

Borough of Hastings

Ordinance 2013-01

**AN ORDINANCE OF THE BOROUGH OF HASTINGS, CAMBRIA COUNTY, PENNSYLVANIA,
REGULATING OUTSIDE BURNING WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPES OF
MATERIAL TO BE BURNED AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.**

BE IT ORDAINED and enacted by the Borough Council and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. Definitions

Burning: As used within this Ordinance "burning shall have the following meaning. "The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually."

Burn Container: Any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material; containing bottom, sides and a cover as herein defined. "Burn Containers" shall not be allowed to deteriorate to the point where they contain holes or missing surfaces in the structure. Outdoor fireplaces or incinerators shall be considered as Burning Containers for the purpose of this Ordinance.

If a metal drums are being used, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the sides and/or bottom , except that they may contain drain or vent holes in the bottom of the drum no larger than two square inches each.

Exception: Portable outdoor grills, fire by propane or charcoal, and designed for food preparation, are excluded from this provision of this Ordinance.

Burn Container Cover: A metal screen with spaces not more than one half (1/2) square inch, or other comparable material, which covers the entire open area above the burning container opening. Such screen shall be maintained in good order as to prevent large articles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point whereby it loses it maximum efficiency.

Burnable Materials: Burnable materials shall include the following:

Paper: includes newsprint, wrapping paper, paper products or sheet paper items. Paper used to absorb oils or other noxious materials; plastics coated paper; paper attached to other non-burnable materials, or any other paper product that is wet shall not be included as burnable paper products, and are hereby prohibited from burning.

Cardboard and chipboard: Includes cardboard and chipboard boxes, sheets, packing materials, ect. Excluded and not permitted to be burned are materials used to absorb all oils or other noxious or toxic materials; cardboard or chipboard in combination with any other non-burnable materials.

Wood: Includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have a high glue content, such as Flake or Composition Board; and wood products in combination with any non-burnable materials.

Non-Burnable Materials: The following is a partial list of those materials that are classified as: NON-BURNABLE” under the guidelines of this Ordinance.

Plastic; rubbers; oils; asbestos; composition boards; shingles; felt paper; canvas; fiber glass; vinyl; or any similar materials; or any combination of the above with any other materials.

Human or animal waste; sanitary napkins; diapers; food solids; oil filters; or any other material individually or in combination, that emit smoke, acrid, obnoxious or toxic odors.

Grasses, green twigs or leaves.

The above is a partial list of those items and materials prohibited under the guidelines of this Ordinance. Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

Sunrise / Sunset: A specific time of day, as determined and published by the United States Weather Bureau locally, at which the sun rises and sets.

Section 2. No person or corporation shall cause to be burned any of the above Non Burnable Materials or any like or similar materials not in compliance, or inconsistency with this Ordinance. It will be illegal to burn any materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke.

Section 3. Burning, in compliance with this Ordinance, shall be permitted only between the hours of sunrise and sunset. Under no conditions shall burning, as define herein, be permitted between the hours from sunset to sunrise. Fires allowed to burn or smolder after sunset shall

be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

Section 4. Burning, in compliance with this Ordinance, shall be attended at all times by an individual fourteen (14) years or older until such time as the flames have subsided completely. Unattended burning shall be in direct violation of this Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

Section 5. No Burning Container shall be used or stored within twenty-five (25) feet of any building or structure. No Burning Container shall be used or stored within twenty (20) feet of any property line or public sidewalk area. No Burning Container shall be used or stored without the proper cover in place. No Burning Container shall be used for any other purpose.

Section 6. All fires outside of Burning Containers are hereby prohibited within the Borough.

This Ordinance does not prohibit the issuance of "Special Burning Permit" by the Borough Council whenever circumstances so dictate. Such Special Permits shall be issued in writing by the Borough Council on a form provided by the Borough. In granting such permit, the Borough Council shall determine whether or not the Fire Company shall be in attendance.

Section 7. Any and all Borough Police Officers are hereby granted the authority and responsibility for inspecting outside Burning Containers for compliance with this Ordinance. In the event any violations of this Ordinance are found to be existence at the time of inspection, the Police Officer is hereby charged with the responsibility of the issuing a warning or citations, as merited, for all violations of this Ordinance.

Section 8. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one thousand dollars (\$1,000.00) and the cost of prosecution, and in default therewith, undergo imprisonment in the Cambria County Prison for a period not to exceed thirty (30) days.

Section 9. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining portions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.

Section 10. All other Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

Section 11. This Ordinance shall be effective immediately after the enactment date by the Borough Council.

BULY ENACTED AND ORDAINED, this ____ day of _____, 2013, by the Council of Hastings Borough, in lawful session duly assembled.

Borough of Hastings

Cambria County, Pennsylvania

By: _____

Christopher M. Gibbons

President of Council

ATTEST:

Barbara Holtz

Borough Secretary

(Seal)

DULY ENACTED AND ORDAINED, this ____ day of _____, 2013

Sam Grillo

Mayor