

CITY OF JEANNETTE

WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 92-3

ORDINANCE NO. 92-3

AN ORDINANCE AMENDING THE BURNING ORDINANCE OF THE CITY OF JEANNETTE, DEFINING WHAT ITEMS CAN BE BURNED, WHEN AND UNDER WHAT CONDITIONS BURNING MAY TAKE PLACE AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED, And it is hereby Ordained and Enacted by the Council of the City of Jeannette at a regular meeting thereof, held on the 16TH day of JUNE, 1992 that

WHEREAS: Jeannette has authority to regulate the burning of yard waste, exclusive of garbage, rubbish or ashes, and;

WHEREAS: Jeannette previously enacted burning Ordinances and it is the desire of City Council to amend the Burning Ordinance.

NOW, THEREFORE, In consideration of the above and intending to be legally bound, Council adopts the following:

SECTION 1:

From and after the effective date of this section, no person, firm, partnership or corporation, owning or occupying any property within the City shall burn any combustible materials in the open except that type of combustible materials as set forth in this article and at the time and place as set forth in this article.

- (a) A permit issued by the Fire Marshall of the City of Jeannette or his designated agent shall be required for all open burning and fires except residential areas.
- (b) The Council of the City of Jeannette shall, from time to time by resolution, adopt and authorize a permit form and a fee schedule to be imposed for the issuance of permits.
- (c) No person, firm, partnership or corporation shall set or maintain any open burning or fires upon the paved portion of any street, alley, or public grounds in 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 wastes, 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, any other petroleum products, chemicals, hazardous or toxic materials, newspaper, cardboard, boxes, metal cans, glass, crockery, masonry and other similar materials.
- (d) No person, firm, partnership or corporation shall transport from outside the City of Jeannette limits, into the City of Jeannette limits, trade wastes resulting from 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 wastes, 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, any other petroleum products, chemicals, hazardous or toxic materials, newspaper, cardboard, boxes, metal cans, glass, crockery, masonry and other similar materials.

- (e) No person, firm, partnership or corporation shall knowingly maintain a fire hazard on any property within the City of Jeannette.
- (f) No person, firm or corporation shall deliberately, knowingly, carelessly or negligently set fire to or cause the burning of any material in such manner as to endanger the safety of any person or property.
- (g) No person, firm, partnership or corporation shall cause, suffer, or permit the open burning of any material in any area in such a manner that;
 - (1) The smoke is visible, at any time, at the point such smoke pass outside the property of the person, firm, partnership or corporation on whose property the open burning is being conducted.
 - (2) The odorous aid contaminants and ash from the open burning are detectable outside the property of the person, firm, partnership or corporation on whose property the opening burning is being conducted.
 - (3) The smoke, odor and/or ash interfere with the reasonable enjoyment of life or property, cause damage to vegetation or property, or may be deleterious to human or animal health.
- (h) Exceptions apply where the open burning operations result from:
 - (1) Any fire to prevent or abate a fire hazard, when approved by the Department of Environmental Resources and authorized by the Fire Marshall of the City of Jeannette and when set by or under the supervision of the Fire Chief or designated agent.
 - (2) Any fire set for the purpose of instructing fire fighting personnel, when approved by the Department of Environmental Resources and authorized by the Fire Marshall of the City of Jeannette.
 - (3) Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Resources and authorized by the Fire Marshall of the City of Jeannette.
- (i) Bonfires for amusement purposes only shall be permitted only upon the specific approval and authorization of the Fire Marshal of the City of Jeannette and the supervision of the Fire Chief or designated agent.

SECTION 2:

The combustible materials permitted to be burned in the open under the terms of this article shall be limited to trees, tree limbs, brush, leaves, dry shrubbery, garden refuse and paper products.

This does not include garbage, animal wastes, 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, any other petroleum products, chemicals, hazardous or toxic materials, newspaper, cardboard, boxes, metal cans, glass, crockery, masonry and other similar materials or any material that may give off noxious or offensive smoke or odor.

SECTION 3:

(1) Residential Areas

- (a) Residential Area is limited to any structure occupied solely as a dwelling by two families or less.
- (b) All open burning or fires in residential areas shall be limited to the burning of permitted materials during the hours of 8:00 a.m. to 5:00 p.m. on Saturday, as tolerated.
- (c) All open burning or fires in residential areas shall be controlled in a safe manner and attended at all times with a water supply or equal extinguishing agent throughout the duration of the burning.
- (d) All open burning shall not be closer than twenty five (25) feet to any structure or fifteen (15) feet to any property line.
- (e) Open fireplaces and grills used solely for food preparation purposes shall be exempt from these regulations.

(2) Commercial Properties

- (a) All open burning or fires at commercial properties shall be issued a permit limited to such dates and at such specific times as designated and authorized by the Fire Marshal of the City of Jeannette.
- (b) Annual Permit Fee for Commercial Open Burning shall be set at a cost of \$50.00 (fifty dollars) per year.
- (c) All open burning of fires at commercial properties shall be controlled in a same manner as approved and authorized by the Fire Marshal of the City of Jeannette and attended at all times with a water supply or equal extinguishing agent throughout the duration of the burning.
- (d) All open burning shall not be closer than twenty-five (25) feet to any structure or fifteen (15) feet to any property line, except as may be otherwise authorized and designated by the Fire Marshal of the City of Jeannette.
- (e) The City of Jeannette reserves the right to deny any and all permits for open burning of fires at Commercial properties.

(3) Land Developments

- (a) All open burning or fires at areas of land development for the purpose of clearing the property and removal of vegetation and other debris shall be issued a permit limited to such dates and at such specific times as designated and authorized by the Fire Marshal of the City of Jeannette.
- (b) Opening Burning Permit Fee for Land Development shall be set at a cost of \$30.00 (thirty dollars) and be valid for a period of thirty (30) days.

- (c) All open burning or fires at areas of land development 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 Marshal of the City of Jeannette.

(4) Construction Sites-Residential and Commercial

No person, firm, partnership or corporation shall set or maintain any open burning or fires during the construction or remodeling of any structures within the City of Jeannette.

(5) Salvage Operations and Demolition Projects

- (a) All open burning or fires at salvage operations and/or demolition projects shall be issued a permit limited to such dates and at such specific times as designated and authorized by the Fire Marshal of the City of Jeannette.
- (b) Open Burning Permit Fee for salvage operations and Demolition Projects shall be set at a cost of \$50.00 (fifty dollars) and be valid for a period of thirty (30) days.
- (c) All open burning of fires at areas of salvage operations and demolition projects 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 Marshal of the City of Jeannette.

SECTION 4:

Whoever violates, fails, neglects or refuses to comply with any provisions of this article shall be fined not less than \$25.00 (twenty-five dollars) nor more than \$100.00 (one hundred dollars), together with the costs, for the first violation and not less than \$50.00 (fifty dollars) nor more than \$200.00 (two hundred dollars), together with the costs, for the second and subsequent violations. 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 in the payment of any fine the defendant shall be sentenced to jail for a period not exceeding 30 (thirty) days.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 16th day of JUNE, 1992.



GLENN D. HOAK, MAYOR

ATTEST:



RICHARD S. LASKEY, CITY CLERK