

Ord. 1-1999

BOROUGH OF NEW BEAVER, LAWRENCE COUNTY, PENNSYLVANIA

An Ordinance of the Borough of New Beaver, Lawrence County, Pennsylvania, restricting fires and open burning and prescribing penalties for violation.

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BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE BOROUGH OF NEW BEAVER as follows:

Section 2. Definitions as used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context;

- BOROUGH COUNCIL - the Borough Council of the Borough of New Beaver.
- FURNACE - any enclosed device specifically designed for the burning any material for the production of heat.
- GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation cooking and consumption of food.
- INCINERATOR - any device specifically designed for the destruction by burning of refuse or any other combustible material.
- OPEN FIRE - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.
- PERSON - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.
- REFUSE - garbage, rubbish and trade waste.
- RUBBISH - solids not considered to be highly flammable or explosive including but not limited to: rags, old clothes, leather, rubber, carpet, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery masonry, refuse, waste, debris, junk and litter.
- SALVAGE OPERATION- any business, trade or industry engaged

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in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

TRADE WASTE -

all solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including but not limited to: plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders, and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

SMOLDERING -

to burn or smoke without a flame, to exist in a suppressed state.

Section 2. Enforcement The Borough Council of the Borough of New Beaver shall have the power and duty to enforce the provisions of this ordinance.

Borough Council hereby delegates enforcement of the provisions of this ordinance to any police agency having the jurisdiction over the Borough.

Section 3. Regulations Within the Borough of New Beaver, no person shall;

1. ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building or,
2. cause, suffer, allow, or permit the maintenance or any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside any building.
3. Further, no persons may permit the open burning of material in New Beaver Borough pursuant to the Bureau of Air Quality, 25 Pa. Code, Section 129.14. As delineated and attached hereto. In the event that the within Burning Ordinance is deemed more restrictive than The Bureau of Air Quality, 25 Pa. Code, Section 129.14; then said more restrictive interpretation shall apply.

EXCEPTIONS:

1. open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
  - A. the prevention of a fire hazard which cannot be abated by other means; or
  - B. the protection of public health.
2. Open fires may be set; provided,
  - A. leaves, branches, paper, paper products, card board and other non-rotting vegetable matter, fence rows, only are burned.
  - B. there is no practical available alternative method for disposal of the material to be burned. Farmers are exempt from time limit while burning fence rows.
  - C. no hazardous or other objectionable condition will be created by such burning,
  - D. no such burning is allowed on any street, alley (or berm area of either) or sidewalk within the New Beaver Borough, and
  - E. all such burning takes place between the hours of 7:00 A.M. and 7:00 P.M., prevailing time, on any day except Sundays or National Holidays. No burning or smoldering is permitted other than during this specific time.
3. Bonfires, fires set as part of a recreational event or for recreations purposes, are excepted from the restrictions of this Ordinance; however, no such bonfire may be permitted to create a hazardous or other objectionable condition. Said fire shall not be in any congested areas.
4. Rubbish shall not be used a fuel.

Section 4 Penalties Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred (\$300.00) dollars, and/or to imprisonment for a term not to exceed ninety (90) days.

Section 5 Repealer All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 6 Severability If any sentence, clause, section, or part 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, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 7 Effective Date This Ordinance shall become effective when Ordained by New Beaver Borough Counsel after proper advertising.

Date March 10, 1999

Helen E. Jackson  
President

Lorraine Leslie  
Secretary

Approved:

John V. [Signature]  
Mayor