

MAYFIELD BOROUGH REGULATIONS ON BURNING

ORDINANCE # 2013-12

SECTION 1. TITLE

- This ordinance shall be known as the Mayfield Borough Burning Ordinance and is intended to regulate or prohibit burning

SECTION 2. DEFINITIONS

2.1 ACT 101 RECYCLABLES: Materials which are readily recyclable in many markets including old newsprint, high grade office paper, corrugated cardboard, other marketable grades of paper, mixed paper, aluminum cans, steel or bimetallic cans, mixed cans, amber glass, clear glass, green glass, mixed glass, PET plastics, HDPE plastics, mixed plastics, other recyclable plastics, commingled materials, single stream materials.

2.2. AIR CURTAIN DISTRUCTOR: A mechanical device which forcefully projects a curtain of air across a pit In which open burning is being conducted so that combustion efficiently is increased and smoke and other particulate matter are contained.

2.3 BURNING PERMIT: A permit to kindle or maintain such open fires or other non-exempt fires that are otherwise prohibited by this ordinance shall be issued to non-profit organizations, for approved fundraising activities, as well as to youth organizations. The Borough fire Chief or his designee shall issue Burning Permits. A Burning Permit is valid for one (1) calendar day, only.

2.4 CONTAINED FIRE: Any fire in a fireplace or other outdoor enclosure designed for outdoor cooking or recreation. Every outdoor fire shall be built in and confined to a non-combustible container covered with a screen of ½ inch or smaller mesh or with other suitable noncombustible cover.

2.5 CONTROLLED FIRE: Any fire included in the definition of "Contained Fire" and under reasonable control of a competent adult.

2.6 COMMERCIAL WASTE: Any waste generated by normal commercial business activity normally associated with waste removal service including but not limited to garbage, empty cans and buckets, plastic wrap and bags, paper products, pallets, empty boxes, excelsior, tires, etc.

2.7 EXEMPT FIRES: Any fire which is exempt from the burning regulations and which may be kindled on any day at any time.

- 2.8 FURNACE: Any enclosed device specifically designed for burning any material for the production of heat.
- 2.9 GARBAGE: Any putrescible animal or vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- 2.10 HOUSEHOLD WASTE: Any waste generate by normal household activities normally associated with waste removal services including but not limited to garbage, empty cans, plastic wraps and bags, paper products, glass jars, etc.
- 2.11 INCINERATOR.NONCOMBUSTIBLE CONTAINER: Any device specifically designed for the destruction, by burning, of refuse or any combustible material.
- 2.12 LEAVES: Leaves normally gathered by raking, vacuuming, blowing or other methods that have fallen from trees due to seasonal change or death of a tree.
- 2.13 LEGAL HOLIDAY: Days Mayfield Borough has designated as legal holidays.
- 2.14 OPEN FIRES: A fire in which any material is burned in the open or in a receptacle other than a furnace, incinerator or non-combustible container as described under the "CONTAINED FIRE" definition.
- 2.15 PERSON: Any individual, partnership, association, corporation, department, bureau, agency, or legal entity.
- 2.16 PUTRESCIBLE: Any organic material which is subject to rotting or decay.
- 2.17 RECREATIONAL FIRE: Any fire used in connection with camping, cooking, picnicking, or other commonly accepted recreational activity and shall not include the mere burning of logs, trees, lumber or other such materials. Recreational fires must be clearly used for said purpose at the time of observation and may only be kindled with seasoned wood, charcoal or other manmade material expressly used in recreational fires.
- 2.18 REFUSE: Garbage, rubbish and trade waste
- 2.19 RESIDENTIAL BURNING: Fires kindled by the owner / occupant of a residential property not incidental to land development.
- 2.20 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.

2.21 RUBBISH: Solids not considered to be highly flammable or explosive, including but not limited to, rags, old cloths, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items, tires and other similar items.

2.22 SALVAGE OPERATIONS: Any business, trade or industry engaged in whole or in part in salvaging or reclaiming and products or materials, including but not limited to metals, chemicals, shipping containers or drums.

2.23 TRADE WASTE: All solid or liquid materials or rubbish from construction, building operations, or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil or other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials. "Trade waste" shall not include any coal refuse associated with mining or preparation of coal.

2.24 YARD AND GARDEN TRIMMINGS: Leaves (still on branches), garden residue, tree and shrubbery trimmings and similar materials including grass trimmings.

SECTION 3. RESIDENTIAL REGULATIONS

3.1 There shall be no open burning, except by special permit. All burning must be a "Contained fire" as in section 2.3

3.2 Residential Burning is allowed without a permit during the following period:

Monday through Friday - 5 p.m. to midnight
Weekends and Holidays – 8 a.m. to midnight

3.3 Contained fires shall be no closer than 15 feet to any structure or wooded area.

3.4 A burning permit is required for all open fires as described in section 2.2

3.5 All fires shall be attended at all times by a responsible adult with readily available means of extinguishing the fire.

