

AN ORDINANCE OF THE BOROUGH OF MILESBERG AMENDING ORDINANCE NO. 221A PROVIDING FOR THE REGULATION OF OPEN BURNING AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

BE IT ENACTED AND ORDAINED, by the Council of the Borough of Milesburg and it is hereby enacted and ordained by authority of the same:

Ordinance 221A of the Borough of Milesburg is hereby amended as follows:

OPEN BURNING

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the Milesburg Borough Open Burning Ordinance.

SECTION 2. DECLARATION

It is hereby declared to be a matter of public health and safety to regulate the disposal of waste by open burning in the Borough of Milesburg. It is further declared that the dangers of open fires, the air pollution from fires, and the management of waste removal and disposal necessitate regulation to protect the peace, good order and welfare of the Borough and the health and safety of its citizens.

SECTION 3. DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meaning ascribed to them:

- (a) Person - Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau agency or other entity recognized by law as the subject of rights and duties.
- (b) Right-of-Way - The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes, including, but not limited to, the area reserved for cartway, shoulders, drainages, and easements.
- (c) Rubbish - Solids not considered to be highly flammable or explosive including, but not limited to, leather, wood, paper, tree branches, yard trimmings, and other similar materials.
- (d) Borough Mayor - The Mayor of the Borough of Milesburg or his authorized designee or Code Enforcement Officer shall be the Ordinance Enforcement Officer.
- (e) Trade Waste - All solids or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, asphalt shingles, excelsior, electric wiring, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials, provided however, that trade waste shall not include any coal refuse associated with the mining or preparation of coal.
- (f) Trash - Any solid or liquid material which when ignited creates toxic or noxious fumes including, but not limited to, plastics, rubber, petrochemicals, furniture, carpets, rags, and old clothing.

- (g) Tree Leaves - Leaves of ornamental or shade trees, and shall include brush and limbs from said trees.

SECTION 4. OPEN FIRES REGULATED

It shall be unlawful for any person to ignite or feed an open fire except in accordance with the regulations set forth herein.

SECTION 5. BURNING OF TREE LEAVES REGULATED

Burning of tree leaves shall be permitted subject to the general regulations on burning in Section 8.

SECTION 6. BURNING OF TRADE WASTE PROHIBITED

It shall be unlawful for any person to ignite or feed an open fire for the burning of trade waste.

SECTION 7 - BURNING OF RUBBISH AND TRASH REGULATED

The burning of rubbish shall be permitted only if burned in a barrel, stove, furnace, fireplace or other designated containers for fire and shall be subject to all the other general regulations in Section 8.

SECTION 8. GENERAL REGULATIONS FOR RUBBISH, TRASH AND TREE LEAVES BURNING

The following regulations are mandatory for all fires which are permitted for the burning of rubbish, trash or tree leaves:

- (a) All fires shall be properly attended so as to prevent the spread of fire or the creation of hazardous conditions.
- (b) All permitted fires shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m.
- (c) All permitted fires shall be conducted only on the premises of the owner, provided, however, that the term "premises" shall not include the area within the right-of-way of any street.
- (d) No fires shall be conducted on any public street nor within the right-of-way of a public street.
- (e) Only rubbish, trash and leaves which reasonably results from the normal occupancy of such property shall be burned.

SECTION 9. EXCEPTIONS

The following types of fires are excepted from the provisions of this Ordinance:

- (a) Fires solely for the cooking of food.
- (b) Camp fires for warmth, fellowship, food preparation or ceremonial purposes of private individuals or organizations such as Boy Scouts or Girl Scouts, etc.
- (c) Any fire set in conjunction with the production of agricultural commodities in their unprocessed or unmanufactured state on the premises of the farm operation.
- (d) Fires set in the performance of an official duty by any fireman or public officer where the fire is for the prevention of a hazard which cannot be abated by other means; for the protection of health, welfare or safety; for the purpose of instructing personnel in fire safety;

or for other official purposes.

SECTION 10. PENALTIES

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not less than \$25.00 nor more than \$300.00, together with costs of prosecution, and in default of such fine and costs to imprisonment for a period not to exceed thirty (30) days. Each day's continuance of a violation after notification shall constitute a separate offense.

SECTION 11. SEVERABILITY

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provisions thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect five (5) days after enactment.

SECTION 13.

All Ordinances or parts of Ordinances inconsistent herewith, are hereby expressly repealed.

ORDINANCE NUMBER 221A AS AMENDED IS HEREBY REPUBLISHED AND REORDAINED AND ENACTED INTO AN ORDINANCE this 14th day of March, 1994 by the Council of the Borough of Milesburg in lawful session assembled.

ATTEST:

BOROUGH OF MILESBURG:

Paul J. Hall
SECRETARY

By: Robert B. Paul

AND NOW, to wit this 14th day of March, 1994, the within and above ordinance is approved.

Walter E. Gordon
MAYOR