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ORDINANCE # 137  
AIR POLLUTION CONTROL

AN ORDINANCE OF NEW FLORENCE BOROUGH, WESTMORELAND COUNTY, COMMONWEALTH OF PENNSYLVANIA FOR THE PREVENTION AND CONTROL OF AIR POLLUTION: DEFINING CERTAIN TERMS USED IN SAID ORDINANCE: PROVIDING FOR ENFORCEMENT, EXCEPTIONS, AND PENALTIES.

SECTION I. This ordinance shall be known and may be cited as the New Florence Borough Air Pollution Control of 1976.

SECTION II. Whereas, the Council of New Florence Borough has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of New Florence Borough, it is hereby declared to be the policy of New Florence Borough to safeguard the citizens of New Florence from such air pollution.

SECTION III. The following words, terms and phrases, when used in this ordinance unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

- (1) 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.
- (2) COUNCIL - Borough Council
- (3) GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- (4) 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.
- (5) 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 however that trade waste shall not include any coal refuse associated with the mining or preparation of coal.
- (6) REFUSE - Garbage, rubbish and trade waste.
- (7) OPEN FIRE - A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.
- (8) FURNACE - Any enclosed device specifically designed for the burning of any material for the production of heat.
- (9) INCINERATOR - Any device specifically designed for the destruction by burning using a fuel other than the refuse itself, or refuse sewage sludge or any other combustible material.

SECTION IV. The New Florence Borough Chief of Police or any other duly authorized agent shall have the power and duty to enforce the provisions of this ordinance.

SECTION V. After December 1, 1976, no person shall:

- (1) Ignite or feed an open fire for the destruction of refuse in any public or private place outside of any building, or

(2) Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse on any property under his control outside of any building.

EXCEPTIONS:

(1) Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

(a) The prevention of a fire hazard which cannot be abated by other means.

(b) The protection of public health.

SECTION VI. Any person violating any of the provisions of this ordinance shall upon the conviction thereof by any district magistrate be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars, together with the costs, for the first violation and not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars, together with costs for the second and subsequent violation. Each day a violation exists shall constitute a separate offense. In default in the payment of any fine, the defendant shall be sentenced to jail for a period not exceeding thirty (30) days.

SECTION VII. The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof, shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of the Council that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provisions had not been included herein. Any provisions, sections, clauses or sentences of previously enacted ordinances of the Borough of New Florence that contradict or are in conflict with the provisions, sections, clauses or sentences of this ordinance are hereby repealed.

SECTION VIII. This ordinance shall become effective on the 1st day of December, 1976.

APPROVED THIS 16TH DAY OF NOVEMBER, 1976.

ATTEST:

Margaret G. Boyle  
Secretary-Treasurer

Clifford L. Bowers  
President of Council

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Mayor

This is to certify that the foregoing ordinance #137 is a true and correct copy.  
Approved the 16th DAY OF NOVEMBER, 1976.

Margaret G. Boyle  
Secretary-Treasurer