NORTH WALES BOROUGH
ORDINANCE #778

AN ORDINANCE FOR THE PREVENTION AND CONTROL OF OPEN BURNING; PROVIDING FOR REGULATIONS, EXCEPTIONS, VIOLATIONS, PENALTIES, AND REPEALING ORDINANCE #709.

WHEREAS, as a result of extensive discussions by the Borough Council it has been determined that air pollution from open burning may be detrimental to the health, comfort, living condition, welfare, and safety of the citizens;

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of North Wales as follows:

SECTION 1

118-1 Title

This ordinance shall be known and may be cited as the Borough of North Wales Open Burning Ordinance.

118-2 Unlawful Acts

Except as hereinafter provided, no person, firm, corporation, business entity, industry or other association shall cause, allow, permit, conduct or maintain outdoor burning of any kind; including the burning of any Solid Waste, Recyclable Materials, as defined in Chapter 178 (Solid Waste), §178-16 (Definitions), and Leaf Waste, as defined in Act 101, known as "The Municipal Waste Planning, Recycling and Waste Reduction Act of 1988,"

118-3 Exceptions

A. A fire set to prevent or abate a fire hazard.

B. Burning shall be permitted for the purpose of instructing personnel in fire fighting and for exhibitions. Such activity shall meet current National Fire Prevention Association (NFPA) standards for this type activity.

C. A fire set for the prevention and control of disease or pests.

D. Farming. Subsequent to proper notification, in advance, to the Borough Manager or his designate, open burning shall be permitted in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of a farm operation.

E. Cooking. Burning of coals or small, contained fires for the purpose of cooking or preparing food for human consumption is permitted when:
   (1) The cooking unit is located no less than 15 feet from any combustible materials.
   (2) Cooking units are not located on balconies or porches of apartment units exceeding one story above ground level.
   (3) Such activity is conducted in a safe manner and is not prohibited by any other regulation or statute.

F. Recreational. Subsequent to proper notification, in advance, to the Borough Manager or his designate, burning shall be permitted for recreational and ceremonial purposes (i.e., bonfires and camp fires) if such burning is conducted in a safe manner in a place where open fires are otherwise permitted and such burning is under the direct supervision of an adult until such burning is completely extinguished.

G. Use of chimneas or outdoor tables with fire pits shall be permitted, provided that they are used exclusively for their intended purpose and comply with the following:
   (1) Only non-treated wood products may be burned.
   (2) All containers shall have a screen cover which shall have openings not larger than 1 inch square to prevent flying ashes.
   (3) All containers shall be located a minimum of 15 feet from any building or structure.

H. Outdoor fireplaces built pursuant to a zoning and/or building permit shall be permitted if such burning is conducted in a safe manner.

118-4 Hazardous Conditions

A. Suspensions. Except for cooking, as set forth in §118-3, no outdoor burning shall be permitted during any period of strong winds, drought or weather inversion (i.e., hazardous air quality conditions) or during/in any other situation deemed hazardous or objectionable by the Borough Manager, his designate or a law enforcement officer.

B. Cancellations. If such hazardous or objectionable conditions develop during a day when burning is being conducted, existing permits may be canceled by the Borough Manager, or his designate, or a law enforcement officer. Upon notification that hazardous conditions have developed and all burning is to be canceled, residents conducting burning shall, as soon as possible following such notification, fully extinguish all active fires, including embers thereof.

C. Extinguish fires. If the Borough Manager, his designate, or a law enforcement officer determines any burning to be hazardous to the health or welfare of the Borough residents the person/s conducting the burning shall, upon notification, fully extinguish all active fires, including embers thereof.

118-5 Storage and disposal of certain combustibles

A. Storage. It shall be unlawful for any person, firm, corporation or other association to store or deposit ashes, smoldering coals or embers, grease or oil substances, or other matter liable to spontaneous combustion, within 10 feet of any wooden or plastered wall, partition, fence, floor, lumber, hay or straw, shavings, rubbish or other combustible material, except in metallic or other noncombustible receptacles. Such receptacles, unless resting on the ground outside the building, must be placed on a noncombustible surface and in every case must be kept at least two feet from any wall or partition.

B. Disposal. It shall be unlawful for any person, firm, corporation or other association making, using, storing or having charge or control of any trash, garbage, shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible material to fail, neglect or refuse at the close of each day to cause all such material to be removed from the premises or to be stored in a noncombustible receptacle as described above.

C. Exception. This provision shall not apply to the storing of hay, straw, fodder and other materials, including the normal homeowner clean-up and temporary storage of yard waste, when such materials are stored in a safe and appropriate manner away from any source of ignition, or pursuant to a farming operation when such materials are stored in structures especially intended for such storage (e.g.,barns,etc).

118-6 Violations and Penalties

A. Any person, firm or corporation, or the plural thereof, who shall violate any of the terms or provisions of this chapter shall be guilty of a summary offense and, upon conviction thereof in District Court, be sentenced to pay a fine not exceeding $1,000 and the costs of prosecution for each offense. In default of payment of any fine or penalty imposed by a District Justice under the provisions of this chapter, the person or persons may be committed to the Montgomery County Correctional Facility for a period not exceeding 30 days.

B. Each day a violation of this chapter is committed shall constitute a separate offense and shall be punishable as such hereunder.

C. This section shall not preclude the Borough from any other remedy it may have at law or equity.

SECTION 2

The provisions of this ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

SECTION 3

This ordinance hereby repeals any and all ordinances or parts of ordinances inconsistent with this ordinance.

SECTION 4

The failure of the Borough to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

SECTION 5

This ordinance shall take effect immediately as provided by law.

ORDAINED AND ENACTED this 11th day of January, 2011.

BOROUGH COUNCIL OF THE
BOROUGH OF NORTH WALES

BY: _____
Michael McDonald, President

ATTEST:

_____
Nathaniel Dysard, Secretary

APPROVED by the MAYOR this day of December, 2010.

BY: _____
Douglas Ross, Mayor