

BOROUGH OF SOUTH WAVERLY
ORDINANCE NO. 10-5-15

AN ORDINANCE CHAPTER 30, AIR POLLUTION; OPEN BURNING, OF THE CODE OF THE BOROUGH OF SOUTH WAVERLY, COUNTY OF BRADFORD, COMMONWEALTH OF PENNSYLVANIA.

The Borough of South Waverly hereby ordains and enacts as follows:

Under § 30-4, Definitions, of the Code of South Waverly Borough hereby **deletes** the following:

COOKING FIRES

Shall only be conducted in a propane gas, charcoal grill, barbecue pit or similar outdoor containment structure that will control the open burning.

RECREATIONAL FIRES

Shall only be conducted in a barbecue pit or similar outdoor containment structure that will control the open burning.

Under § 30-4, Definitions, of the Code of South Waverly Borough hereby **adds** the following:

COOKING FIRES

Shall only be fueled by natural gas, propane gas, charcoal, and contained in a charcoal grill, barbecue pit or similar outdoor containment structure that will control the open burning.

RECREATIONAL FIRES

Shall only be conducted in a permanently built-in outdoor containment structure and/or a commercially available patio woodburning unit and chimenea device that can also be fueled by natural gas or propane gas that will control the open burning. A fire utilizing any other source of fuel shall not be allowed as a recreational fire except units utilizing wood or charcoal which shall obtain a permit set forth in this Article.

Under § 30-5, Exceptions to Open Burning Prohibition, of the Code of South Waverly Borough hereby **deletes** the following:

F. A fire set for the purpose of recreation in a barbecue or other similar outdoor containment structure designed for that purpose that will control the open burning.

G. A fire set solely for cooking food, in an apparatus design for that purpose.

Under § 30-5, Exceptions to Open Burning Prohibition, of the Code of South Waverly Borough hereby **adds** the following:

F. Shall only be conducted in a permanently built in outdoor containment structure and/or a commercially available patio woodburning unit and chimenea device that can also be fueled by natural gas or propane gas that will control the open burning. A fire utilizing any other source of fuel shall not be allowed as a recreational fire except units utilizing wood or charcoal which shall obtain a permit set forth in this Article.

G. A fire set solely for cooking food, in an apparatus design for that purpose provided that the fire is fueled by natural gas, propane gas, or charcoal in a charcoal grill, barbecue pit, or a similar outdoor containment structure that will control the open burning.

Under § 30-6, Burning device regulations, of the Code of South Waverly Borough hereby **deletes** the following:

A. Recreational fires; cooking fires; bonfires.

(1) Recreational fires. Recreational fires shall not be conducted within 25 feet (7,620 mm) of a structure or combustible material unless the fire is contained in a barbecue pit or similar outdoor containment structure that will control the open burning. Conditions which could cause a fire to spread within the 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition. A recreational fire may be ignited in a chiminea or similar pottery device.

(2) Cooking fires. Cooking fires shall not be conducted within 25 feet (7,620 mm) of a structure or combustible material unless the fire is contained in a propane gas or charcoal grill, barbecue pit or similar outdoor containment structure that will control the open burning. Conditions which could cause a fire to spread within the 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition.

Under § 30-6, Burning device regulations, of the Code of South Waverly Borough hereby **adds** the following:

A. Recreational fires; cooking fires; bonfires.

(1) Recreational fires. Shall only be conducted in a permanently built in outdoor containment structure and/or a commercially available patio woodburning unit and chimenea device that can also be fueled by natural gas or propane gas that will control the open burning. A fire utilizing any other source of fuel shall not be allowed as a recreational fire except units utilizing wood or charcoal which shall obtain a permit set forth in this Article.

(2) Cooking fires. Cooking fires shall not be conducted within 25 feet (7,620 mm) of a structure or combustible material unless the fire is fueled by natural gas, propane gas, or charcoal in a charcoal grill, barbecue pit or similar outdoor containment structure that will control the open burning. Conditions which could cause a fire to spread within the 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition.

