



UPPER UWCHLAN TOWNSHIP  
Chester County, Pennsylvania

ORDINANCE NO. 2014-05

AN ORDINANCE AMENDING THE CODE OF UPPER UWCHLAN TOWNSHIP, ORDINANCE #06-01, CHAPTER 64 "OUTDOOR BURNING", BY REPLACING CHAPTER 64 IN ITS ENTIRETY WITH THE FOLLOWING:

#### **TITLE**

This Ordinance shall be known and may be cited as the Upper Uwchlan Township Open Burning Ordinance.

#### **DECLARATION**

It is hereby declared to be a matter of public health and safety to regulate the disposal of waste by open burning in the Township of Upper Uwchlan. It is further declared that the dangers of open fires, the air pollution from fires, and the management of waste removal and disposal necessitate regulation to protect the peace, good order, and welfare of the Township and the health and safety of its citizens.

#### **DEFINITIONS**

The following words, terms, and phrases, when used in this subchapter, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

1 Person: any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by law as the subject of rights and duties.

2 Refuse: all perishable animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food; any solid or liquid material which, when ignited, creates toxic or noxious fumes including, but not limited to, plastics, rubber, petrochemicals, furniture, carpets, rags, and old clothing; any waste not herein defined as yard waste or trade waste.

3 Township Manager: the manager of the Township of Upper Uwchlan or his/her authorized designee, which shall include the Code Enforcement Officer.

4 Trade Waste: all solid or liquid waste material resulting from construction, building operations, demolition, or the performance of any business, trade, or industry including, but not limited to, asphalt shingles, electric wiring, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders, processed wood, and other forms of solid and liquid waste materials, provided, however, that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

5 Leaves: leaves of trees, bushes, shrubs.

6 Waste: material discarded as worthless or of no use.

7 Yard Waste: waste resulting from the normal maintenance and upkeep of a yard or farm including, but not limited to, limbs, branches, bushes, garden plants, etc. Yard waste shall not include any fire set in conjunction with the production of agricultural commodities.

### **OPEN FIRES REGULATED**

It shall be unlawful for any person to ignite or feed an open fire except in accordance with the regulations set forth herein.

### **BURNING OF REFUSE, RECYCLABLES, COMPOSTABLE MATERIALS, AND TRADE WASTE PROHIBITED**

It shall be unlawful for any person to ignite or feed an open fire for the burning of refuse, recyclable materials, leaves or yard waste (compostable materials), trade waste, or any waste or recyclable generated in a residential, commercial, institutional, or industrial establishment.

### **EXCEPTIONS**

The following types of fires are excepted from the provisions of this Ordinance:

1 Fire solely for the cooking of food.

2 Campfires for warmth, fellowship, food preparation, or ceremonial purposes of private individuals or organizations such as Boy Scouts, Girl Scouts, etc.

3 Any fire set in conjunction with the production of agricultural commodities in their unprocessed or unmanufactured state on the premises of the farm operation. Examples include, but are not limited to, butchering, making apple butter, etc.

4 Fires set in the performance of an official duty by any fireman or public officer where the fire is for the prevention of a hazard which cannot be abated by other means; for the protection of health, safety, or welfare; for the purpose of instructing personnel in fire safety; or for other official purposes.

5 The Fire Marshal or his/her authorized designee may, when he/she determines that there is imminent or immediate danger to any person(s) or any property, buildings, structures or premises as a result of a fire, take any and all steps necessary, within the reasonable performance of his/her duties, to extinguish, mitigate and/or control that fire in order to preserve and protect the life, health, welfare or safety of any person(s) and to preserve and protect property, buildings, structures or premises.

### **PENALTIES**

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000) Dollars, together with costs of prosecution, and in default of such fine and costs to Imprisonment for a period not

exceeding thirty (30) days. Each day's continuance of a violation after notification shall constitute a separate offense.

**SEVERABILITY**

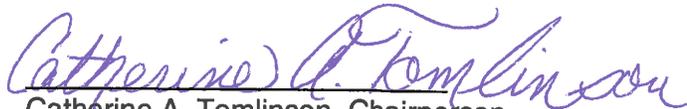
The provision of this Ordinance are severable, and if any section, clause, sentence, part, or provision shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the Intent of the Board that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

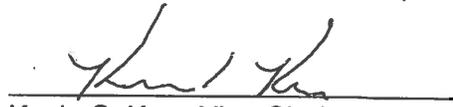
**EFFECTIVE DATE**

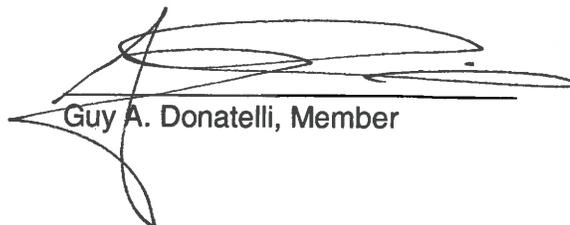
This ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED as an ordinance by the Township of Upper Uwchlan this 18<sup>th</sup> day of August, 2014.

**BOARD OF SUPERVISORS  
UPPER UWCHLAN TOWNSHIP**

  
Catherine A. Tomlinson, Chairperson

  
Kevin C. Kerr, Vice-Chairperson

  
Guy A. Donatelli, Member

Attest:

  
Gwen A. Jonik, Secretary

