

**BOROUGH OF NEWBURG  
CUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1-2009005**

**AN ORDINANCE OF THE BOROUGH OF NEWBURG, CUMBERLAND  
COUNTY, PENNSYLVANIA, REGULATING OUTDOOR AND OPEN  
BURNING.**

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Newburg, Cumberland County, Pennsylvania, as follows:

Section 1. Purpose

This Ordinance is intended to promote public health, safety and welfare and to safeguard the health, comfort, living conditions, property values, safety and welfare of the citizens of the Borough of Newburg by regulating air pollution and the fire hazards of outdoor and open burning.

Section 2. Applicability

The Ordinance applies to all outdoor burning and open burning within the Borough of Newburg. The provision of this Ordinance shall not apply to the following activities.

- a. Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- b. Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device located within a residential building used primarily for human habitation, workshop or garage.
- c. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- d. Fires that are set or maintained for fire-fighting training practices.
- e. Patio wood burning units used as chimneas, patio warmers and other portable wood burning devices used for recreational purposes provided the following shall apply:

- (i) Only clean wood may be used and burned.
- (ii) The patio wood burning unit must be located at least 50 feet from the nearest structure which is not on the same property as the patio wood burning unit.
- (iii) Use of the patio wood burning unit shall not cause a nuisance to neighbors.

### Section 3. Definitions.

The following words, terms and phrases when used in this Ordinance shall have the meanings ascribed to them in this Section.

“Campfire” means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

“Clean wood” means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

“Construction and demolition waste” means building waste materials, including, but not limited to, waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

“Outdoor burning” means open burning or burning in an outdoor wood fire boiler.

“Open burning” means kindling or maintaining a fire where the products or combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes but is not limited to, burning in a burn barrel.

“Outdoor wood fired boiler” means a wood fired boiler, stove or furnace that is not located within a building or structure intended for habitation by humans or domestic animals.

“Refuse” means any waste material, including, but not limited to, construction and demolition waste, paper products, cardboard, plastic products, garbage, household waste, but excepting trees, logs.

### Section 4. General Prohibition on Open Burning and Outdoor Burning.

Open burning and outdoor burning are prohibited in the Borough of Newburg unless the burning is specifically permitted by this Ordinance.

## Section 5. Open Burning of Refuse

Open burning of refuse is prohibited.

## Section 6: Open Burning of Trees, Logs, Brush and Stumps.

- a. Open burning of trees, logs and brush is permitted in accordance with all of the following provisions set forth below. Open burning of grass clipping, leaves, brush and stumps is specifically prohibited.
  1. Open burning must be conducted at least 100 feet from any structure and at least 50 feet from any property boundary line.
  2. No open burning shall take place during such time periods as the County, State or Borough Council has established a burning ban.
  3. All allowed open burning shall be conducted in a safe, nuisance free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
  4. Open burning shall be conducted only on the property on which the materials were generated.
  5. Between sunrise and 11:00 P.M., outdoor campfires and small fires using clean wood for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
  6. Open burning shall be constantly attended and supervised by a competent person until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
  7. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
  8. Open burning shall be limited to the time after sunrise and not later than sunset.

## Section 7. Outdoor Wood Fire Boilers

Outdoor wood fired boilers ("boilers") are permitted in the Borough of Newburg subject to the following conditions and requirements:

- a. Only dry clean wood may be burned.
- b. Boilers may only be utilized on lots or parcels of land of three and ¼ (3.25) or more acres.
- c. Boilers must be set back at least 200 feet from the front lot line and 100 feet from the side and rear lot lines and 500 feet from the nearest residential structure not on the lot where the boiler is located.
- d. Boilers must be equipped with a properly functioning spark arrestor.
- e. The boiler furnace may not be used as a waste incinerator.
- f. Lighter fluids, gasoline and chemicals to start the boiler are prohibited.
- g. Installation, use and operation must comply with all applicable county, state and/or federal laws, regulations and guidelines as well as applicable building and other codes of the Borough.
- h. Stack height shall be in accordance with the boiler manufacturer's specifications.
- i. The use of the boiler shall not cause a nuisance to neighboring or other property.

## Section 8. Enforcement and Penalties.

Any person who violates any provision of this Ordinance, upon summary conviction thereof, shall be sentenced to pay a fine of not more than Two Hundred and Fifty Dollars (\$250.00) plus costs of prosecution. Each day of violation of any provision of this Ordinance shall constitute a separate offence.

Any person who engages in open burning in violation of this Ordinance shall be responsible for reimbursing the reasonable costs of any fire company or companies utilized to extinguish any fire permitted to burn in violation thereof. In the event the costs are not paid, same may be collected by any means permitted by law for the collection of debts. Such remedy shall be in addition to any fine or punishment available through summary conviction.

Section 9. Severability and Conflict

The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or any other Ordinance of the Borough of Newburg.

In the event of any conflict between any provision of this Ordinance and the Pennsylvania Uniform Construction Code, International Mechanical Code and the International Fire Code, the more stringent and/or more protective shall apply and control.

Section 10. Effective Date.

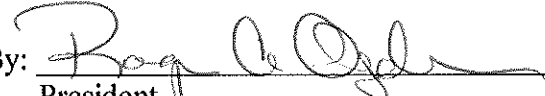
This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED by the Borough Council of the Borough of Newburg into law this 2 day of March, 2009.

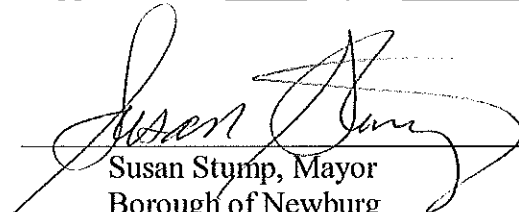
ATTEST:

  
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Rae Ann Sprecher-Frey, Borough Secretary

NEWBURG BOROUGH

By:   
\_\_\_\_\_  
President


Approved this 2 day of March, 2009.

  
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Susan Stump, Mayor  
Borough of Newburg

CERTIFICATION

The undersigned hereby confirms that she is the duly appointed Secretary of the Borough of Newburg, Cumberland County, Pennsylvania and that the foregoing Ordinance was duly advertised in Sentinel on Feb 23, 2009, a newspaper of general circulation, and was duly enacted by the Borough at its regular meeting held on March 2, 2009 which meeting was duly called and at which time a quorum was present and acting throughout, and that said Ordinance has not been revoked or amended.

Dated: March 2, 2009

  
Rae Ann Sprecher-Frey,  
Borough Secretary