

ORDINANCE 02-10

AN ORDINANCE AMENDING ORDINANCE NO. 3-93, "THE BETHLEHEM
TOWNSHIP AIR POLLUTION CONTROL ORDINANCE" BY PROVIDING
ADDITIONAL REGULATIONS RELATING TO OPEN BURNING

WHEREAS, by its Ordinance No. 3-93 duly ordained and enacted at a regular public meeting on April 19, 1993, the Bethlehem Township Board of Commissioners enacted the Bethlehem Township Air Pollution Control Ordinance; and

WHEREAS, the Bethlehem Township Board of Commissioners now desire to amend certain portions of the Air Pollution Control Ordinance by adding additional regulations with respect to open burning.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Commissioners of the Township of Bethlehem, County of Northampton and Commonwealth of Pennsylvania, as follows:

SECTION 1: Section 101-3 Definitions of Ordinance No. 3-93 is hereby amended by adding the following definitions:

"LEAF WASTE

Leaves, garden residue, shrubbery and tree trimmings and similar material, but not including grass clippings.

RECYCLING MATERIALS

Materials generated by a person or entity which can be separated from other municipal waste and returned to commerce to be reused as a resource in the development of useful products. Materials which may be recycled include but are not limited to: glass (clear, brown or green), aluminum, steel and bimetal cans, high-grade office paper, mixed paper, newspaper (including newspaper inserts), telephone books, corrugated paper, magazines and other periodicals, plastic containers and other materials as may be designated by the Township from time to time as recyclable materials."

SECTION 2: Section 101-3 Definitions of Ordinance No. 3-93 is hereby amended by amending the definition of YARD WASTE to read as follows:

"YARD WASTE

Twigs, shrub trimmings, small branches and like vegetative matter (including grass clippings)."

SECTION 3: Section 101.5 Prohibited Activities of Ordinance 3-93 is hereby amended by adding a new subsection D. to read as follows:

"D. Ignite or feed an open fire for the destruction of Refuse, Recycling Materials, Leaf Waste or Yard Waste, in any public or private place outside of a building."

SECTION 4: Section 101-6 Exceptions of Ordinance 3-93 is hereby amended by deleting in its entirety subsection A.(3) which reads as follows:

"(3) For the prevention and control of disease and pests"

SECTION 5: Section 101-6 Exceptions of ordinance 3-93 is hereby amended by adding a new subsection D. to read as follows:

"D. An open fire or outdoor or indoor incinerator may be used by the Township Police Department in the conduct of their official police business and operations."


SECTION 6: Severability. The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective

SECTION 7: Repealer Clause. All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8: Effective Date. This Ordinance shall be effective five (5) days after adoption.

ORDAINED AND ENACTED this 19th day of July 2010 at a regular public meeting after public hearing thereon.

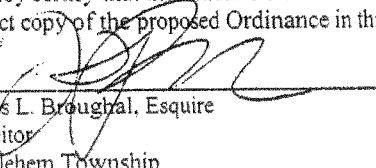
ATTEST:

By: 
Jon A. Hammer, Manager/Secretary

BOARD OF COMMISSIONERS
BETHLEHEM TOWNSHIP

By: 
Arthur Murphy, President

I hereby certify that the within is a true and correct copy of the proposed Ordinance in this matter.


James L. Broughal, Esquire
Solicitor
Bethlehem Township

CHAPTER 101 BURNING, OPEN

[HISTORY: Adopted by the Board of Commissioners of the Township of Bethlehem 4-19-1993 by Ord. No. 3-93 (Ch. 7, Part 1, of the 1988 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Fireworks — See Ch. 131.

Solid waste — See Ch. 212.

Zoning — See Ch. 275.

§ 101-1 Title.

This chapter shall be known as the "Bethlehem Township Air Pollution Control Ordinance."

§ 101-2 Statement of policy.

Whereas air pollution is detrimental to the health, safety, welfare, comfort and living conditions of the citizens of the Township of Bethlehem, it is hereby declared to be the policy of the Township of Bethlehem to protect its citizens from air pollution caused by open fires within the Township of Bethlehem.

§ 101-3 Definitions.

For the purpose of this chapter, the following terms shall have the meanings respectively ascribed to them in this section unless from the particular context it clearly appears that some other meaning is intended.

FURNACE

Any enclosed device specifically designed for the burning of 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.

