

Ordinance 06-2019

AN ORDINANCE OF THE BOROUGH OF TURBOTVILLE, NORTHUMBERLAND COUNTY, PENNSYLVANIA REGULATING OUTSIDE BURNING OF RUBBAGE, REFUSE AND OTHER MATERIALS WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED, AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.

BE IT ORDAINED and enacted by the Borough Council and it is hereby ordained and enacted by the authority of the same as follows:

This ordinance is enacted in the interest of the health, safety and welfare of the residents of the Borough of Turbotville for the prevention of fires and to eliminate nuisances caused by smoke, cinders and ashes.

Section 1. Definitions

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.”

Burn Container – Any container used for the purpose 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.

If metal drums are being used, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the sides and/or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than two (2) square inches each.

Exception: Portable outdoor grills, fired by propane or charcoal, and designed for food preparation, are excluded from the provisions of this Ordinance.

Burn Container Cover – A metal screen with spaces not more than one inch, (1”) square, which covers the entire open area above the burn container opening. 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 whereby it loses its maximum efficiency.

Burnable Materials – Burnable material shall include the following:

Paper – includes newsprint, wrapping paper, paper products or sheet paper items. Paper used to absorb oils or other noxious or toxic materials; plastic coated paper; paper attached to other non-burnable materials, or any other paper product that is wet shall not be included as *burnable paper products*, and are hereby prohibited from burning.

Cardboard & Chipboard – Includes cardboard & chipboard boxes, sheets, packing materials, etc. Excluded and not permitted to be burned are materials used to absorb all oil or other noxious or toxic materials; cardboard or chipboard in combination with any other non-burnable materials.

Wood – Includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment and wood products that have a high glue content such as *Flakeboard or Composition Board*; and wood products in combination with any non-burnable materials.

Non-Burnable Materials – the following is a partial list of those materials that are classified as “*non-Burnable*” under the guidelines of this Ordinance.

Plastic; rubber; oils; asbestos; composition boards; shingles; felt paper; canvas; fiber glass; vinyl; or any similar materials; or any combination of the above with any other materials.

Human or animal waste; sanitary napkins; diapers; food solids; oil filters; or any other material individually or in combination, that emit smoke, or acrid, obnoxious or toxic odors.

Grass, green twigs, or leaves.

The above is 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. 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 any acrid, obnoxious or toxic odors, or emit heavy smoke.

Section 3. Burning, in compliance with this Ordinance, shall be permitted only between the hours of 7AM and sunset, Monday through Saturday. No burning shall be allowed on Sundays and Federal Legal Holidays. Under no conditions shall burning, as defined herein, be permitted between the hours from sunset to 7AM. Fires allowed to burn or smolder after sunset shall be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

Section 4. Burning in compliance with this Ordinance, shall be attended at all times by an individual fourteen (14) years or older until both flame and smoke are no longer visible. Unattended burning shall be in direct violation of this Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

Section 5. No *Burning Container* shall be used or stored within ten (10) feet of any building or structure. No *Burning Container* shall be used or stored within five (5) feet of any alley, property line or public sidewalk area. No *Burning Container* shall be used or stored without the proper cover in place. No *Burning Container* shall be used for any other purpose.

Section 6. All fires outside of *Burning Containers* are hereby prohibited with the Borough.

This Ordinance does not prohibit the issuance of a “Special Burning Permit” issued by the Borough Office with Borough Council approval.

Section 7. Any and all Borough Enforcement Officers are hereby granted the authority and responsibility for inspecting outside *Burning Containers* for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Enforcement Officer is hereby charged with the responsibility of issuing warnings or fines set forth in section 8 herein, as merited, for all violations of this Ordinance.

Section 8. Any person or corporation who violates the provision of this Ordinance shall pay a fine of \$100.00 for the first offense and a \$250.00 fine for the second offence within 90 days of the first offense to the Borough of Turbotville and in default therewith, shall be subject to filing of a criminal summary proceeding with the District Magistrate, pursuant to 8 Pa. C.S.A. Section 3321(b)(2), and upon conviction be subject to a minimum of a \$100.00 fine not to exceed \$1,000.00 plus costs.

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 Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal, or invalid provisions not been contained herein.

Section 10. Repeal ordinance

Ordinance 81-2 dated March 2, 1981 is hereby repealed. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ENACTED and ORDAINED into an Ordinance this 10th day of June 2019.

ATTEST:

Deane K. Miller
Borough Secretary

Francis O. Bif
President of Council

APPROVED the 10th day of June, 2019

[Signature]
Mayor