

ORDINANCE REGULATING 7  
AIR POLLUTION CONTROL

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*No 4-1-70 B*

An ordinance of North Newton Township, Cumberland County, Commonwealth of Pennsylvania for the prevention and control of air pollution; defining certain terms used herein; providing for enforcement, exceptions, penalties and repealing any previous ordinance in conflict herewith.

SECTION I. Title

This ordinance shall be known and may be cited as the North Newton Township Air Pollution Control Ordinance of 1970.

SECTION II. Policy

Whereas the Board of Supervisors of North Newton Township 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 North Newton Township, it is hereby declared to be the policy of North Newton Township to safeguard the citizens of North Newton Township from such air pollution.

SECTION III. Definitions

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-BOARD - Borough Council, Township Board of Supervisors.
- (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) 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.

(8) OPEN FIRE - A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

(9) FURNACE - Any enclosed device specifically designed for the burning of any material for the production of heat.

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

#### SECTION IV. Enforcement

(1) The North Newton Township Secretary of the Board of Supervisors, fire chief, health officer, or any other duly authorized agent shall have the power and duty to enforce the provisions of this ordinance.

## SECTION V. Regulations

After April 1, 1970, 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 of 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.

### 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.

(2) Open fires may be set with the approval of the authorized enforcement agent of this ordinance provided:

(a) Rubbish only is burned, and

(b) There is no practical available alternate method for the disposal of the material to be burned, and

(c) No hazardous or other objectionable condition will be created by such burning.

(3) Open fires may be set in the course of normal farming operations, such as, but not limited to, cleaning of fence rows, etc. and in the course of normal and usual household operations, such as, but not limited to, burning of leaves of trees in the fall of the year, etc.

## SECTION VI. Penalties

Any person violating any of the provisions of this ordinance shall upon the conviction thereof by any justice of the peace, alderman or 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 the costs, for the second and subsequent violations. 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. Repealer

All other ordinances or parts thereof which are in conflict with this ordinance are hereby repealed.

SECTION VIII. Validity

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 Board of Supervisors that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION IX. Effective Date

This Ordinance shall become effective on the 1st day of April, 1970.

ATTEST:

BOARD OF SUPERVISORS OF  
NORTH NEWTON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA

Wayne M. Hoover  
Secretary

March 27, 1970

By Bruce J. Dyanzman  
President  
Charles Jumper  
Frank D. Krebs