

CHAPTER 7

FIRE PREVENTION AND FIRE PROTECTION

Part 1

Burning

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Part 1

Burning

§101. Title. This Part shall be known and may be cited as the "Millheim Borough Burn Ordinance." (Ord. 207, 11/11/2003, §1)

§102. Authority. The Millheim Borough Council, under, and by virtue of and pursuant to the authority granted by The Borough Code hereby enacts and ordains this Part. (Ord. 207, 11/11/2003, §2)

§103. Policy. The purpose of this Part is to prevent public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained; to avoid unnecessary calls or alarms to the local fire department; to provide for safety of the citizens, air quality or buildings of Millheim Borough. (Ord. 207, 11/11/2003, §3)

§104. Definitions.

ADULT PERSON - a person of at least eighteen (18) years of age.

BURN CONTAINER - any container (3 feet by 3 feet by 3 feet) used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other noncombustible rigid material; containing a bottom, sides and a cover as herein defined. Burn containers shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. Outdoor fireplaces or incinerators shall be considered as burning containers for the purpose of this Part. If metal drums are being used, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the sides and/or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than two (2) square inches each.

BURN CONTAINER COVER - a metal screen with spaces not more than one-half (½) square inch, or other comparable material, which covers the entire open area above the burn container opening. Such screen shall be maintained in good order as to prevent large particles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point whereby it loses its maximum efficiency.

BURNING - the act of consuming by fire; to flame, char, scorch or blaze. As used in this Part, smoldering shall be deemed a burning.

CONTAINED FIRE - any fire contained in an incinerator, fireplace designed for outdoor cooking or a fireproof container.

DOMESTIC REFUSE - any solid waste including, but not limited to, putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, nonputrescible wastes including rubbish, ashes, dead animals and any other solid waste that results from the normal occupancy of the structure.

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ENFORCING OFFICER – the Penns Valley Code Enforcement Agency or any other duly authorized agent.

FIRE - any fire set or maintained outside a building.

SMOLDER - burning sluggishly with little or no flame and with much smoke.

SOLID WASTE - waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials resulting from municipal, industrial, commercial, agricultural and residential activities.

UNCONTAINED FIRE - any fire except a contained fire.

WASTE - material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term does not include source separated recyclable material.

YARD WASTE - leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative materials.

(Ord. 207, 11/11/2003, §4)

§105. Regulations.

1. From and after the effective date of this Part, no person shall cause, suffer or permit the burning of any material in an uncontained fire with the exception of the following:

- A. A fire set for ceremonial purposes with a permit.
- B. Fires set for outdoor cooking such as charcoal grill fires or smokehouses.
- C. A fire set in conjunction with agricultural production.
- D. A fire set to abate a hazard.
- E. A fire set to generate heat.
- F. A fire set for the control and prevention of disease.
- G. A fire necessary for carrying out the Borough's Emergency Operation Plan.
- H. Fires necessary to save life and property.
- I. Fires set for the purpose of burning that amount of domestic refuse, except plastic, generated from one (1) dwelling, when the fire is on the premises of a structure occupied solely as a dwelling by two (2) families or less, and when the refuse results from the normal occupancy of said structure.

2. Restrictions for All Fires.

A. All fires shall be constantly attended by at least one (1) adult person until they are completely extinguished.

B. Any fire, contained or uncontained, permitted to burn in an unsafe manner under adverse weather conditions or unsupervised or determined unsafe by the Penns Valley Code Enforcement Agency Official, shall be extinguished immediately upon demand by such official.

C. Fires are not permitted during adverse wind and weather conditions.

D. Fires shall not be permitted to smolder.

E. Fires shall not be set for the purpose of burning plastic or plastic-coated products, treated lumber, asphalt products, furniture, mattresses, tires and rubber products, automotive parts and batteries and the like.

F. No burning container shall be used or stored within twenty (20) feet of any property line or public sidewalk area. No burning container shall be used or stored without the proper cover in place. No burning container shall be used for any other purpose.

(Ord. 207, 11/11/2003, §5)

§106. Enforcement. The Penns Valley Code Enforcement Agency or any other duly authorized agent shall have the power and duty to enforce the provisions of this Part. (Ord. 207, 11/11/2003, §6)

§107. Penalties. Any person who violates any provision of this Part or any order of Millheim Borough issued pursuant to this Part, will receive a written warning and any subsequent violations will receive a minimum fine of fifty dollars (\$50.00). If further action needs to be taken, a complaint may be filed with the District Justice's Office for prosecution. (Ord. 207, 11/11/2003, §7)

