

NUANGOLA BOROUGH
ORDINANCE NO. ____ OF 2008

Enacted On:

Effective On:

AN ORDINANCE REGULATING THE OUTDOOR BURNING OF REFUSE, RUBBISH, SOLID WASTE AND OTHER WASTE, PROVIDING FOR THE ENFORCEMENT OF THE ORDINANCE AND PROVIDING FOR PENALTIES FOR PERSONS WHO FAIL OR REFUSE TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE FOR THE BOROUGH OF NUANGOLA.

WHEREAS, the Borough Council of the Borough of Nuangola declares that it serves a public purpose and it is in the best interest of the Borough of Nuangola to enact an Ordinance regulating the burning of refuse, rubbish and other waste, and to provide for the enforcement thereof.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Council of Nuangola Borough, Luzerne County, Pennsylvania, as follows:

ARTICLE I. DEFINITIONS

SECTION 1. Definitions

- A. **ASHES** - The residue remaining from the burning of wood, coal, coke or other combustible material.
- B. **DISPOSAL** - Includes the storage, collection or handling of refuse and/or garbage.
- C. **GARBAGE** - The term garbage as herein used shall mean every refuse accumulation of animals, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fruit or vegetables.
- D. **HOUSEHOLD** - A housing unit and shall include room, rooms, apartment, house or

houses when occupied or intended to be occupied as a living quarters with a kitchen or cooking equipment therein.

E. **PERSON** - Includes all natural persons, associations, partnerships, firms or corporations.

F. **REFUSE** - All solid wastes except body wastes and shall include garbage, ashes and refuse.

G. **RESPONSIBLE AUTHORITY** - A person as designated by the Borough of Nuangola which shall be authorized and directed to implement and enforce the provisions of this Ordinance either by committee action or through their authorized agent or representative.

H. **RUBBISH** - The term rubbish as herein used shall mean waste material and refuse of every character collected or accumulated within the Borough of Nuangola, except garbage, and shall include by way of enumeration but not by way of limitation grass, leaves, sticks, tree branches, stone, concrete, old boards, broken glass, used furniture or household appliances, tin cans, newspapers, paper, rags, miscellaneous plant growth or nonputrescible (i.e. not liable to undergo bacterial decomposition when in contact with air or moisture at ordinary temperatures), solid wastes, or any other organic substance subject to fermentation and decay, excelsior, cartons, old clothes and shoes, straw, plastic, brick, tile, china, oyster and clam shells, lawn trimmings, baskets, furniture, and any other waste materials which will result from the ordinary conduct of house cleaning.

I. **SOLID WASTE** - Garbage, refuse, construction and demolition waste, industrial or office waste and other material, including solid, liquid, semisolid or gaseous material resulting from the operation of residential, municipal, commercial, community services or institutional establishments.

ARTICLE II. BURNING PERMITTED

SECTION 1. Burning Permitted

The burning of allowable material in the Borough of Nuangola can be done only on Tuesday

and Thursday (provided that said days do not fall on Holidays) between 10:00 a.m. and 6:00 p.m. or dusk, whichever occurs first, and on Saturdays (provided that said day does not fall on a Holiday) between the hours of 10:00 a.m. and 6:00 p.m. or dusk, whichever occurs first. All fires must be extinguished thoroughly with no smoldering. If weather conditions are not suitable, or any other condition exists, including, but not limited to, drought, high winds, etc., burning shall not be permitted. All burning must be compliant with all County, State and Federal regulations, and the Borough expects compliance with the stricter of said regulations. It is unlawful to burn construction waste. All fires must be attended at all times.

SECTION 2. **Allowable Materials**

Allowable material shall be wood , leaves, branches, grass clippings, limbs of trees, brush, and non-corrugated or non-recyclable cardboard boxes. Allowable materials do not include any other type of garbage, refuse, rubbish or solid waste as above defined, or standing structures, treated wood, construction materials or tires.

