

ORDINANCE No. 6-01 of 2010

**AN ORDINANCE PROHIBITING THE BURNING OF RECYCLABLE MATERIALS**

**AN ORDINANCE PROHIBITING THE BURNING OF ALL RECYCLABLE MATERIALS THAT PITTSTON TOWNSHIP COLLECTS AS PART OF ITS RECYCLING PROGRAM IN ACCORDANCE WITH ORDINANCE NO. 4-01 OF 2010; PROVIDING FOR ENFORCEMENT AND PROVIDING PENALTIES FOR VIOLATIONS.**

WHEREAS, the Board of Supervisors recognize that it is in the best interests of the health, safety and welfare of the residents of PITTSTON TOWNSHIP to recycle rather than burn those specific items that are identified as recyclable materials by PITTSTON TOWNSHIP ORDINANCE No. 4-01 of 2010;

WHEREAS, the Commonwealth of Pennsylvania Department of Environmental Protection has mandated that PITTSTON TOWNSHIP enact this Ordinance in order to continue to remain eligible to receive grant funds towards its local, voluntary recycling program;

NOW THEREFORE, the Board of Supervisors do hereby enact and ordain:

**SECTION I: PROSCRIBED CONDUCT** – Following the effective date of this Ordinance, it shall be unlawful for any person to burn any items identified as recyclable materials by PITTSTON TOWNSHIP Ordinance No. 4-01 of 2010 within the boundaries of the Township.

**SECTION II: ENFORCEMENT** - Any member of the Pennsylvania State Police or any employee or official of PITTSTON TOWNSHIP is hereby authorized to enforce this Ordinance.

**SECTION III: PENALTIES** - Any person who violates any of the provisions of this Ordinance shall be prosecuted in an enforcement action by the Township Solicitor for committing a summary offense pursuant to the Pennsylvania Rules of Criminal Procedure. Upon summary conviction before a District Magistrate, all violators shall be sentenced to pay a fine of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00), and the cost of prosecution, such fines to be collected as like fines are now collected by law, and/or shall undergo imprisonment not exceeding 10 days, or both. Any person continuing any such violation beyond one (1) calendar day shall be deemed to have committed a separate offense for each calendar day such violation continues.

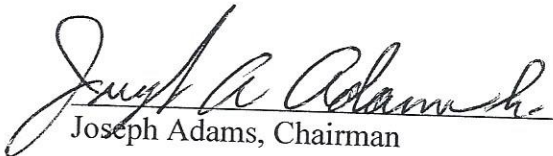
**SECTION IV: SEVERABILITY** – All provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional,


illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of PITTSTON TOWNSHIP that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

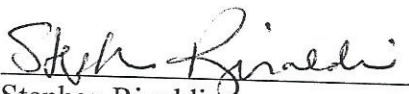
**SECTION V: EFFECTIVE DATE** – This Ordinance shall become effective five (5) days after its enactment.

**SECTION VI: REPEALS** – All ordinances or parts of any ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

PITTSTON TOWNSHIP BOARD OF SUPERVISORS

  
Joseph Adams, Chairman

  
Ron Marcellini

  
Stephen Rinaldi

ATTEST:

  
John Bonita, Secretary

I hereby certify that Notice of the Board of Supervisors' intent to adopt this Ordinance was advertised in the CITIZENS VOICE on MAY 25, 2010, a newspaper of general circulation in the Township, and this Ordinance was duly enacted and adopted at the regular meeting of the PITTSTON TOWNSHIP Board of Supervisors on JUNE 21, 2010.