

Chapter 66

AIR POLLUTION

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[HISTORY: Adopted by the Borough Council of the Borough of Camp Hill 10-11-1995 by Ord. No. 944, approved 10-11-1995. Amendments noted where applicable.]

§ 66-1. Short title.

This chapter shall be known and may be cited as the "Camp Hill Air Pollution Control Ordinance of 1995."

§ 66-2. Policy.

Whereas pollution of the air is detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Camp Hill, it is here declared to be the policy of Camp Hill to safeguard the citizens of Camp Hill from air pollution as may be reasonably feasible.

§ 66-3. Definitions.

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

COUNCIL — The Borough Council of Camp Hill, Pennsylvania.

FLUE — Any duct, passage, stack, chimney or conduit permitting air contaminants to be emitted into the open air.

GARBAGE — All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

ODOR — That property of a substance which affects the sense of smell.

OPEN BURNING — Any unclosed fire wherein air contaminants, including smoke and/or odor, are emitted to the open air and are not directed thereto through a flue.

PERSON — Any individual, partnership, association, syndicate, company, firm, trust, corporation or other entity recognized by law as the subject of rights and duties, including any governmental agency.

REFUSE — Garbage, rubbish and trade waste.

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.

SALVAGE OPERATIONS — Salvaging or reclaiming of any product or material, including but not limited to metals, chemicals, shipping containers or drums.

SMOKE — Extremely small solid particles produced by incomplete combustion or organic substances and includes, but is not limited to, fly ash, cinders, tarry matter, unburned gases, soot or carbon and gaseous combustion products.

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.

§ 66-4. Air Pollution Control Officer.

- A. Authorized position. The Camp Hill Borough Council shall appoint or designate the Air Pollution Control Officer, together with such assistants as may be deemed necessary, to carry out the provisions of this chapter and as may be appropriate shall provide funds for the salary and expenses of the Air Pollution Control Officer. Any municipal officer, including police, may be so designated.
- B. Duties. The Camp Hill Air Pollution Control Officer shall have the powers and duties to:
- (1) Enforce the provisions of this chapter and the rules and regulations contained therein.
 - (2) Receive and initiate complaints of violations of the regulations of this chapter.
 - (3) Enter and inspect any building, property, premises or place for the purpose of investigating an actual or suspected source of open burning or for the purpose of ascertaining the compliance or noncompliance with any regulation of this chapter.
 - (4) Have access to and require information pertinent to any matter under investigation.
 - (5) Send written notice of any violation of this chapter to the person responsible for the violation.
 - (6) Attend meetings of the Camp Hill Borough Council, if requested, and file written reports of violations of any regulation of this chapter.
 - (7) Institute prosecution for violation(s) of the regulations of this chapter.

§ 66-5. Regulations.

- A. No person shall conduct a salvage operation by open burning or destroy refuse by open burning. Exceptions:

- (1) Any fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection and when set by or under the supervision of a public officer.
 - (2) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection.
 - (3) Any fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection.
- B. No person shall in any manner hinder, delay, obstruct, resist, prevent or in any way interfere with the Air Pollution Control Officer or his/her assistants in the performance of their duty hereunder or refuse such personnel, after proper identification, entrance at reasonable hours to any premises.
- C. No person shall fail, neglect or refuse to comply with any written abatement notice served on such person, either personally or by registered or certified mail, issued by the Air Pollution Control Officer of the Borough of Camp Hill. Such notice shall set forth a violation of this chapter and a time within which the violation is to be abated. Any person receiving such abatement notice may obtain an extension of time to comply therewith by making application to and obtaining the approval of the Camp Hill Borough Council.

§ 66-6. Violations and penalties.

- A. Prosecutions under this chapter shall be instituted by the Camp Hill Air Pollution Control Officer and shall be prosecuted in the name of the Borough of Camp Hill. Any person violating any of the provisions of this chapter shall, upon conviction thereof by any District Justice or other Magistrate, be sentenced to pay a fine of not less than \$25 nor more than \$300, together with the costs, for the first violation and not less than \$50 nor more than \$500, together with the costs, for the second and subsequent violations. Each day that 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 30 days.
- B. The Air Pollution Control Officer may institute an action in equity for an injunction to restrain continuous violations of this chapter in the event that the Air Pollution Control Officer has issued an abatement notice which is being violated and which is not then under judicial review.