Under § 30-6 A. **Requirements for a Recreational Fires shall Comply with the following** of the Code of South Waverly Borough hereby adds the following:

1. A recreational fire is allowed only, from 5:00 p.m. to 11:00 p.m. seven (7) days a week.
2. Built-in devices must be inspected by a qualified professional and the professional's approval provided to the Borough Code Enforcement Officer . Each device must be used in accordance with the manufacturer's recommendations and within the requirements of this permit.
3. Only one (1) recreational fire site is allowed at any single family residence. A duplex home may have one site per side.
4. The size of the recreational fire device's outside dimensions are not to exceed thirty-six (36) inches in width, length or diameter nor twenty-four inches in height.
5. Recreational fire sites must be constantly attended by a responsible person that is eighteen (18) years of age or older until extinguished. Fires must be fully extinguished when unattended.
6. Location of the fire device shall be not less than 10 feet from any structure, and not less than 35 feet from any neighboring home.
7. Fire extinguishing equipment shall be readily available at all times. This may be a fire extinguisher with a minimum of 2A rating, garden hose or other equipment designed for such use.
8. A recreational fire may be prohibited from time-to-time by action of any local, state or federal agency due to atmospheric conditions or local circumstances that have created hazardous or objectionable situations. The prohibition will be publicized by the local media, the Borough website, or the property owner can check with the Borough Code Enforcement Officer.

Under § 30-6 B. **Requirements for a Recreational Fire Utilizing Wood and/or Charcoal as a Fuel shall Comply with the following** of the Code of South Waverly Borough hereby adds the following:

1. A recreational fire shall only be conducted in a permanently built in outdoor containment structure and/or a commercially available patio woodburning unit and chimenea device that

will control the open burning. A fire utilizing any other source of fuel shall not be allowed. A recreational fire utilizing wood or charcoal shall obtain a permit set forth in this Article.

2. Permit must be issued to the **property owner only**. All renters must seek permits through the property owner. Permits are issued at **no cost** to the property owner.

3. All permits are valid upon issue for a period of 3 years. All permits, regardless of issue date, will expire on January 1 of the third year. For example, a permit issued in July of 2015 will expire on January 1, 2018.

4. A recreational fire is allowed only, from 5:00 p.m. to 11:00 p.m. seven (7) days a week.

5. Built-in devices must be inspected by a qualified professional and the professional's approval provided to the Borough Code Enforcement Officer. Each device must be used in accordance with the manufacturer's recommendations and within the requirements of this permit.

6. Only one (1) recreational fire site is allowed at any single family residence. A duplex home may have one site per side.

7. The size of the recreational fire device's outside dimensions are not to exceed thirty-six (36) inches in width, length or diameter nor twenty-four inches in height.

8. Material to be burned shall be **well seasoned hard wood, commercially available fire logs and charcoal only**. Wood must be cut to size that will fit completely inside the burning chamber of the unit.

9. The burning of items other than wood or charcoal, such as paper, cardboard, chemically treated wood, leaves, yard waste, garbage, oils, rubber, plastics, or other materials which produce excessive or noxious smoke is **strictly prohibited**.

10. Material shall be ignited with a small quantity of paper or charcoal lighter fluid only. Once lit, no additional paper or lighter fluid may be added.

11. Recreational fire sites must be constantly attended by a responsible person that is eighteen (18) years of age or older until extinguished. Fires must be fully extinguished when unattended.

12. Location of the fire device shall be not less than 10 feet from any structure, and not less than 35 feet from any neighboring home.

13. Fire extinguishing equipment shall be readily available at all times. This may be a fire extinguisher with a minimum of 2A rating, garden hose or other equipment designed for such use.

14. A recreational fire may be prohibited from time-to-time by action of any local, state or federal agency due to atmospheric conditions or local circumstances that have created

hazardous or objectionable situations. The prohibition will be publicized by the local media, the Borough website, or the property owner can check with the Borough Code Enforcement Officer.

15. During the time a recreational fire is burning, the recreational fire permit must be available upon request by the Code Enforcement Officer, or designee, Fire Chief, or Police officials.

Under § 30-7. Enforcement orders, of the Code of South Waverly Borough hereby **adds** the following:

E. If it is determined that the permit requirements for the recreational fire wood or charcoal burning unit are not being met, the recreational fire is determined to constitute a dangerous condition, or if the recreational fire is determined to be a public nuisance, which is defined as smoke emissions that are offensive to occupants of surrounding property and can be witnessed by a public official when investigated. . The Code Enforcement Officer or designee, Fire Chief, or Police officials are authorized to enforce that recreational fires be immediately extinguished by the responsible party when so ordered. Two or more reported incidents in violation of this ordinance may result in the revocation of the permit and/or a fine not to exceed six-hundred (\$600) dollars as outlined the violations and penalties under Section 30-9, Violations and Penalties of this ordinance.

