

CHAPTER 91: BURNING; OPEN BURNING

Section

- 91.01 Purpose
- 91.02 Burning permitted
- 91.03 Prohibited under certain conditions
- 91.04 Permitted burning
- 91.05 More restrictive laws supercede
- 91.06 Burying/spreading of materials prohibited

- 91.99 Penalty

§ 91.01 PURPOSE.

The purpose of this chapter is to regulate and restrict the manner and method for eliminating waste and refuse by means of outdoor fires, as well as the burning of refuse and waste within the borough. (Ord. 153, passed 7-13-2011)

§ 91.02 BURNING PERMITTED.

Outdoor burning is permitted within the borough, subject to the following.

(A) Outdoor burning is limited to the incineration of dry paper, cardboard, dry vegetation (brush, branches, leaves) and dry untreated wood. No accelerants may be used.

(B) In no event shall the location of any outdoor fire be less than ten feet from any structure, inhabited or uninhabited, or any property line.

(C) Outdoor fires must be personally attended at all times by persons 18 years of age or older. For the purpose of this chapter, a fire shall be considered to be **ACTIVELY BURNING** if it is radiating heat and/or producing smoke even though no flames are present. Smoldering fires are not permitted.

(D) The outdoor burning of household or commercial garbage such as, but not limited to, food waste, bones, furniture, plastics, carpeting and building materials is strictly prohibited. In addition to the above limitations, outdoor burning is not permitted during any adverse environmental conditions,

such as temperature inversions, fogs, low cloud ceilings, high wind conditions, dry weather conditions including dry weather alerts issued by the County Emergency Management Agent, the State Emergency Management Agency or the State Department of Environmental Protection or its agents.

(E) Outdoor burning is permitted only on Mondays, Thursdays and Saturdays between the hours of 9:00 a.m. and 7:00 p.m., prevailing time. No burning is permitted on national holidays and during community events designated by the borough. All fires must be extinguished at the end of permitted burning hours. It is the property owner's responsibility to have an adequate water source or adequate extinguishing agent immediately available at the site to ensure that the fire is completely extinguished in the event of an emergency.

(Ord. 153, passed 7-13-2011) Penalty, see § 91.99

§ 91.03 PROHIBITED UNDER CERTAIN CONDITIONS.

In addition to the above limitations, outdoor burning may be prohibited by the borough, through either its appointed Code Enforcement Officer, or the Fire Chief of the borough, or their designees, under any of the following conditions:

(A) An unreasonable risk of a fire spread hazard;

(B) Burning that causes, or is likely to cause, smoke or fumes that could affect the health, safety or welfare of persons or property or which could create an unreasonable nuisance;

(C) Burning that causes, or is reasonably anticipated to cause, a risk of explosion;

(D) Burning that creates a risk of harm to community health; or

(E) Burning that is in violation of any other state, county, borough and/or federal laws or regulations.

(Ord. 153, passed 7-13-2011) Penalty, see § 91.99

§ 91.04 PERMITTED BURNING.

The following types of outdoor burning are permitted in the borough, and are not subject to the above restrictions:

(A) Burning that is intentionally ignited to prevent or abate a fire hazard, provided that said fire is under the direct supervision of the Borough Fire Chief;

(B) A fire required or under the direction and control of the Borough Fire Department for training or other Fire Department operations;

(C) A fire which is necessary for the prevention or control of insects, vermin or other pests, provided that same is approved by the State Department of Environmental Protection, Regional Air Quality Program;

(D) A fire for the sole purpose of the cooking of food, provided that it is within a non-combustible fire containment unit or enclosure is permitted. The use of household grills or a fire ring is permitted;

(E) A fire solely for recreational or ceremonial purposes, using only seasoned, untreated wood; and

(F) Indoor fireplace burning of seasoned wood.
(Ord. 153, passed 7-13-2011)

§ 91.05 MORE RESTRICTIVE LAWS SUPERCEDE.

Any rules or regulations of the State Department of Environmental Protection or any other applicable laws or regulations, which are more restrictive, shall supercede this chapter.
(Ord. 153, passed 7-13-2011)

§ 91.06 BURYING/SPREADING OF MATERIALS PROHIBITED.

Any materials or products that are prohibited from being burned herein are also prohibited from being buried or spread upon soil. Mulched vegetation, except those types which may be prohibited by the Department of Environmental Protection, are exempted.
(Ord. 153, passed 7-13-2011)

§ 91.99 PENALTY.

Any person or party who violates or fails to comply with any of the above provisions shall upon conviction thereof be sentenced to pay a fine of not less than \$100, plus costs of prosecution, for the first offense; and fines increasing by \$100 for each subsequent offense up to \$1,000 for subsequent offenses occurring within a period of one year, in default of such fines and costs, the violating party shall be subject to imprisonment for not more than ten days.
(Ord. 153, passed 7-13-2011)

