

Chapter 86

BURNING, OPEN

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[HISTORY: Adopted by the Borough Council of the Borough of Emsworth 7-9-1997 by Ord. No. 892 . Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 157.

§ 86-1. Scope.

The following provision shall control open burning on all premises within the Borough of Emsworth.

§ 86-2. General restriction.

No person, firm, or entity shall cause or allow open burning unless the same is approved by virtue of the provisions of this chapter, or permitted after proper application by the Allegheny County Health Department Air Quality Program regulations governing open burning.

§ 86-3. Definitions.

The following words and terms shall, for the purposes of this chapter, have the meanings set forth herein:

BONFIRE — An outdoor fire utilized for ceremonial purposes.

OPEN BURNING — The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

RECREATIONAL FIRE — An outdoor fire utilized to cook food for human consumption.

§ 86-4. Prohibited open burning.

It shall be unlawful for any person, persons, firm, or entity to set on fire, or burn, within the geographic limits of the Borough of Emsworth, any substance, matter, or material which, when burned, will produce an unpleasant, offensive, objectionable, or obnoxious smell or odor. In the interest of public safety, representatives of the Borough or the Emsworth Volunteer Fire Company may order the immediate cessation of any open burning allowed, or permitted, that creates or adds to a hazardous or objectionable situation.

§ 86-5. Allowed open burning and permitted open burning.

- A. Open burning shall be deemed to be allowed without a permit only if:
- (1) For a recreational fire for camping or a cookout, if:
 - (a) Only dry, clean wood products or other clean burning fuels are burned;
 - (b) Only smokeless fuels, if any, are used to start the fire;
 - (c) The pile of material being burned is no larger than 16 square feet by three feet high; and
 - (d) The fire is at least 10 feet from the nearest structure, inhabited area, roadway, property line, and/or utility; and
 - (2) For warmth of work crews, if:
 - (a) The burning is conducted in a noncombustible container no larger than a fifty-five-gallon drum;
 - (b) The material being burned is completely contained by the container;
 - (c) Only one container is used for each work crew; and
 - (d) The outside temperature is less than 40° F.
- B. All other open burning shall require a permit from the Allegheny County Health Department, Air Quality Inspection Section. Applications for a permit must be in full compliance with all requirements of the Allegheny County Health Department Air Quality Program Guidelines, October 1995, as amended from time to time.
- C. All open burning, whether allowed or permitted, shall be conducted in such a manner at all times so as to minimize air pollution and offensive or obnoxious smells or odors.
- D. All open burning, whether allowed or permitted, shall be attended at all times by a responsible adult over 18 years of age.¹

§ 86-6. Violations and penalties.

Any person, persons, firm, or entity convicted of violating any of the provisions of this chapter shall, upon conviction thereof by any District Justice or other court of competent jurisdiction, be sentenced to pay a fine of not more than \$1,000 for each offense, plus costs of prosecution, and, in default of payment of such fine and costs, to imprisonment not to exceed 30 days.

1. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).