

NANTY GLO BOROUGH
CAMBRIA COUNTY, PENNSYLVANIA
ORDINANCE 2024-1

AN ORDINANCE OF NANTY GLO BOROUGH, CAMBRIA COUNTY, PENNSYLVANIA REGULATING BURNING
FIRE PREVENTION AND FIRE PROTECTION AND PROVIDING REGULATIONS, EXCEPTIONS, ENFORCEMENT
PROVISIONS, AND RESPONSIBILITIES OF PROPERTY OWNERS AND PENALTIES

WHEREAS, the Council of the Borough of Nanty Glo recognized the importance of safeguarding from damage caused from pollution and to property by open fires; and

WHEREAS, the Council of the Borough of Nanty Glo has determined that the air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare and safety of citizens of the borough.

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

SECTION 1. SHORT TITLE

This ordinance shall be known as the Burning Ordinance for Nanty Glo Borough.

SECTION 2. DEFINITIONS

- A. Borough. The Borough of Nanty glo, County of Cambria, and Commonwealth of Pennsylvania.
- B. Open Fire or Open Burn. A fire outside of an enclosed structure or building.
- C. Person. Any individual, public or private corporation for profit or not or profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivisions, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- D. Council. Council of Nanty Glo Borough.
- E. Responsible Adult. An individual eighteen (18) years or older who is not under the influence of drugs or alcohol or suffering from any disability which would impair his or her ability to properly supervise a fire.
- F. Fire Ring. Noncombustible material arranged in a fashion no larger than four (4) feet in diameter or four (4) x four (4) feet square, to be high enough to protect the inside combustibles from spreading outside the noncombustible material and whose combustibles are not stacked higher than could fall outside the noncombustible material. The immediate area around the fire ring should be free from any combustible items.
- G. Domestic Refuse. Garbage, rubbish, or other waste generated by normal occupancy of a dwelling unit for residential purposes. The term does not include appliances, carpets, demolition waste such as insulation, shingles, siding, or furniture, mattresses, box springs, paint, solvents, tires or treated wood.
- H. Clearing and Grubbing Wastes. Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.
- I. Commercial Refuse. Any material, not domestic refuse or farm or clearing and grubbing waste, generated or produced as a product or by-product or waste or any disposable material by a business, commercial or industrial activity.

SECTION 3. BURNING OPERATIONS

- A. No person shall cause, suffer, or permit the Open Burning of any material within Nanty Glo Borough in such a manner that:
 - 1. The emissions are visible, at any time, at the point of such emissions pass outside the property of the Person on whose land the Open Burning is being conducted;
 - 2. Malodorous air contaminants from the Open Burning are detectable outside of the property of the Person whose land the Open Burning is being conducted;
 - 3. The emissions interfere with the reasonable enjoyment of life or property;
 - 4. The emissions cause damage to vegetation or property;
 - 5. The emissions are or may be deleterious to human or animal health
- B. Exceptions. The requirements of subsection (a) of this section shall not apply where Open Burning results from:
 - 1. Any fire set to prevent or abate a fire hazard, when approved the by the Pennsylvania Department of Environmental Protection and when set by or under the supervision of a public officer;
 - 2. Any fire set for the purpose of instructing personnel in fire fighting, or fire company fund raising when approved by the Pennsylvania Department of Environmental Protection;
 - 3. Any fire set for the prevention and control of disease or pests, when approved by the Pennsylvania Department of Environmental Protection;
 - 4. Any fire set for the purpose of burning or clearing and grubbing waste;
 - 5. A fire set for the purpose of burning that amount of domestic refuse generated from one dwelling, when the fire is on the premises of a structure occupied solely as a dwelling by two families or less then the refuse results from the normal occupancy of the structure.
 - 6. Any fire set solely for recreational or ceremonial purposes;
 - 7. Any fire set solely for cooking food;
 - 8. Any fire using a Manufactured Cooking Device

SECTION 4. BURNING REGULATIONS.

All burning shall be subject to the following regulations:

- a. Recreational and cooking burns shall be permitted at any time.
- b. All burns other than for recreation and cooking shall be limited to Saturday of each week and be restricted as outlined in (c) – (i) below
- c. Not more than one (1) burn area shall exist at the same time, on a given property.
- d. No approved fire shall be allowed to burn unless an adult person is present to regulate and control the burning during the time the fire is in existence.
- e. No approved fire shall be left unattended at any time.
- f. The person attending an approved fire shall be reasonably equipped with such tools as may be necessary to control the fire.
- g. No person shall ignite such materials as tire, roofing materials, plastics of any kind, wet garbage, insulated wire, or other substances which are likely to emit noxious odors or dense smoke or to ignite any other materials that are likely to be detrimental to the air quality of Nanty Glo Borough.
- h. If burning per section 3(b)(4), the Person conducting the burn must first notify the Cambria County 9-1-1 Center through its non-emergency number at (814) 472-2100 of the intention to burn as part of the agriculture operation. The person conducting the burn shall provide their name, address, and a call back number. This type of burn is subject to Section 4(a) – (g).

- i. No person shall conduct an Open Burn during a period in which a ban on all Open Burning has been declared by the Borough Fire Department, local, county, or statewide government.

SECTION 5. VIOLATIONS/PENALTIES

Any person who violates or permits the violation of any provision of this Ordinance commits a summary offence and shall, upon being found liable by the District Magistrate, pay a fine of not more than One Thousand Dollars (\$1,000.00) plus all costs including reasonable attorney's fees incurred by Nanty Glo Borough, or a term of imprisonment as provided by law. In addition to criminal penalties, civil penalties may be assessed as permitted by law. Each day the violation exists shall constitute a separate offense.

SECTION 6. ENFORCEMENT ORDERS.

Nanty Glo Borough, Nanty Glo Borough Council, Nanty Glo Police Officer, a code enforcement officer, or any other organization authorized by the Borough to enforce ordinances shall have the power and authority to enforce this ordinance. Nanty Glo Borough may issue orders necessary to aid in the enforcement provisions to include but not be limited to: orders requiring persons to cease unlawful open burning which is a violation of this ordinance; orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of open burning; or orders requiring production of information

SECTION 7. REPEALER.

Any other ordinances or parts of ordinances which are inconsistent with the provisions this Ordinance shall hereby be repealed.

SECTION 8. SEVERABILITY.

The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision hereof shall be held illegal, invalid or unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

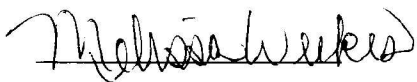
SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after passage as provided by law.

ADOPTED as an Ordinance of the Borough Council of the Nanty Glo Borough, Cambria County, Pennsylvania, this 1st day of July, 2024

ATTEST:

NANTY GLO BOROUGH

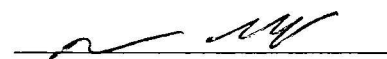


Borough Secretary



President, Borough Council

Approved this 1st day of July, 2024.



Mayor