

**BOROUGH OF ROSE VALLEY  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NUMBER 327**

An ordinance to amend and supersede Ordinance No. 186, providing for the health, cleanliness, attractiveness and safety of the Borough of Rose Valley, Delaware County, Pennsylvania, by prohibiting the outdoor burning of rubbish, leaves and other non-woody vegetation; by prohibiting the accumulation of rubbish and other objectionable materials; and, by requiring the trimming of vegetation extending into roads or obscuring drivers lines of sight at intersections.

BE IT ORDAINED by the Council of the Borough of Rose Valley:

**SECTION 1. DEFINITIONS**

- a) “Rubbish,” shall mean any waste, discarded or rejected matter, or substances, including unused possessions, furnishings, tools, vehicles, implements, trash, debris, scrap, junk, garbage, papers, lumber, tires and all other superfluous, abandoned or unused materials or substances of whatsoever kind and condition. Compost piles are not considered rubbish.
- b) “Objectionable accumulations” shall mean any accumulation of supplies, goods, products, merchandise, fuel, and any and all materials or equipment used or to be used for building, grading, or other purposes, whether possessing value or not, deposited or stored in such a manner or place, or for such length of time, or under such circumstances as to be unsanitary, unsightly, dangerous, or hindering free ingress and egress. This shall include anything above described as rubbish and every other kind of material deposited in an amount in excess of what is reasonably necessary to the lawful use of the premises for business, residence or other legitimate purposes.
- c) “Person” means any individual, partnership, firm, corporation, trust, estate, limited liability company, association, municipality, state agency or instrumentality, cooperative enterprise, religious, educational or charitable institution or other legally constituted entity.

**SECTION 2. OPEN BURNING**

It shall be unlawful for any person to burn rubbish, leaves and other non-woody vegetation on any property or on the surface of any road, street or lane in the Borough. The open burning of dry, woody vegetative matter such as twigs, sticks, branches or logs is permitted only when the following requirements are met:

- a) All fires must be attended and kept under control by a responsible individual until the fire is fully extinguished.
- b) There must be a functioning water hose, or a water bucket and an abundant source

of water, available nearby to contain or extinguish the fire.

- c) No fires are permitted within fifteen (15) feet of any road, street, lane or public footpath anywhere in the Borough.
- d) All fires must be at least twenty (20) feet from all dwellings and accessory buildings and a safe distance from overhanging utility wires, trees, bushes, shrubs and other combustibles. All fires must be at least fifteen (15) feet from a property line unless done with permission of the adjacent property owner.
- e) Burning shall be allowed only when atmospheric conditions are advantageous for both the containment of the fire and the dispersion of smoke. Such conditions are generally characterized by neither excessively high nor low temperature, relative humidity and wind speed.

The Borough Manager may grant permission for the burning of non-woody vegetation under special circumstances, provided that all the above requirements are met and there is minimal potential for adverse effects on the health and welfare of neighbors.

The requirements of this Section do not apply to the use of fuels outside of buildings for light, heat, or cooking, such as oil lamps or torches, gas or charcoal grills, or wood fires in outdoor fireplaces or ceramic or metal vessels designed to contain burning wood or charcoal.

### **SECTION 3. DEPOSITS OF RUBBISH OR OBJECTIONABLE ACCUMULATIONS**

It shall be unlawful, and constitute a public nuisance, for persons owning or occupying any property within the Borough, to deposit or to cause or permit the deposit, maintenance or existence of rubbish or other objectionable accumulations, as above defined, on any public or private property or on or in any public or private road, street, lane, gutter, sidewalk, driveway, or stream in the Borough of Rose Valley. The requirements of this Section do not apply to compost piles, which permit free ingress or egress

### **SECTION 4. SAFE PASSAGE ALONG ROADWAYS**

Persons owning or occupying any property within the Borough are required to keep trees, bushes, hedges and shrubbery trimmed so that they do not extend out above the surface of any road, street or lane, whether public or private, or public footpaths, from the surface of the roadway up to a height of at least eight (8) feet, and so that they do not extend into drivers clear lines of sight at an intersection above a height of two and one-half (2-1/2) feet or below a height of eight (8) feet.

### **SECTION 5. ENFORCEMENT AND PENALTIES**

- a) The Borough may enforce the provisions of this Ordinance by filing a summary citation or, where necessary, by seeking legal, equitable or injunctive relief in the courts.
- b) The Borough hereby reserves the right to recover any expenses incurred to enforce

this Ordinance or to stop an ongoing violation of this Ordinance, by filing a municipal claim for the amount of the expense incurred by the Borough, plus a penalty of ten percent (10%).

- c) Any person who violates this Ordinance shall be subject to a written warning for the first offense, a fine of not more than \$100.00 for a second violation of the same provision and a fine of not more than \$300.00 for a third or subsequent violation of the same provision within one year of the first offense.
- d) After being notified in writing for a first offense, a person shall be given a reasonable period of time in which to take corrective action, as set forth in the written warning. Thereafter, a separate offense shall be deemed committed each day during or on which the violation or non-compliance occurs or continues.

#### **SECTION 6. REPEALER**

Any Ordinance, or part of any Ordinance, which is inconsistent herewith, is hereby repealed to the extent of such inconsistency. It is the legislative intent that the several provisions of this ordinance shall be and remain in full force as though separately enacted.

#### **SECTION 7. EFFECTIVE DATE**

This Ordinance shall become effective thirty (30) days after enactment by Council and written approval by the Mayor.

ENACTED AND ORDAINED this 9th day of September, 2009.

BOROUGH OF ROSE VALLEY

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Lynn C. Kelley, President of Council

ATTESTED: \_\_\_\_\_  
Paula W. Healy, Secretary

APPROVED this \_\_\_\_\_ day of September, 2009.

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Thomas F. Plummer, Mayor