3.6 Prior to the end of the permitted burning period, all fires must be extinguished thoroughly with no smoldering.

3.7 Fires shall be kindled and used only to burn readily combustible materials such as wood and wood products, tree branches, twigs, sticks, logs, brush.

3.8 Smoke, ashes and embers for set fires which interfere inappropriately with adjoining property owners must be extinguished.

3.9 Burning shall take place on your own property and not on any borough road, swale,

bridge, curb, or drainage system.

3.10 Burning is not permitted during windy conditions.

SECTION 4. EXEMPTIONS

4.1 Fires set solely for recreational purposes or used only for cooking. Any such fire shall be no more than 3 feet in diameter.

4.2 Fires set to prevent or abate a fire hazard and under the supervision or set by a public officer as accepted or approved by Pennsylvania Department of Environmental Protection.

4.3 Fires set for the purpose of instructing personnel in fire fighting

4.4 Fires set for environmental purposes shall be permitted without obtaining a permit provided the appropriate governmental agency is directing the setting and control of the fire.

SECTION 5. UNLAWFUL SUBSTANCES AND RESTRICTED BURNING

5.1 The burning of leaves, grass clippings, garbage/refuse, household waste, commercial waste, trade waste.

5.2 The burning of construction debris, aerosol cans, by-products of manufacturing and processing operations and waste from commercial operations.

5.3 No materials of any nature, even if otherwise allowed to be burned by the provisions of this ordinance, shall be transported from any other properties to the burn site property for burning. Pre-cut cordwood purchased or obtained pursuant to the normal and customary fashion for obtaining such wood may be utilized for recreational fires notwithstanding this provision.

5.4 Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania Department of Environmental Protection Agency (DEP) or the United States Environmental Protection Agency (EPA) to be a "hazardous substance", nor shall any fire be permitted to burn by any person if such burning is in violation of the "Clean Air Act" or other legislation by the Commonwealth of Pennsylvania or the United States of America or any of their legislative agencies.

5.5 The burning of any Act 101 recyclables shall not be permitted.

SECTION 6. FIRE BAN EMERGENCY

6.1 During a period of drought or other periods of high fire risk to property or woodlands within Mayfield Borough, as proclaimed by Lackawanna County Emergency Management, National Weather Service or Mayfield Borough, a Fire Ban Emergency may be declared in Mayfield Borough with or without consultation with the fire chief.

6.2 Upon declaring a fire ban emergency, all outdoor burning or fires shall be prohibited until the ban is lifted.

6.3 The Borough shall cause a Notice of the fire ban emergency to be published or reported at least once in a local newspaper of general circulation. In addition, the Borough may issue news releases to all communication media, including radio television and newspapers.

SECTION 7. ENFORCEMENT

7.1 The duty and administration of this part is hereby conferred upon legally authorized Borough personnel to include the Police Department and Officers.

SECTION 8. PENALTIES

8.1 It shall be unlawful to burn, ignite, incinerate, maintain or otherwise permit the burning of any materials whatsoever without complying with the requirements of this Ordinance.

8.2 Any person who shall violate any provision of this Ordinance shall, upon conviction in a summary proceeding brought in the name of the Borough before a district justice in the same manner provided for the enforcement of summary offences under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not more than \$300, and the cost of prosecution, and in default of payment, to imprisonment for a term not to exceed 90 days, providing that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 9. REPEALER

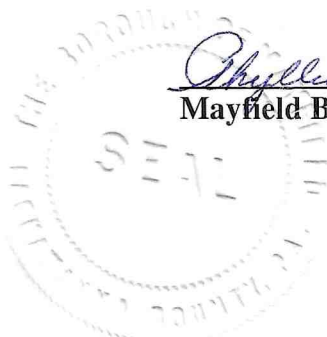
9.1 Ordinance 140 of October 1989 previously enacted is hereby repealed. All other ordinances or parts thereof which are in conflict with this ordinance are hereby repealed.

MUNICIPAL LIABILITY

Mayfield Borough, its council, mayor, and its agents and representatives shall not under any circumstances be liable or responsible for any 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 or noncompliance with terms and provisions hereof. The person, persons, company or companies responsible for any such fire and the permit holder shall bear sole liability for any damages caused as a result thereof.

ADOPTED, by the Governing Body of the Borough of Mayfield at a regular meeting held on the 13th day of November, 2013.

ATTEST:


Phyllis A. Jasnowicz

Mayfield Borough Secretary

Norm Galbraith

Mayfield Borough Council President

[Signature]

Mayfield Borough Mayor