

BOROUGH OF ^{ATGLEN} ATGLEN
ORDINANCE NO. 224

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Council of the Borough of Atglen, Chester County, Pennsylvania, as follows:

An Ordinance of the Borough of Atglen for the prevention and control of air pollution; defining certain terms used herein; providing for enforcement, exceptions, and penalties.

Section 1. Title. This Ordinance shall be known and may be cited as the Atglen Borough Air Pollution Control Ordinance of 1987.

Section 2. Policy. The Borough Council 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 the Borough of Atglen, and it is hereby declared to be the policy of the Borough of Atglen to safeguard the citizens of the Borough of Atglen from such air pollution.

Section 3. Definitions. The following words, terms and phrases, when used in this Ordinance, unless the contexts clearly indicates otherwise, shall have the following meanings ascribed to them:

(A) PERSON - Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law on the subject of rights and duties.

(B) COUNCIL - The Borough Council of the Borough of Atglen.

(C) GARBAGE - Any putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

(D) RUBBISH - Solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

(E) 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, 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.

(F) REFUSE - Garbage, rubbish and trade waste.

(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) OPEN FIRE - A fire in which any materials is burned in the open or in a receptacle other than a furnace or incinerator.

(I) FURNACE - Any enclosed device specifically designed for the burning of any material for the production of heat.

(J) INCINERATOR - Any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

Section 4. Enforcement. The Borough Zoning Officer, or his designees, shall have the power and duty to enforce the provisions of this Ordinance.

Section 5. Regulations. (A) After the effective date as specified hereinafter, 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 an 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.

(B) Exceptions:

- (1) Open fires may be set in the performance of any 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.
- (2) Open fires may be set with the approval of the authorized enforcement agent of this Ordinance provided that the fire or burning operations result from:
- (a) Any fire set to prevent or abate a fire hazard, when approved by the Pennsylvania Department of Environmental Resources, and when set by or under the supervision of a public officer.
 - (b) Any fire set for the purpose of instructing authorized personnel in fire fighting, when approved by the Pennsylvania Department of Environmental Resources, and when set by or under the supervision of a public officer.
 - (c) Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Resources.
 - (d) Any fire set solely for recreational or ceremonial purposes.
 - (e) Any fire set solely for cooking food.
 - (f) Any fire set for the purpose of disposing of farm or agricultural waste products, provided the farm from which such waste products emanate contains an area in excess of one and one-half (1½) acre of land.

Section 6. Penalties. Any person violating any of the provisions of this Ordinance shall upon the conviction thereof by any District Justice, be sentenced to pay a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), together with costs, for the first violation; and

not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), together with 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 to exceed thirty (30) days.

Section 7. Repealer. All ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed.

Section 8. 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 have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 9. Effective Date. This Ordinance shall become effective the 3rd day of August, 1987.

BOROUGH OF ATGLEN

Attest:

M. E. Claire M. Boops
Secretary

George H. Stuppy
George Stuppy, President