

OFFICIAL

BOROUGH OF BALDWIN

ORDINANCE NO.

AN ORDINANCE OF THE BOROUGH OF BALDWIN, ALLEGHENY COUNTY, PENNSYLVANIA, REGULATING OPEN BURNING IN THE BOROUGH; PROVIDING FOR AUTHORITY OF ENFORCEMENT; PENALTIES AND EFFECTIVE DATE.

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of the Borough of Baldwin, Allegheny County, Pennsylvania, the Borough Council has determined that it is necessary to regulate open burning of items within the Borough of Baldwin; and,

WHEREAS, this Ordinance is deemed to be in the best interests of the citizens of Baldwin Borough; and,

WHEREAS, this Ordinance is passed pursuant to the Borough Code.

NOW, THEREFORE, BE IT ORDAINED and ENACTED by the Council of the Borough of Baldwin, County of Allegheny and Commonwealth of Pennsylvania, and IT IS HEREBY ORDAINED and ENACTED by authority of the same that:

SECTION 1. - APPLICABILITY OF ORDINANCE

This Ordinance applies to all outdoor burning and open burning within the Borough of Baldwin except for the following:

a. It shall not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances in an appropriate container or fireplace.

b. It shall not apply to burning for the purpose of generating heat in

a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

c. It shall not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 2. - RESTRICTIONS ON PERMITTED OPEN BURNING

a. Open burning of wood, trees, logs, brush and/or stumps shall only be permitted in compliance with the following:

- (1) Only clean, dry wood products may be burned.
- (2) Burning shall only be permitted in an approved outdoor rated fireplace, fire pit, chimney or 55 gallon drum.
- (3) No wood, treated wood or wood product that produces any noxious or unpleasant odor when it is burned.
- (4) All burning and fires must be no less than 15 feet distant from the nearest property line.
- (5) All outdoor burning shall be attended at all times by an individual not younger than 18 years of age, and shall be extinguished in the absence of a qualified individual attending the fire.
- (6) Adequate means of fire extinguishment must be immediately available at all times when outdoor burning is taking place.
- (7) Burning at construction sites having a valid building permit for the purpose of providing warmth shall only be permitted if the weather is at or below 32°F and said burning shall only take place in a 55 gallon drum suitable for containing such fire.
- (8) Persons utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- (9) 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 for persons at home, on roadways, railroads or airfields. The person engaging in open burning shall take all reasonable precaution to stop any smoke and/or fumes from encroaching in or upon the inhabited structure of another. Open burning shall be conducted in conformance with all local and state fire protection regulations and the 2006 International Fire Code.

- (10) No materials may be burned upon any street, curb, gutter, sidewalk or on the ice of a lake, pond, stream, body of water or on any public property.
- (11) No person shall be permitted to create or permit an open fire on property unless he/she has the legal right to possession of that property.
- (12) The Fire Marshall or other authorized officer, agent, employee or representative of the Borough of Baldwin, who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

SECTION 3 - BURNING OF REFUSE PROHIBITED

The open burning of refuse is prohibited. Refuse shall include any waste material, including building supplies, garbage, grass and leaves. It shall not include dead trees, logs, brush, stumps, and other vegetative matter.

SECTION 4 - AUTHORITY OF THE FIRE MARSHALL AND/OR CODE ENFORCEMENT OFFICER

The Fire Marshall and/or Code Enforcement Officer shall have the power to prohibit open burning if such burning is contrary to the provisions of this Ordinance or the 2006 International Fire Code.

SECTION 5 - PENALTIES

Any person or entity found to be in violation of this Ordinance shall be subject to a civil fine in the amount of \$600.00 for each violation after issuance of a citation and conviction before the District Judge.

SECTION 6 - SEVERABILITY

If any portion of this Ordinance is found by a Court of competent jurisdiction to be either illegal or unconstitutional, then it is deemed to be the intent of the Baldwin Borough Council that the balance of this Ordinance would have been enacted irrespective of said invalid portion.

SECTION 7 - EFFECTIVE DATE

2. This Ordinance shall take effect immediately.

ORDAINED and ENACTED into law this 16th day of February, 2010.

ATTEST:

BOROUGH OF BALDWIN

Borough Secretary

Michael Stelmasczyk
President of Council

Examined and approved this ____th day of February, 2010.

Alexander R. Bennett, Jr., Mayor

ATTEST:

Borough Secretary