

CHAPTER 94: BURNING, OPEN

[HISTORY: Adopted by the Borough Council of the Borough of Newport 5-3-1955 by Ord. No. 129; amended in its entirety 4-9-1985 by Ord. No. 238 (Ch. 7, Part 1, of the 1985 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Solid waste — See Ch. 208.

Zoning — See Ch. 250.

§ 94-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BOROUGH COUNCIL

The Borough Council of the Borough of Newport.

FURNACE

Any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE

All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR

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

OPEN FIRE

A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON

Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE

Garbage, rubbish and trade waste.

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.

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.

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, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

§ 94-2. Enforcement.

The Borough Council of the Borough shall have the power and duty to enforce the provisions of this chapter.

§ 94-3. Prohibited activities, exceptions.

A. Within the Borough limits, 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 any building; or
- (2) Cause, suffer, allow, or permit the maintenance of any 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. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

- (1) The prevention of a fire hazard which cannot be abated by other means; or
- (2) The protection of public health.

C. Additional exceptions.[Added 1-8-2013 by Ord. No. 348] (1) A fire set solely for the use for cooking food and recreational purposes to include portable burn pits, chimineas, gas and charcoal grills, masonry barbecue pits, and masonry fireplaces.

- (2) A fire set solely for ceremonial purposes.

§ 94-4. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and/or to imprisonment for a term not to exceed 30 days.