

**TOWNSHIP OF NEW SEWICKLEY
BEAVER COUNTY, PA**

ORDINANCE NO. 209

AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 196, OPEN BURNING, TO DEFINE CERTAIN TERMS, ADD NEW TERMS, CLARIFY REGULATORY PROVISIONS, SPECIFY ENFORCEMENT PROCEDURES, AND EXPAND SAFETY STANDARDS FOR CERTAIN TYPES OF OPEN BURNING, AND REPEALING THE PROVISIONS OF ANY ORDINANCE INCONSISTANT HEREWITH.

WHEREAS, the open burning of certain materials can have adverse effects on Township residents in close proximity; and

WHEREAS, certain open burning activities are potentially hazardous to persons and property; and

WHEREAS, the Second Class Township Code, as amended, grants to municipalities the authority to enact special purpose ordinances which seek to protect the health and welfare of Township residents;

NOW, THEREFORE, be it ordained by the New Sewickley Township Board of Supervisors and it is hereby ordained and enacted by the authority of the same, as follows:

101. DEFINATIONS AND TERMS:

- A. Air Curtain Destructor: A mechanical devise which forcefully projects a curtain of air across a pit in which open burning of burnable materials is being conducted so that combustion efficiency is increased and smoke and other particulate matter is contained.
- B. Board: New Sewickley Township Board of Supervisors.
- C. Burn Container: Any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material, with a bottom, sides and a cover as herein defined. Outdoor fireplaces or incinerators shall be considered as burning containers for the purpose of this ordinance.
- D. Burning: As used in this ordinance, burning shall have the following meaning: The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination of individually.

- E. Clearing and Grubbing Waste: Trees, shrubs and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.
- F. Domestic Refuse: Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires or treated wood.
- G. Municipality: The Township of New Sewickley, a public body created under State law having jurisdiction over disposal of sewage, industrial wastes or other wastes.
- H. Non-burnable Material: Any material as defined as recyclable. Paper used to absorb oils or noxious or toxic materials, plastic coated paper, and paper attached to non-burnable material, items excluded as domestic refuse, and items including but not limited to the following: plastic, rubber, oils, asbestos, composition board, shingles, felt paper, canvas, fiber glass, vinyl or similar materials or any combination of such materials, human or animal waste, sanitary napkins, diapers, food solids, oil filters or similar materials or any combination of such materials, chemically treated products including fireplace logs, treated or painted or glued woods such as plywood or particle board, and materials that produce either acrid, nauseous or obnoxious fumes, odors or smoke, or toxic chemicals or fly ash, and cardboard and chipboard, including boxes, sheets and packing material and yard waste.
- I. Open Burning: A fire where the air contaminants are emitted directly into the outdoor atmosphere and not directed thereto through a flue.
- J. Person: Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- K. Recreation Fire: A fire set solely for recreational or ceremonial purposes in an area prepared for said fire such as a fire pit or fire circle, and not including materials described in Section 103 herein, or in an apparatus used for the frequent burning of common flammable materials.
- L. Responsible Adult: An individual 18 years or older who is not under the influence of substances or suffering from a disability which would prevent his or her ability to supervise a fire.

- M. Recyclables: Recyclable materials include; clear glass, aluminum, steel and bi-metal cans, high grade office paper, newspaper, plastic, cardboard and yard waste.
- N. Recycling: The collection, separation, recovery and sale of re-use of metals, glass, paper, leaf waste, plastic and other materials which would otherwise be disposed or processed as waste or the mechanized separation and treatment of waste (other than through combustion) and creation and recovery of re-useable materials other than a fuel for the operation of energy
- O. Smoldering: Burning by slow combustion without flame.
- P. Yard Waste: Leaves, grass clippings, garden residue, tree trimmings less than six (6") inches in diameter, chipped shrubbery and other vegetative material generated by a single or double residential dwelling.

102. EXCEPTIONS

Open burning is only permitted as follows:

- A. A fire set to prevent or abate a fire hazard when approved by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.
- B. A fire set for the purpose of instructing personnel in firefighting when approved by the Department of Environmental Protections Regional Air Quality Program office.
- C. A fire set for the prevention and control of disease or pests when approved by the Department of Environmental Protection's Regional Air Quality Program office.
- D. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the agricultural operation.
- E. A garden hose attached to a water supply or other approved fire extinguishing device shall be readily available at the location of any open burning or recreational fire.
- F. A fire must be attended at all times by a responsible adult.

103. RECREATIONAL OR CEREMONIAL FIRES

- A. A fire set solely for recreational or ceremonial purposes on private or public property shall comply with the following standards:
 - 1. As a safety setback, all fires shall be a minimum of fifty (50) feet from all combustible materials (Including, but not limited to dwellings, flammable structures, decks, fences, or cut wood) on the neighboring properties and twenty five feet (25') from a structure on the subject property.

2. The outside perimeter of a fire ring or pit shall be located a minimum of ten (10) feet from all property lines.
3. Only clean, unpainted, untreated wood or charcoal may be burned.
4. Material defined as non-burnable shall not be ignited.
5. Recreational fires are discouraged on windy days.
6. A garden hose attached to a water supply or other approved fire extinguishing device shall be readily available at the location of any open burning or recreational fire.
7. A fire must be attended at all times by a responsible adult.
8. Recreational or cooking fires shall be permitted 24 hours of the day 7 days of the week.
9. Further questions relative to recreational fires shall be directed to the Township staff.

104. OUTSIDE BURNING OF CERTAIN MATERIAL PROHIBITED

In addition to open burning bans during periods of drought as specified by the Board of Supervisors or after a specific request of the Fire Department or Police Department, no person shall burn or permit the burning of any recyclable material or yard waste.

105. RECEPTACLES REQUIRED FOR CERTAIN BURNING

No person or resident of the Township shall burn burnable materials or any other combustible materials which may be blown about unless the same is burned in a stove, fireplace, burn container, chimnea or incinerator sufficiently covered by a grating of not more than one inch (1") mesh or smaller or as protected by other means to prevent the escape of burning materials. No person who shall start a fire in compliance with this section shall leave the fire unattended. A responsible adult shall be ready and able to extinguish any burning material that escapes.

106. HOURS OF FIRES

Burning shall be permitted on Thursday, Friday and Saturday from 6:00 a.m. to 9:00 p.m. All fires must be extinguished by 9:00 p.m. except as otherwise prohibited in Section 107 herein. All smoldering material must be ignited into flame within two (2) hours or be extinguished.

107. FIRES PROHIBITED ON CERTAIN DAYS

No fires, with the exception of recreational or cooking fires described in Section 103 herein, shall be permitted in the Township on Sundays, Mondays, Tuesdays, Wednesdays and Holidays (New Year's Day, Independence Day, Thanksgiving Day and Christmas Day). In the event that

a fire hazard or emergency condition exists by reason of a dry season or other circumstance, The Board of Supervisors, or their duly appointed representative may, by proclamation, prohibit all outdoor burning of any kind for the duration of such emergency. Such proclamation shall be publicly announced through publication in a newspaper of general circulation within the Township, and thereafter, no person shall kindle or maintain any outside fire whatsoever for the duration of such emergency.

108. STORAGE OF COMBUSTIBLE MATERIALS

No person shall store, nor permit to be stored, any combustible refuse or burnable materials in such a way as to create a fire hazard to adjoining properties as determined by the designated Township official nor upon the public streets and highways of the Township, nor in the rights-of-way, nor in close proximity to any public building.

109. ENFORCEMENT

These regulations shall be enforced by the New Sewickley Township Police Department or Code Enforcement Department. All fires are subject to discontinuance at the direction of the Township Fire Department, Police Department or Code Enforcement Department.

110. VIOLATIONS AND PENALTIES

Any person who violates or permits a violation of this ordinance shall be given a verbal or written warning by a designated representative of New Sewickley Township. Upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, any person found guilty of a summary offense for a second violation shall be fined not more than one hundred and fifty dollars (\$150) and any subsequent offense fine not more than six hundred dollars (\$600.00) plus attorney fees and any cost of persecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the Beaver County Jail for a term not exceeding thirty (30) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute s separate offense and each section of this ordinance that is violated shall also constitute a separate offense.

111. REPEALER

All ordinances, provisions, sections, standards or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

112. SEVERABILITY

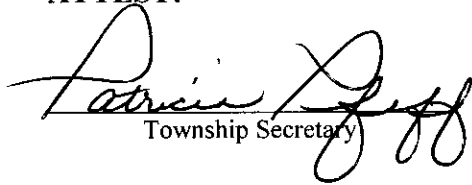
Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

113. EFFECTIVE DATE

This ordinance amendment shall take effect immediately upon its passage.

Duly presented and adopted at a regular meeting of the New Sewickley Township Board of Supervisors, Beaver County, Pennsylvania, held on the 11th day of July 2017.

ATTEST:

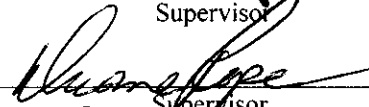

Township Secretary

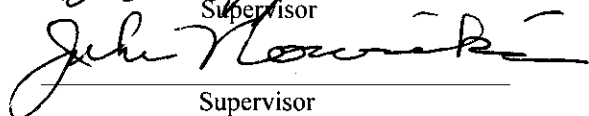
**NEW SEWICKLEY TOWNSHIP
BOARD OF SUPERVISORS**


Chairman, Board of Supervisors


Supervisor


Supervisor


Supervisor


Supervisor