

## **ORDINANCE 2007-1**

AN ORDINANCE OF THE BOROUGH OF NEW ALBANY, BRADFORD COUNTY, PENNSYLVANIA, REGULATING OUTSIDE BURNING WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED, AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED

### **SECTION 1: DEFINITIONS**

- A. Burning - As used within this ordinance "burning" shall have the following meaning. "The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually."
- B. Burn Container - Any container used for the purposes of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material; containing a bottom, sides and a cover as herein defined. Burn containers shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. Outdoor fireplaces or incinerators shall be considered as Burning Containers for the purpose of this Ordinance.
- C. If metal drums are being used they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes except that they may contain vent or drain holes in or near the bottom of the drum to promote good combustion.
- D. Exception: Portable outdoor grills, fired by propane or charcoal, and designed for food preparation, are excluded from the provisions of this Ordinance.
- E. Burn Container Cover - A metal screen with spaces not more than one (1) inch square, or other comparable material which covers the entire open area above the burn container must be used during operation except when placing burnable materials into the container. Such screen shall be maintained in good order as to prevent large particles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point where it loses its maximum efficiency.
- F. Burnable materials shall include: 1) Paper including newsprint, wrapping paper, paper products or sheet paper items. 2) Cardboard including cardboard boxes, sheets, packing materials etc. Excluded and not permitted to be burned are any paper or cardboard items that were used to absorb oils or other noxious or toxic materials, are plastic coated, are attached to other non-burnable products, or are wet.

- G. Non-burnable materials are all items not included in Section F, including but not limited to plastic, rubber, oils, asbestos, composition boards, wood, shingles, felt paper, canvas, fiber glass, vinyl, or any combination of the above with any other materials. Also human or animal waste, sanitary napkins, diapers, food solids, oil filters or any other materials individually or in combination that emit smoke, or acrid, obnoxious or toxic odors. Also included is grass, leaves and brush. This is only a partial list of those items and materials prohibited under the guidelines of this Ordinance. Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

## **SECTION 2: REGULATIONS**

- A. No person or corporation shall cause to be burned any of the above non-burnable materials, or any like or similar materials not in compliance, or inconsistent with this ordinance. It shall be illegal to burn any materials that give off acrid, obnoxious, or toxic odors, or emit heavy smoke.
- B. Burning, in compliance with this ordinance, shall be permitted between the hours of noon and 7 p.m., prevailing time Monday through Saturday. There will be no burning permitted on Sunday. Fires allowed to smolder after 7 p.m., prevailing time, shall be in violation of this Ordinance. Burning, in compliance with this Ordinance, shall be attended at all times by an individual fourteen (14) years or older until such time as the flame has subsided completely. Unattended burning shall be a violation of this Ordinance.
- C. No burning container shall be used within ten (10) feet of any building or structure. No burning container shall be used within ten (10) feet of any property line or public sidewalk area.
- D. All fires outside burning containers are hereby prohibited. This ordinance does not prohibit the issuance of a "Special Burning Permit" by the local Fire Chief whenever circumstances so dictate. Such permits shall be issued in writing by the Fire Chief on a form provided by the Borough. In granting such permit, the Fire Chief shall determine whether or not the Fire Company shall be in attendance.

## **SECTION 3: ENFORCEMENT**

- A. This Ordinance shall be enforced by the Borough Code Enforcement Officer or other designee of the Borough Council. The Borough Code Enforcement Officer or designee is hereby granted the authority and responsibility for inspecting outside burning containers for compliance with this ordinance and may enter upon private property to do so. In the event any violations are found to be in existence at the time of inspection,

the Code Enforcement Officer or designee will issue a cease burning warning. Use of the burning container before repairs are made will be a violation of the ordinance.

- B. The Code Enforcement Officer, on routine inspection of upon receipt of a complaint, may enter upon private property to investigate a suspected violation of this ordinance.

#### **SECTION 4: PENALTIES**

- A. Any person or corporation violating this Ordinance will be notified by the Code Enforcement Officer to cease burning immediately. Further violations will result in a fine of \$50.00 for each violation. Repeat violations of the same Ordinance section within 12 months will be assessed a \$100 fine.

#### **SECTION 5: SEVERABILITY**

- A. The sections and provisions of this Ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

#### **SECTION 6: REPEALER**

- A. Adoption of this ordinance will automatically repeal Borough Ordinance 2-6-95. All other ordinances inconsistent with this Ordinance, are hereby repealed insofar, as they are inconsistent herewith.

#### **SECTION 7: EFFECTIVE DATE**

- A. Provisions of this ordinance will take effect May 21, 2007.

**ORDAINED and ENACTED** this 7th day of May, 2007, by the Council of New Albany Borough, Bradford County, Pennsylvania.