

ORDINANCE NO. 2006-8

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH WILLIAMSPORT, LYCOMING COUNTY, PENNSYLVANIA AMENDING CHAPTER 7 "OPEN BURNING" OF THE BOROUGH OF SOUTH WILLIAMSPORT, PENNSYLVANIA ADOPTED OCTOBER 14, 1974 AND AMENDED**

**WHEREAS**, the Borough of South Williamsport (the Borough) enacted an Open Burning Ordinance on October 14, 1974; Ordinance No. 1974-52; and

**WHEREAS**, the Borough has amended the Open Burning Ordinance on several occasions; and

**WHEREAS**, the Borough desires to eliminate open burning.

**NOW, THEREFORE**, the Council for the Borough of South Williamsport hereby ordains and enacts as follows:

**SECTION 1.** Section 7-101 through 7-107 of Chapter 7 "Open Burning" are hereby repealed.

**SECTION 2.** Chapter 7 "Open Burning" of the Code of the Borough of South Williamsport is hereby amended as follows:

**7-101. Definitions.** Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings set forth in this Section.

**7-102. Approved Containers.**

**A.** An appliance or device used for a recreational fire approved and listed by a recognized testing agency, which is used in accordance with the listing and manufacturer's instructions. The use of such appliance is limited to residential, small commercial, or non-profit use not requiring a building permit for installation and approval of permits of other state and federal agencies, the installation of which will be subject to applicable codes and regulations.

**B.** Outdoor fireplaces constructed and intended for a recreational fire for residences, small commercial or non-profit application. Such fireplaces shall have an essentially contained fire chamber in which all burning takes place and a flue or chimney through which exhaust, gas, smoke or emissions escape.

**BONFIRE** -- An outdoor fire used for ceremonial or training purposes.

**OUTDOOR BURNING** -- A fire, the air contaminants from which emitted directly into the outdoor atmosphere and not directed thereto through a flue/vent, stack, or chimney which is part of an inhabited building used for residential, business, industrial or other public or private purposes.

**OUTDOOR FURNACE** -- A device located outside an inhabited building and used to burn combustible materials for the purpose of generating heat inside the inhabited building. An outdoor furnace shall be considered an "accessory structure" for purposes of any other ordinance or regulation applying to or effective in the borough of South Williamsport including, but not limited to, Zoning Ordinances and Building Codes.

RECREATION FIRE -- An outdoor fire which is used to cook food for human consumption.

932

7-103. General Prohibition on all Outdoor Burning. Except as set forth in Sections 69-3 through 39-5 under no circumstances shall any person perform or cause to be performed or permit to be performed any outdoor burning of any material, including but not limited to, garbage, rubbish, refuse, trash, paper, paper products, rubber, wire, roofing shingles, plastic/synthetic materials, brush trimmings, rakings, leaves, grass, wood, coal, wood products and other similar materials.

7-104. Outdoor Burning -- Recreational Fires. Recreational fires in approved containers are hereby permitted.

7-105. Outdoor Burning -- Bonfires. A bonfire may be made for purposes such as fire company drills, pep rallies, and public celebrations upon application submitted to the Borough and approved by the Mayor.

7-106. Outdoor Furnaces. Outdoor furnaces that are constructed, installed or in the use as of June 1, 2005 are grandfathered.

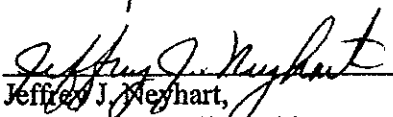
7-107. Violations and Penalties. Any person, firm, or corporation that violates any provision of this Part shall, upon the final liability thereof, be fined a civil penalty of \$25.00 plus costs for the first violation; \$50.00 plus costs for the second violation; and \$100.00 plus costs for the third and subsequent violations. Each day that a violation exists shall be considered a separate violation.

7-108. Enforcement Personnel. Violations of this Part shall be enforced by the Borough Fire Chief, the Chief Fire Inspector, the Assistance Fire Inspector, the Code Officer or the Assistant Code Officer.


7-109. Rebuttal Presumption. There shall be a rebuttable presumption that the individual or entity in possession of the premises is responsible for the violation.

This Ordinance shall be effective February 1, 2007.

This ordinance approved/~~vetoed~~ this 13<sup>TH</sup> day of November, 2006.

  
Jeffrey J. Meyhart,  
Borough Council President

ATTEST:

  
Donna Brink, Borough Secretary