

CHAPTER 212

BURNING ORDINANCE

ARTICLE 1

Borough of Linesville regulating outside and open burning within the Borough; type of material permitted to be burned; and establishing penalties for violation

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Council for the Borough of Linesville desires to, in the public interest, codify rules and regulations regarding outside and open burning within the Borough. NOW, THEREFORE, be it ordained and enacted by the Linesville Borough Council, and it is hereby ordained and enacted by the authority of the same, as follows:

§ 212-1. Title.

This article shall be known as the "Linesville Borough Open Burning Ordinance".

§ 212-2. Scope.

The provisions listed herein are general provisions for precautions against fire to be applied to the use of all properties.

§ 212-3. Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Borough of Linesville by regulating the air pollution and fire hazards of open burning and outdoor burning.

§ 212-4. Applicability.

This ordinance applies to all outdoor burning and open burning within the Borough of Linesville, except as noted below:

- (1) This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2) This ordinance does not apply to outdoor wood stoves or burners or burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- (3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

§ 212-5. Definitions.

- (1) "Campfire" means a small clean wood outdoor fire.

- (2) "Clean wood" means natural seasoned wood or dimensional lumber which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- (3) "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, pallets, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- (4) "Nuisance" means use of property or course of conduct that interferes with the legal rights of others by causing damage, and/or annoyance.
- (5) "Outdoor burning" means open burning or burning in a patio wood burning unit.
- (6) "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
- (7) "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
- (8) "Patio wood-burning unit" means any chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating specifically designed for use on patios or confined areas.
- (9) "Borough" means the Borough of Linesville, Crawford County, Pennsylvania.
- (10) "Trash" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

§ 212-6. General Prohibition On Outdoor Burning and Open Burning.

Open burning and outdoor burning are prohibited in the Borough of Linesville unless the burning is specifically permitted by this ordinance.

§ 212-7. Open Burning Of the Following Materials Is Prohibited:

1. Construction and demolition waste.
2. Hazardous substances including but not limited to batteries, household chemicals.
3. Pesticides, used oil, gasoline, paints, varnishes, and solvents.
4. Furniture and appliances.
5. Tires.
6. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene.
7. Urethane foam, and synthetic fabrics, plastic films and plastic containers.
8. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
9. Burning of Trash.
10. Burning of leaves and grass clippings.

§ 212-8. Open Burning.

Open burning of trees, logs, brush and stumps are allowed only in accordance with these provisions.

1. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
2. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance. The Linesville Borough Police are authorized to order the extinguishment of open burning which creates or adds to a hazardous situation or nuisance, or if it is too large and become out of control.
3. Open burning shall be constantly attended and supervised by a

competent person until the fire is completely extinguished. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

4. No materials may be burned upon any street, curb, gutter or sidewalk.

§ 212-9. Prohibited Hours of Burning

No open burning on Sundays with the exception of campfires

§ 212-10. Patio Wood-Burning Units.

A patio wood-burning unit may be installed and used in the Borough of Linesville only in accordance with all of the following provisions:

1. The patio wood-burning unit shall not be used to burn refuse or trash.
2. The patio wood-burning unit shall burn only clean wood.
3. The patio wood-burning unit shall be located at least twenty-five (25) feet from the nearest structure which is not on the same property as the patio wood-burning unit.
4. The patio wood-burning unit shall not cause a nuisance to neighbors.

§ 212-11. Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage to any property caused by the fire.

§ 212-12. Right of Entry and Inspection.

The Linesville Borough Police Department may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

§ 212-13. Enforcement And Penalties.

The Linesville Borough Police Department is authorized to enforce the provisions of this ordinance. Any person, firm, association, partnership, corporation, or governmental entity that violates any provisions of this chapter, shall be issued a \$50 citation plus cost for

the first violation, a \$100 citation plus costs for the second violation, and a \$150 citation plus costs for the third violation and each additional violation following in the same 365 days starting on the day of the first violation.

In addition, such costs may include all expenses, direct and indirect, which the Borough has incurred. The Borough shall also have the right to proceed in any Court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy. Each day that a violation exists shall constitute a separate violation of this ordinance.

ORDAINED AND ENACTED this 13 day of MAY, 2014.

Michael W. Henney
Council President

Attest:

Karen Moss
Borough Secretary

APPROVED:

Barry D. Chapin
Mayor