

**DELAWARE TOWNSHIP
MERCER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 12-2005

AN ORDINANCE OF DELAWARE TOWNSHIP, MERCER COUNTY, PENNSYLVANIA, DEFINING OPEN BURNING, PERMITTING SUPERVISED OPEN BURNING FOR DOMESTIC PURPOSES, DEFINING AND PERMITTING SUPERVISED RECREATIONAL BURNING, PROHIBITING OPEN BURNING AND RECREATIONAL BURNING OF CERTAIN MATERIALS, AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATIONS,

BE IT ENACTED AND ORDAINED by the Supervisors of Delaware Township, Mercer County, Pennsylvania, and it is hereby enacted and ordained by and with the authority of the same, pursuant to the Second Class Township Code, Act approved May 1, 1933, P.L. 103, as amended, as follows:

SECTION 1 – Short Title. This Ordinance shall be known and may be cited as the “Delaware Township Open Burning Ordinance.”

SECTION 2 – Definitions. As used in this Ordinance, the following terms shall have the meanings indicated below, unless a different meaning clearly appears from the context:

A. **Open burning.** Shall mean the burning of any material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

B. **Domestic purposes.** Shall mean any fire on property located within the Township where the material being burned was produced on the property where it is being burned such as yard clippings, brush, leaves, grass clippings, weeds, vegetable or garden debris produced from the property where the burning is taking place and/or paper products and trash produced as a result of consumption on the property where the burning is taking place.

C. **Person.** Shall include a natural person, firm, partnership, association, corporation, or other legal entity.

D. **Prohibited materials.** Shall mean tires and other materials that give off noxious odors and dense smoke.

E. **Recreational Burning.** Shall mean an outdoor fire primarily utilized to cook food for human consumption or for the enjoyment of a gathering of people such as a campfire.

F. **Township.** Shall mean Delaware Township, Mercer County, Pennsylvania.

SECTION 3 – Lawful Acts. Open burning for domestic purposes and recreational burning shall be permitted in the Township only under the following conditions:

A. No prohibited materials are burned.

B. An adult individual is present at all times on the property where the burning is taking place.

SECTION 4 – Prohibited Acts. The following acts shall be prohibited in the Township:

- A. Open burning for other than domestic purposes or recreational burning.
- B. Open burning of prohibited materials.
- C. Open burning and/or recreational burning where an adult individual is not present at all times on the property where the burning is occurring.

SECTION 5 – Penalties. Any person, firm, entity or corporation who shall violate any provision of this Ordinance shall be guilty of a summary offense and upon conviction thereof, be sentenced to a fine of not more than Three Hundred Dollars (\$300.00), and/or be sentenced to a term of imprisonment of up to ninety (90) days for each violation. Every day that a violation of this Ordinance continues shall constitute a separate offense.

This Ordinance may be enforced, in addition to any penalties set forth herein or provided for under the law, by the Township, in an action of equity in the Court of Common Pleas of Mercer County, Pennsylvania.

SECTION 6 – Remedies not Mutually Exclusive. The remedies provided herein for enforcement of this Ordinance, or any remedy provided by law, shall not be deemed exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

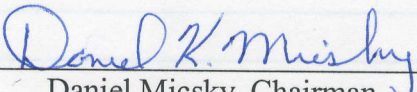
SECTION 7 – Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

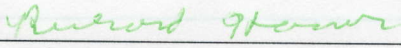
SECTION 8 – Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included herein.

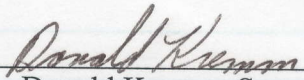
SECTION 9 – Effective Date. This Ordinance shall become effective five (5) days after its enactment.

This Ordinance No. ~~14~~2005, is hereby ADOPTED, ENACTED AND ORDAINED into Law, this 30th day of December, 2005, by the Board of Supervisors of Delaware Township, Mercer County, Pennsylvania.

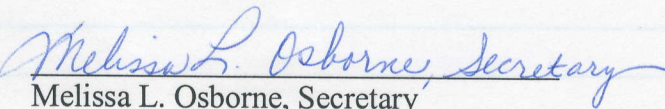
BOARD OF SUPERVISORS, DELAWARE
TOWNSHIP, MERCER COUNTY,
PENNSYLVANIA

By: 
Daniel Micsky, Chairman

By: 
Richard Hoover, Vice Chair

By: 
Donald Kremm, Supervisor

ATTEST:


Melissa L. Osborne, Secretary