or grass areas for the purpose of clearing land shall be permitted provided a Fire Department located within the Township is contacted in advance and advised of such plans so that the Fire Department may be aware of the location of said land and be able to stand by in case of emergency.

I. No person shall burn outdoors within any built up residential district of the Township of Franklin unless such fires are built in and confined to a non-combustible container, covered with a screen of one-half (1/2) inch or smaller mesh.

Section 4. Enforcement. The Board of Supervisors of Franklin Township shall appoint the Code Enforcement Officer who shall have the power to enforce the provisions of this Ordinance.

Section 5. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred and 00/100 (\$600.00) Dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 6. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

Section 7. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Franklin Township that this Ordinance would have been adopted had such unconstitutionality, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 8. Effective Date. This Ordinance shall become effective five (5) days after the date of this enactment.

ORDAINED AND ENACTED this 5 day of December, 1991.

FRANKLIN TOWNSHIP

BY: Melvin E. Lerch Jr.
Supervisor

George P. Boyk III
Supervisor

Richard K. Keta
Supervisor

ATTEST:

George P. Boyk III (SEAL)
Township Secretary