

AN ORDINANCE OF THE BOROUGH OF COKEBURG, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, FOR THE PREVENTION AND CONTROL OF AIR POLLUTION, DEFINING CERTAIN TERMS USED HEREIN, PROVIDING FOR ENFORCEMENT, EXCEPTIONS AND PENALTIES.

SECTION I

Title
This ordinance shall be known and may be cited as the Cokeburg Borough Air Pollution Control Ordinance of 1970.

SECTION II

Policy
Whereas the Council of the Cokeburg Borough has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Cokeburg, it is hereby declared to be the policy of the Borough of Cokeburg to safeguard the citizens of said borough from such air pollution.

SECTION III

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:

- (1) PERSON--Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.
- (2) COUNCIL--Borough Council of Cokeburg.
- (3) GARBAGE--All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- (4) RUBBISH--Solids not considered to be highly flammable or explosive, including, but not limited to, rags, old clothes, leather, carpets, wood excelsior, paper, stumps, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.
- (5) TRADE WASTE--All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, rubber or synthetic rubber or plastics, cinders and other forms of solid or liquid waste materials, provided, however, that trade waste shall not include any coal refuse associated with the mining or preparation of coal.
- (6) REFUSE--Garbage, rubbish and trade waste.
- (7) SALVAGE OPERATION--Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.
- (8) OPEN FIRE--A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.
- (9) FURNACE--Any enclosed device specifically designed for the burning of any material for the production of heat.
- (10) INCINERATOR--Any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

SECTION IV

Enforcement

- (1) The Borough of Cokeburg Chief of Police or any other duly authorized agent by the Borough Council shall have the power and duty to enforce the provisions of this ordinance.

Regulations

- After October 1st., 1970, no person shall:
- (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 outside of any building, or
 - (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 outside of any building.
- (1) Open fires may be set in the performance of an official duty of any public officer, if the fire is necessary for:
- (a) The prevention of a fire hazard which cannot be abated by other means.
 - (b) The protection of public health.
 - (c) Official Fire Department training programs.
- (2) Open fires may be set with the approval of the authorized enforcement agents of this ordinance provided:
- (a) Rubbish only is burned; and
 - (b) There is no practical available alternate method for the disposal of the material to be burned, and
 - (c) No hazardous or other objectionable condition will be created by such burning.
- (3) Open fires may be set on any day, Tuesday through Saturday, between the hours of 5:00 P.M. to 7:00 P.M. for the burning of rubbish only and the fire must be extinguished at 7:00 P.M.

SECTION VI

Penalties

Any person violating any of the provisions of this ordinance shall upon the conviction thereof by any justice of the peace, alderman or magistrate, be sentenced to pay a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, together with the costs, for the first violation, and not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars, together with the costs, for the second and subsequent violations. Each day a violation exists shall constitute a separate offense. In default in the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.

SECTION VII

Validity

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Borough Council that this ordinance would not have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION VIII

Effective Date

This ordinance shall become effective on the 1st., day of October, 1970.

ENACTED AND ORDAINED by the Council of the Borough of Cokeburg, this 13 day of September, 1970.

LEE KARPOFF,
President of Council

ATTEST:

JAMES SNYDER, — *James W. Snyder*
Borough Secretary

Examined and Approved by me this 2nd. day of October, 1970.
HARRY L. ROUPE
Mayor

Harry L. Roupe

ATTEST:

JAMES SNYDER, — *James W. Snyder*
Borough Secretary