PAPER

A substance used for writing, printing, packaging and wall covering, manufacturing principally from rag, wood or other vegetable fiber reduced to a pulp, but excluding newspaper and other paper which is designated from time to time as recyclable pursuant to the recycling provisions of Chapter 212, Solid Waste, Article I, Collection and Disposal, and the Bethlehem Township recycling rules and regulations.

Editor's Note: See Ch. 212, Solid Waste, Art. II, Recycling.

PERSON

Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

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

Salvaging or reclaiming of any product or material including, but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTES

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 paper, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials.

YARD WASTE

Tree branches and tree and shrubbery trimmings but not including tree leaves or grass clippings.

§ 101-4 Enforcement.

The officers of the Bethlehem Township Police Department, and such other persons as may be designated from time to time by the Bethlehem Township Board of Commissioners, shall have the following powers and duties:

A.
To enforce the provisions of this chapter.

B.
To receive and initiate complaints of violations of this chapter.

C.
To enter and inspect any building, property, premises or place for the purpose of investigating an actual or suspected source of open burning or for the purpose of ascertaining compliance or noncompliance with this chapter.

D.
To send written notice of any violation of this chapter to such person or persons responsible for said violation.

E.
To order any person or persons responsible for any violation of this chapter to abate said violation.

F.
To institute prosecution for the violation of this chapter.

§ 101-5 Prohibited activities.

Except as specifically provided in § 101-6, no person shall:

A.
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 of any building.

B.
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, her or its control outside of any building.

C.
Fail, neglect or refuse to comply with any written abatement notice served on such person.

§ 101-6 Exceptions.

[Amended 6-3-1996 by Ord. No. 7-96]

A.
When approved by the Pennsylvania Department of Environmental Protection, an open fire may be set under the following circumstances:

(1)
For the prevention or abatement of a fire hazard which cannot be prevented or abated by other reasonable means, when set by or under the supervision of a public officer in the performance of the official duties of such public officer.

(2)
For the purpose of instructing personnel in firefighting.

(3)

For the prevention and control of disease or pests.

B.

An open fire may be set in a grill or similar receptacle solely for cooking food.

C.

Paper and yard wastes as defined herein and which are generated by residents of the Township of Bethlehem from the normal occupancy of a residential dwelling by two families or less may be burned by said residents on their premises only during the hours of 7:00 a.m. and 4:00 p.m. on Tuesday, Thursday and Saturday, except if any such day is a legal holiday. Burning at any time is specifically prohibited on Monday, Wednesday, Friday, Sunday and legal holidays. The burning of papers and yard waste shall take place in areas free of weeds and not closer than 50 feet to any building, structure, wooden fence or piled combustible materials and shall be attended by an adult at all times until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two fire extinguishers with a minimum 2-A rating each or other approved on-site fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck shall be available for immediate utilization.

§ 101-7 Temporary ban during certain conditions.

[Added 1-18-1999 by Ord. No. 1-99]

A.

The Board of Commissioners may, by resolution:

(1)

Determine that conditions of dry weather, drought, shortage of water, shortage of fire-fighting equipment or personnel or other conditions exist pursuant to which open fire which are otherwise permitted pursuant to § 101-6C of this chapter create additional risks to the public health, safety and welfare.

(2)

Temporarily ban such open fires for such period or periods of time as the Board of Commissioners deems necessary and appropriate or until such temporary ban is removed by further resolution of the Board of Commissioners.

B.

It shall be a violation of this chapter for any person to ignite, feed or cause, suffer, allow or permit the maintenance of any open fire which is otherwise permitted pursuant to § 101-6C during the period or periods of such temporary ban.

C.

Public notice of the declaration of the temporary ban shall be given by the Township through radio, newspaper or other available media and information on the modification or termination of the temporary ban may be given by use of this same media.

§ 101-8 Violations and penalties.

[Amended 1-18-1999 by Ord. No. 1-99]

Any person violating any of the provisions of this chapter or failing to comply therewith or with any of the requirements thereof shall, upon conviction before any Magisterial District Judge in the Township of Bethlehem, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with costs, for the first violation; and not less than \$50 nor more than \$300, together with costs, for the second and subsequent violations. Each day a violation exists shall constitute a separate offense. In default in payment of any fine, the defendant shall be sentenced to jail for a period not exceeding 90 days.