

Chapter 110

BURNING, OPEN

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[HISTORY: Adopted by the Borough Council of the Borough of Birdsboro 5-10-2004 by Ord. No. 385. Amendments noted where applicable.]

GENERAL REFERENCES

Grass, weeds and other vegetation — See Ch. 187.

Solid waste — See Ch. 318.

§ 110-1. Purpose.

As required by the "Municipal Waste Planning, Recycling and Waste Reduction Act," Act 101 of 1988,¹ burning of all matter is strictly regulated. This chapter, known as "Borough of Birdsboro Burning Ordinance," is enacted to regulate burning in the Borough and supersedes Ord. No. 263 of 1977.

§ 110-2. Definitions.

The following terms have the meanings set forth below, unless a different meaning is plainly required by the context:

CORRUGATED PAPER — Structural paper materials with an inner core shaped in rigid parallel furrows and ridges (cardboard).

GRASS CLIPPINGS — The residue from the operation of mowing the grass.

HIGH-GRADE OFFICE PAPER — Bond, copier, letterhead or mimeograph paper typically sold as "white ledger" paper and computer paper that is used in commercial, municipal and institutional establishments.

LEAF WASTE — Leaves from trees.

NEWSPAPER — Paper of the type commonly referred to as "newsprint," having printed thereon news, opinions and containing advertisements and other matters of public interest.

1. Editor's Note: See 53 P.S. § 4000.101 et seq.

NONORGANIC MATERIAL — Material derived or formed from inanimate objects, other than vegetable or animal, such as tin cans, glass, crockery, metals and similar materials.

PERSON(S) — Owners, lessees and occupants of residences, commercial or institutional establishments, partnership, firm, association or corporation.

RECYCLING — The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste and other materials which would otherwise be disposed or processed as municipal waste (other than through combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy, as outlined in Chapter 318, Solid Waste, Article II, Solid Waste Collection; Recycling, of the Code of the Borough of Birdsboro.

RECYCLING MATERIALS — Any used material having an economic value in the secondary materials market. This term includes, but is not limited to, aluminum and bimetal cans, clear, green and brown glass, high-grade office paper, newspaper, corrugated paper, plastics or combustible materials as outlined in Chapter 318, Solid Waste, Article II, Solid Waste Collection; Recycling.

WEEKEND — Friday, Saturday and Sunday.

YARD WASTE — Brush, leaves from bushes, shrubbery and other plants, garden residue, chipped shrubbery and tree trimmings. The term does not include grass clippings.

§ 110-3. Word usage.

Any masculine pronoun includes the feminine and any singular reference means the plural, wherever appropriate.

§ 110-4. Prohibited activities.

From and after the passage of this chapter, it shall be unlawful for any person to kindle, light or maintain any bonfire, or other fire, or permit any such fire to be kindled or maintained for the burning of any material whatsoever, including organic material and yard waste as hereinabove defined, outside of any building within the limits of the Borough of Birdsboro, except that yard waste may be burned in all zoned areas, so long as said material is not an item to be recycled, as identified in Chapter 318, Solid Waste, Article II, Solid Waste Collection; Recycling.

§ 110-5. Permitted burning.

Burning shall be permitted on the first weekend of each month, provided that application for a permit for such burning of yard waste is made to the Borough Fire Marshal at least seven days prior to the weekend such burning is proposed to take place.

- A. Burning may be conducted in an incinerator operated by chemical or thermal means, approved by the Pennsylvania Department of Environmental Protection (DEP) and approved by the Borough of Birdsboro.

- B. Outdoor fireplaces designed for outdoor cooking may be used for cooking purposes only, provided no obnoxious odors or dense smoke are emitted therefrom.
- C. Outdoor, manufactured, decorative fireplaces used only for fires are not required to be permitted but must be used only for recreational use and not for burning.
- D. There shall be no charge for the burning permit.

§ 110-6. Unlawful activities.

It shall be unlawful to deposit hot ashes, smoldering coals or embers, grease or oily substances, or other matter liable to spontaneously ignite within 10 feet of any wooded or plastered wall, partition, fence, hedge, floor, lumber, rubbish or other combustible materials, except in a metallic or other noncombustible container equipped with a cover. Such containers, unless resting on the ground outside the building, must be placed on noncombustible stands, and in every case must be kept at least two feet from any wall, partition or other combustible material.

§ 110-7. Using, storing, charge or control.

It shall be unlawful for any person, making, using, storing or having charge or control of any shaving, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible trash or fragment to fail, neglect or refuse at the close of each day to cause all such materials, which is not baled, stacked or stored in an orderly or safe manner, to be removed from the premises or stored in a noncombustible container. Said prohibition shall not apply to residential, personal use composting piles kept and maintained in a safe, sanitary and nonoffensive manner for seasonal gardening use.

§ 110-8. Special permits.

Special permits for burning at construction sites or for clearing brush may be secured from the Borough of Birdsboro.

§ 110-9. Application for permit.

Application for a permit or permits under this chapter shall be made on forms (copy attached)² available from the Borough office and shall be approved by the Fire Marshal or other person designated by Borough Council.

§ 110-10. Issuance of permit.

No permit shall be issued or granted under this chapter in the event the proposed burning would violate ordinances of the Borough of Birdsboro, laws of the Commonwealth of Pennsylvania and regulations of the DEP, or otherwise endanger the health, safety or welfare

2. Editor's Note: Said form is on file in the Borough office.

of person or property. Such burning after the issuance of a permit shall be subject to the following regulations:

- A. Applicant grants the Borough the right to have its representative inspect the proposed burning site and the material to be burned.
- B. Such burning shall in all cases be done at least 50 feet from any building, fence, hedge or any other combustible material.
- C. All such burning shall be guarded by one or more responsible adult person until such fire has burned out.
- D. All such burning shall occur after sunrise and before sunset.
- E. No person shall accumulate, receive or accept for burning, nor shall any person burn, on his land or on the land occupied by him, any materials originating on or transferred or moved from the land of any other person.
- F. No person shall burn, on his land or on the land occupied by him, any materials identified for recycling, in Chapter 318, Solid Waste, Article II, Solid Waste Collection; Recycling, including corrugated paper, grass clippings, high-grade office paper, leaf waste, newspaper or yard waste, except that tree trimmings larger than two inches in diameter or greater than 48 inches long may be burned.
- G. A burning permit is a privilege which is granted subject to certain regulations. Failure to adhere to the provisions of the burning permit will mean a denial of any future permits for limited burning.
- H. If because of inclement weather it is not possible to burn on the designated burning weekend, such permits which have been approved will be extended one day, providing the applicant contacts the Borough office and requests to utilize the one-day extension herein provided.

§ 110-11. Violations and penalties.³

Any person or persons, firm or corporation who shall violate or neglect to comply with any provision of this chapter or who neglects to comply with any order or notice issued, upon conviction thereof, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).