

**BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024- 4

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF WEST NEWTON, WESTMORELAND COUNTY, PENNSYLVANIA, ADOPTING STANDARDS AND REGULATIONS CONCERNING AIR POLLUTION AND OPEN BURNING BY ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS AND DEFINITION, DESIGNATING AND ENFORCEMENT OFFICER, AND PRESCRIBING PENALTIES FOR VIOLATION.

NOW, THEREFORE, be it ORDAINED by the Borough Council of the Borough of West Newton, the following:

Section 1. Purpose and Intent.

This Ordinance is enacted in the interest of the health, safety, and welfare of the residents of the Borough of West Newton in compliance with the laws of the Commonwealth of Pennsylvania and the regulations of the Department of Environmental Protection.

Section 2. Applicability and Scope.

The requirements of this Ordinance shall apply to every property within the Borough and shall be considered cumulative and not superseding or subject to any other law or provision for the same but shall rather be an additional remedy available to the Borough above and beyond any other state, county, or local provisions for same.

Section 3. Definitions.

The following words, terms, and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

BONFIRE – Any outdoor fire with a base between 3 feet by 3 feet and 6 feet by 6 feet and a flame height up to 6 feet with a fuel of untreated wood and brush.

BURNING PIT or INCINERATOR -A pit with masonry walls and earth or masonry floor or a block or masonry structure with a block, masonry or earth floor which is covered by a chain link fence, or which is enclosed by a door when in use. A ten-foot clear area shall be maintained around any burning pit or incinerator, free of any brush, tree, or other combustible material.

CONTAINED FIRE - Any fire contained in an incinerator, fireplace or cooking grill, or other contained enclosure designed for outdoor cooking, or a fireproof container.

CONTROLLED FIRE - A fire with Responsible Adult supervision and surrounded by a noncombustible barrier.

DAWN – The first appearance of light in the sky before sunrise.

DUSK – The end of daylight on any given day.

ENFORCEMENT OFFICER - Any person designated by the Borough Council to enforce this Ordinance.

OUTDOOR FIRE - Any fire set or maintained outside of a building.

PERSON - Any individual, partnership, organization, association, agency, firm, estate, corporation, or any other legally recognized entity.

RECREATIONAL FIRE - A fire contained within a pit or other noncombustible enclosure for the purpose of pleasure, religious, ceremonial, or other similar purposes using only untreated wood and not exceeding eight cubic feet of fuel.

RESPONSIBLE ADULT - An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

SALVAGE OPERATION - Any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any products or materials, including but not limited to, metals, chemicals, shipping containers, or drums.

BOROUGH - The Borough of West Newton, Westmoreland County, Pennsylvania.

UNCONTAINED FIRE - Any fire not included in the definition of a "contained fire."

Section 4. Regulations on Outdoor Fires.

Outdoor fires shall be permitted upon private property in accordance with the following regulations:

A. No person, either directly or indirectly, shall kindle or maintain an outdoor fire except in an appropriate receptacle or burning pit at least 15 feet from any structure, building or property line. Any such contained fire shall be kept under constant supervision during incineration and at the end of said period shall be completely extinguished.

B. In those instances where it is impractical or impossible to confine an outdoor fire to a receptacle or burning pit, an outdoor fire may be kindled or maintained only if such outdoor fire

is a controlled fire and is maintained at a distance of 30 feet from any structure, building or property line. All outdoor fires, whether maintained in a receptacle or burning pit or in the open as controlled fires, shall be kept under constant supervision by a Responsible Adult during incineration and at the end of said period shall be completely extinguished.

C. Nothing herein shall be construed to prevent fire-fighting training by Borough-designated fire-fighting organizations.

Section 5. Safe distances.

A. It shall be unlawful to allow any outdoor fire, including cooking fires, within an unsafe distance from any structure, building or property line.

B. No outdoor fire shall be set, started, fed, permitted to burn or maintained where such outdoor fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes or for any other purpose to further public health, safety and welfare.

C. Outdoor fires shall be permitted only upon private property and shall take place at least 15 feet from any building, structure, property line or road line.

