

CHAPTER 24

OPEN BURNING

**BOROUGH OF WYALUSING
ORDINANCE NO. 24**

AN ORDINANCE CHAPTER NO. 24, OPEN BURNING, OF THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The purpose of this Ordinance is to regulate Open Burning as authorized under the Borough Code found at 53 P.S. § 46202, Specific powers.

6) Health and cleanliness regulations. To make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the borough.

(16) Smoke regulations. To regulate the emission of smoke from chimneys smokestacks and other sources. This clause shall not apply to locomotive smokestacks.

The Borough of Wyalusing hereby ordains and enacts as follows:

SECTION I. PURPOSE; POLICY; AUTHORITY.

A. The reduction of the amount of municipal waste and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment.

B. The collection of newsprint, junk mail, flyers, magazines, gloss paper and telephone book covers, aluminum cans, bimetallic cans, segregated clear, emerald and amber glass bottles and leaf wastes for recycling from residences, and high-grade office paper, aluminum cans, corrugated paper and leaf wastes from commercial and institutional establishments in Wyalusing Borough will reduce the volume of municipal wastes which must be disposed, thereby reducing storage, collection, transportation and disposal costs of said waste and preserving

valuable natural resources; and will result in health, safety and welfare benefits to the residents and taxpayers of Wyalusing Borough by reason of the prohibition of open burning in the Borough.

SECTION 2. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the following meanings ascribed to them:

FURNACE -- Any enclosed device designed for the burning of fuel primarily for the production of heat.

GARBAGE -- All decomposed animal and vegetable waste matter resulting from handling, preparation or cooking of food.

INCINERATOR -- Any device specifically designed for the reduction or destruction of solid wastes by burning.

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 -- All materials, which are discarded as useless.

RUBBISH -- All solid waste except garbage, including but not limited to ashes, bedding, cardboard, cans, clothing, crockery, glass, furniture, plastics, rags, rubber, paper, tree branches, leaves and yard trimmings.

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.

SOLID WASTES -- Garbage, refuse, rubbish and other discarded materials resulting from industrial, commercial, agricultural and residential activities.

SECTION 3. ENFORCEMENT.

The Ordinance Enforcement Officer or other duly authorized agent of the Borough Council shall have the power and duty to enforce the provisions of this chapter.

SECTION 4. PROHIBITED ACTS.

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

- A. Ignite or feed an open fire for the destruction or reduction of solid wastes (including but not limited to garbage, refuse, rubbish, tree branches, leaves, and yard trimmings) or in the conduct of a salvage operation on or in any public or private place in the Borough of Wyalusing.
- B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction or reduction of solid wastes (including but not limited to garbage, refuse, rubbish, tree branches, leaves, and yard trimmings) or in the conduct of any salvage operation on or in any property under his control in the Borough of Wyalusing.

SECTION 5. EXCEPTIONS.

The requirements of §4 shall not apply where the open burning operations result from:

- A. A fire set by or under the supervision of a public officer to prevent or abate a fire hazard. Such permission shall be by written application and permit as issued by the Wyalusing Borough Fire Chief.
- B. A fire set for the purpose of instructing persons in fire fighting, when authorized by the Wyalusing Borough Fire Chief.
- C. A fire in a dwelling unit fireplace.
- D. A fire set solely for the purpose of cooking food (grilling, broiling, and barbecuing).
- E. A fire set solely for recreational, religious, or ceremonial purposes when approved by the Borough Ordinance Enforcement Officer or designated official.

SECTION 6. VIOLATIONS AND PENALTIES.

Any person or legal entity violating the provisions of this chapter shall, upon summary conviction before a District Justice, pay a fine of not more than one thousand dollars (\$1,000.), together with costs of suit, collectible in the manner provided by law. Each violation after notice of an offense or service of a summons shall constitute a distinct and separate offense.

THIS ORDINANCE shall take effect immediately upon adoption.