F. Warning to Owner for Public Nuisance Violation.

1. The Code Enforcement Officer or designee, Fire Chief, or Police officials may warn any person who violates the provisions of the recreational fire that causes annoyance and discomfort to persons in the Borough of South Waverly.
2. The warning will consist of the delivery of a copy of this Ordinance to the residents in the Borough of South Waverly of any such owner, tenant, or custodian in person or by registered mail.
3. Any such notice shall be in writing and shall identify and specify the residence of the owner, tenant, or custodian of the property where the recreational fire is located.
4. A violation of this Article shall be deemed to be a public nuisance and to have occurred upon a second or subsequent violation based on reported incidents of paragraph E., set forth above after the delivery of the warning.

G. Any party who has started or maintains a recreational fire shall pay any and all costs incurred by the Fire Department for any service related call as a result of a fire NOT in compliance with these requirements, if deemed necessary by the Fire Chief or designee.

H. Any recreational fire site not in compliance with any of the terms of this permit or the related ordinance may, in addition to any other penalties, result in the temporary or permanent revocation of the permit.

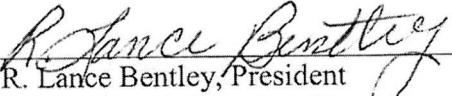
I. Attached is a copy of the Recreational Fire Permit Application and Permit which will require the following certification.

I certify that I am the property owner for the above named property for which I am making application for recreational fire permit and I also certify that all of the above information is accurate and complete. I hold the Borough of South Waverly harmless from any damages caused by my recreational fire. I have received a copy of the Borough of South Waverly Municipal Code, Recreational Fire Ordinance and understand and agree to comply with all provisions of the Ordinance and the recreational fire permit requirements. In addition to any other penalties authorized by law, this permit may be revoked for noncompliance with this Ordinance.

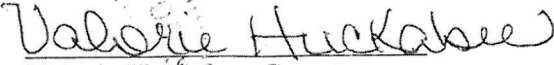
J. The Borough of South Waverly, by virtue of granting a permit to the homeowner, does not warrant or make any representation regarding the quality or safety of the outdoor containment structure. The Borough does not assume any liability for the quality or safety of the outdoor containment structure. The purpose of issuing a permit is to inform the homeowner of the provisions of the ordinance and to verify the location of the outdoor containment structure on the homeowner's property.

This Ordinance shall take effect immediately upon adoption.

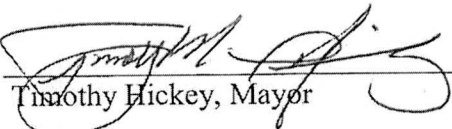
ENACTED AND ORDAINED BY THE BOROUGH OF South Waverly, this 5 day of October, 2015.


R. Lance Bentley, President
South Waverly Borough Council

ATTEST:


Valorie Huckabee, Secretary

Approved this 5 day of October, 2015.


Timothy Hickey, Mayor

BOROUGH OF SOUTH WAVERLY RECREATIONAL FIRE PERMIT APPLICATION

Permit Year: Expiration: 1/1/____	Date Of Application: ____/____/____
Property Owner Name: [PLEASE PRINT]	Property Owner Mailing Address:
Telephone Number(S):	
Property Address of Recreational Fire Site (if same as mailing address note "Same"):	

I certify that I am the property owner for the above named property for which I am making application for a recreational burn permit and I also certify that all of the above information is accurate and complete. I hold the Borough of South Waverly harmless from any damages caused by my recreational fire. I have received a copy of the Borough of South Waverly Municipal Code, Recreational Fire Ordinance and understand and agree to comply with all provisions of the recreational fire permit requirements. In addition to any other penalties authorized by law, this permit may be revoked for noncompliance with the Ordinance.

Property Owner Signature:	Date Signed:
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OFFICIAL USE ONLY

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APPROVED

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DENIED

Code Enforcement Officer Signature:	Date Signed:
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