

ORDINANCE NO. 255-06-11-2020

AN ORDINANCE REPEALING ORDINANCE NO. 224-9-5-2006; REGULATING OPEN BURNING IN ALLEGHENY TOWNSHIP AND PROVIDING ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATION THEREOF

NOW THEREFORE, BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Supervisors of Allegheny Township, Blair County, Pennsylvania, as follows:

SECTION 1 – TITLE:

1.1. This Ordinance shall be known as the "Allegheny Township Open Burning Ordinance."

SECTION 2 – REPEALER:

2.1. This Ordinance repeals and restates in its entirety the previously enacted Ordinance No. 224-9-5-2006, and any other ordinance or part thereof with which it may conflict.

SECTION 3 – DEFINITIONS:

3.1. For the purpose of interpreting the provisions of this Ordinance, the following words and phrases shall have the meaning or meanings ascribed:

GARBAGE - all crockery, dishes, ashes, cinders, rubber, linoleum, asphalt or tarry products (e.g. roofing paper and shingles), grease and animal products, vegetable or food waste.

PERSON - any natural person or persons, corporation, partnership, association or any other entity.

YARD WASTE - Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

3.2. All other terms and phrases shall have the meaning or meanings ascribed to them in the Air Pollution Control Act, 35 Pa. Stat. Ann. §4000 et seq., the Solid Waste Management Act, 35 Pa. Stat. Ann. §6018.101 et seq., the Municipal Waste Planning Recycling and Waste Reduction Act, 53 Pa. Stat. Ann. §4000.101, and all ordinances of Allegheny Township enacted pursuant to said Acts.

SECTION 4 – OPEN BURNING PERMITTED:

4.1. A person shall be permitted to conduct open burning as follows:

- (A) On Tuesdays from 8:00 a.m. to 6:00 p.m. and Saturdays from 8:00 a.m. to 3:00 p.m. of each week and/or at such other days and times as may be designated by the Board of Supervisors from time to time when they deem the same necessary for the purpose of burning only non-recyclable paper, corrugated paper and non-recyclable cardboard (cereal boxes) when the fire is on the premises of any structure occupied solely as a dwelling by two (2) families or less and only when such refuse results from the normal occupancy of said structure.
- (B) On Tuesdays from 8:00 a.m. to 6:00 p.m. and Saturdays from 8:00 a.m. to 3:00 p.m. of each week and/or at such other days and times as may be designated by the Board of Supervisors from time to time when they deem the same necessary for the purpose of burning that amount of yard waste generated from the premises of a structure occupied solely as a dwelling by two (2) families or less and only when the fire is on the premises of said structure.
- (C) For the purpose of preventing or abating a fire hazard, when approved by the Department of Environmental Protection and when set by or under the supervision of a public officer designated by the Township of Allegheny.
- (D) For the purpose of instructing personnel and firefighting, when approved by the Department of Environmental Protection.
- (E) For the prevention and control of disease or pests, when approved by the Department of Environmental Protection.
- (F) For recreational or ceremonial purposes.
- (G) For cooking food. For purposes of this Ordinance, the cooking of food on a grill fueled by charcoal or propane gas shall not be considered open burning so long as said grills have a lid and meet Federal and State safety standards.
- (H) All other open burning is prohibited.

SECTION 5 - REGULATIONS:

5.1. Any and all open burning of any material burned pursuant to 4.1(A), (F), and (G) shall be done in an approved container such as a metal barrel or concrete enclosure, which must conform to Department of Environmental Protection standards and to the following:

- (A) Said container must have a screen of sufficient strength to prevent ash or unburned material from being released from said container during or after burning has occurred.

- (B) Said container shall be within reach of an operating water faucet and/or operating garden hose and shall be placed on privately owned property, but in no event shall said container be placed closer than ten (10) feet from the property line of the person so burning.
- (C) With respect to any open burning of any material burned pursuant to 4.1(A), said container shall be at least twenty-five (25) feet from any dwelling or structure, whether inhabited by humans or not.
- (D) Said container shall not be placed on or near any combustible material nor on the surface on any public street.

