

Amendment to Ordinance No. 71

Open Burning

71-1 Definitions

71-2 Restrictions

71-3 Permitted

71-4 Violations and Penalties

71-1 Definitions

BURNING - The igniting of any material to cause flame, smoke, embers, hot ash or residue in combination or individually for use as a recreational fire in a burn container.

BURN CONTAINER- Any container used for purpose of burning permitted materials as authorized herein: constructed of masonry, metal or other non-combustible rigid material at a maximum height of 24" above ground level and 48" in diameter. Burn barrels are prohibited.

RECREATIONAL – Burning used for food preparation with burnable permitted materials.

EXCEPTIONS - Portable outdoor grills, fired by propane or charcoal, and designed and used for food preparation, are excluded from the provisions of this Ordinance.

BURNABLE PERMITTED MATERIALS - Seasoned firewood

NON-BURNABLE MATERIALS -

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

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

Wood- Includes 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 board or composition board; and wood products in combination with any non-burnable materials.

Other Materials – tires; plastic; rubber; oils; asbestos; composition boards; shingles; felt paper; canvas; fiberglass; vinyl; or any similar building materials; or any combination of the above with any other materials. Human or animal waste; sanitary napkins; diapers; food solids; oil filters; grasses; leaves; green tree limbs or any other materials individually or in combination, that emit smoke, or acrid, obnoxious or toxic odors; garbage and rubbish

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.

71- 2 Restrictions

- A. No person or persons shall set or maintain any fire upon streets, sidewalks, alleys or public grounds of the Borough of West Kittanning, Armstrong County, Pennsylvania, or burn or cause to be burned thereon, nor shall any person or persons set or maintain any fire or burn or cause to be burned any substance or material of any kind- out-of-doors anywhere within the corporate limits of said Borough unless permitted by this Ordinance.
- B. 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 inconsistent with this Ordinance. It shall be illegal to burn any materials that release any acrid, obnoxious or toxic odors, or emit heavy smoke.
- C. Burning, in compliance with this Ordinance, shall be permitted only between the hours of 6:00 p.m. and 2:00 a.m. Under no conditions shall burning, as defined herein, be permitted between the hours from 2:00 a.m. and 6:00 p.m. Fires allowed to burn or smolder after 3:00 a.m. 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.
- D. Burning, in compliance with this Ordinance, shall be attended at all times by an individual 18 years or older until such time as the flame has 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.
- E. No Burning Container shall be used or stored within fifteen (15) feet of any building or structure. No Burning Container shall be used or stored within fifteen (15) feet of any property line, borough right-of-way/ roadway or public sidewalk area.

71-3 Permitted: Out-of-Door Fires

- A. Every such out-of-door fire shall be for recreational purposes only.
- B. Fire shall not exceed a maximum height of 24" above top of non-combustible container
- C. All aforementioned regulations and restrictions apply.

71-4 Violations and Penalties

- A. All fires outside of Burning Containers are hereby prohibited within the Borough.
- B. This Ordinance does not prohibit the issuance of a "Special Burning Permit" by the local Borough Council or Fire Marshall whenever circumstances so dictate. Such a Request and the issuing of Special Permits shall be issued in writing on a Form provided by the Borough. In granting such Permit, the Fire Marshall shall determine whether or not the Fire Company shall be in attendance.
- C. 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 in existence at the time of inspection, the Police Officer is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.
- D. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one hundred dollars (\$100.00) and the cost of prosecution, and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty (30) days.
- E. 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 provisions 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.
- F. All other Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

Enacted and ordained this 8th day of September 2014.

WEST KITTANNING BOROUGH COUNCIL:


President

ATTEST:


Secretary/Treasurer



BOROUGH OF WEST KITTANNING

WEST KITTANNING, PENNSYLVANIA 16201



"A safe and clean city to work and live in"

September 8, 2014

James W. Sobiski, Mayor
West Kittanning Borough

West Kittanning Borough Council -

The following are objections and recommendations for my veto of the Amendment to Ordinance No. 71 Open Burning:

1. 71-2 Restrictions Section C

Burning, in compliance with this Ordinance, shall be permitted only between the hours of 6:00p.m. and 2:00a.m.

I would prefer the hours to be 12:00p.m. (noon) and 12:00a.m. (midnight).

Under no conditions burning, as defined herein, be permitted between the hours of 2:00a.m. and 6:00p.m.

I would prefer 12:00a.m. (midnight) and 12:00p.m. (noon)

Fires allowed to burn or smolder after 3:00a.m. shall be in violation of this Ordinance.

I would prefer "burn or smolder after 12:00a.m. (midnight)"

2. 71-4 Violations and Penalties Section B

The term "*Fire Marshall*" in this section: to my knowledge, there is no such position within our Borough and it needs to be clarified whom would grant the permit.

3. 71-4 Violations and Penalties Section D

Pay a fine not to exceed one hundred dollars (\$100.00)

I would prefer a fine of five hundred dollars (\$500.00). This would be more of a deterrent from violation of this Ordinance.

Respectfully,

James W. Sobiski
Mayor