

ORDINANCE # 292

AN ORDINANCE OF THE BOROUGH OF BALLY, BERKS COUNTY, PENNSYLVANIA, REGULATING OUTSIDE BURNING WITHIN THE BOROUGH OF BALLY; SETTING TIME LIMITS, TYPE OF MATERIALS TO BE BURNED AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED and enacted by the Borough Council of the Borough of Bally, Berks County, Pennsylvania, as follows:

SECTION I - DEFINITIONS

BURNING – As used within the Ordinance “burning” shall have the following meaning; “The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually.”

BURN CONTAINER – Any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material; containing a bottom, sides and a cover as herein defined. “Burn Containers” shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. Outdoor fireplaces, fire pits or incinerators shall be considered as Burning Containers for the purpose of this Ordinance.

If metal drums are being used, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the sides and/or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than two (2) square inches each.

EXCEPTION: Portable outdoor grills, fired by propane or charcoal, and designed for food preparation are excluded from the provision of the Ordinance.

BURN CONTAINER COVER – A metal screen with space not more than one-half (1/2) square inch or other comparable material, which covers the entire open area above the burn container opening. Such screen shall be maintained in good order as to prevent large particles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point whereby it loses its’ maximum efficiency.

BURNABLE MATERIALS – Burnable materials shall include the following:

Paper – Includes newsprint, wrapping paper, paper products or sheet paper items. Paper used to absorb oils or other noxious or toxic materials; plastic coated paper; paper attached to other non-burnable materials or any paper product that is wet shall not be included as burnable paper products and are hereby prohibited from burning.

Cardboard & Chipboard – Includes cardboard & chipboard boxes, sheets, packing material, etc. Excluded and not permitted to be burned are materials used to absorb oil or other noxious or toxic materials; cardboard or chipboard in combination with any other non-burnable materials.

Wood – Includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have a high glue content, such as *flake board or composition board*; and wood products in combination with any non-burnable materials.

Non-Burnable Materials – The following is a partial list of those materials that are classified as “non-burnable” under the guidelines of this Ordinance:

Plastic, rubber, oils, asbestos, composition board, shingles, felt paper, canvas, fiberglass, vinyl or any other similar materials; or any combination of the above with any other materials.

Human or animal waste , sanitary napkins, diapers, food solids, oil filters; or any other materials individually or in combination , that emit smoke or carid, obnoxious or toxic odors.

Grasses, green twigs or leaves.

The above is a partial list of those items and materials prohibited under the guidelines of this Ordinance. Any other materials that do not comply fully with the intent of the Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

Sunrise - A specific time of day as determined and published by the US Weather Bureau locally, at which the sun rises.

SECTION 2 – No person or corporation shall cause to be burned any of the above Non-Burnable Materials, or any like or similar materials not in compliance or inconsistent with this Ordinance. It shall be illegal to burn any materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke.

SECTION 3 – Burning in compliance with this Ordinance shall be permitted only between the hours of sunrise and 12:00 midnight. Under no conditions shall burning, as defined herein, be permitted between the hours of 12:00 midnight and sunrise. Fires allowed to burn or smolder after 12:00 midnight shall be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

SECTION 4 – Burning, in compliance with this Ordinance, shall be attended at all times by an individual fourteen (14) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of the Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

SECTION 5 – No Burning Container shall be used or stored within fifteen (15) feet of any building or structure. No Burning Container shall be used or stored within twenty (20) feet of any public sidewalk area. No Burning Container shall be used or stored without the proper cover in place. No Burning Container shall be used for any other purpose.

SECTION 6 – All fires outside of Burning Containers are hereby prohibited within the Borough of Bally.

This Ordinance does not prohibit the issuance of a “Special Burning Permit” by the local Fire Marshall whenever circumstances so dictate. Such Special Burning Permit shall be issued in writing by the Fire Marshall on a form provided by the Borough. In granting such Permit, the Fire Marshall shall determine whether or not the Fire Company shall be in attendance.

SECTION 7 – Any and all Borough of Bally Police Officers are hereby granted the authority and responsibility for inspecting outside Burning Containers for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Police Officer is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.


SECTION 8 – Any person or corporation who violated the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed three hundred dollars (\$300.00) and the costs of prosecution, and in

default therewith, undergo imprisonment in the Berks County Prison for a period not to exceed thirty (30) days.

SECTION 9 – If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the remaining provision of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.

SECTION 10 - Ordinance #221 and all other Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar as they are inconsistent herewith.


ORDAINED AND ENACTED as an Ordinance by the Borough Council of the Borough of Bally, Berks County, Pennsylvania, in lawful session duly assembled this day of August, 2016.


Glenn A Mutter, President

ATTEST:


Wendy S Mutter, Secretary

APPROVED:


David C. Schott, Mayor

