

ORDINANCE 2017-01

AN ORDINANCE OF THE BOROUGH OF NEWVILLE, CUMBERLAND COUNTY, PENNSYLVANIA REGULATING OUTSIDE BURNING WITHIN THE BOROUGH, SETTING TIME LIMITS, TYPE OF MATERIALS OT BE BURNED AND CONDITIONS UNDER WHICH BURNING MAY BE PROHIBITED AND SETTING PENALTIES FOR VIOLATIONS.

WHEREAS, open burning in the Borough has not been the preferred manner to dispose of waste or refuse; and

WHEREAS, unregulated open burning poses a threat to the health, safety and welfare of the Borough residents as well as their property; and

WHEREAS, propane generated fire pits provide a more safe and environmentally friendly atmosphere.

NOW, THEREFORE BE, BE IT ENACTED AND ORDAINED by the Newville Borough Council as herein after set forth:

Section 1: Definitions:

“Open Burning” - As used within this Ordinance, "open burning" shall have the following meaning: The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually into the air without passing through a stack or chimney.

“Plant Life” - Vegetation including but not limited to trees, tree branches, leaves, yard trimmings, shrubbery, grass and weeds.

“Refuse” - All putrescible and non-putrescible wastes, (except body waste), and including but not limited to garbage, rubbish, street cleanings, dead animals, abandoned automobiles, solid market and individual waste.

Section 2: No person, corporation or entity shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, except as specifically authorized by this Ordinance or except as permitted in writing by the Code Enforcement Officer of the Borough, the Fire Chief, or the Chief of Police.

Section 3: Burning, in compliance with this Ordinance, shall be permitted only between the hours of 8:01AM and 10:59 PM. Under no conditions shall burning, as herein defined, be permitted between the hours from 11:00 PM to 8:00 AM. Fires allowed to bum or smolder after 11:00 PM shall be in violation of this Ordinance, and all those persons, entities, or corporations causing such fires shall be prosecuted under the provisions of this Ordinance.

Section 4: Burning in compliance with this Ordinance shall be attended at all times by an individual eighteen (18) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of the Ordinance, and all persons, entities or corporations causing and allowing such unattended burning shall be prosecuted under the provisions of this Ordinance.

Section 5: Provided that the burning complies with applicable statutes, regulations or other law, and the size of the fire does not exceed one (1) foot in height by two (2) feet in width, and two (2) feet in length, the following burning shall be allowed:

1. The burning of charcoal, clean un-treated wood, and other cooking fuels customarily used in an outdoor grill or other traditional food cooking device.
2. The burning of clean untreated wood in a commercially manufactured outdoor fireplace or safe outdoor fire pit, or outdoor fire place provided that:
 - a. The fire is wholly contained within the fire pit or fire place.
 - b. The fire pit or fire place is covered by a screen to control the emission of ash and embers.
 - c. The fire does not constitute a nuisance to adjoining property owners or the public in general.
 - d. The fire is not within twenty (20) feet of combustible materials, or any structure or ten (10) feet away from any adjacent property lines.
 - e. The fire is attended by an individual of at least eighteen (18) years of age.
 - f. There is not more than one (1) fire pit or fire place located on the lot or premise.
 - g. The dwelling unit is the abode of a person or persons acting as a single housekeeping unit.
 - h. Propane generated outdoor fire pits and fire places are strongly recommended to insure public safety and air quality.
3. Burning for a bona fide ceremonial purpose.
4. Burning by any governmental agency or subdivision for training or other purpose.

Section 6: Even if open burning is permitted by this Ordinance, no opening burning shall occur if at the discretion of the Code Enforcement Officer, Fire Chief or the Chief of Police, said burning in his opinion represents a danger to the public health, safety or welfare of the residents.

Section 7: No person, entity or corporation shall be permitted to bum plant life or other vegetative matter as defined under this Ordinance, except with the express written approval of the Fire Chief. In such cases where burning is permitted, the fire department and Cumberland County 911 must be notified of the controlled burning.

Section 8: The Code Enforcement Officer, Fire Chief, or any Newville Borough Police Officer is hereby granted the authority and responsibility for enforcing compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence, the Code Enforcement Officer, Fire Chief and/or any Newville Borough Police Officer is hereby authorized with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.

Section 9: Any person or corporation who violates the provisions of the Ordinance shall, upon conviction, pay a minimum fine of three hundred dollars (\$300.00), and a maximum fine not to exceed one thousand dollars (\$1,000.00), and the costs of prosecution, as well as filing fees, and in the default therewith, undergo imprisonment for a period not to exceed thirty (30) days.

Section 10: If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the Newville Borough Council declares it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.

Section 11: All other Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar as they are inconsistent herewith. This Ordinance will be in effect immediately upon enactment.

Enacted and Ordained this 18th day of April, 2017 at a duly called Special Meeting of the Newville Borough Council, in lawful session, duly assembled.

BOROUGH OF NEWVILLE

By: _____
Clarence W. Fry, II
President of the Borough Council

Attest:

Fred A. Potzer, Borough Secretary

Examined and approved this _____ day of _____, 2017

By: _____
William A. Toth, Mayor
Borough of Newville
Cumberland County, Pennsylvania