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7 WEST WYOMING ORDINANCE NO. 101

AN ORDINANCE OF THE WEST WYOMING BOROUGH RESTRICTING FIRES AND OPEN BURNING AND PRESCRIBING PENALTIES FOR VIOLATION.

The West Wyoming Borough Council hereby ordains:

§1. Definitions. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FURNACE - any enclosed device specifically designed for 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.

GOVERNING BODY - the West Wyoming Council of the Borough of West Wyoming.

INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewage sludge, 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 wastes.

RUBBISH - solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - any business, trade or industry engaged 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 limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or refuse associated with the mining or preparation of coal.

Regulation - Prohibited Fires

1. No person or persons, corporation or association shall set or maintain any fire upon any of the streets, sidewalks, alleys or public ground in the Boro of West Wyoming, or burn or cause to be burned thereon any paper, cardboard, rubbish, leaves or other materials or substances or any kind. Nor shall any person, persons, corporation or association set or maintain any fire, or burn or cause to be burned any substance or material of any kind, out of doors, except as hereinafter provided:

2. Permitted Fires: Rules & Regulations

Out of doors fires shall be permitted upon private property in the Boro of West Wyoming provided that the following regulations and restrictions are strictly adhered to:

(a) Open burning operations resulting from:

(1) A fire set to prevent or abate a fire hazard when approved by the Pennsylvania Department of Environmental Resources and set by or under the supervision of a public officer.

(2) Any fire set for the purpose of instructing personnel in fire fighting, and when approved by the Pennsylvania Department of Environmental Resources.

(3) A fire set for the prevention and control of disease or pests, when approved by the Pennsylvania Department of Environmental Resources.

(4) A fire set in conjunction with the production of agriculture commodities in their manufactured state on the premises of the farm operation.

(5) A fire set for the purpose of burning domestic refuse, when the fire is on the premises of a structure occupied solely as a dwelling by two (2) families or less and when the refuse results from the normal occupancy of the structure.

(6) A fire set solely for recreational or ceremonial purposes.

(7) A fire set solely for cooking food.

3. The regulation of out of door fires pertaining to Domestic Refuse as referenced in 2(a)(5) above.

(a) Definition: Domestic Refuse as defined under this Ordinance is paper, cardboard and wood on the premises of the structure occupied solely as a dwelling by two (2) families or less and when the refuse results from the normal occupancy of the dwelling.

(b) That each such out of door fire shall be built in and confined to a non-combustible fifty-five (55) gallon drum (metal) or equivalent and covered with a screen of one-half (½) inch or smaller mesh.

Said non-combustible container must be maintained in good condition.

(c) No such fire shall be closer than fifteen (15) feet from any building or structure.

(d) That from Memorial Day through Labor Day, no such fire shall be allowed to burn except on Wednesday, between the hours of 10AM and 6PM.

(e) That from Labor Day through Memorial Day, no such fire shall be allowed to burn except on Wednesday and Saturday between the hours of 10AM and 5PM.

(f) That all <u>out of door</u> fires as permitted shall be attended <u>at all times</u>, by a responsible adult.

(g) That all <u>out of door</u> fires as permitted shall be allowed only on the property of West Wyoming residents who have obtain the <u>appropriate permit</u>.

(h) Effective January 1, 1996 any person or persons wishing to burn are required to purchase a permit, the term of which shall be for the calendar year starting January 1, through December 31 at a cost of $5.00. Only the person or persons residing at the permitted address would be allowed to burn at that permitted address. As a condition precedent to the issuance of a permit, the person or persons will be provided with a copy of this ordinance by an employee or representative of West Wyoming Borough and that person who is purchasing the permit must sign an acknowledgment receipt of the copy of the Ordinance that has been provided to them. Refusal to sign such an acknowledgment shall be the basis for the Borough to refuse to issue a Burning Permit authorized under this Ordinance.

<u>Enforcement:</u>

The West Wyoming Fire Chief and/or his designated representative, shall be responsible for enforcing the provisions of this Ordinance.

<u>Violations and Penalties:</u>

The violations of any of the provisions set forth in this Ordinance shall be punishable by a fine of up to $300 plus the cost of prosecution. Additionally, after January 15, 1996 a conviction of any provision set forth in this Ordinance the burning permit issued shall be automatically revoked. A conviction is defined under this Ordinance as any finding of guilt by a Magistrate and/or payment of any fine for violation of this Ordinance.

<u>Severability</u>

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held unconstitutional, illegal or otherwise invalid, the decision shall not affect the validity of any of the remaining portions of this Ordinance. It is declared as a legislative intent that this Ordinance would have been enacted had that unconstitutional, illegal, or otherwise invalid provision had not been included in the Ordinance.

7. Repeal of certain prior Ordinances:

All prior Ordinances of West Wyoming Borough in so far as they deal with the regulation of Out of Door fires are repealed and declared unenforceable in so far as they are inconsistent or identical to any provision of this Ordinance and more specifically the Ordinance No. 101 Fires and Open Burning.

8. Effective Date of Ordinance

The provision set forth in this Ordinance shall become effective as of December 31, 1995.

Attest:

Minnie C Lefkus

West Wyoming Borough Secretary

Date Aug. 14, 1995

Chairman West Wyoming Borough Council

Approved:

William Lefkus

Mayor West Wyoming Borough

Date August 14, 1995