ORDINANCE NO. 434

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, AMENDING THE LEESPORT AIR POLLUTION CONTROL ORDINANCE NO. 411 TO DELETE CERTAIN DEFINITIONS, REGULATE THE ALLOWABLE BURNING OF WASTE MATERIALS THROUGH USE OF AN INCINERATOR OR FURNACE AND PROHIBITING THE BURNING OF SPECIFIED TYPES OF WASTE MATERIALS.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania, as follows:

A. SECTION 4. of the Leesport Air Pollution Control Ordinance is revised to read in its entirety as follows:

SECTION 4. 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) Borough - The Borough of Leesport, Berks County, Pennsylvania.

(2) Burning - The act of consuming by fire; to flame, char, scorch, or blaze. As used in this Ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

(3) Council - The Council of the Borough of Leesport.

(4) Enforcement Officer - The duly authorized person appointed by Council to enforce the provisions of this Ordinance.

(5) Open Burning - A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

(6) Person - Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

B. SECTION 5. of the Leesport Air Pollution Control Ordinance is revised to read in its entirety as follows:

SECTION 5. Regulations

(1) No person may permit the open burning of material with the exception of the following:

a. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program office and the Leesport Fire Chief and set by or under the supervision of a public officer.

b. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office and the Leesport Fire Chief.

c. A fire set during the daylight for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office and the Leesport Fire Chief.

d. A fire set in a metallic or other non-combustible container or device for cooking food.

e. A fire set solely for recreational or ceremonial purposes when approved by the Leesport Fire Chief.

(2) The burning of waste material through use of an indoor incinerator or furnace is subject to the following:

a. Emissions from such burning must be by means of a chimney or flue ending at least two feet above the roof of the building.

b. Resulting odors and smoke may not be detectable beyond the property lines of the subject property.

c. Such burning is limited to the hours of 8:00 a.m. to 6:00 p.m. of the same day.

d. Such burning is prohibited in residentially zoned districts.

e. Burning of the following items are prohibited:

- garbage
- tires
- lawn clippings or yard waste
- material containing plastic or rubber
- waste petroleum products
- paints and paint thinners
- chemicals
- any hazardous wastes
- construction and demolition debris
- plywood
- particleboard
- manure
- animal carcasses
- asphalt products

C. Repealer

All other Ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed.

D. Effective Date

This Ordinance shall become effective on the 17th day of September, 2009.

ENACTED AND ORDAINED by the Borough Council of Leesport Borough on the 16th day of September, 2009.

BOROUGH OF LEESPORT

ATTEST:

Secretary

President

Approved as an Ordinance of the Borough of Leesport this 16th day of September, 2009.

Mayor