SECTION 3. **Restrictions**

- A. No person shall allow a fire to burn unattended by a responsible adult.
- B. Fires shall be no larger than three feet in diameter, must be attended and cleaned up in accordance with the provisions herein.
- C. Fires must be contained in a suitable non-combustible container, with a suitable cover, such as a mesh screen ½ inch or smaller, if appropriate.
- D. No fires may be set or allowed to burn within 15 feet from any building or property line, or on any street or sidewalk of the Borough of Nuangola.
- E. It is unlawful for residents to burn any items that are collected or included in the Nuangola Recyclable Center, with the exception of “unrecyclable paper products”.

SECTION 4. Authority of Police Department

The Law Enforcement Agency authorized in Nuangola Borough, is hereby authorized to be the Responsible Authority to enforce the provisions of this Ordinance, and to issue citations and fines hereunder. In the discharge of such duty, a Responsible Authority may enter upon any private lane, alley, vacant lot, backyard or any other portion of the private property of any person or household within the Borough of Nuangola.

SECTION 5. Liability of Owner or Occupant

Any person within the Borough of Nuangola who burns, and any property owner in the Borough of Nuangola who allows burning on their property, shall be jointly and severally liable for any and all damages incurred as a result of any burning.

SECTION 6. Clean-up of Burn Site Required

Any person who burns within the Borough of Nuangola, and any property owner of property in the Borough of Nuangola who permits burning on their property, shall clean up and remove any and all residues or ash from the burning within ten working days from the date of the burning.

SECTION 7. Prohibited Activity

Within the Borough of Nuangola, no person shall:

A. Ignite or feed an open fire for the destruction of garbage, rubbish or refuse or in the conduct of a salvage operation in any public or private place outside any building, except as permitted by this Ordinance.

B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of garbage, refuse or rubbish in the conduct of a salvage operation on any property under his control outside any building, except as permitted by this Ordinance.

SECTION 8. Exceptions

A. Open fires may be set in the performance of any official duty of any public officer or the Responsible Authority, if the fire is necessary for the prevention of a fire hazard which cannot be abated by other means, or the protection of public health.

B. Camp fires, as long as the camp fire is attended and cleaned up, and in compliance with the provisions of this ordinance.

ARTICLE III. ENFORCEMENT

SECTION 1. FAILURE TO COMPLY

In the event any person engages in illegal burning under the provisions of this Ordinance, the Responsible Authority, or any fire fighter, shall notify said person of the violation, and shall have the authority to immediately extinguish the fire.

SECTION 2. VIOLATIONS AND PENALTIES

Any person that shall violate or fail to meet any of the provisions of this Ordinance, commits a summary offense, and upon conviction before a Magisterial District Judge, or any court with proper jurisdiction, shall be sentenced to pay a fine of not more than six hundred (\$600.00), together with the costs of prosecution, and in default thereof, shall undergo imprisonment in the County Correctional Facility of not more than thirty (30) days. Each day that such violation exists shall be considered a separate and distinct violation.

ARTICLE IV. MISCELLANEOUS

SECTION 1. Severability

Should any portion whatsoever of this Ordinance be held invalid or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed severable, but only to the extent of such holding, and such holding shall not affect the remaining portions hereof.

SECTION 2. Inconsistent Ordinances Repealed

All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 3. Effective Date

This Ordinance shall become effective five (5) days after enacted by Council.

SECTION 4. Amendment

The Council of Nuangola Borough, may from time to time, amend this Ordinance according to law.

ORDAINED AND ENACTED by the Borough Council of the Borough of Nuangola, Luzerne County, Pennsylvania this _____ day of _____, 2008.

NUANGOLA BOROUGH

By: _____

ATTEST:

THE FOREGOING ORDINANCE is hereby approved by the Mayor of the Borough of Nuangola this _____ day of _____, 2008.

By: _____
Mayor Rule