

OFFICIAL  
TOWNSHIP OF NORTH HUNTINGDON

PROPOSED ORDINANCE NO. 1 OF 2001

ORDINANCE NO. 1029

AN ORDINANCE OF THE TOWNSHIP OF NORTH HUNTINGDON ESTABLISHING REGULATIONS PERTAINING TO OUTDOOR BURNING AND FIRES; PROVIDING PENALTIES FOR VIOLATIONS; AND SPECIFICALLY WITH REFERENCE TO CHAPTER 66 OF THE CODE OF THE TOWNSHIP OF NORTH HUNTINGDON FOR THE SAFETY, HEALTH AND WELFARE OF THE RESIDENTS.

WHEREAS, the burning of garbage, refuse, rubbish and debris, and the maintaining of open fires within the corporate limits of the Township of North Huntingdon affects the health, safety and general welfare of the residents thereof; and

WHEREAS, the Board of Commissioners of the Township of North Huntingdon desire to establish rules and regulations for burning and open fires throughout the Township of North Huntingdon; and

WHEREAS, the Township of North Huntingdon is granted authority to regulate the same by the First Class Township Code of the Commonwealth of Pennsylvania.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland, Commonwealth of Pennsylvania, as follows:

**SECTION 66-1. DEFINITIONS.**

As used in this Ordinance, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

- A. BOARD OF COMMISSIONERS – The Board of Commissioners of the Township.
- B. BUILDING MATERIALS – All materials incidental to construction or remodeling of buildings, including, but not limited to, shingles, asbestos, styrofoam, wire, insulation, and treated wood, but not including untreated wood.
- C. CONTAINERS/BARRELS – No larger than fifty-five (55) gallons and with a minimum height of three (3) feet. The top of the container or barrel should be covered with a grate to prevent particles from flying out of the container or barrel.
- D. DEMOLITION PROJECT – The destruction of a dwelling or building on site.
- E. FURNACE – Any enclosed device specifically designed for burning any material for the production of heat.
- F. GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- G. INCINERATOR – Any device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material.
- H. LAND DEVELOPMENT – The improvement of one (1) or more lots, tracts or parcels of ground for any of the following:
  - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  - (3) A subdivision of land.
- I. OPEN FIRE – A fire in which any material is burned in the open but not including burning in a furnace or incinerator.
- J. PERSON - Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.
- K. RECEPTACLE FIRE – A fire in which any material is burned in a container or barrel, but not including a furnace or incinerator.

- L. RECYCLABLES - Any items designated by the Township of North Huntingdon which are to be recycled.
- M. REFUSE - Garbage, rubbish and trade waste.
- N. RUBBISH - Solids not considered to be highly inflammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, large tree branches, yard trimmings including grass, furniture, crockery and masonry, and with the specific understanding that all recyclable items are as mandated under the recycling resolution(s) of the Township.
- O. SALVAGE OPERATIONS - Any business, trade or industry engaged in whole or in part salvaging or reclaiming any product or material, including but not limited to, metals, chemicals, shipping containers or drums.
- P. TRADE WASTE - All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

## SECTION 66-2. GENERAL REGULATIONS; PERMITS; FEES.

- A. All outdoor burning and fires are expressly prohibited except as may be authorized under the terms hereof.
- B. Any burning permitted by the terms of this Ordinance shall only be those items or material owned by the property owner and generated on the property by said property owner or resident. No person shall burn any items or material on behalf of any other individual for either a fee or gratuitously, nor shall any person bring upon the property of another, any materials or items allowed to be burned pursuant to the terms of this Ordinance, for the purpose of burning said items on another persons property, or on a property other than the property upon which the items were generated.

C. A permit issued by the Police Department of the Township of North Huntingdon shall be required for all outdoor burning and fires for all categories of this section except as set forth in this Ordinance.

D. The Board of Commissioners of the Township of North Huntingdon shall, from time to time, by Resolution, adopt and authorize a permit form and schedule of fees to be imposed for the issuance of permits hereunder.

E. No person or persons shall set or maintain any outdoor burning or fires upon the paved portion of any street, alley or public ground in the Township of North Huntingdon.

F. No person or persons shall knowingly maintain a fire hazard on any property within the Township of North Huntingdon.

G. No person or persons shall deliberately, knowingly, carelessly or negligently set fire to or cause the burning of any material in such manner to endanger the safety of any person or property.

### **SECTION 66-3. SINGLE- AND DOUBLE-FAMILY RESIDENTIAL AREAS.**

In all residentially zoned areas with reference to and only with reference to single-family and double-family (duplex) buildings, the following regulations shall apply:

A. All outdoor burning or fires in areas of residential dwellings shall be limited to the burning of paper products, newspaper and yard waste, excluding leaves, as defined herein, during the hours of 9:00 A.M. until 5:00 P.M., prevailing time, on Wednesdays, Thursday, Fridays, and Saturdays, as tolerated. All outdoor fires, whether open or contained, shall be attended and have an adequate water supply or equal extinguishing agent throughout the duration of the burning.

