

BILL NO. 01-04

ORDINANCE NO. 01-04

**AN ORDINANCE OF THE CITY OF JEANNETTE KNOWN AS THE  
"CITY OF JEANNETTE BURNING ORDINANCE",  
SETTING FORTH THE CONDITIONS UNDER WHICH OPEN BURNING MAY  
TAKE PLACE WITHIN THE CITY OF JEANNETTE, PRESCRIBING PENALTIES  
FOR VIOLATION THEREOF AND REPEALING ORDINANCE NO. 92-3.**

WHEREAS, the Council of the City of Jeannette at a regular meeting held June 16, 1992 adopted Ordinance No. 92-3 relating to the burning of yard waste, exclusive of garbage, rubbish or ashes; and

WHEREAS, in light of various recycling programs that have been implemented by the City since 1992, and for the continuing protection of the public health, safety and well-being, the City wishes to repeal Ordinance No. 92-3 and adopt the within Ordinance setting forth the conditions and circumstances under which open burning may take place within the City of Jeannette, Westmoreland County, Pennsylvania and prescribe penalties for the violation thereof.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN, THE COUNCIL OF THE CITY OF JEANNETTE HEREBY ORDAINS AND ENACTS THE FOLLOWING:

Section I. - Short Title and Purpose:

- A. This Ordinance shall be known as the "City of Jeannette Open Burning Ordinance".
- B. The purpose of this Ordinance is to regulate the open burning of combustible materials within the City of Jeannette, Westmoreland County, Pennsylvania and to promote the recycling of various materials.

Section II. – Prohibited Activities:

A. From and after the effective date of this Ordinance, no person, firm, partnership or corporation, owning or occupying any residential or commercial property within the corporate limits of the City of Jeannette shall burn any combustible materials in the open except as hereinafter described.

B. No person, firm, partnership or corporation shall set any fires or maintain any open burning upon the paved portion of any street, alley or public grounds within the corporate limits of the City of Jeannette, or burn or cause to be burned upon such street, alley or public grounds any trees, tree limbs, brush, leaves, dry shrubbery, garbage, animal waste, food matter resulting from the handling, preparation, cooking and consumption of food, rubbish, tarry products, rags, old clothes, leather, diapers, furniture, lumber, plastic, rubber, linoleum, carpets, rubber tires, asphalt, paint, grease, oil, and any other petroleum products, chemicals, hazardous or toxic materials, newspaper, cardboard, boxes, metal cans, glass, crockery, masonry or other similar material except as hereinafter described.

C. No person, firm, partnership or corporation shall transport from outside the corporate limits of the City of Jeannette to any location within the corporate limits of the City of Jeannette, trade waste resulting from the construction, building operations or the prosecution of any business, trade or industry including, but not limited to, trees, tree limbs, brush, leaves, dry shrubbery, garbage, animal waste, food matter resulting from the handling, preparation, cooking and consumption of food, rubbish, tarry products, rags, old clothes, leather, diapers, furniture,

lumber, plastic, rubber, linoleum, carpets, rubber tires, asphalt, paint, grease, oil and any other petroleum products, chemicals, hazardous or toxic materials, newspaper, cardboard, boxes, metal cans, glass, crockery, masonry, and other similar materials for purposes of burning or disposal.

D. From and after the effective date of this Ordinance, no person, firm, partnership or corporation shall set or maintain any open burning or burn any materials designated by the Council of the City of Jeannette, by Ordinance, Resolution or otherwise, to be subject to recycling.

Section III. – Certain Burning Permitted:

A. Subject to those conditions set forth herein, the following open burning operations shall be permitted:

1. Any fire to prevent or abate a fire hazard, when approved by the Department of Environmental Protection and set by or under the supervision of the Fire Chief of the City of Jeannette, Fire Marshall of the City of Jeannette or their designated agent;
2. Any fire set for the purpose of instructing fire fighting personnel, when approved by the Department of Environmental Protection and set by or under the supervision of the Fire Chief of the City of Jeannette, Fire Marshall of the City of Jeannette or their designated agent;
3. Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection and set by or under the supervision of the Fire Chief of the City of Jeannette, Fire Marshall of the City of Jeannette or their designated agent; and

4. Bonfires for amusement purposes only when approved by the Fire Marshall of the City of Jeannette, Fire Chief of the City of Jeannette or their designated agent and conducted under the supervision of same.

B. Any person, firm, partnership or corporation engaged in open burning under this Section shall first obtain a permit issued by the Fire Marshall or Fire Chief of the City of Jeannette or his designated agent.

C. The Council of the City of Jeannette shall, from time to time, adopt and authorize a Permit Form and Fee Schedule to be imposed for the issuance of permits. The Permit Form and Fee Schedule attached hereto as Exhibit "A" is hereby adopted by the Council of the City of Jeannette as the Form and Fee Schedule imposed by the adoption of this Ordinance.

Section IV. – Other Burning Permitted:

A. The Fire Chief or Fire Marshall may issue a permit for the burning of trees, tree limbs, brush, dry shrubbery and garden refuse only under the following circumstances:

1. Following any storms, periods of high winds or acts of nature causing damage thereto;
2. Burning or fires in areas of salvage operations or land development for the purpose of clearing the property and removal of vegetation and other debris;
3. The open burning or fires at salvage operations and/or demolition projects.

