

## ORDINANCE 1399

AN ORDINANCE OF THE BOROUGH REGULATING RECREATIONAL OUTDOOR FIREPIT BURNING WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED, AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED AMENDING ORDINANCE 937.

BE IT ORDAINED and enacted by the Borough Council and it is hereby ordained and enacted by the authority of the same as follows:

### Section 1. Definitions

**Burning** – As used within this Ordinance “burning shall have the following meaning. “The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually.”

**Fire Pit** – Any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material; “Burn Containers” shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. Outdoor fires having a fuel area greater than 3 feet in diameter or 2 feet high are not allowed. Outdoor fireplaces shall be considered as Burning Containers for the purpose of this Ordinance.

**Exception:** Propane or natural gas, portable outdoor grills, fired by propane or charcoal, and designed for food preparation, are excluded from the provisions of this Ordinance.

Conditions are not conducive to fire spread such as extremely dry weather or high winds.

Some means of immediate extinguishment is kept close at hand. Acceptable means of extinguishment include a garden hose, a fire extinguisher with a minimum 4-A rating, or dirt or sand with some means of application.

The fire is constantly attended until it is completely extinguished.

**Burnable Materials** – Burnable materials shall include the following:

**Paper** – includes newsprint, wrapping paper, paper products or sheet paper items. Paper used to absorb oils or other noxious or toxic materials; plastic coated paper; paper attached to other non-burnable materials, or any other paper product that is wet shall not be included as burnable paper products, and are hereby prohibited from burning.

**Cardboard & Chipboard** – Includes cardboard & chipboard boxes, sheets, packing materials, etc. Excluded and not permitted to be burned are materials used to absorb all oil or other noxious or toxic materials; cardboard or chipboard in combination with any other non-burnable materials.

**Wood** – Includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have a high glue content, such as Flakeboard or Composition Board; and wood products in combination with any non-burnable materials.

**Non-Burnable Materials** – the following is a partial list of those materials that are classified as “non-Burnable” under the guidelines of this Ordinance.

Plastic; rubber; oils; asbestos; composition boards; shingles; felt paper; canvas; fiber glass; vinyl; or any similar materials; or any combination of the above with any other materials.

Human or animal waste; sanitary napkins; diapers; food solids; oil filters; or any other materials individually or in combination, that emit smoke, or acrid, obnoxious or toxic odors.

Grasses, green twigs or leaves.

The above is a partial list of those items and materials prohibited under the guidelines of this Ordinance. Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

**Section 2.** No person or corporation shall cause to be burned any of the above Non-Burnable Materials, or any like or similar materials not in compliance, or

inconsistent with this Ordinance. It shall be illegal to burn any materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke.

Section 3. Burning, in compliance with this Ordinance, shall be permitted only between the hours of 6PM and 1AM. Under no conditions shall burning, as defined herein, be permitted between the hours from sunset to sunrise. Fires allowed to burn or smolder after sunset shall be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

Section 4. Burning, in compliance with this Ordinance, shall be attended at all times by an individual Eighteen (18) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of this Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

Section 5. No Burning Container shall be used or stored within fifteen (15) feet of any building, structure, inhabited area, public sidewalk, or roadway. No Burning Container shall be used for any other purpose.

Section 6. All fires outside of Burning Containers are hereby prohibited with the Borough.

Section 7. Any Borough Code Officer, Fire Department line officers, and all Borough Police Officers are hereby granted the authority and responsibility for inspecting outside Burning Containers for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Police Officer is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.

Section 8. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one hundred dollars (\$100.00) and the costs of prosecution, and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty (30) days.

Section 9. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or

invalidity shall not affect the remaining provisions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.


Section 10. All other Ordinances inconsistent with this Ordinance, are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

Section 11. All fire pits must be inspected by the Donora Fire Chief, Assistant Chief, and/or Donora Borough Code Enforcement Officer to issue an open burn permit with a fee of \$10.00. The Borough of Donora reserves the right to revoke any recreational burn permit for violation of any of the above regulations and or Fire Code then your permit will be revoked and you will be ordered to remove the fire pit.

ADOPTED this 9<sup>th</sup> day of July, 2020.

ATTEST:

 July 9, 2020  
Borough Secretary

  
Council President

  
Mayor

