

ORDINANCE NO. #2 OF 2018

AN ORDINANCE OF THE BOROUGH OF DUPONT REGULATING OUTSIDE BURNING WITHIN THE BOROUGH; SETTING TYPE OF MATERIAL TO BE BURNED, AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.

BE IT ORDAINED and enacted by the Borough Council of the Borough of Dupont and it is hereby ordained and enacted by the authority of the same as follows:

PURPOSE.

The purpose the Borough of Dupont in adopting this ordinance is to regulate and prohibit the burning, ignition and combustion of rubbish, garbage and other materials within the Borough of Dupont to promote and protect the health, safety and welfare of the citizenry.

SECTION 1. DEFINITIONS.

Burning - As used within this Ordinance "burning" shall have the following meaning, "the igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually."

Burnable Containers - Portable outdoor grills, fired by propane or charcoal, and designed for food preparation; and outdoor recreational metal firepits.

Burn Barrels and other such metal containers; open fire pits and outdoor incinerators are not classified as burnable containers.

Nauseous or Noxious Fumes - Gases, smoke or fumes resulting from burning which are harmful or injurious to the health or physical well-being of persons or that cause sickness of persons.

Burnable Materials - Burnable materials shall include wood and charcoal. Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment: wood products that have a high glue content, such as *Flake-Board* or *Composite Board*; and wood products in combination with any non-burnable materials.

Non-Burnable Materials - The following is a partial list of those materials that are classified as "*Non-Burnable*" under the guidelines of this Ordinance.

Plastic; rubber; oils; asbestos; composition board; shingles; felt paper; canvas; fiber glass; vinyl; or any similar materials; or any combination of the above with any other materials.

Human or animal waste; sanitary napkins; diapers; food solids; oil filters; or any other materials individually or in combination, that emit smoke, or acrid, obnoxious or toxic odors.

Grasses, green twigs, or leaves.

All cardboard, newspapers must be recycled and are not allowed to be burned.

The above is a partial list of those items and materials prohibited under the guidelines of this Ordinance. Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

SECTION 2. No person or business shall cause to be burned any of the *Non-Burnable Materials*, or any like or similar materials not in compliance, or inconsistent with this Ordinance. It shall be illegal to burn materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke.

SECTION 3. Burning, in compliance with this Ordinance, shall be attended at all times by an individual eighteen (18) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of this Ordinance, and all persons or businesses causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

SECTION 4. All fires outside of *Burning Containers* are hereby prohibited with the Borough.

This Ordinance does not prohibit the issuance of "*Special Burning Permit*" by the local Fire Chief whenever circumstances so dictate. Such Special Permits shall be issued in writing by the Fire Chief on a form provided by the Borough. In granting such Permit, the Fire Chief shall determine whether or not the Fire Company shall be in attendance.

SECTION 5. Any and all Borough Police Officers are hereby granted the authority and responsibility for inspecting outside *Burning Containers* for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Police Officer is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.

SECTION 6. Any person or business who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one thousand dollars (\$1,000.00) and the cost of prosecution, and in default therewith undergo imprisonment in the County Prison for a period not to exceed thirty (30) days.


SECTION 7. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.

SECTION 8. All other Ordinances inconsistent with this Ordinance, are hereby repealed insofar, but only insofar, as they are inconsistent herewith.


ENACTED AND ORDAINED THIS 13th DAY OF February, 2018.



PRESIDENT OF COUNCIL



MAYOR



SECRETARY
