

Borough of Edinboro Open Burning Ordinance

CHAPTER 20

SOLID WASTE

PART 1

GARBAGE AND RECYCLING

§20-102. Definitions.

The following words, terms and phrases shall be construed in this Part to have the following meanings except in those instances where the context clearly indicates otherwise:

ASHES – the residue from the burning of wood, coal, coke and other combustible materials in homes, places of residence, office buildings, stores and institutions for the purpose of heating and cooking.

BURNING, OPEN – any unenclosed fire wherein contaminants are emitted into the open air and are not directed out through a flue.

COMBUSTIBLE RUBBISH – all rubbish which can be burned and is not recyclable.

GARBAGE – the byproducts of animal and vegetable foodstuffs, resulting from the handling or preparation of food or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases and odors or all refuse or animal or vegetable matter which has been used for food or which was intended to be so used.

Incinerator – a furnace or apparatus for burning trash, garbage, etc., to ashes.

PROPER BURNING CONTAINER – a steel drum with combustion air holes near the bottom.

PROPER GARBAGE AND RUBBISH CONTAINER – a container with a handle for lifting or a tightly sealed garbage bag.

RECEPTACLE – a proper container.

RESIDENTIAL RECREATIONAL CAMPFIRE – a cone-shaped wood fire in a yard having a base diameter no greater than three feet and material height no greater than two feet. [Ord. 512]

RUBBISH – all refuse material not included in garbage, as hereinbefore defined, except refuse from building construction or reconstruction, street refuse, industrial refuse, dead animals, abandoned large machinery or vehicles or such other refuse materials not commonly produced in homes, stores and institutions.

§20-109. Regulations for Disposal of Combustible Refuse by Burning.

1. Purpose and Intent. The purpose and intent of these regulations is to protect the public health and safety of the citizens of the Borough of Edinboro. Therefore, deviations from these regula-

tions may be approved when, in the opinion of the approving authority and/or the Erie County Department of Health, such deviations are permitted, they shall be made in strict compliance with the restrictions, limitations or conditions which the approving authority may demand.

2. Burning in a Proper Container Only. No person shall cause, suffer, allow or permit burning except in a proper container. The height of flame is not to exceed four feet.
3. Leaves. Burning of leaves is prohibited. Composting shall be in accordance with Borough regulations.
4. Unattended Fires. No person shall cause, suffer, allow or permit any burning unattended.
5. Proximity of Fires to Streets, Alleys, Buildings and Business Districts. No person shall cause, suffer, allow or permit burning within 12 feet of any building or on any street or alley. Likewise, no person shall cause, suffer, allow or permit burning within any business district. Exception: chimeneas, grills.
6. Smoke Nuisance. It shall be unlawful to create a smoke nuisance to adjoining properties.
7. Time Restrictions. No person shall cause, suffer, allow or permit burning before 7:00 a.m. or after 8:00 p.m. Exception: chimeneas, grills and residential recreational campfires. [Ord. 512]

(Ord. 506, 12/2/2002; as amended by Ord. 512, 9/8/2003)

§20-110. Enforcement Notice.

When it appears to the Borough and/or the Zoning Officer and/or a designated representative that a violation of this Part has occurred, an enforcement notice shall be issued. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding the parcel, and to any other person requested in writing by the owner of record. The enforcement notice shall state the following:

- A. The name of the owner of record, a designated operator and any other person against whom the Borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Part.
- D. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- E. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Part.
- F. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

(Ord. 506, 12/2/2002)

§20-111. Penalty; Enforcement.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determine that there was a good faith basis for the person, partnership or corporation violating this Part to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation continues shall constitute a separate violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Part shall be paid over to the Borough. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough, its Zoning Officer or designated representative the right to commence any action for enforcement pursuant to this Section.

(Ord. 506, 12/2/2002)