

**ORDINANCE 2017-01**

**AN ORDINANCE OF THE BOROUGH OF NEWVILLE, CUMBERLAND COUNTY,  
PENNSYLVANIA REGULATING OUTSIDE BURNING WITHIN THE BOROUGH, TYPE OF  
MATERIALS TO BE BURNED AND CONDITIONS UNDER WHICH BURNING MAY BE  
PROHIBITED.**

**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

**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.

***“Contained Burning”*** – As used within this Ordinance, “contained 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 that first passes through a screen stack or chimney.”

***“Plant Life”*** – Vegetation including but not limited to 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 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 4.** Provided that the burning complies with applicable statutes, regulations or other law, the following contained 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 or a recreational campfire, provided that the fire does not constitute a nuisance or a hazard to adjoining property owners or the public in general.
2. The burning of clean untreated wood in a commercially manufactured outdoor fireplace or safe outdoor fire pit, or outdoor fire place.
3. Propane generated outdoor fire pits and fire places.
3. Burning for a bona fide ceremonial purpose.
4. Burning by any governmental agency or subdivision for training or other purpose.

**Section 5. Prohibited Burning.** No person, entity or corporation shall be permitted to burn plant life or other vegetative matter or open burn any material prohibited by the Department of Environmental Protection of the Commonwealth of Pennsylvania. No burning of refuse or plant life is permitted after dark. In such cases where large open burning occurs, the Newville Fire Department and Cumberland County 911 must be notified of the controlled burning.

**Section 6.** If open burning is permitted by this Ordinance, no open burning shall occur if at the discretion of the Code Enforcement Officer or Chief of Police, said burning represents a danger to the public health, safety or welfare of the residents.

**Section 7.** The Code Enforcement Officer 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 and/or any Newville Borough Police Officer is hereby authorized with the responsibility of issuing warnings, tickets or citations, as merited, for all violations of this Ordinance.

**Section 8.** Any person or corporation who violates the provisions of the Ordinance shall, upon the first offense receive a written warning and shall have the fire extinguished immediately. Upon subsequent violations, the following penalties shall apply: 2<sup>nd</sup> offense \$25.00 ticket, 3<sup>rd</sup> offense \$50.00 ticket, 4<sup>th</sup> and all subsequent violations, a \$100.00 ticket. In all instances, the responsible party shall extinguish the fire. Failure to adhere to the order to extinguish the fire may result in the issuance of a citation for Disorderly Conduct, resulting in an additional civil fine, and the costs of prosecution, as well as filing fees, and reasonable legal fees and interest permitted by law.

**Section 9.** 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 10.** All other Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar as they are inconsistent herewith.

**Enacted and Ordained** this \_\_\_\_\_ day of \_\_\_\_\_, 2017 at a duly authorized regular monthly meeting of the Newville Borough Council, in lawful session, duly assembled.

**BOROUGH OF NEWVILLE**

**By:**

\_\_\_\_\_  
**Clarence W. Fry, II**  
**President of 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**