5.2. Any and all open burning of any material burned pursuant to 4.1(B) shall be performed on privately owned property and shall be performed no closer than ten (10) feet from the property line of the person so burning and at least twenty-five (25) feet from any dwelling or structure, whether inhabited by humans or not.

5.3. Any and all open burning shall be done under the consent and direct supervision of an adult individual of eighteen (18) years of age or older and shall not be done when a strong breeze or wind is active.

5.4. All containers used for open burning must be emptied on a monthly basis with the refuse therefrom to be taken to a landfill or composted and in no event shall such burned refuse be permitted to accumulate and/or cause unsightliness, odors and/or attract vermin.

5.5. All open burning must be carried out in a manner to prevent the emission of noxious or offensive smoke and/or odors.

5.6. No open burning shall cause emissions which interfere with the reasonable enjoyment of life or property.

SECTION 6 – BURNING OF CERTAIN MATERIALS PROHIBITED:

6.1. It shall be unlawful for any person to burn those materials which are prohibited under any and all local, State and Federal laws including, but not limited to, the following materials:

- (A) Clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint (newspaper), plastic and any and all other source separated recyclable material.
- (B) Garbage.
- (C) Hazardous waste.

- (D) Any substance which interferes with the reasonable enjoyment of life or property or is deleterious to human or animal health.

SECTION 7 – FIRE BAN EMERGENCY:

7.1. The Board of Supervisors may declare a fire ban emergency in Allegheny Township with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township during periods of drought or other periods of high fire risk to woodlands or property within Allegheny Township.

7.2. Upon the Board of Supervisors declaring a fire ban emergency, all outdoor burning or fires of any kind shall be prohibited until the Board of Supervisors lifts the ban. The Township shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the Township may issue news releases to all communication media, including radio, television, and newspapers.

SECTION 8 – ENFORCEMENT AND PENALTY:

8.1. *Removal by Township.* The Township of Allegheny, through its authorized agents or employees, may give written or verbal notice to the person, whether owner or occupant, to abate or eliminate or correct any violations of this Ordinance and upon failure of the person, whether owner or occupant, to do so within the time specified by said notice, the Township of Allegheny may abate or eliminate or correct the violation and collect the cost and expenses thereof together with a penalty of not less than twenty-five dollars (\$25.00) or more than one thousand dollars (\$1,000.00) from the owner or occupant by court proceedings or in the manner provided for the collection of municipal claims or by an action of assumpsit without the filing of a claim.

8.2. *Equitable Proceedings.* The Township of Allegheny may institute proceedings in the Court of Common Pleas of Blair County for equitable relief in enforcing the provisions of this Ordinance.

8.3. *Criminal Offense.* Any police officer and/or any person authorized by the Board of Supervisors may enforce the violation of this Ordinance. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) plus the cost of prosecution, and/or be sentenced to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Ordinance continues shall constitute a separate and distinct offense which shall be subject to the aforesaid penalties.

8.4. *Election.* The Township of Allegheny may, in its discretion, use any one (1) or more of the above provisions and the use of any one (1) provision shall not constitute an election or bar to the use of any other provision.

SECTION 9 – VALIDITY:


9.1. The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included here

SECTION 10 - EFFECTIVE DATE:

10.1. This Ordinance shall become effective five (5) days after its enactment.

ORDAINED, ENACTED and ADOPTED by the Supervisors of Allegheny Township, Blair County, Pennsylvania this 11th day of June 2020.

ATTESTED:




Silke L. Morrison, Secretary

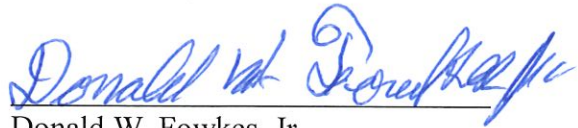
ALLEGHENY TOWNSHIP
BOARD OF SUPERVISORS:



David E. Burchfield, Jr., Chair



Fred N. Imler, II



Donald W. Fowkes, Jr.

