



# Open Burning Ban Proposal

## Allegheny County, PA

### **§2105.50 OPEN BURNING**

#### **a. General.**

1. No person may permit the open burning of material, except as permitted under Paragraph c.1.
2. The Department may prohibit, or diminish, any open burning activity which it deems to be contributing a non-negligible amount of air contaminants.

#### **b. Discovery of Fire.**

Immediately upon the discovery of any open burning not permitted under Paragraph c.1, the person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning.

#### **c. Permits.**

1. The Department may issue a permit for open burning during a period specified by the Department, but only for the following:
  - A. A fire set to prevent or abate a fire hazard, when approved by the Department 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.
  - C. A fire set for the prevention and control of disease or pests, when approved by the Department.
  - D. A fire set solely for ceremonial purposes.
2. The permit application shall be submitted on forms prepared by the Department at least fifteen (15) days prior to the proposed burning date(s) and shall specify the types of materials to be burned, and only those types of materials which are approved .
3. After the completed permit application is received, a site inspection will be conducted to ensure permit application accuracy and confirm that minimum permit conditions are met at the proposed burn site.
4. The proposed burn site must be three hundred (300) feet from the nearest structure and one hundred (100) feet from the nearest pedestrian or recreation area, roadway, property line, utility, or other fire unless otherwise specifically approved by the local Fire Marshall or Chief.
5. Structures burned for fire training purposes must have roofing paper, roofing shingles, Insulbrick, and utilities removed prior to permit approval. The open burning of construction or land clearing debris proposed as a fire training exercise normally will not be allowed.
6. Burning activities shall not be conducted on air quality action days.
7. The local fire department must be notified prior to permitted open burning activity.



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### **d. Presumption.**

Proof that the defendant in any enforcement action owns or controls the property on which open burning occurs shall be prima facie evidence that such defendant has conducted, or allowed to be conducted, such open burning.

### **e. Coal Refuse Piles**

In the case of a fire at any coal refuse pile or dump, the person responsible shall:

1. Report such fire immediately to the Department upon discovery;
2. Immediately extinguish such fire, or demonstrate to the Department's satisfaction that all necessary steps are being taken to extinguish such fires as expeditiously as possible; and
3. Report the status of such fire to the Department at such intervals as required by the Department.

### **f. Enforcement**

Notwithstanding any other provision of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the burning occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

### **g. Violations.**

The open burning of any material (except as provided in Paragraph a.1 above), or the failure by the person responsible to immediately report and take all reasonable steps to extinguish a coal refuse pile fire, shall be a violation of this Article giving rise to the remedies provided in §2109.02 of this Article.