

WARRIOR RUN BOROUGH ORDINANCE 2011-2**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF WARRIOR RUN, COUNTY OF LUZERNE, COMMONWEALTH OF PENNSYLVANIA, REGULATING OUTDOOR AND OPEN BURNING WITHIN THE BOROUGH OF WARRIOR RUN AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, open burning of solid waste, garbage waste, rubbish and wood have been shown to cause high levels of pollution; and,

WHEREAS, the Borough Council of the Borough of Warrior Run has determined that open fires can be detrimental to the health, comfortable living conditions, welfare, safety, environment and a public nuisance to the citizens of Warrior Run Borough, it is hereby declared to be the further policy of the Borough to safeguard its citizens from such problems as set forth below;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of WARRIOR RUN, Luzerne County, Pennsylvania after vote by Council authorizing the same the following Burn Ordinance is adopted, enacted and shall be enforced within the Borough of Warrior Run;

NOW THEREFORE, it is ordained as follows:

SECTION I: DEFINITIONS

- A. **CAMP FIRE:** Same as recreational fire.
- B. **OPEN BURNING:** "Open Burning" or "Open Fire" shall mean a fire burning, whether concentrated or disbursed, which is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the atmosphere without passing through a stack, duct or chimney.
- C. **RECREATIONAL FIRE:** "Recreational Fire" means a fire set for cooking, warming, ceremonial or social purposes set within an area no larger than a three (3) foot diameter circle (measured from the inside of the fire ring or border). The maximum height of material in a recreational fire shall not exceed three (3) feet. The fire must be completely surrounded, to a distance of at least five (5) feet from its base, by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or block of ferrous metal only. Outdoor fire places, fire pits and devices manufactured to contain a recreation/camp fire are included. Burners (burn barrels) and mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices are not recreational fires as defined herein.
- D. **VEGETATIVE MATERIAL:** As pertains to this ordinance, "vegetative material" means dry clean fuel such as twigs, branches, limbs, charcoal, cordwood, untreated/unpainted lumbar that contains no glues or resins and manufactured fire place logs. It does not include material that is green, with leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Paper and cardboard are not considered vegetative materials.

SECTION II: OPEN BURNING PROHIBITED

From and after the effective date of this Ordinance, except as herein otherwise provided, open burning shall be prohibited within the Borough of Warrior Run. No person shall ignite, cause, feed, permit or maintain any open fire for the destruction of solid waste, refuse, recyclables, wood, leaf waste of salvage operations on public or private property outside any building or cause, allow or permit an open fire on any property owned or under his/her control that is prohibited by this Ordinance.

SECTION III: EXCEPTIONS

Open burning of the types, and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of Section II of this Ordinance:

1. Recreational Fires.
2. Fires in authorized containers used solely for food preparation or warmth, including charcoal, gas, propane or electric grills, camp stoves, manufactured hibachis, chimineas and wood smokers.
3. Open fires may be set in the official duty of any public officer, if the fire is deemed necessary for the prevention of a fire hazard which cannot be otherwise abated, or for the protection of public health.
4. Nothing contained herein shall prohibit a farmer from carrying out the normal activities of his farming operations, provided such activities are conducted in accordance with all applicable laws, rules and regulations.

No burning shall occur under the above exceptions during any fire ban emergency declared by Federal, State or Local agency including Warrior Run Borough.

Exemption to conduct fires under this section does not excuse a person from the consequences, damages or injuries which may result therefrom nor does it exempt any person from regulations promulgated by the commonwealth of Pennsylvania or any other governmental unit exercising jurisdiction in matters of pollution and fire hazard regulation.

SECTION IV: OPEN BURNING CONDITIONS

A. PROHIBITED MATERIALS:

Only vegetative materials as defined herein shall be burned within the municipal limits of Warrior Run Borough. Prohibited materials include, but are not limited to:

1. Oils, rubber, plastics, chemically treated materials, or other materials that produce excessive or noxious smoke.
2. Hazardous waste.
3. Burnable buildings or building materials, including composite shingles, tar paper, insulation, composite board, sheet rock, wiring or paint.
4. Painted, glued or treated wood.

5. Industrial solid waste generated from an industrial or manufacturer process, or waste from a service or commercial establishment or from the demolition of a commercial or institutional structure.
6. Motor vehicles or to conduct salvage operations by open burning.
7. Household refuse.
8. Fireworks.

B. RECREATIONAL FIRES:

The property owner on whose land the fire will be located is responsible to ensure that:

1. There are no burning bans, burning restrictions or air quality alerts in effect.
2. Working communications and fire suppression equipment (fire extinguisher, water hose, or minimum five (5) gallons of water) are available on site.
3. A competent adult tends to the fire at all times.
4. The fire produces little detectable smoke, odor or soot beyond the property line.
5. The fire does not create nuisance, health or safety hazards.
6. The fire is extinguished completely before it is abandoned.
7. Recreational fires are allowed only weekdays from 6:00 p.m. to 2:00 a.m. and weekends 10:00 a.m. to 2:00 a.m. with no additional fuel added after midnight and all fires must be out by 2:00 a.m.

C. RECREATIONAL FIRE SETBACKS

No recreational fire shall be conducted within twenty-five (25) feet of a structure or combustible material.

D. SMOLDERING FIRES

Smoldering fires with no visible flame, no matter what materials are being burned, are prohibited and must be extinguished immediately.

E. BURN BARRELS

Fires in burn barrels are not allowed in the Borough of Warrior Run.

SECTION V: PENALTIES AND ENFORCEMENT

The Chief Law Enforcement Officer for the Borough of Warrior Run or his designee shall have the power and authority to enforce any violation of this Ordinance. It shall be the duty of all Police Officers having authority to enforce the general criminal laws to take all actions to the extent of their authority to enforce the provisions, standards and orders implemented under this Ordinance.

Any person who violates any provision of this Ordinance shall be punished by a fine to be determined according to the following schedule along with costs of prosecution:

First Offense within a one (1) year period:	\$50.00
Second Offense within a one (1) year period:	\$100.00
Third Offense within a one (1) year period:	\$300.00

SECTION VI: ORDINANCE CONFLICT

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VII: EFFECTIVE DATE

This Ordinance shall be effective upon adoption and publication as provided by law.

ORDAINED and ENACTED by the Borough Council of the Borough of **WARRIOR**

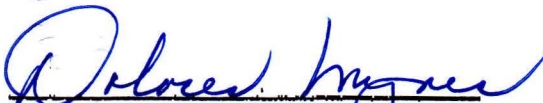
RUN, this 11th day of July, 2011.

WARRIOR RUN BOROUGH

By:


ROBERT T. DAYLIDA, President

ATTEST:


DOLORES MYNES, Secretary

Passed and adopted this 11th day of July, 2011.


JAMES BRODGINSKI, Mayor