

Council Bill No.: 3-2004
Introduced: 9-13-04
By: Kinosz
Enacted: 10-11-04
Ordinance No.: 3-2004

**CITY OF LOWER BURRELL
WESTMORELAND COUNTY,
PENNSYLVANIA**

AN ORDINANCE OF THE CITY OF LOWER BURRELL, WESTMORELAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, RESTATING AND AMENDING SECTION V.EXCEPTIONS.B. OF ORDINANCE NO. 5-1996 AND ARTICLE 1513 OF THE CODIFIED ORDINANCES OF THE CITY OF LOWER BURRELL, PROVIDING FOR OPEN BURNING.

WHEREAS, a U.S. Environmental Protection Agency study indicates the amount of air pollution and hazardous substances released into the air by burning of household wastes (Appendix A); and

WHEREAS, a rolled newspaper takes only 6 weeks to decompose in a landfill (Appendix B); and

WHEREAS, the Council of the City of Lower Burrell has determined that unrestricted fires may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of Lower Burrell,

NOW, THEREFORE, be it ORDAINED and ENACTED by the Council of the City of Lower Burrell:

1. Section V. Exceptions B. of Ordinance No. 5-1996, the Lower Burrell Open Burning Ordinance of 1996, is repealed in its entirety.
2. Section V. Exceptions B. is restated to read as follows:

B. A contained fire is only permitted at residences subject to the following conditions:

- (1) Burning is prohibited from April 1st to October 1st. However, indoor woodburning fireplaces, chimneas, outdoor barbecues for eating purposes, and outdoor wood fireplaces for heating are permitted.
- (2) Burning is permitted from October 2nd to March 31st. However, burning is only permitted on Tuesdays and Saturdays from dawn to dusk.
- (3) The only material permitted to be burned is wood from yard waste during the burning periods.

- (4) Burning of materials that produce noxious, irritating odors are prohibited. The burning of garbage, trade waste, plastics, oils, and newspapers is prohibited.
 - (5) No hazardous condition or nuisance is permitted.
 - (6) Recreational fires, such as scout campfires, or bonfires, are permitted. However, if a complaint is received concerning such campfire or bonfire from surrounding residents, the ordinance officer or police will require the fire to be extinguished.
 - (7) Fires must be supervised at all times.
 - (8) At residences, a fire must be burned in a container or at least a two foot high fire ring.
 - (9) Properties 2 acres or more are permitted to burn Tuesday and Saturday of each month year round from dawn to dusk; except that Saturday burning, during the months of June, July, August, and September is restricted to the hours of dawn to noon. The fire must be at least 50 feet from property lines and 50 feet away from any structure. The fire must also be contained and supervised at all times. However, if surrounding residents complain to the City concerning the burning, the Ordinance Officer or Police will require the fire to be extinguished.
 - (10) Burning on properties of less than two acres must be 15 feet from any property from any property line and 25 feet from any structure.
 - (11) Any person who engages in burning shall be responsible for all costs associated with putting out a fire if the fire goes out of control or spreads and the Fire Department is called to assist in the extinguishment.
3. Except for this amended Section, Ordinance No. 5-1996 continues in full force and effect. The provisions of this Ordinance are severable, and if any part or provision shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions, of this Ordinance. It is hereby declared to be the intent of the City of Lower Burrell that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, part, or provision had not been included.

ORDAINED and ENACTED this _____ day of _____, 2004, by the Council of the City of Lower Burrell, at a duly assembled public meeting.

ATTEST:

CITY OF LOWER BURRELL

Edward A. Kirkwood, C.M.C.
City Clerk

Donald L. Kinosz
Mayor

APPENDIX A

The following excerpts from a U.S. E.P.A. study indicate the air pollution and hazardous substances released by burning of household wastes.

APPENDIX B

Based upon the decomposition rate of a rolled newspaper - 6 weeks - there is no compelling reason to burn paper.