

ORDINANCE #282

AN ORDINANCE OF THE BOROUGH OF EAST PETERSBRUG, LANCASTER COUNTY, PA, SETTING REGULATIOINS REGARDING OPEN BURNING IN THE BOROUGH, FIRST ESTABLISHED BY ORDIANCE 86, 1971

CHAPTER 31. AIR POLLUTION AND OPEN BURNING

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Chapter 31. AIR POLLUTION AND OPEN BURNING

[HISTORY: Adopted by the Borough Council of the Borough of East Petersburg as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Park rules and regulations — See Ch. 80, Art. II.

Article I. Air Pollution From Open Burning

[Adopted 8-3-1971 by Ord. No. 86]

§ 31-1. Policy and intent.

Whereas the Borough Council of the Borough of East Petersburg has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of the Borough of East Petersburg, it is hereby declared to be the policy of the Borough of East Petersburg to safeguard the citizens of the Borough from such air pollution.

§ 31-2. Definitions.

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

COUNCIL

The Borough Council of the Borough of East Petersburg.

FURNACE

Any enclosed device specifically designed for the burning of 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, 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, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

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, 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 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, however, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

§ 31-3. Enforcement.

Police Department having jurisdiction in the Borough of East Petersburg shall have the power and duty to enforce the provisions of this article.

§ 31-4. Burning restrictions.

After the effective date of this article, no person shall:

- A. Ignite or feed any open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building.
- B. Permit any recreational or maintenance burning, except as permitted herein by exception.

§ 31-5. Exceptions

(1) Authorization for Recreational Fires:

- A. Burning within a manufactured fire pit or chiminea, or constructed fire pit with an inside diameter of 36" and covered with 1/2" screens.
- B. They may NOT be burned between midnight to 8:00 a.m.
- C. They will be equipped with and contain all safety features as recommended by the manufacture or as established by resolution of the Borough.

D. *Attendance.* Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

E. *Setback.* Recreational fires shall not be conducted within 20 feet of a structure or combustible material and 10 feet from the property line of an adjacent owner. Conditions which could cause a fire to spread within 20 feet of a structure shall be eliminated prior to ignition.

F. No burning of refuse, rubbish, or waste.

G. Leaves, branches, and other nonputrescible vegetable matter only are burned.

H. *Emissions.* No person may be permitted to burn any material in a matter that:

1. The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted.
2. Malodorous air contaminants from the open burning are detectable outside the property of the person whose land the open burning is being conducted.
3. Emissions interfere with the reasonable enjoyment of life or property.
4. The emissions cause damage to vegetation or property.
5. The emissions are or may be deleterious to human or animal health.

I. No such burning is allowed on any street or sidewalk within the Borough.

J. Such other requirements as may be established by resolution or the Borough.

(2) The prevention of a fire hazard which cannot be abated by other means.

(3) The protection of public health.

(4) Open fires may be set with the approval of the Police or Mayor of the Borough of East Petersburg provided that:

A. There is no practical available alternative method for the disposal of the material to be burned.

B. No hazardous or other objectionable condition will be created by such burning.

§ 31-6. Violations and penalties. [Amended 11-15-1983 by Ord. No. 152] Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this article shall, upon conviction, be sentenced to pay a fine not to exceed the maximum fine of \$300, plus costs of prosecution, and, in default of payment of such costs and prosecution, to be imprisoned for a term not exceeding 30 days; provided, however, that if the Magisterial District Judge determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the Magisterial District Judge deems to be just. [Adopted 8-6-1957 by Ord. No. 33]

§ 31-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OPEN FIRE

Any fire not confined to a noncombustible container or chamber covered with a screen of one-half-inch or smaller mesh or in other suitable noncombustible container or burning within a manufactured fire pit, or chiminea, or constructed fire pit with an inside diameter of 36" and ½" mesh screen.

RECREATIONAL FIRE

A fire conducted on public or private property in a manufactured pit or manufactured chiminea of the type approved by resolution of the Borough.

§ 31-8. Restrictions.

(1) It shall hereafter be unlawful for any person or persons to set or maintain an open fire upon any property within the limits of the Borough of East Petersburg unless the following regulations and restrictions are adhered to:

A. Every such open fire shall be at all times attended by a responsible person until the fire is completely quenched.

B. No such open fire shall be closer than 20 feet from a structure or combustible material and 10 feet from the property line of an adjacent owner. Conditions which could cause a fire to spread within 20 feet of a structure shall be eliminated prior to ignition.

C. No such open fire shall be burned between midnight and 8:00 a.m.

D. No such open fire shall be allowed in any manner or be of such character as to create or become a menace to the safety or welfare of any person or property.

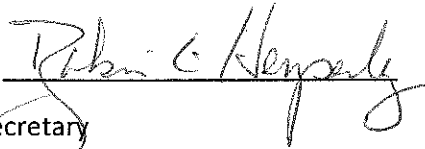
(2) Any fire set or maintained out of doors shall be confined to a manufactured fire pit, or chiminea, and covered with a screen of one-half-inch or smaller mesh and shall be so set and maintained that it shall not create or become a menace to the safety or welfare of any persons or property.

§ 31-9. Violations and penalties. [Amended 11-15-1983 by Ord. No. 152] Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this article shall, upon conviction, be sentenced to pay a fine not to exceed the maximum fine of \$300, plus costs of prosecution, and, in default of payment of such costs and prosecution, to be imprisoned for a term not exceeding 30 days; provided, however, that if the Magisterial District Judge determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the Magisterial District Judge deems to be just. [Adopted 8-6-1957 by Ord. No. 33]

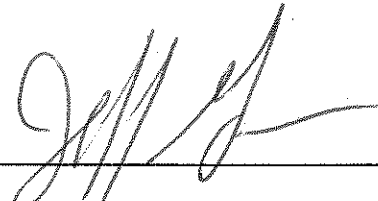
DULY ORDAINED AND ENACTED THIS 3rd DAY OF May 2016, by the
Borough Council of the Borough of East Petersburg, Lancaster County, Pennsylvania.



President



Secretary



Mayor