

ORDINANCE NO. 11 – 2001

AN ORDINANCE OF THE TOWNSHIP OF STROUD, MONROE COUNTY, PENNSYLVANIA, PROVIDING FOR THE PREVENTION AND CONTROL OF AIR POLLUTION FROM OPEN BURNING AND FOR RELATED MATTERS, DEFINING CERTAIN TERMS USED THEREIN, SETTING FORTH VIOLATIONS, PROVIDING FOR ENFORCEMENT AND FIXING PENALTIES, AND REPEALING PREVIOUS ORDINANCE NO. 202

WHEREAS, the Stroud Township Supervisors desire to amend Ordinance No. 202, enacted on June 20, 1994, with respect to the regulation of air pollution and open burning within the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: **SHORT TITLE**

This Ordinance shall be known and may be cited as the "Stroud Township Air Pollution Control Ordinance",

SECTION 2: **POLICY**

A. Whereas pollution of the air is detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Stroud Township, it is hereby declared to be the policy of the Township of Stroud to safeguard the citizens of Stroud Township from air pollution.

B. All outdoor burning is hereby discouraged because of the adverse effects to the environment and the detrimental impact on the health, safety and general welfare of the populace.

SECTION 3: **DEFINITIONS**

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

BOARD – Board of Supervisors of Stroud Township, Monroe County, Pennsylvania.

FLUE – Any duct, passage, stack, chimney or conduit permitting air contaminants to be emitted into the open air.

OPENING BURNING – Any unenclosed fire wherein air contaminants, including smoke and/or odor, are emitted to the open air, and are not directed thereto through a flue.

PERSON – Any individual, partnership, association, syndicate, company, firm, trust, corporation, or other entity recognized by law as the subject of rights and duties, including any governmental agency.

GARBAGE – All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

ODOR – That property of a substance which affects the sense of smell.

RUBBISH – Solids not considered to be highly flammable or explosive, including, but not limited to, rags, old cloths, leather, carpet, wood excelsior, brush, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

TRADE WASTE – All solid or liquid material or rubbish resulting from construction, building operations, or the operation 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, however, that trade waste shall not include any coal refuse associated with mining or preparation of coal.

RECYCLABLES – Materials designated as recyclable in the Recycling Ordinance, or any amendment thereto, or required by the terms of the Recycling Ordinance, or any amendment thereto, or designated by Resolution of the Township Supervisors, to be kept separate from municipal waste and recycled, including leaf waste.

REFUSE – Garbage, rubbish, and trade waste.

SALVAGE OPERATIONS – Salvaging or reclaiming of any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

SMOKE – Extremely small solid particles produced by incomplete combustion or organic substances, and includes, but is not limited to, flue ash, cinders, tarry matters, unburned gases, soot or carbon and gaseous combustion products.

SECTION 4 **BURNING REGULATIONS**

A. No person shall conduct any open burning of refuse, or recyclables, including leaf waste, or any salvage operations.

Exceptions:

1. Any fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection, and when set by or under the supervision of a public officer;

2. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection;

3. Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection.

B. No person shall cause, suffer or permit any open burning operation whatsoever if said open burning operations is contrary to Section 129.14, Chapter 129, Title 25, of the Rules and Regulations of the Department of Environmental Protection, as amended.

C. No person shall in any manner hinder, delay, obstruct, resist, prevent, or in any way interfere with the Air Pollution Enforcement Officer or his assistants in the performance of their duties hereunder, or refuse such personnel, after proper identification, entrance at reasonable hours to any premises.

D. No person shall fail, neglect, or refuse to comply with any written abatement notice served on such person, either personally, or by registered or certified mail, issued by the Air Pollution Enforcement Officer. Such notice shall set forth in detail the alleged violation of this Ordinance and a time within which the violation is to be abated. Any person receiving such an abatement notice may obtain an extension of time to comply therewith by making application to and obtaining the approval of the Board.

E. Any outdoor burning which is allowed by this Ordinance shall only be permitted on Saturdays between the hours of 7:00 A.M. and 5:00 P.M.

SECTION 5: **STROUD TOWNSHIP AIR POLLUTION ENFORCEMENT OFFICER**

A. Authorized position: The Board shall appoint or designate an Air Pollution Enforcement Officer, who may be any municipal or police officer, together with such assistants as may be deemed necessary, to carry out the provisions of this Ordinance, and shall provide funds for the expenses of the Air Pollution Enforcement Officer.

B. Duties: The Enforcement Officer shall have the powers and duties to:

1. Enforce the provisions of this Ordinance and the rules and regulations contained therein.

2. Receive and initiate complaints or violations of the regulations of this Ordinance.

3. Enter and inspect, pursuant to consent or appropriate legal authorization, any building, property, premise or place for the purpose of investigating an actual or suspected

source of open burning, or for the purpose of ascertaining compliance or non-compliance with any regulation of this Ordinance.

4. Have access to and require information pertinent to any matter under investigation.
5. Send written notice of any violation of this Ordinance to the person responsible for the violation.
6. Attend all meetings of the Board and file a written report of the violation of any regulation of this Ordinance.
7. Institute prosecution for violation of the regulations of this Ordinance.

SECTION 6: VIOLATIONS AND PENALTIES

- A. No person shall violate any portion of this Ordinance.
- B. Prosecution under this Ordinance shall be instituted by the Air Pollution Enforcement Officer, or any other township official, and shall be filed in the name of Stroud Township, Monroe County, Pennsylvania.
- C. Enforcement shall be by an action brought before a District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The township solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P.No. 454 (c) (relating to trial in summary cases).
- D. Any person violating any of the provisions of this Ordinance shall, upon conviction thereof by any of District Justice, be sentenced to pay a fine of not less than fifty (\$50.00) dollars nor more than one hundred (\$100.00) dollars, together with costs, for the first violation, not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars, together with costs, for the second, and up to one thousand (\$1,000.00) dollars, together with costs, for subsequent violations. Each day that a violation exists shall constitute a separate offense. In default in the payment of any fine imposed hereunder, the defendant shall be sentenced to jail for a period of not exceeding ninety (90) days.
- E. All fines and penalties collected for any violation of this Ordinance shall be paid to the township treasurer.
- F. In addition to or in lieu of an enforcement action before a District Justice, the township may enforce this ordinance in equity. In the event an abatement notice has been issued, which is being violated, or in any other appropriate circumstance, the Air Pollution Enforcement Officer, or any other township official, is hereby authorized on behalf of the township to institute an action in equity for an injunction to enforce compliance herewith and/or to restrain continuous violations of this Ordinance.

SECTION 7: REPEALER

This Ordinance repeals the previously enacted Ordinance No. 202, and any other ordinance or part thereof with which it may conflict.

SECTION 8: VALIDITY

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of 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.

SECTION 9: EFFECTIVE DATE

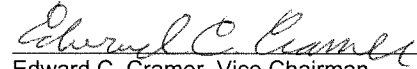
This Ordinance shall become effective five (5) days after its enactment.


ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Stroud Township, Monroe County, Pennsylvania, this 17th day of December, 2001.

TOWNSHIP OF STROUD


LARRY R. SEBRING, Chairman

(TOWNSHIP SEAL)


Edward C. Cramer, Vice Chairman
and Secretary


JAMES L. DECKER, Roadmaster