

ORDINANCE NO. 2 of 2009

AN ORDINANCE OF THE BOROUGH OF SUGAR NOTCH PROHIBITING OPEN FIRES WITHIN THE BOROUGH OF SUGAR NOTCH AND PROVIDING EXCEPTIONS

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

1. Except as otherwise provided in this ordinance, no person or entity shall ignite, cause to be ignited or permit to be ignited any open fire, nor shall any person allow or maintain any open fire.

2. Open burning of the following types may be permitted, in compliance with Department of Environmental Protection (DEP) and fire department guidelines, with a valid open-burning permit from the DEP, fire department or its designee:

- a. Ceremonial or controlled bonfires;
- b. Open burning of rubbish, including landscape waste, for the duration of a disaster period in cases where an officially declared emergency exists; and
- c. Fires set for the purpose of legitimate instruction and training of public, institutional, or industrial employees in the methods of fire fighting.

3. Open burning for outdoor cooking and/or heating is permitted without a burning permit subject to the following conditions:

- a. Only acceptable fuels commonly used for outdoor cooking and/or heating, including charcoal, propane, wood, and/or safely stored natural gas, are permitted;
- b. Any open burning being done on a ground surface for the purpose of cooking and/or heating, i.e. campfires, must not exceed a diameter of more than three (3) feet and must be properly enclosed by steel, brick, or masonry;
- c. Any open burning being done in an elevated container, i.e. a barbeque grill, must be done in an approved container constructed of steel, brick, or masonry and must be done on a stabilized non flammable surface area;
- d. No open flame may exceed the height of three (3) feet off the ground surface or container; and
- e. Any such open burning for outdoor cooking and/or heating must be "controlled", which means a person age 18 or older is tending the fire at all times, the fire is contained and not permitted to burn at will, and a source of water is available on the property not more than ten feet from the fire.

4. The Chief of the Fire Department, subject to DEP regulations, may designate certain days each fall and each spring on which open burning of yard waste, clippings, leaves, and similar vegetation shall be permitted on private property. The fire chief also may promulgate rules and regulations that will govern such open burning. Any such open burning must occur during daylight hours and must be "controlled", which as stated herein, means a person age 18 or older is tending the fire at all times, the fire is contained and not permitted to burn at will, and a source of water is available on the property not more than ten feet from the fire.

-5. In regard to overly large, smoky, or hazardous fires, the Chief of the Fire Department may at their discretion, order said fire to be extinguished.

Open-burning permits will be subject to a charge or fee to be determined based upon a fee schedule to be determined and established by the Sugar Notch Borough Council in conjunction with the Chief of the Fire Department.

Any violation of this ordinance shall be a simple misdemeanor, and any person convicted of violating this ordinance shall be subject to punishment for up to thirty (30) days in jail or by a fine of up to one hundred dollars (\$100.00), or by both such confinement and fine. Citations and/or summons will be issued by any Sugar Notch Police officer upon observation of violation, investigation, or upon recommendation or referral from the Chief of the Fire Department.

This Ordinance is hereby duly executed and ordered into law this 23rd day of September, 2009.

ATTEST:

Yvonne Peichar
Yvonne Peichar, Secretary

SUGAR NOTCH BOROUGH
COUNCIL:

James Mullin
James Mullin, President

APPROVED this 23 day of September, 2009.

William A. Davis
William Davis, Mayor