

ORDINANCE NUMBER 176
SOUTH NEW CASTLE BOROUGH

AN ORDINANCE OF SOUTH NEW CASTLE BOROUGH, LAWRENCE COUNTY, PENNSYLVANIA, REGULATING THE BURNING OF GRASS, LEAVES, PAPER OR OTHER DEBRIS OR MATERIALS OUTSIDE OF BUILDINGS IN THE BOROUGH; PROVIDING FOR PERMIT AND FEES; AND PRESCRIBING PENALTIES FOR VIOLATIONS

WHEREAS, it is the opinion of the Council of the South New Castle Borough, Lawrence County, Pennsylvania, that the burning of grass, leaves, paper or other debris or materials outside of buildings within the Borough constitutes a danger to the life and property of Borough residents, as well as to the environment in general; thus, to secure the safety of persons and property within the Borough; and to aid in conservation of the environment:

BE IT ORDAINED AND ENACTED by the Council of South New Castle Borough, Lawrence County, Pennsylvania:

Section One. Title.

This ordinance shall be known and referred to as the "South New Castle Borough Burning Ordinance".

Section Two. Definitions.

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

A. Borough. Borough shall be defined as the Borough of South New Castle, Lawrence County, Pennsylvania.

B. Council. Council shall be defined as the Council of the South New Castle Borough, Lawrence County, Pennsylvania.

C. Furnace. A furnace shall be defined as any enclosed device specifically designed and utilized for burning any material for the production of heat.

D. Incinerator. An incinerator shall be defined as any device specifically designed and utilized for the destruction by burning of any combustible material.

E. Open Fire. An open fire shall be defined as a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

F. Person. Person shall be defined as an individual, corporation, partnership, unincorporated association, or any other similar entity.

Section Three. Burning on Public Land and Thoroughfares Prohibited.

It shall be unlawful for any person to directly or indirectly kindle or maintain any open fire, or to authorize or permit any open fire to be kindled or maintained, on any public street, avenue, highway, road, alley, or thoroughfare, or on any public land, including roadside ditches, within the Borough for the purposes of burning any substance, including but not limited to paper, debris, straw, shavings, wood, leaves, rubbish or garbage.

Section Four. Burning on Private Land. Permit Required. Exceptions.

A. It shall be unlawful for any person without a valid burning permit to, either directly or indirectly, kindle or maintain any open

fire, or authorize or permit any open fire to be kindled or maintained, on any private road, alley, or thoroughfare, or on any private land within the Borough for the purpose of burning any substance, including but not limited to paper, debris, straw, shavings, wood, leaves, rubbish, grass or weeds, except as set forth in Section Five.

B. It shall be unlawful for any person to directly or indirectly kindle or maintain any open fire, or to authorize or permit any open fires to be kindled or maintained, on any private road, alley, or thoroughfare, or on any private land within the Borough for the purpose of burning any material which will cause offensive smoke and/or odors, including but not limited to garbage, tires or any materials comprised of rubber, roofing materials, or any toxic substances.

C. No permit is required for open fires set by any public officer in the performance of an official duty if the fire is necessary for the prevention of a fire hazard which cannot be abated by other means or is necessary for the protection of the public health and welfare.

Section Five. Hours for Burning.

All burning within the Borough shall be done on Wednesdays and/or Saturdays between the hours of 7:00 A.M. to 8:00 P.M., prevailing time. There shall be no burning within the Borough on days and at times other than those listed without a valid burning permit. There shall be no burning on holidays. No open fire shall be permitted to burn or smolder after the above-listed burning hours without a special permit granted under Section Eleven of this ordinance. All open fires, including those of furnaces or incinerators, must be extinguished so as not to cause any

smoke, smoldering or nauseous odors after the permitted burning hours. Burning on the days and times specified shall be limited to the following substances: paper, straw, shavings, wood, leaves, grass and weeds.

Section Six. Restrictions on Burning.

A. No open fire shall be permitted to kindle, burn or smolder within fifteen (15) feet of any building, structure or property line within the Borough.

B. No open fire shall be kindled or maintained unless the person responsible for such fire has provided, and has at his or her immediate access, manpower and equipment to readily extinguish the fire if such would become necessary. All open fires shall be attended during incineration by a person of responsible age.

C. No open fire shall be started within the Borough when wind or other factors creating a hazardous or unsafe condition exist.

D. All burning within the Borough must be done in a container or receptacle whereby the fire is contained on all sides.

Section Seven. Transferability of Permit. New Permit.

A. Burning permits shall not be transferable.

B. A new permit shall be required where any change in the use or occupancy of a premises for which a permit was previously issued has occurred.

Section Eight. Fires within Designated Areas on Public Land.

Council may designate certain areas within public parks and upon public land where open fires may be started in accordance with the rules

and regulations prescribed by the Council by resolution from time to time.

Section Nine. Special Permits. Clearing Land.

A. Special permits authorizing open fires otherwise prohibited by this ordinance may be granted by Council upon recommendation of the Fire Chief of South New Castle Borough, which permit shall be effective for a specific time only. Rules and regulations controlling such special permits shall be prescribed by the Council by resolution from time to time.

B. A special permit as provided for in subsection A above shall be required for the purpose of clearing lands for construction.

C. The fee for a burning permit required as authorized by this ordinance shall be Five Dollars (\$5.00) or such other sum as set forth by resolution of Council from time to time.

Section Ten. Penalties.

Any person or any officer of any firm, partnership or corporation who violates any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and/or imprisonment for a term not to exceed ninety (90) days in the Lawrence County Jail.

Section Eleven. Repealer.

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

Section Twelve. 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 Council of the South New Castle Borough, Lawrence County, Pennsylvania, that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section Thirteen. Effective Date.

This ordinance shall become effective five (5) days after its adoption.

ADOPTED AND ENACTED by the Council of South New Castle Borough this

8 day of Dec., 1992.

Attest:

Dorothy A. Klise
Secretary

COUNCIL OF SOUTH NEW CASTLE BOROUGH

BY Rose Marie Anthony
President

BY William P. Shabak
Council Member

BY Donald A. Atchetter
Council Member

APPROVED by the Mayor of South New Castle Borough this _____ day of _____, 1992.

Mayor, South New Castle Borough