

ORDINANCE NO. 212

AN ORDINANCE REGULATING AND RESTRICTING OUTDOOR FIRES WITHIN THE BOROUGH OF CONYNGHAM, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

The Borough of Conyngham hereby ordains as follows:

Section 10-1001 Restriction On Outdoor Fires Adopted.

No person shall set or maintain any fire upon any street, sidewalk, alley or public ground in the Borough or burn or cause to be burned thereon any paper, boxes, rubbish, leaves or other material or substance of any kind except as provided in this Ordinance. Nor shall any person set or maintain any fire, or burn or cause to be burned any substance or material of any kind, out-of-doors, anywhere within the limits of the Borough, except as provided in this Ordinance.

Section 10-1002 Conditions For Permitting Fires on Streets, Alleys, Sidewalks and Public Grounds.

Outdoor fires shall be permitted upon a street, sidewalk, alley or public ground only when written permission is obtained from Borough Council.

Section 10-1003 Conditions For Permitting Fires On Private Property.

(a) Outdoor fires shall be permitted upon private property in the Borough, provided that the following regulations and restrictions are strictly adhered to:

(1) Every outdoor fire, not contained in an appropriately constructed burner, shall be attended until the fire is extinguished and all such outdoor fires must be kept under control at all times. Non-contained outdoor fires shall be permitted only on Saturdays.

(2) Burners shall be constructed of fireproof materials such as steel, brick or concrete block. The burner shall be adequately ventilated from the bottom with holes or grates so that proper air circulation PROMOTES SMOKE-FREE BURNING. Ash and debris that accumulate during normal use shall be cleaned out so as not to inhibit proper ventilation. The burner shall be covered with a grate or screen of 1/2 inch or small mesh, so as to contain the burning materials.

(3) Every outdoor fire, except when impossible or impracticable, shall be contained in an appropriately constructed burner.

(4) No outdoor fire shall be closer than 15 feet to any building or structure and 15 feet from any property line.

(5) Outdoor fires shall be permitted to burn only in accordance with the following time schedule:

(i) Monday, Wednesday, and Saturday from 1:00 p.m. to 6:00 p.m. At the close of burning hours, such fires shall be thoroughly extinguished and not permitted to smolder.

(ii) No fire shall be permitted to burn on Tuesday, Thursday, Friday and Sunday or National Holidays.

(6) No fire shall create an unreasonable risk of interference with the health or safety of persons beyond the boundaries of your property or of persons who might reasonably be expected to enter or be in such property.

(7) No fire shall be allowed if it permits or causes soot, cinders, ash fly, noxious or offensive fumes, gases, odors, or EXCESSIVE SMOKE to be discharged into the air or to be carried off the premises causing or resulting in annoyance or discomfort of persons beyond the boundaries of that property.

(8) Burnable items are: dry paper products; garden trimmings, tree limbs and leaves (not green or wet); and clean wood (not covered with tar paper, paint or other substances).

(9) Non-burnable items include, but are not limited to: plastic and foam products (egg cartons, meat trays, soda bottles, bags, toys, etc.); garbage and kitchen waste (food, tin cans, glass, etc.); petroleum products (rubber, tires, tar, tar paper, oil, paint, oil-based items, etc.); aluminum products (foil, pie plates, TV dinner trays, etc.); wet or damp items (paper, grass trimmings, leaves, etc.); and miscellaneous items such as household batteries, aerosol cans, magazines, clothing/cloth, carpets/rugs, furniture, glass, etc.

(b) The definition of out-of-door fires shall not, however, include within its comprehension, nor does this Ordinance regulate fires on private land, the sole purpose of which is related to outdoor culinary pursuits. Additionally, the requirements of this Ordinance shall not apply where the burning operations results from any fire set for the purpose of instructing personnel in fire fighting, when approved by the Conyngham Borough Volunteer Fire Department.

Section 10-1004 Penalty For Violation.

Any person who shall violate or fail to conform to any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$75.00 but not more than \$300.00 and costs of prosecution, and in default of payment of fine and costs, to imprisonment for not more than 5 days.

Section 10-1005 Repealer.

Any and all Ordinance, or parts thereof, inconsistent herewith, shall be and are hereby repealed.

ENACTED AND ORDAINED into an Ordinance, this 17th day of February 1993 by the Council of the Borough of Conyngham, Luzerne County, Pennsylvania in a lawful session duly assembled.

ATTEST:

Marcus Sedlitz  
Secretary

CONYNGHAM BOROUGH

Laque Watzel  
PRESIDENT OF COUNCIL

Examined and approved this 19<sup>th</sup> day of February, 1993.

Charles J. Wittig  
Mayor