

**BOROUGH OF GREENCASTLE  
ORDINANCE NO. 2012- 08**

**AN ORDINANCE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY,  
PENNSYLVANIA AMENDING CHAPTER 95 OF THE CODE OF THE BOROUGH OF  
GREENCASTLE, ENTITLED "BURNING, OPEN".**

**WHEREAS**, Section 1203 of the Borough Code, 53 P.S. §46203, authorizes the Borough of Greencastle to enact regulations as may be necessary safety and general welfare of the borough; and

**WHEREAS**, Section 1202(8)(i) of the Borough Code, 53 P.S. §46202(8)(i), authorizes the Borough of Greencastle to make regulations for the removal of refuse; and

**WHEREAS**, the Council of the Borough of Greencastle deems it in the best interest, and for the general welfare of the citizens and residents of the Borough to amend certain provisions of Chapter 95 of the Code of the Borough of Greencastle.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Mayor and Council of the Borough of Greencastle, Franklin County, Pennsylvania, and it is enacted and ordained as follows:

**SECTION I:** Chapter 95 of the Code of the Borough of Greencastle, entitled "Open Burning", Section 1 thereof, entitled "Definitions", is hereby amended to add the definition of "BURNING", so that Section 95-1 will include the following definition:

**BURNING** – The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

**SECTION II:** Chapter 95 of the Code of the Borough of Greencastle, entitled "Open Burning", Section 1 thereof, entitled "Definitions", is hereby amended to revise the definition of "RUBBISH" as follows:

**RUBBISH** – Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, carpets, wood, excelsior, paper, ashes, grass clippings, furniture, tin cans, glass, crockery, masonry and other similar materials.

**SECTION III:** Chapter 95 of the Code of the Borough of Greencastle, entitled "Open Burning", Section 1 thereof, entitled "Definitions", is hereby amended to revise the definition of "YARD WASTE" as follows:

**YARD WASTE** – Leaves, brush, tree trimmings, or chipped shrubbery.

**SECTION IV:** Chapter 95 of the Code of the Borough of Greencastle, entitled "Open Burning", Section 2 thereof, entitled "Enforcement" is hereby amended in its entirety, so that the title thereof shall be changed to "Policy" and Section 2 shall read as follows:

The Borough Council of the Borough of Greencastle has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of Greencastle. The Borough Council of the Borough of Greencastle approves the provisions of this chapter to safeguard the citizens of Greencastle from such air pollution.

**SECTION V:** Chapter 95 of the Code of the Borough of Greencastle, entitled "Open Burning", Section 3 thereof, entitled "Burning regulations; exceptions" is hereby amended by replacing its contents with the following:

A. Within the Borough limits, no person shall:

- (1) 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
- (2) 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.
- (3) Construct and/or operate an outdoor furnace.
- (4) Use any incinerator or container, to include burn barrels, for the destruction of garbage, refuse, rubbish, or trade waste.

B. Exceptions.

- (1) Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for any of the following provided that the fire complies with the Department of Environmental Protection regulations and is approved by the fire chief having jurisdiction in the municipality:
  - (a) The prevention of a fire hazard which cannot be abated by other means; or
  - (b) The protection of public health.
  - (c) Instructing personnel in fire fighting
- (2) Open fires solely for the purpose of disposing yard waste may be set, provided:
  - (a) The fire is attended by a responsible person;
  - (b) No garbage or rubbish is burned;
  - (c) No hazardous condition will be created by such burning;
  - (d) No such burning is allowed on any street, alley or sidewalk within the Borough;
  - (e) All such burning takes place between the hours of 7:00 a.m. and 6:00 p.m.; and
  - (f) No refuse is brought in from outside the Borough limits.
- (3) A fire set solely for cooking food.
- (4) A fire set solely for recreational or ceremonial purposes.

**SECTION VI:** Chapter 95 of the Code of the Borough of Greencastle, entitled "Open Burning", Section 4 thereof, entitled "Violations and Penalties" shall be amended by replacing the contents thereof with the following:

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300), and/or to imprisonment for a term not to exceed ninety (90) days. Enforcement shall be by action brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion of a day in which a violation is found to exist or for each section of this Chapter which is found to have been violated. In addition, any person found

guilty of violating an ordinance may be assessed court costs and reasonable attorney fees incurred by the borough in the enforcement proceedings.

**SECTION VII:** Chapter 95 of the Code of the Borough of Greencastle shall be amended by adding a new Section 5, entitled "Enforcement," which shall contain the following:

The Code Enforcement Officer(s) and Police Officer(s) of the Borough of Greencastle shall have the authority to administer the provisions of this Chapter including the investigation of complaints and the issuance of notices of violation.

**SECTION VIII:** Repealer. All provisions of previous Ordinances of the Borough of Greencastle which are contrary to this Ordinance are expressly repealed.

**SECTION IX:** Savings Clause. In all other respects, Chapter 95 of the Code Borough of Greencastle shall remain as previously enacted and ordained.

**SECTION X:** Effective Date. This Ordinance shall take effect immediately.

ENACTED AND ORDAINED this 6th day of August, 2012 by the Council of the Borough of Greencastle, Franklin County, Pennsylvania.

ATTEST:

/S/ Kenneth W Womack  
Kenneth W. Womack, Secretary

/S/ Charles R. Eckstine  
Charles R. Eckstine, President

/S/ Robert E. Eberly  
Robert E. Eberly, Mayor