

**POCOPSON TOWNSHIP
ORDINANCE NO. 4 OF 2008**

AN ORDINANCE OF THE TOWNSHIP OF POCOPSON,
CHESTER COUNTY, PENNSYLVANIA AMENDING CERTAIN
SECTIONS OF CHAPTER 35 OF THE TOWNSHIP CODE,
BURNING, OPEN TO ADD AND AMEND DEFINITIONS AND
TO PROVIDE FOR AND AMEND BURNING RESTRICTIONS
AND PROHIBITIONS.

AND NOW this 24th day of November, 2008, it is hereby enacted and ordained by the Board of Supervisors of Pocopson Township, Chester County, Pennsylvania, that the Burning, Open Chapter of the Pocopson Township Code shall be amended as follows:

Section 1. §35-1, Definitions, is hereby amended by the addition of the following definitions to read as follows:

CONSTRUCTION DEBRIS — Waste materials generated independently of other municipal wastes from the construction, remodeling or repair of buildings or other structures which may include, but is not limited to, wood, plaster, metals, asphaltic substances, paint cans and insulating materials.

GARBAGE — All table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

HOUSEHOLD HAZARDOUS WASTE — Household products that contain corrosive, toxic, ignitable, or reactive ingredients are considered to be "household hazardous waste" or "HHW." HHW includes, but is not limited to cleaning, automotive, lawn and garden, and flammable products, workshop and painting supplies, pesticides, non-alkaline batteries, mercury thermostats and thermometers, and fluorescent lightbulbs. Additionally, HHW components exist in computers, air conditioners, and other electronic devices.

LEAF WASTE — Leaves, garden residues, twigs and similar materials, but not including grass clippings or chipped material.

MUNICIPAL WASTE — Any garbage, refuse, industrial lunchroom or office waste and other material, including, but not limited to, solid, liquid, semisolid or gaseous material, resulting from the operations of residential, municipal, commercial or institutional establishments and from community activities. It also includes any sludge not meeting the definition of residential or hazardous waste in the Solid Waste Management Act, of July 7, 1980, P.L. 380, No. 97, as amended, 35 P.S. § 6018.101 et seq., from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not

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include source-separated recyclable materials, leaf waste, chipped material, or household hazardous waste.

OPEN FIRE — Any fire not contained in an indoor or outdoor masonry or similar contained construction, fireplace or grill.

PERSON — Any individual, partnership, firm, association, public or private corporation whether for or not-for profit, institution, cooperative enterprise, trust, bureau or agency, or any other legal entity whatsoever which is recognized by law as a subject of rights and duties. In any provision of this chapter prescribing a fine, imprisonment or penalty or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or any other legal entity having officers and directors.

RECYCLABLE MATERIALS — Those materials specified by Pocopson Township for collection in accordance with this Code and recycling regulations which may be promulgated from time to time. Such material may include, but shall not be limited to food and beverage containers of aluminum, metal or bi-metal, clear and colored glass, marketable plastic, phone books, magazines, high grade office paper, mixed paper, newspaper, corrugated cardboard, and leaf waste. The list of recyclable materials may be changed from time to time by resolution of the Board of Supervisors of Pocopson Township. Said list is on file in the office of the Township Secretary.

RECREATIONAL FIRE — An outdoor contained fire fueled by wood, twigs, branches, or charcoal, but in no case municipal waste or recyclables, and which is used to cook food for human consumption.

Section 2. §35-1, Definitions, is hereby amended by amending the following definition to read as follows:

REASONABLE ATTORNEYS' FEES — All those attorneys' fees incurred by the Township in bringing an action to enforce this chapter and collect fines and penalties in connection therewith and shall be at that hourly rate annually approved by the Board for the Township Solicitor.

Section 3. Section 35-2, Burning restrictions and prohibitions, is deleted in its entirety and new Section 35-2, Burning restrictions and prohibitions, shall read as follows:

- A. Except for recreational fires, it shall be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything out-of-doors anywhere within the Township except during daylight hours.
- B. It shall be unlawful to burn or authorize (or, on one's own property, to permit) another to burn construction debris, garbage, household hazardous waste, municipal waste, recyclable materials, or leaf waste out-of-doors or indoors anywhere within the Township.

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- C. Fireplaces or grills which are constructed as part of a building or are intended for residential use on a patio or in a yard to cook food or burn wood for heat or recreation, and meet the requirements of the Township Building Code [See Ch. 53, Construction Codes, Uniform] when required, shall be exempt from the distance requirements in E(1) and E(2). Perforations, pits, openings or screening for venting of fireplaces or grills, shall be monitored so as to prohibit burning particles or ash from being dangerously discharged during use.
- D. Brush fires shall be permitted only as specifically reported in advance to the Nonemergency Dispatch line of 911 for Chester County or for emergency storm cleanup situations when specifically permitted by the Township Fire Marshal, and in all cases shall meet the requirements in E. below.
- E. It shall be unlawful to burn or authorize (or, on one's own property, to permit) another to burn brush or wood out-of-doors anywhere within the Township, unless the fire meets the terms of Subsections C or D above, and if it:
- (1) Is no less than fifty (50) feet with a preferred distance of one hundred (100) feet from any building or structure of any kind; and
 - (2) There is a cleared area, free of trees, shrubs and other combustible materials, at least fifteen (15) feet in radius surrounding the fire; and
 - (3) There is an adult as described in §35-3 monitoring;
 - (4) A connected hose or other ample water supply capable of extinguishing the fire is present; and
 - (5) In large areas such as fields or woods, adequate manpower and equipment are available to prevent its spread.
- F. It shall be unlawful to burn or authorize (or, on one's own property, to permit) another to burn:
- (1) Leaf waste;
 - (2) Municipal waste;
 - (3) Household hazardous waste;
 - (4) Construction debris;
 - (5) Rubber;
 - (6) Junked cars;
 - (7) Human and/or animal waste; or
 - (8) Recyclables, including all paper and cardboard products and packaging.
- G. It shall be unlawful to burn or authorize (or, on one's property, to permit) another to burn or to light any fire upon or within twenty (20) feet of a public road, sidewalk or curb, or within fifty (50) feet of a utility pole or utility equipment.
- H. It shall be unlawful to light or kindle a fire upon the land of another without the permission of the owner.
- I. It shall be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire, open, recreational or otherwise, when a ban on such fire

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has been publicly announced by the Township Supervisors or their authorized representative in a time of drought.

Section 4.

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 hereof. It is hereby declared the intent of the Pocopson Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

All Ordinances and Resolutions, or parts of Ordinances and Resolutions conflicting with any provisions of this Ordinance are hereby repealed.

This Ordinance shall become effective five (5) days after adoption.

ENACTED AND ORDAINED, this 24th day of November, 2008.

ATTEST:

BOARD OF SUPERVISORS OF
POCOPSON TOWNSHIP

Attest

Stephen R. Conary, Chairman

Georgia F. Brutscher, Vice Chairman

Lauressa J. McNemar, Member