

ORDINANCE NO. 247 OF 2006

Borough of Sugarcreek
Venango County, Pennsylvania

AN ORDINANCE OF THE BOROUGH OF SUGARCREEK REGULATING OUTSIDE BURNING WITHIN THE BOROUGH;
TYPES OF MATERIAL TO BE BURNED; AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.

WHEREAS, the purpose of this ordinance is to promote the general health, safety, and welfare of the citizens of the Borough of Sugarcreek, Venango County, Pennsylvania, while allowing the freedom to burn pursuant to the regulations set forth in this Ordinance.

BE IT ORDAINED AND ENACTED, by the Council of the Borough of Sugarcreek, Venango County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION ONE: Definitions

- (a) 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."
- (b) Burnable Materials: Burnable materials shall include the following:
 - (1) Paper, which included 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.
 - (2) Cardboard and chipboard, which included cardboard and 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, and cardboard or chipboard in combination with any other non-burnable materials.
 - (3) Wood, which includes any unpainted wood or wood product, wood pellets and flammable wood logs or fire logs. Excluded and not permitted to be burned is 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.
 - (4) Grasses, brush, twigs or leaves.
 - (5) Agricultural materials such as bailer twine.
- (e) Non-burnable Materials: The following is a partial list of those materials that are classified as non-burnable under the guidelines of this Ordinance.
 - (1) Plastic;
 - (2) Rubber and rubber products;
 - (3) Leather and leather products;
 - (4) Furniture;
 - (5) Oil and petroleum products;

- (6) Oil Filters;
- (7) Paint and paint cans;
- (8) Mineral products;
- (9) Pressurized containers;
- (10) Asbestos;
- (11) Composition boards;
- (12) Insulation of all types;
- (13) Shingles and felt paper;
- (14) Canvas;
- (15) Fiberglass;
- (16) Vinyl;
- (17) Styrofoam materials;
- (18) Houses and other dwelling units;
- (19) Human or animal waste;
- (20) Vegetable waste and food solids;
- (21) Residential and commercial waste, garbage or trash;
- (22) Sanitary napkins and diapers;
- (23) Animal remains;
- (24) Any combination of the above with any other materials; and
- (25) Any other materials individually or in combination, that emit heavy or dark smoke, or acrid, obnoxious or toxic odors.

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, or create malodorous air contaminants such as toxic chemicals, carcinogens or dioxins, are strictly prohibited.

- (f) Person: An individual, or corporation, partnership or any other group acting as a unit, or an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents, members, affiliates, representatives or contracted persons thereof who are responsible for any violations.

SECTION TWO: No person 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.

SECTION THREE: No person shall start a fire with a flammable liquid or accelerant, with the exception of charcoal lighter fluid used to light a charcoal fire for the purpose of food preparation.

SECTION FOUR: No person shall allow a fire to smolder.

SECTION FIVE: Burning, in compliance with this Ordinance, shall be attended at all times by an individual fourteen (14) years or older until such time as the flame has subsided completely, and adequate means shall be available to extinguish a fire.

SECTION SIX: No burning shall occur within ten (10) feet of any building or structure, wood or lumber pile (except a temporary wood or lumber pile for use in a fire pit or ring), combustible material, wood fence or trees or

shrubs. No burn barrel or container shall be used or stored within twenty (20) feet of any property line or public sidewalk area. No burn barrel or container shall be used for any other purpose. Fire pits or rings for recreational fire purposes are excepted from these regulations.

SECTION SEVEN: Burning within the Villages of Reno, Rocky Grove and Sugarcreek shall only occur on Tuesday, Thursday and Saturday between the hours of 9:00 a.m. and 9:00 p.m., prevailing time, and any pile of burnable materials shall not exceed four (4) feet wide and three (3) feet high. Fire pits or rings for recreational fire purposes are excepted from these regulations.

SECTION EIGHT: No burning shall occur when natural or environmental circumstances exist that make it unreasonable to burn.

SECTION NINE: No burning is allowed on the pavement of any public street or public right-of-way.

SECTION TEN: The provisions of this Ordinance shall not apply to:

- (a) Portable outdoor grills, fired by propane or charcoal, and designated for food preparation;
- (b) Outdoor wood stoves designated for the heating of a structure; and
- (c) The burning of buildings, structures or other materials for firefighting training purposes; provided, however, that notice is provided to the Borough of Sugarcreek Police Department and proper applications are completed and submitted to all local and state agencies.

SECTION ELEVEN: Burning shall cease immediately upon the order of the Borough of Sugarcreek Zoning Officer, the Borough of Sugarcreek Police Department, the Chief of the Rocky Grove Volunteer Fire Department, or the Chief of the Reno Volunteer Fire Department.

In the event a burning ban is issued by any federal, state, county or local law enforcement authority, including, without limitation, the Commissioners of Venango County, Pennsylvania, or the Council of the Borough of Sugarcreek, it shall be a violation of this ordinance for a person to burn any and all materials.

SECTION TWELVE: The Borough of Sugarcreek Zoning Officer and the Borough of Sugarcreek Police Department are hereby granted the authority and responsibility to ensure enforcement and compliance with this Ordinance, and are hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.

SECTION THIRTEEN: Any person who shall violate a provision of this Ordinance, or fail to comply herewith, or with any of the requirements hereof, and any person aiding, abetting or assisting in any such violation, shall be guilty of a summary offense, punishable by a fine of not less than one hundred (\$100.00) dollars, or by imprisonment not less than twenty-four (24) hours or more than thirty (30) days, or both such fine and imprisonment, together with the costs of prosecution for each offense, including reasonable attorney's fees incurred by the Borough of Sugarcreek. Each day that a violation continues after service of verbal or written notice of said violation, or after service of a summons, or after receipt of actual notice of violation otherwise proved, whichever first occurs, shall be deemed a separate offense. All fines and penalties received by the Borough of Sugarcreek of this code shall be paid to the Treasurer of the Borough of Sugarcreek and deposited into the general unappropriated funds of the Borough of Sugarcreek.

SECTION FOURTEEN: In the event any provisions, section, sentence, clause, or part of this Ordinance shall be held

to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Ordinance, it being the intent of the Council of the Borough of Sugarcreek that the remainder of this Ordinance shall be and shall remain in full force and effect.

SECTION FIFTEEN: All ordinances or parts of ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION SIXTEEN: This Ordinance shall become effective on September 21, 2006.

APPROVED this 20th day of September, 2006.