

OFFICIAL

BOROUGH OF WEST VIEW

ORDINANCE NUMBER 1387

AN ORDINANCE OF THE TOWN COUNCIL OF THE BOROUGH OF WEST VIEW REGULATING OPEN BURNING OF ANY AND ALL MATERIALS WITHIN THE CORPORATE BOUNDARIES OF THE BOROUGH, PROVIDING FOR THE ISSUANCE OF PERMITS THEREFORE, AND PROVIDING FOR THE REGULATION AND ENFORCEMENT OF THIS ORDINANCE, PROVIDING FOR FINES AND PENALTIES.

Be it ORDAINED and ENACTED by the Town Council of the Borough of West View, and it is hereby ORDAINED and ENACTED by and with the authority of the same:

Preamble

Because of the more recent occurrences of unregulated open burning in the Borough and the effect that activity has on the health, safety, and welfare of the community as a whole, the Town Council of the Borough of West View, after study and consultation with Borough Fire Officials, deems it to be in the best interests of the Borough to regulate open burning. In order to regulate said activity it shall, after the enactment of this Ordinance, become necessary to obtain a Permit from the designated Borough Agents before burning in any manner as designated in this Ordinance.

SECTION ONE

PROHIBITION – All open fires are strictly prohibited in the Borough of West View, with the exception of recreational, camping or cookout fires that shall be regulated by the issuance of a Permit, by the Borough. No Permit will be issued to burn the following materials:

- Paper or other similar Refuse
- Leaves, grass or other organic materials
- Building materials of any kind
- Vegetable waste
- Rubber
- Plastics
- Furniture
- Glass
- Metals
- Crocking
- Car Products
- Any other kind of materials that will cause nauseous fumes, smoke, toxic chemicals or excessive fly ash.

SECTION TWO

FIRE REGULATIONS - In order to qualify for an Open Burning Permit, the applicant shall be required to meet all of the following criteria in order to be eligible for a Permit, and shall agree to abide by these rules and regulations;

1. Only dry, clean wood products or other clean burning fuels shall be burned.
2. Only smokeless fuels, if any, are used to start the fire.
3. No building materials of any kind are permitted to be burned, nor any garbage or other refuse type material, as more specifically set forth herein.
4. The size of the fire, including the flames, and/or the materials being burned shall be no larger than two (2) square feet, and enclosed in a barrier made of connected stone, metal or other non-combustible materials.
5. The fire shall be at least ten (10) feet from the nearest structure, inhabited area, roadway, or property line or boundary, and no structure of any kind shall overhang the fire.
6. The fire shall be not longer than three (3) hours in duration in any twenty-four (24) hour period, nor shall it emit smoke in such a manner as to constitute an offensive condition or nuisance to Borough Residents.
7. The Permit will not be issued on days of excessive wind.
8. The Permit will not be issued on days determined to be Ozone Action Days by the Allegheny County Department of Health.
9. No fire shall be left unattended during the time it is burning, and shall be extinguished when either it is to be unattended or the expiration of the Permit period of three (3) hours. All fires shall be attended by an individual sixteen (16) years of age or older.
10. No Permit shall be granted, nor open burning engaged in unless there is at a minimum, either an ABC 5 Pound Type Fire Extinguisher, its equivalent or better, or a garden hose, fully pressurized, within four (4) feet of the fire.
11. This Ordinance is not meant to control or prohibit conventional outdoor cooking done in conventional metal or other cooking grill like equipment used by most homes, and found in most stores, being fueled by either charcoal or propane or some other form of gas, and used for a barbecue.
12. The mere placing of some type of food for cooking purposes over a fire not meeting the criteria set forth herein or lacking the necessary Permit, shall be a violation of the meaning and intent of this Ordinance, and the mere cooking of food shall not qualify the fire as a conventional outdoor grill.
13. Exception to the within requirements as to size and content of open burning shall be fire fighting training fires or burning and bonfires. These activities shall require a Permit and shall meet special safety requirements to be established on a case to case basis by the Fire Chief, and/or Fire Marshal.

### SECTION THREE

**ENFORCEMENT** - Permits shall be obtained by filling out an application at the Borough Hall. There shall be a charge of five dollars (\$5.00) for the issuance of the Permit. The Permit shall be applicable to only one fire for one calendar day, and successive and separate applications must be made for each additional fire. Fires to be burned Tuesday through Friday must apply for the Permit twenty-four (24) hours in advance. Fires to be burned Saturday, Sunday, or Monday must apply for the Permit no later than the close of the Borough Business Office on the Thursday preceding the desired Saturday, Sunday, or Monday. The Permit shall be issued and signed by Officials of the Borough, or the Fire Chief and Fire Marshal.

**PENALTIES** - Any person, corporation, or other business entity violating the provisions of this Ordinance or who fails to comply herewith, upon conviction before a District Magistrate, shall be subject to a fine of three hundred dollars (\$300), plus the costs of prosecution, for each offense, each fire in excess of three (3) hours in any twenty-four (24) hour period constituting a separate

offense. In the event the fine and costs are not paid, the defendant shall be sentenced to serve not more than thirty (30) days in the Allegheny County Jail.

In addition to the penalties set forth herein, should the fire found to be in violation of this Ordinance, not be properly extinguished to the satisfaction of the Borough fire officials, and said officials in their discretion have to call out Borough Fire equipment to properly extinguish the fire. If Borough fire department equipment is used, an additional charge of three hundred dollars (\$300) shall be assessed as penalty, said funds to be paid to the fire department to defer expenses.

The Applicant must present sufficient written evidence of either ownership, leasehold interest, or permission of the owner in the case of the special excepted fires set forth herein.

#### SECTION FOUR

SAVINGS CLAUSE - Should this Ordinance, or any part thereof, be declared unconstitutional, invalid, or otherwise unlawful, the remaining parts shall remain in full force and effect. Any Ordinance, or parts or Ordinances in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed to the extent of said conflict. Additionally, should any provision of this Ordinance govern the same areas as this Ordinance, the stricter penalty or prohibition shall apply.

ORDAINED and ENACTED this 13<sup>th</sup> day of October, 1999.

ATTESTED:

BOROUGH OF WEST VIEW

BY: \_\_\_\_\_  
Kenneth J. Wolf  
Secretary/Manager

BY: \_\_\_\_\_  
Daniel M. Daugherty  
President of Town Council

EXAMINED and APPROVED this 13<sup>th</sup> day of October, 1999.

BY: \_\_\_\_\_  
Richard E. Powell, Mayor