B. Open burning in areas of land development and at salvage operations shall be controlled and managed by the use of a properly utilized air curtain destructor with a fire pit and

shall be attended at all times with a water supply or equal extinguishing agent throughout the duration of the burning as approved and authorized by the Fire Marshall or Fire Chief of the City of Jeannette.

C. Nothing in this section shall be deemed to permit the open burning of leaves or leaf material that may otherwise be subject to disposal by alternate means.

Section V. – Compliance with NFPA Standards:

A. Any open burning activity conducted within the City of Jeannette shall be conducted in compliance with NFPA Standards previously adopted by the Council of the City of Jeannette in its Fire Prevention Ordinance No. 96-4, or that may be adopted by the Council of the City of Jeannette from time to time hereafter.

Section VI. – Violations and Penalties:

A. It shall be unlawful and a violation of this Ordinance for any person, firm, partnership or corporation to engage in any open burning activity within the City of Jeannette except in compliance with this Ordinance. Any person, firm, partnership or corporation who violates or fails or neglects to comply with any provision of this Ordinance shall be guilty of a Summary Offense. Upon conviction of such Summary Offense before a District Justice having jurisdiction, such person, firm, partnership or corporation shall be subject to a fine of not less than THREE HUNDRED and 00/100 (\$300.00) DOLLARS nor more than ONE THOUSAND and 00/100 (\$1,000.00) DOLLARS together with costs. Each day's violation shall constitute a separate offense and notice to the offender of the violation shall not be necessary in order to


constitute an offense. In default of payment of any fine imposed hereunder, such violator shall sentenced to jail for a period not exceeding thirty (30) days.

Section VII. – Repealer:

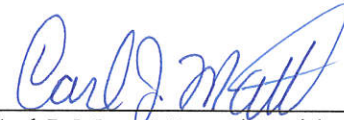
A. Ordinance No. 92-3 of the City of Jeannette and any other Ordinance or part thereof that is inconsistent with the terms and provisions of this Ordinance are hereby repealed.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED AT A PUBLIC MEETING OF THE COUNCIL OF THE CITY OF JEANNETTE HELD THE 11<sup>th</sup> DAY OF JULY, 2001 AND SHALL TAKE EFFECT IMMEDIATELY.

ATTEST:

  
\_\_\_\_\_  
Ronald E. Dinsmore, City Clerk

THE CITY OF JEANNETTE:

By:   
\_\_\_\_\_  
Carl J. Matt, Mayor/President of Council

CITY OF JEANNETTE  
110 SOUTH SECOND STREET  
JEANNETTE, PENNSYLVANIA 15644

**OPEN BURNING PERMIT**

This Permit is issued by the undersigned, under City of Jeannette Ordinance No. 01-04,  
regulating open burning operations within the City of Jeannette, Westmoreland County,

Pennsylvania, to \_\_\_\_\_,  
(Name and Address of Applicant)

to engage in open burning operations on property located at \_\_\_\_\_  
(Street Address of Burning Operation)

Jeannette, Pennsylvania for the purpose indicated below: (Check one (1))

- \_\_\_\_\_ Prevention or abatement of a fire hazard;
- \_\_\_\_\_ Instruction of fire fighting personnel;
- \_\_\_\_\_ Prevention and control of disease or pests;
- \_\_\_\_\_ Bonfire for amusement purposes;
- \_\_\_\_\_ Clean-up following a storm, period of high winds or acts of nature resulting in damage;
- \_\_\_\_\_ Property clearance and removal of vegetation and other debris associated with a salvage operation or other land development;
- \_\_\_\_\_ Clearance of debris at a salvage operation or demolition project.

The open burning operation referenced above shall take place on \_\_\_\_\_  
(Date)  
between the hours of \_\_\_\_\_ and shall be limited to same. Open burning operations  
(Time)  
conducted in places or at times other than those specified in this permit shall be deemed a

violation of City of Jeannette Ordinance No. 01-04 and shall subject the violator to those penalties prescribed therein.

Any open burning operation conducted under this permit shall be performed and carried out under and subject to the terms and provisions of Ordinance No. 01-04 above.

THE CITY OF JEANNETTE:

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Fire Chief/Fire Marshall

Permit Fee Charged: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Date  
\_\_\_\_\_ Amount  
\_\_\_\_\_ Check No.  
\_\_\_\_\_ Cash

Fee Received by \_\_\_\_\_  
(Signature)



**OPEN BURNING OPERATIONS  
PERMIT FEE SCHEDULE**

The following permit fees are hereby adopted by the Council of the City of Jeannette pursuant to Ordinance No. 01-04 and shall be assessed and paid prior to the issuance of an Open Burning Permit pursuant to the City of Jeannette Ordinance No. 04-04: (Check One)

<u>Name of Burning Operation</u>	<u>Fee</u>
_____ Prevention or abatement of a fire hazard;	<u>\$25.00</u>
_____ Instruction of fire fighting personnel;	<u>\$ 0.00</u>
_____ Prevention and control of disease or pests;	<u>\$25.00</u>
_____ Bonfire for amusement purposes;	<u>\$ 5.00</u>
_____ Clean-up following a storm, period of high winds or acts of nature resulting in damage;	<u>\$ 5.00</u>
_____ Property clearance and removal of vegetation and other debris associated with a salvage operation or other land development;	<u>\$50.00</u>
_____ Clearance of debris at a salvage operation or demolition project.	<u>\$50.00</u>