

**BOROUGH OF NORTHUMBERLAND
NORTHUMBERLAND COUNTY, PA**

ORDINANCE NO. 2006-8

AN ORDINANCE OF THE BOROUGH OF NORTHUMBERLAND AMENDING ARTICLES II AND III OF THE BOROUGH CODE TO PROHIBIT OPEN FIRES AND BURNING AND TO DECLARE THE MAINTENANCE OF BURN BARRELS AND ASH IN OPEN AREAS ON PUBLIC OR PRIVATE PROPERTY TO BE A PROHIBITED NUISANCE.

WHEREAS, the Borough Council of the Borough of Northumberland finds that the regular and open burning of rubbish of any type on public or private property within the Borough is detrimental to the health and safety of the Public; and

WHEREAS, said Council has seen fit to ban open burning of any type, with the limited exceptions delineated herein; and

WHEREAS, said Council finds that, upon enactment of the aforementioned prohibition of open burning, the maintenance or storage outdoors of ash, burn barrels or other receptacles, the primary purpose for which is the open burning of rubbish, is detrimental to the health and safety of the public, in that the maintenance of said items poses the risk of attracting and/or serving as shelter for snakes, vermin, insects or other wild animals, and while serving no legitimate public or private purpose.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough of Northumberland, Northumberland County, Pennsylvania, and is hereby enacted and ordained as follows:

Section 1. “**Article II, Section 42-7. Declaration of Nuisance**” shall be amended by the addition of the following as the last paragraph of said section:

For purposes of this Article, the term “RUBBISH” shall have the same meaning as that term is defined in Article III, Section 42-11 of this Code, as amended from time to time.

Section 2. “**Article III shall be amended as follows:**

(A) The definition of “RUBBISH” found in Section 42-11 shall be amended to read as follows: “Solids not considered to be highly flammable or explosive, including, but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, metal cans or barrels (including, but not limited to, barrels and other receptacles, the primary purpose for which is the open burning of rubbish), glass crockery, masonry and other similar materials.

(B) The definition of “STOVE” found in Section 42-11 should be amended to read as follows: “Any enclosed device specifically designed for the burning of any material for the production of

heat or for cooking purposes, and any outdoor “patio stove” or chimnea designed primarily for the production of heat or for cooking purposes in connection with recreational use.

Section 3. “**Section 42-12. Prohibited Acts; Exceptions**” shall be amended to read as follows:

A) No person shall do any of the following:

(1) Ignite or feed an open fire for the destruction of refuse, or in the conduct of a salvage operation in any public or private place in the Borough of Northumberland.

(2) Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control in the Borough of Northumberland.

(3) Attempt to burn, or cause, suffer, allow or permit any attempt to burn or any burning of any refuse with the exception of stove wood, and the minimum amount of dry paper necessary to serve as kindling therefore, in any stove, space heater or furnace.

B) Exceptions.

(1) Open fires may be set in the performance of any official duty of any public officer if the fire is necessary for the prevention of a fire hazard which cannot be abated by other means or the protection of public health.

(2) Open fires may be set with the approval of the authorized enforcement agent of this Article, provided that:

(a) Rubbish only is burned.

(b) There is no practical available alternative method for the disposal of the material to be burned.

(c) No hazardous or other objectionable condition will be created by such burning.

Section 4. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 5. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Northumberland that this ordinance would have been adopted had such

unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Effective Date. This ordinance shall become effective on October 1, 2006. Enforcement of the provisions of this Ordinance prohibiting the maintenance of ash or burn barrels on public or private property shall begin on November 30, 2006.

ENACTED AND ORDAINED into an Ordinance this 5th day of September, 2006 by the Borough Council in the lawful session duly assembled.

ATTEST:

BOROUGH OF NORTHUMBERLAND

Secretary

President, Borough Council

Approved this _____ day of _____, 2006.

Mayor