B. Outdoor burning or fires confined to an approved container or burning barrel will not require a permit, but shall comply with all pertinent provisions of this Ordinance.

C. No person or persons shall set or maintain any outdoor burning or fires within seventy-five (75) feet of any structure and the size of the burning or fire, except as provided for in Subsection B above, shall not exceed an area consisting of ten (10) feet by ten (10) feet. Open burning requires a permit issued by the Police Department and may be conducted on Saturdays from 9:00 A.M. to 5:00 P.M., prevailing time, as tolerated. The permit issued is a one time permit only for the one day requested and a new permit must be obtained for each and every open burning Saturday.

D. No person or persons shall burn or cause to be burned any garbage, rubber, tires, paint, animal waste, plastics, diapers, toxic materials, building materials, demolition materials or any other matter consisting of rubbish, trade waste, refuse, garbage or recyclables (currently per Resolution No. 120 of 1991, which recycles clear glass, colored glass, aluminum, steel and bimetallic cans) as defined by this Ordinance.

E. Outdoor fireplaces, grills and campfires used solely for food preparation purposes shall not require a permit, but must adhere to all pertinent provisions of this Ordinance with the exception of time limitations. With respect to any fire regulated by this paragraph, the fire shall be extinguishable by 1:00 A.M. and shall not be started until 9:00 A.M.

F. Bonfires for amusement purposes shall be permitted with the condition that all of the regulations of this section of this Ordinance are complied with and a permit is issued by

the Police Department. With respect to any fire regulated by this paragraph, the fire shall be extinguished by 1:00 A.M. and shall not be started until 9:00 A.M.

G. That all fires, except as provided for herein, shall be totally extinguished as provided for in Subsection A above so as to assure there is no smoke or smoldering of said fires.

H. The police or local Fire Chief may order the extinguishment of any fire considered offensive or hazardous.

#### **SECTION 66-4. OTHER RESIDENTIAL AREAS.**

Other than in single- and double-family (duplex) residential areas as provided for in Section 66-2 and 66-3 of the Code of the Township of North Huntingdon, all outdoor burning or fires whether contained or not is/are prohibited in the following areas: residential, commercial, neighborhood/business, industrial and planned economic development areas. Any person or entity who shall violate this section shall, upon conviction, be subject to the penalties set forth by Section 66-7 of the Code of the Township of North Huntingdon.

#### **SECTION 66-5. WORK SITES.**

A. With reference to land development only, the same shall be governed by the applicable Department of Environmental Protection rules and regulations pertaining to burning, whether said burning is contained or not contained. The aforesaid burning shall be controlled strictly through the appropriate rules and regulations of the Department of Environmental Protection in effect at the time (currently contained at 25 Pa. Code 129.14, entitled "Opening Burning Operations"). In addition to the above-stated regulations of the

Department of Environmental Protection that shall be adhered to, the following regulations shall also apply to land developments.

1. Any burning related to a land development shall adhere to the regulations specified in Section 66-3(C) of this Ordinance.
- B. With respect to work sites that are not defined as land developments, the following regulations shall be adhered to.
  1. Open burning as defined in Section 66-3(C) of this Ordinance shall be permitted in accordance with all of the regulations pertaining to same as specified in this Ordinance. However, such open burning shall only be permitted to clear all or part of a building lot. No other open burning shall be permitted.
  2. Burning shall be permitted in an approved container in accordance with all of the regulations pertaining to same as specified in this Ordinance.

#### **SECTION 66-6: EXEMPTIONS.**

- A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
  1. The prevention of a fire hazard which cannot be abated by any other means; or
  2. The protection of public health.
- B. That upon obtaining a permit at no cost issued by the Police Department of the Township of North Huntingdon, and which said permit shall be countersigned by the Fire Marshal, any volunteer fire department may burn a structure for the purpose of practice,

provided that said burning activity is a controlled burning activity and supervised by the volunteer fire department so permitted.

**SECTION 66-7. PENALTIES.**

Any person who shall violate any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars, and/or imprisonment for a term not to exceed thirty (30) days.

**SECTION 66-8. SEVERANCE CLAUSE.**

Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

**SECTION 66-9. REPEALER.**

The adoption of this Ordinance will automatically repeal Ordinance No. 818 adopted on the 17<sup>th</sup> day of March, 1993, Ordinance No. 831 adopted on the 18<sup>th</sup> day of August, 1993 and Ordinance No. 947 adopted on the 16<sup>th</sup> day of September, 1998.

**ORDAINED AND ENACTED** at a regular meeting of the Board of Commissioners of the Township of North Huntingdon, County of Westmoreland and Commonwealth of Pennsylvania, a full quorum being present, this Wednesday, the 21<sup>st</sup> day of February, 2001.

TOWNSHIP OF NORTH HUNTINGDON

BY: Thomas L. Kerber

Thomas L. Kerber, President  
Board of Commissioners

ATTEST:

  
John M. Shepherd, Township Secretary

SEAL

SOLICITOR: Thomas P. Cole, II