

**BOROUGH OF NEWBURG
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2017 - 004

AN ORDINANCE OF THE BOROUGH OF NEWBURG, CUMBERLAND COUNTY, PENNSYLVANIA REGULATING OUTSIDE BURNING WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED, AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.

WHEREAS, the Borough of Newburg (the "Borough") is empowered to regulate outside burning and to impose penalties pursuant to section 1202 of the Borough Code, 8 Pa.C.S.A. §1202, as amended; and

WHEREAS, the Borough enacted a burn ordinance as Ordinance No. 1-2009005 on March 2, 2009; and

WHEREAS, the Borough deems it to be in the best interest and general welfare of the residents of the Borough to amend Ordinance No. 1-2009005.

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 such 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 15 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. Open Burning of Refuse.

Open burning of refuse is prohibited.

Section 5: 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[s and] leaves, brush and stumps is specifically prohibited.
 1. Open burning must be conducted at least 20 feet from any structure and at least 10 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. Outdoor campfires and small fires using clean wood for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
 5. 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.
 6. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.

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 must be set back at least 20 feet from the front lot line and 10 feet from the side and rear lot lines and 20 feet from the nearest occupied residential structure not on the lot where the boiler is located.
- c. Boilers must be equipped with a properly functioning spark arrestor.
- d. The boiler furnace may not be used as a waste incinerator.
- e. Lighter fluids, gasoline and chemicals to start the boiler are prohibited.
- f. 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.

- g. Stack height shall be in accordance with the boiler manufacturer's specifications.
- h. 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.

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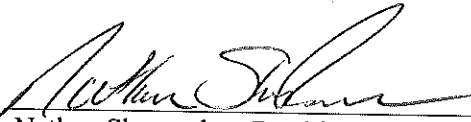
ENACTED AND ORDAINED by the Borough Council of the Borough of Newburg into law this
4 day of December, 2017.

ATTEST:




Sara Rhine, Secretary

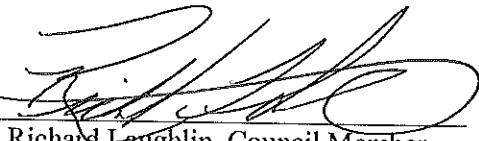
NEWBURG BOROUGH

By: 

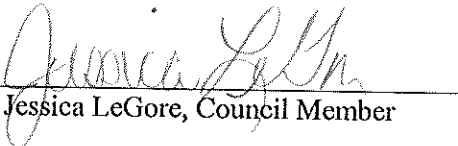
Nathan Shoemaker, President

By: 

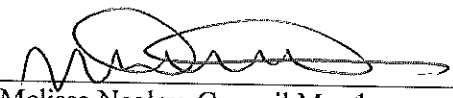
David Stump, Vice President

By: 

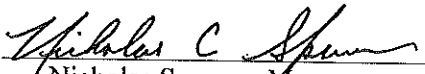
Richard Laughlin, Council Member

By: 

Jessica LeGore, Council Member

By: 

Melissa Negley, Council Member

By: 

Nicholas Spencer, Mayor

PROOF OF PUBLICATION

State of Pennsylvania, County of Cumberland

Kimberly Kamowski, Interim Publisher, of The Sentinel, of the County and State aforesaid, being duly sworn, deposes and says that THE SENTINEL, a newspaper of general circulation in the Borough of Carlisle, County and State aforesaid, was established December 13th, 1881, since which date THE SENTINEL has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of THE SENTINEL on the following day(s):
November 17, 2017

COPY OF NOTICE OF PUBLICATION

NOTICE

Notice is hereby given that the Newburg Borough Council, Cumberland County, Pennsylvania, intends to consider for adoption and to vote upon the enactment of the Ordinance summarized below at its regularly scheduled meeting to be held Monday, December 4, 2017, at 6:30 P.M. at the Borough Office at 105 West Main Street, Newburg, Pennsylvania.

The title of the proposed Ordinance is:


AN ORDINANCE OF THE BOROUGH OF NEWBURG, CUMBERLAND COUNTY, PENNSYLVANIA REGULATING OUTSIDE BURNING WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED, AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.

A summary of the provisions of the proposed Ordinance is as follows:

The Ordinance will amend and supersede the burning ordinance already in place, Ordinance No. 1-2009005, changing setback distances, time limits, types of material to be burned, and conditions under which burning is permitted.

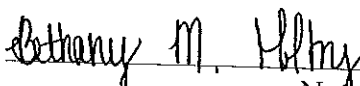
The full text of the proposed Ordinance may be examined without charge at the Newburg Borough Office, 105 W. Main Street, Newburg, Pennsylvania, during regular business hours. A copy will be provided upon request without charge. A copy of the proposed Ordinance has been filed with the newspaper publishing this notice and at the County Law Library, Cumberland County Courthouse, Carlisle, Pennsylvania.

Affiant further deposes that he/she is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.



Sworn to and subscribed before me this

17th day of November 2017


Notary Public

My commission expires:

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Bethany M. Holtry, Notary Public
Carlisle Boro, Cumberland County
My Commission Expires Sept. 26, 2019
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES