

ORDINANCE NO. 667

AN ORDINANCE OF THE BOROUGH OF SLIPPERY ROCK FOR THE PREVENTION AND CONTROL OF AIR POLLUTION AND PROVIDING FOR REGULATIONS, EXCEPTIONS, PENALTIES, SEVERABILITY AND REPEALING ALL PRIOR, INCONSISTENT ORDINANCES AND SPECIFICALLY REPEALING ORDINANCE No. 606

SECTION I. Title

This ordinance shall be known and may be cited as the Borough of Slippery Rock Burning/Open Burning Ordinance.

SECTION II. Authority

The Council of the Borough of Slippery Rock, under, and by virtue of and pursuant to the authority granted by the Borough Code, 53 P.S. § 45101 et seq., does hereby enact and ordain this ordinance.

SECTION III. Policy

Whereas the Council of the Borough of Slippery Rock has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, use and enjoyment of property, welfare, and safety of the citizens of the Borough, it is hereby declared to be the policy of the Borough to safeguard citizens of the Borough from such air pollution.

SECTION IV. 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:

Air basin – A geographic area of this Commonwealth as designated by the Pennsylvania Department of Environmental Protection.

Air curtain destructor – A mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

Burning – The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

Clearing and grubbing wastes – Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

Composting – The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

Council –Governing body of the Borough of Slippery Rock.

Department of Environmental Protection – The Commonwealth agency responsible for enforcement of the Commonwealth’s environmental laws.

Domestic Refuse – Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

Open Burning – A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

Person – Any individual public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Responsible Official – Person designated by the Borough to be responsible for the administration and enforcement of this ordinance.

Yard waste – Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

SECTION V. Regulations

After the effective date of this Ordinance no person may permit the open burning of material with the exception of the following:

- (1) A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection’s Regional Air Quality Program office and set by or under the supervision of the Fire Chief, or his or her designee.
- (2) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection’s Regional Air Quality office.
- (3) A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection’s Regional Air Quality office.
- (4) A fire set for the purpose of burning clearing and grubbing waste. If within an air basin as designated by the Department of Environmental Protection, an air curtain destructor must be used and must be approved by the Department of Environmental Protection’s Regional Air Quality office.

- (5) A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.
- (6) A fire set solely for cooking food
- (7) A fire set solely for recreational or ceremonial purposes.
- (8) Burning that occurs pursuant to paragraphs 6 & 7 above must comply with the following:
 - a. Any fire not restrained by a container, or fire ring shall not exceed a 5 foot radius; and
 - b. Any fire must be maintained at least 25 feet from any building or structure.

SECTION VI. Notices of Violation

- (1) The Borough of Slippy Rock shall have the power to enforce the provisions of this ordinance.
- (2) The Borough of Slippy Rock may issue such Notices of Violation as are necessary to aid in the enforcement of the provisions of this ordinance. These notices shall include, but shall not be limited to: (1) notices requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provisions of this ordinance; (2) notices to take corrective action or to abate a public nuisance; (3) notices requiring the testing, sampling, or monitoring of any open burning; or, (4) notices requiring production of information. Such notices may be issued if the Borough of Slippy Rock finds that any condition existing in or on the facility or source involved is causing or contributing to open burning or if the Borough finds that any person is in violation of any provision of this ordinance.
- (3) The Borough of Slippy Rock may, in its Notices of Violation, require compliance with such conditions as are necessary to prevent or abate open burning or effect the purposes of this ordinance.
- (4) The authority of the Borough of Slippy Rock to issue a Notice of Violation under this section is in addition to any remedy or penalty which may be imposed pursuant to this ordinance or under applicable federal or state laws. The failure to comply with any such Notice of Violation is hereby declared to be a public nuisance.

SECTION VII. Responsibility of Owners and Operators

- (1) Whenever the Responsible Official finds that open burning is occurring in the Borough of Slippy Rock, other than those exceptions noted in Section V above, the Responsible Official may require the owner or operator to take corrective action in a

