

Ordinance # 432 BURNING ORDINANCE

BOROUGH OF MEYERSDALE

Somerset County, Pennsylvania

ORDINANCE NUMBER 432

BURNING ORDINANCE

AN ORDINANCE OF THE BOROUGH OF MEYERSDALE PRECLUDING THE INDOOR AND OUTDOOR BURNING OF ALL MATERIALS WITH CERTAIN EXCEPTIONS ALLOWING FOR PERMISSIBLE ACTIVITIES AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the BOROUGH OF MEYERSDALE has a Nuisance Ordinance that generally covers Open Air Burning.

WHEREAS, the BOROUGH OF MEYERSDALE does not wish to amend or strike the Nuisance Ordinance.

WHEREAS, the BOROUGH OF MEYERSDALE enacts this Ordinance to protect the residents of the Borough from Nuisance, property and personal damage for the health and safety of all residents.

BE IT ORDAINED AND ENACTED by the Meyersdale Borough Council of Meyersdale Borough, Somerset County, Pennsylvania, and it is hereby ORDAINED AND ENACTED by the authority of the same as follows;

SECTION 1. GENERAL PURPOSE

In the interest of providing for the health, safety, welfare, and economic benefit of the residents of the Borough, and in the interest of providing for the prevention of harmful and unwanted air pollution, and providing for and promoting the responsible recycling and / or disposal of municipal waste of all types, the Meyersdale Borough Council has determined to restrict the indoor or outdoor burning of municipal waste materials including but not limited to the following: construction or demolition materials, garbage, recyclable materials, rubbish, vegetation of all types, solid waste, refuse, or rubbish.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, all definitions shall be as stated in the Definitions Ordinance of the Borough.

SECTION 3. PROHIBITED ACTIVITY

Except as hereinafter provided, the indoor or outdoor burning of all materials including but not limited to the following: garbage, municipal waste materials, debris from construction or demolition, vegetation of all types, solid waste, refuse, recyclable materials, and rubbish is hereby prohibited within the Borough limits.

SECTION 4. PERMISSIBLE ACTIVITY

The following activities are permissible under this ordinance with the following provisions:

A. GENERATION OF DOMESTIC OR INDUSTRIAL HEATING SOURCE

The indoor or outdoor combustion of materials for the sole purpose of providing for residential, commercial or industrial heat provided that such burning is in compliance with this ordinance and with the following requirements:

1. Conducted in a device specifically designed and constructed for such purpose and used in accordance with the manufacturers' specifications.
2. The emission of airborne burning material is restricted.
3. The installation and operation of all related equipment is in compliance with all Borough, County, State, or Federal regulations.
4. The use does not create smoke or fumes or a safety hazard, such as to cause harm to nearby residents or personal property.

B. CHARCOAL OR WOOD FOOD PREPARATION FIRES Outdoor charcoal or wood fires kindled for the sole purpose of outdoor food preparation, provided that such fires are in compliance with the following requirements:

1. The fire is contained in a structure designed and constructed specifically for such purpose and the fire and all residual embers or ash are contained in such a manner as to prevent any burning material from falling outside the container or onto the ground.
2. The fire is kindled no more than one hour prior to cooking and are extinguished within one hour following the completion of the cooking process.
3. The fire is under constant supervision by a person age 16 years or older present on the property.
4. The emission of airborne burning material is restricted.
5. The device containing the fire is placed a safe distance from any building, structure, fence, vehicle, or other combustible item or material, and placed at least five (5) feet from any adjacent property line, public sidewalk, public street, or public alley.
6. The fire does not create smoke or fumes or a safety hazard, such as to cause harm to nearby residents or personal property.

C. DECORATIVE LIGHTING DEVICES The use and burning of decorative outdoor solid, gas, or liquid fuel heating or lighting devices such as candles, patio torches, natural or propane gas fireplaces or fire rings, is permitted provided that the use of such is in compliance with the following requirements:

1. The fire is contained in a device specifically designed and constructed for such purpose.
2. The use does not create smoke, or fumes or a safety hazard such as to cause harm to nearby residents or personal property.
3. The devices are not permitted to continue to burn during periods in which a person(s) is not present at the property where they are being used.

D. FIRE RINGS: Permitted under this section is the recreational or aesthetic use of campfires as long as the fire, ashes and embers are contained and used in a fire ring and or chimenea type devices by a competent adult at all times.

1. Said operation may not allow smoke, odors, or other contaminants and embers to cross any property lines or boundaries.
2. The device containing the fire is placed a safe distance from any building, structure, fence, vehicle, or other combustible item or material, and placed at least five (5) feet from any adjacent property line, public sidewalk, public street, or public alley.

3. The fire does not create smoke or fumes or a safety hazard, such as to cause harm to nearby residents or personal property.

D. EMERGENCY SERVICES OPERATIONS

1. A fire kindled to prevent or abate a fire hazard, when conducted as part of an operation of a recognized emergency services operation by a trained and authorized emergency services agency of the Federal, State, County, or Borough government.
2. Any fire kindled for the purpose of instructing emergency services personnel in firefighting, when conducted in compliance with all regulatory policies of the Federal, State, County, or Borough government.

E. ACTIVITY APPROVED BY BOROUGH COUNCIL Any fire kindled as part of an activity approved and permitted by the Borough Council as part of a recreational, sports, or organized group activity provided that such fire does not violate any County, State, or Federal regulations. Prior to the activity, the sponsoring organization must deliver to the Borough a certificate of insurance showing insurance coverage for the event at values which meet established Borough policy.

SECTION 5. VIOLATIONS AND PENALTIES

A. NOTIFICATION OF VIOLATION Notification of any violation of this ordinance shall be made in accordance with the Ordinance Violation Penalties Ordinance of the Borough.

B. PENALTIES Penalties for a violation of this ordinance shall be imposed and assessed in by the Meyersdale Police as follows:

1. First occurrence: Warning, unless activity constitutes a larger penalty.
2. \$75.00 for the first offense.
3. \$150.00 for each subsequent offense.

Each day of activity is new violation.

In the event the violation also constitutes a violation of the Pennsylvania Criminal Code, the criminal charges shall be levied as stated by the General Assembly in conjunction with this Ordinance.

ENACTED AND ORDAINED into an Ordinance this 12TH day of
JUNE, 2018.

ATTEST:

Patricia C. Uherman
Borough Secretary

J.R. Orr DDS
President of Council

APPROVED the 12TH day of JUNE, 2018.

Michael Best Mayor

I hereby certify that the foregoing Ordinance was advertised in the New Republic, May 17, 2018, a newspaper of general circulation in the Municipality and was duly ENACTED AND APPROVED as set forth at a Regular Meeting of the Borough of Meyersdale held June 12, 2018.

Patricia C. Ackerman

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Borough Secretary