

ORDINANCE NO. 340

AN ORDINANCE OF THE BOROUGH OF WESTFIELD, TIOGA COUNTY,
COMMONWEALTH OF PENNSYLVANIA, TO REGULATE THE DISPOSAL
OF WASTE BY OPEN BURNING IN ORDER TO PROTECT THE PEACE, GOOD ORDER
AND WELFARE OF THE BOROUGH AND THE HEALTH AND SAFETY OF
ITS CITIZENS THROUGH THIS REGULATION

Section 1. Definitions

The following words, terms and phrases when used in this subchapter, unless the context clearly indicates otherwise, will have the following meanings ascribed to them:

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.

REFUSE – all perishable animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food; any solid or liquid material which, when ignited, creates toxic or noxious fumes including, but not limited to, plastics, rubber, petro-chemicals, furniture, carpets, rags, and old clothing; any waste not herein defined as yard waste or trade waste.

RIGHT-OF-WAY – the total width of any land reserved or dedicated as a street, alley or crosswalk, or for other public or semi-public purposes, including but not limited to the area reserved for cartway, shoulders, drainageways, and easements.

MAYOR – the mayor of the Borough of Westfield or his/her authorized designee, which shall include the Ordinance Enforcement Officer.

TRADE WASTE – all solid or liquid waste material resulting from construction, building operations, or the performance of any business, trade, or industry including, but not limited to, asphalt shingles, electric wiring, plastic products, paint, grease, oil and other petroleum products, chemicals, cinders, processed wood, shrubs, plants, and vegetation as part of a commercial landscape business, and other forms of solid or liquid waste materials.

WASTE – material discarded as worthless or of no use.

YARD WASTE – waste resulting from the normal maintenance and upkeep of a yard including, but not limited to, limbs, branches, bushes, garden plants, etc. Yard waste will not include any fire set in conjunction with the production of agricultural commodities as excepting in Section 5.

Section 2. Open Fires Regulated

It is unlawful for any person to ignite or feed an open fire except in accordance with the regulations set forth herein.

Section 3. Burning of Refuse and Trade Waste Prohibited

It is unlawful for any person to ignite or feed an open fire for the burning of refuse or trade waste. Provided, however, that the actual user or producer of paper, cardboard, and excelsior or the owners or tenants of the real estate upon which such paper, cardboard and excelsior is accumulated may be burned in an approved container or vessel.

Section 4. Burning of Yard Waste

A. The burning of yard waste shall be subject to the following regulations:

1. Where the burning of yard waste takes place on the premises of a single-family or two-family dwelling, only yard waste which reasonably results from the normal maintenance of such property can be burned.
2. On the premises of any structure occupied by three or more families, yard waste can be burned only in a place approved by the Mayor or his/her designee. Any occupant, before burning yard waste in such designated place, must also have the written consent of the owner of the property.

B. General Regulations for Burning of Yard Waste:

The following regulations are mandatory for all fires that are permitted for the burning of yard waste:

1. All fires must be properly attended so as to prevent the spread of fire or the creation of hazardous conditions.
2. All fires must be conducted only during daylight hours, defined as the period from sunrise to sunset.
3. All fires must be conducted only on the premises of the owner, provided, however, that the term "premises" does not include the area within the right-of-way of any street.
4. No fires will be conducted on any public street or within the right-of-way of a public street.
5. The Mayor designee may, when he/she determines that there is imminent or immediate danger to any person(s) or any property, buildings, structures or premises as a result of a fire, take any and all steps necessary, within the reasonable performance of his/her duties, to extinguish, mitigate and/or control that fire in order to preserve and protect the life, health, welfare or safety of any person(s) and to preserve and protect property, buildings, structures or premises.

Section 5. Exceptions

The following types of fires are excepted from the provisions of this Ordinance:

- Fires solely for the cooking of food
- Campfires for warmth, fellowship, food preparation, or ceremonial purposes of private individuals or organizations such as Boy Scouts, Girl Scouts, etc., must be attended at all times. Campfires must be of a size and nature to be contained in an enclosed area, such as a pit or ring.
- Any fire set in conjunction with the production of agricultural commodities in their unprocessed or unmanufactured state on the premises of the farm operation. Examples include, but are not limited to, butchering, making apple butter, etc.
- Fires set in performance of an official duty by any fireman or public officer where the fire is for the prevention of a hazard which cannot be abated by other means; for the protection of health, safety, or welfare; for the purpose of instructing personnel in fire safety; or for other official purposes.

Section 6. Penalties

Any person violating any of the provisions of this Ordinance will, upon conviction, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars, together with costs of prosecution, and in default of such fine and costs to imprisonment for a period not exceeding thirty (30) days. Each day's continuance of a violation after notification will constitute a separate offense.

Section 7. Severability

The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision will be held illegal, invalid, or unconstitutional by the court of competent jurisdiction, such decision of the court will 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 have been adopted is such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

ORDAINED AND ENACTED this 13th day of September, 2022.

ATTEST:

Whandy
President

Lari Nelson
Secretary

APPROVED this 13th day of September, 2022

Gail Bollinger
Mayor