D. Bonfires shall be permitted upon private property and shall take place at least 30 feet from any building, structure, property line or road line.

E. Nothing herein shall be deemed to prohibit indoor cooking activities, provided that reasonable safeguards are maintained.

F. Cooking grills may be less than 20 feet from a building, provided that reasonable safeguards are maintained.

G. No outdoor fire shall be set, started, fed, permitted to burn, or maintained within 20 feet of any pond, lake, stream, river, or waterway, with the exception of recreational fires as defined in this ordinance.

Section 6. Control of outdoor fires and unattended outdoor fires.

A. No outdoor fire shall be allowed to burn without a Responsible Adult being always present and without a readily available fire-extinguishing apparatus, such as a water hose. Sand or dirt may also be considered, provided that an ample supply is available, or shovels and rakes are on hand.

B. No outdoor fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Borough Council may, by Proclamation, prohibit all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

C. No outdoor fire shall be set that results in uncontrolled burning of vegetation or property.

Section 7. Extinguishing unsafe fires.

A. It is a violation of this Ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised or otherwise in an unsafe manner or as an uncontrolled fire. Any such outdoor fire may be extinguished by an official of the Borough-designated fire company or extinguished immediately upon request of such official.

B. Contained and uncontained fires shall not be permitted to burn or smolder while unsupervised.

Section 8. Hours.

A. No outdoor fire shall be permitted between Dusk and Dawn with the exception of recreational fires.

B. Recreational fires using natural, untreated wood, and cooking fires are permitted so long as they comply with all other provisions of this Ordinance.

Section 9. Unlawful substances.

A. Burning of by-products of manufacturing and processing operations and wastes from commercial operations is strictly prohibited.

B. Igniting or feeding an open fire for the destruction of refuse or in the conduct of a salvage operation in any private or public place shall be strictly prohibited.

C. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any outdoor fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent body.

D. No garbage or offal may be burned at any time either indoors or outdoors.

E. Outdoor fires shall be used only to burn readily combustible materials.

Section 10. Special circumstances; service fee.

A. In the event it is necessary to have any fire exceeding that of the definition of Bonfire, signed, written permission must be obtained in advance from the Chief of Police of the Borough with consultation of the Fire Chief.

B. Notice must be given to Westmoreland County 9-1-1 and the Fire Chief of the volunteer fire company of the Borough at least four (4) hours in advance of any such burn.

C. In the event any fire company is required to respond to a fire which violates the provisions of this chapter, a service fee may be levied by the responding fire company for any costs associated with their response.

Section 11. Violations and penalties.

Any person who violates any provisions of this chapter as charged by the enforcement officer shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$500 and not more than \$1,000 and costs associated. In the event the fine and costs are not paid, the person shall be sentenced to serve not more than thirty (30) days in the Westmoreland County Jail. Each day a violation exists shall constitute a separate offense.

Section 12. Liability.

The Borough and its agents, officials and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this chapter or by reason of the conduct of any burning activity in compliance with the terms and provisions of this chapter. The individual person responsible for any such fire shall bear sole liability for any damage caused as a result thereof.

Section 13. Severability.

If any section, sentence, clause or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.

Section 14. Repealer.

All sections or parts of sections of the Borough Ordinances, all ordinances or part of ordinances, and all Resolutions, or parts of Resolutions, in conflict with the Ordinance are repealed to the extent of such conflict.

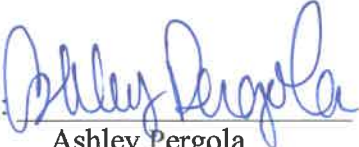
Section 15. Effective Date.

This Ordinance shall be effective upon adoption.

8TH **ORDAINED AND ENACTED** into an Ordinance of the Borough of West Newton this day of July, 2024, by Council of the Borough of West Newton.

ATTEST:

BOROUGH OF WEST NEWTON

BY: 
Ashley Pergola,
Borough Secretary

BY: 
Jason Cooper,
Council President

Examined and approved this 8TH day of
July, 2024

BY: 
Mayor Mary Popovich