

Ordinance No. 738

AN ORDINANCE OF THE BOROUGH OF UNION CITY, ERIE COUNTY, PENNSYLVANIA FOR THE PREVENTION AND CONTROL OF AIR POLLUTION; DEFINING CERTAIN TERMS USED HEREIN; PROVIDINGS FOR ENFORCEMENT, EXCEPTIONS, AND PROVIDING PENALTIES FOR VIOLATIONS.

SECTION I. TITLE

This ordinance shall be known and may be cited as the Union City Air Pollution Control Ordinance of 1968.

SECTION II. POLICY

Whereas the Council of The Borough of Union City 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 the Borough of Union City, it is hereby declared to be the policy of the Borough of Union City to safeguard the citizens of the Borough of Union City 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 - Borough Council
- (3) GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- (4) RUBBISH - All 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, 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 materials 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

The Borough of Union City chief of police, fire chief, or any other duly authorized agent shall have the power and duty to enforce the provisions of this ordinance.

SECTION V. REGULATIONS

After September 7, 1968 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.

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 ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars, together with the costs, for the first violation and not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) 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 section, clauses, sentences, part 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.

SECTION IX. EFFECTIVE DATE

This Ordinance shall become effective on the 7th day of September, 1968.

Ordained and enacted into an ordinance this 6th day of August 1968.

ATTEST: Harry L. Smiley
Borough Secretary

William R. Kline
President of the Council

Approved this 12th day of August 1968.

Donald E. Ryan
Mayor

I certify that the above is a true copy of the Union City, Ordinance No. 738 adopted by the Union City Borough Council August 6, 1968, and advertised in the Union City Times August 15, 1968.

Harry L. Smiley
Borough Secretary