

ORDINANCE No. 318

AN ORDINANCE REGULATING THE OUTDOOR BURNING OF  
GARBAGE, TRASH, REFUSE, RUBBISH, TRADE WASTE AND  
OTHER COMBUSTIBLE MATERIAL AND PRESCRIBING  
PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE BOROUGH OF MONT ALTO, FRANKLIN COUNTY, PENNSYLVANIA:

**Section 1: Definitions.**

A. GARBAGE – All animal, vegetable or other putrescible matter resulting from the handling, preparation, cooking and/or consumption of food.

B. INCINERATOR -- A device or barrel no more than five cubic feet in size with a spark arrestor screen covering any opening.

C. OPEN FIRE – A fire in which any material is burning, smoldering or smoking in the open or in a receptacle other than an incinerator.

D. PERSON -- Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

E. REFUSE -- Garbage, rubbish, and trade waste.

F. RUBBISH – Solids not considered to be highly flammable or explosive, including but not limited to clothes, rags, leather, rubber, carpeting, wood, excelsior, paper, ashes, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry, and other similar materials.

G. 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.

H. TRADE WASTE – All solid or liquid material or rubbish resulting from construction, building or manufacturing operations, or the waste byproduct of any business, trade or industry, including but not limited to, plastics, containers, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials;

I. TRASH – Paper products including but not limited to cardboard, wrapping or packaging, newspapers.

**Section 2: Enforcement.** The Borough Council of the Borough of Mont Alto shall have the power and duty to enforce the provisions of this Ordinance.

**Section 3: Regulations:**

1. Trash may be burned in incinerators, provided said incinerator is located not less than fifteen feet from any tree, shubbery, structure, or property line. Said burning shall take place between the hours of 7:00 a.m. through 6:00 p.m.

2. It shall be unlawful for any person to 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 any building or 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 their control outside of any building, subject to the following exceptions:

A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for either:

- i. the prevention of a fire hazard which cannot be abated by other means; or
- ii. the protection of the public health and welfare of the citizens of the Borough of Mont Alto

B. Open fires may be set by persons, provided:

- i. the fire must be attended at all times by a responsible person with fire extinguishing equipment readily available;
- ii. said open burning shall be done not less than fifty (50') feet from any tree, shubbery, structure, or property line;
- iii. no garbage, trade waste or other non-wood based material is burned;
- iv. no hazardous or other objectionable condition will be created by such burning;
- v. no such burning is allowed on any street or sidewalk within the borough; and
- vi. all such burning takes place between the hours of 7:00 a.m. and 6:00 p.m., or dusk, whichever is later;

3. No fire, whether open or in an incinerator, shall be left smoldering at any time and must be extinguished by dusk.

4. The following regulations shall apply to fires started or maintained for the preparation of food and/or social gatherings:

A. Open fires must be in an approved concrete fire ring or of masonry construction, no larger than thirty-six (36") inches in diameter and not less than ten (10") inches in depth.

- i. the fire must be attended at all times by a responsible person with fire extinguishing equipment readily available;
- ii. said open burning shall be done not less than fifteen (15') feet from any tree, shrubbery, or structure;
- iii. no hazardous or other objectionable condition will be created by such burning.

**Section 4: Penalty.** Any person who shall violate any provision of this Ordinance, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred (\$300.00) Dollars and/or to imprisonment for a term not in excess of ninety (90) days.

**Section 5: Repealer.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**Section 8: Effective Date.** This Ordinance shall become effective the 16 day of May, 2000.

ORDAINED AND ENACTED into an Ordinance this 16 day of May, 2000.

The Borough of Mont Alto

Michael W. Lee  
President Borough Council

Attest:

BOROUGH OF MONT ALTO

Patricia A. Gores  
Borough Secretary

Approved this 16<sup>th</sup> day of May, 2000

Debra H. Ward  
Mayor

