

**Chapter 59**  
**BURNING, OPEN**

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**[HISTORY: Adopted by the Board of Supervisors of the Township of Scott 9-11-1990. Amendments noted where applicable.]**

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**§ 59-1. Definitions.**

As used in this chapter, 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.

**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, trade waste and recyclable paper.

**RUBBISH** — Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, 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.

**§ 59-2. Regulations.**

Within Scott Township's limits, no person shall:

- A. 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
- B. 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.

**§ 59-3. Exceptions.**

Subject to the following exceptions, open fires may be set:

- A. In the performance of an official duty of any public officer, if the fire is necessary for the prevention of a fire hazard which cannot be abated by other means or the protection of public health. The provisions of this chapter shall not apply to the use of barbecue grills, fireplaces, etc., for the purposes of food preparation.
- B.<sup>1</sup> With written approval of the Scott Township Code Enforcement Officer, provided that all of the following conditions are met:
  - (1) Tree branches and other nonputrescible vegetable matter only are burned.
  - (2) There is no practical available alternative method for disposal of the material to be burned.
  - (3) No hazardous or other objectionable condition will be created by such burning.
  - (4) No such burning is allowed on any street, right-of-way or sidewalk within Scott Township.
  - (5) All such burning takes place between the hours of 9:00 a.m. and 7:00 p.m.
  - (6) A permit is obtained prior to the burning. The cost of said permit shall be set by resolution of the Scott Township Board of Supervisors.

**§ 59-4. Applicability.**

The provisions of this chapter are not intended:

- A. To restrict the reasonable and safe burning by farmers on property in excess of ten (10) acres and used exclusively for agricultural purposes; or
- B. To restrict the reasonable and safe burning of nonrecyclable paper.

**§ 59-5. Enforcement.**

This chapter shall be enforced by the Scott Township Police Department.

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

**§ 59-6. Violations and penalties. [Amended 7-12-2005 by Ord. No. 7-12-05A]**

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and, in default of payment, to imprisonment for a term not to exceed 30 days. In addition, upon conviction thereof, any and all such persons shall thereafter be ineligible for the issuance of a permit or other approval by the Scott Township Code Enforcement Officer for any burning whatsoever as would otherwise be permitted under § 59-3B, above.