

BOROUGH OF TRUMBAUERSVILLE

ORDINANCE NO. 207-05

TRUMBAUERSVILLE BOROUGH BURNING ORDINANCE

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Trumbauersville, in a meeting duly assembled (at which a quorum was present and acting) as follows:

ARTICLE 1 - PUBLIC POLICY

It is against public policy to permit uncontrolled and unrestricted outdoor burning. The purpose of this ordinance is to prevent needless public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained.

ARTICLE 2 - DEFINITIONS

For the purpose of this ordinance, the following words and terms shall have the meanings ascribed to them.

Section 220 - Contained Fire

Any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure designed for outdoor cooking or a fireproof container.

Section 230 - Enforcement Officer

The Fire Chief of the Trumbauersville Borough Volunteer Fire Company #1, the Trumbauersville Borough Code Enforcement Officer and the Trumbauersville Borough Fire Marshal shall be designated Enforcement Officers under this ordinance. The Trumbauersville Borough Fire Marshal and, in his absence, the Fire Chief of the Trumbauersville Volunteer Fire Company #1 shall have the authority to issue permits under the provisions of this ordinance.

Section 240 - Garbage

Food waste or wet refuse.

Section 250 - Fire

Any fire set or maintained outside a building.

Section 260 - Person

Any individual, partnership, organization, association, agency, firm, estate or corporation and any other legal or commercial entity.

Section 270 - Responsible Adult

An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire. If a juvenile is apprehended in starting a fire, the parents will be held responsible for damages, fines and penalties

imposed in this ordinance. The determination of who is a responsible adult is in the sole and exclusive discretion of the Trumbauersville Borough Fire Marshal.

Section 280 - Uncontained Fire

Any fire not included in the definition of a "Contained Fire".

Article 3 - General Limitations on Burning

Section 300 - Compliance with Ordinance

- a. It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn outdoors, any materials whatsoever, of whatever nature, without complying with this ordinance.
- b. Nothing herein shall be construed to prevent fire-fighting training by Borough designated fire-fighting organizations.

Section 310 - Public Roads, Private and Public Properties

- a. No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in Trumbauersville Borough, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fires. To burn on such property, a permit is required from the Trumbauersville Borough Fire Marshal.
- b. No person shall set, start, feed, permit to burn or maintain any fire upon any private property in Trumbauersville Borough except as designated in Section 350 b. of this Ordinance.

Section 320 - Safe Distance

- a. It shall be unlawful to allow any fire, including cooking, within an unsafe distance from any building or property line.
- b. No fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes.
- c. Out-of-doors fire shall be permitted only upon private property and shall take place at least twenty (20) feet from any building, property line or road line.
- d. Cooking grills may be less than twenty (20) feet from a building providing that reasonable safeguards are maintained.
- e. No fire shall be permitted to burn that produces smoke which interferes with the navigation of aircraft in the vicinity of Quakertown Airport.

Section 330 - Control of Burning and Unattended Fires

- a. No fire shall be allowed to burn unattended. A responsible adult must be present at all times with readily available fire extinguishing apparatus.

- b. No fire shall be permitted to be ignited or continue to burn whenever drought or extreme weather conditions exist or when a ban on fires has been placed into effect by the Commonwealth of Pennsylvania, the Borough of Trumbauersville or other governmental agencies or departments, whether federal, state, county or local. The Council of the Borough of Trumbauersville may prohibit any and all outdoor fires of any nature whatsoever when it determines atmospheric, weather or any other condition(s) or circumstance(s) make such fires hazardous and/or adverse to the public health, safety or welfare.
- c. No fire shall be set that results in uncontrolled burning of vegetation (field fire).
- d. Out-of-door fires shall be confined in a non-combustible container, covered with a wire screen of one-half inch or smaller mesh, or in other suitable non-combustible containers, except for fires of leaves, brush, and/or natural untreated wood which need not be confined to or covered by a non-combustible container.
- e. The burning of leaves, brush, and/or untreated wood requires a permit.

Section 340 - Extinguishing Unsafe Fires

It is a violation of this ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire will be extinguished immediately at the discretion of an enforcement officer or other Borough official.

Section 350 - Hours

- a. No fire, (contained or uncontained) shall be permitted to burn or smolder between sunset and sunrise.
- b. Recreational fires using natural, untreated wood and containing a fuel source of no more than four (4) cubic feet are permitted at any time so long as they comply with all other provisions of this ordinance. Any recreational fire over four (4) cubic feet requires a permit.
- c. Propane gas grills and/or charcoal grills used in the preparation of food are exempt.

Section 360 - Unlawful Substances

- a. Burning of construction debris, plastics, treated lumber, by products of manufacturing and processing operations and wastes from commercial operations is strictly prohibited.
- b. No garbage may be burned at any time either indoors or out-of-doors.

ARTICLE 4 - ENFORCEMENT

Section 400 - Sanctions

- a. Any person, partnership, corporation or other legal entity who or which has violated or permitted the violation of the provisions of this ordinance shall be levied a fine of \$50.00 for the first offense and \$100 for any subsequent violation within a twelve (12) month period. Each violation shall constitute a separate offense. In the event that Trumbauersville Borough proceeds for enforcement in any court of law or equity then and in that event the violator of the Ordinance is required to reimburse

the Borough of Trumbauersville in addition to any civil fines imposed herein, the reasonable legal fees and costs incurred in enforcing this ordinance.

- b. In the event any Fire Company is required to respond to a fire, which violates the provisions of this ordinance, the responding Fire Company may levy a service fee.
- c. In the event that Trumbauersville Borough proceeds for enforcement in any court of law or equity then and in that event the violator of the Ordinance is required to reimburse the Borough of Trumbauersville in addition to any civil fines imposed herein, the reasonable legal fees and costs incurred in enforcing this ordinance.

Section 410 - Equitable and Other Remedies

No penalty herein shall prevent the Borough from enforcing this ordinance by equitable, injunctive and other remedies.

Section 420 - Liability

The Borough of Trumbauersville and it's agents, officials and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this ordinance. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

ARTICLE 5- SEVERABILITY

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional or illegal provisions not been included herein.

ARTICLE 6 - REPEALER

Trumbauersville Borough Ordinance #171-92, #177-94 and all other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

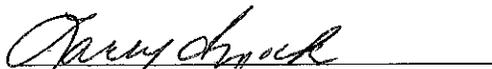
ENACTED AND ORDAINED this 7th day of April 2005.

BOROUGH OF TRUMBAUERSVILLE



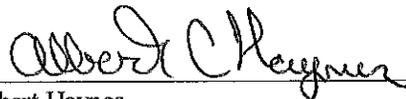
Edward A. Child
Council President

ATTEST:



Larry Smock
Borough Secretary

APPROVED:



Albert Haynes
Mayor