

**EAST BRADY BOROUGH
CLARION COUNTY, PENNSYLVANIA**

ORDINANCE NO 2 - 2010

**AN ORDINANCE OF THE BOROUGH OF EAST BRADY, CLARION COUNTY,
PENNSYLVANIA, REGULATING OUTSIDE BURNING WITHIN THE BOROUGH;
SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED, AND
CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.**

WHEREAS, in order to maintain and promote the health, safety and well being of the residents of East Brady Borough, the Borough Council is desirous of regulating burning and the maintenance of outdoor fires within the Borough.

BE IT ORDAINED and enacted by the Borough Council and it is hereby ordained and enacted by the authority of the same as follows:

Section 1. Definitions

Burning – As used within this Ordinance “burning” shall have the following meaning. “The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually.”

Burn Container – Any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible 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 Ordinance.

If metal drums are being used, they shall not have contained toxic or flammable or other regulated materials.

Exception: Portable outdoor grills, fired by propane or charcoal, and designed for food preparation, are excluded from the provisions of this Ordinance, provided they are being used for their intended purpose.

Burnable Materials – Burnable materials shall include the following:

Paper – includes newsprint, wrapping paper, paper products or sheet paper items. Paper used to absorb oils or other noxious or toxic materials; plastic coated paper; paper attached to other non-burnable materials, or any other paper product that is wet shall not be included as *burnable paper products*, and are hereby prohibited from burning.

Cardboard & Chipboard – Includes cardboard & chipboard boxes,

sheets, packing materials, etc. Excluded and not permitted to be burned are materials used to absorb all oil or other noxious or toxic materials; cardboard or chipboard in combination with any other non-burnable materials.

Wood – Includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have a high glue content, such as *Flakeboard or Composition Board*; and wood products in combination with any non-burnable materials.

Non-Burnable Materials – the following is a partial and non-exclusive list of those materials that are classified as “*non-Burnable*” under the guidelines of this Ordinance.

Plastic; rubber; oils; asbestos; composition boards; shingles; felt paper; canvas; fiber glass; vinyl; or any similar materials; or any combination of the above with any other materials.

Human or animal waste; sanitary napkins; diapers; food solids; oil filters; or any other materials individually or in combination, that emit smoke, or acrid, obnoxious or toxic odors.

The above is a partial list of those items and materials prohibited under the guidelines of this Ordinance. The burning of any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

Section 2. No person or corporation shall cause to be burned any of the above *Non-Burnable Materials*, or any like or similar materials not in compliance, or inconsistent with this Ordinance. It shall be illegal to burn any materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke.

Section 3. Burning, in compliance with this Ordinance, shall be permitted only between the hours of 6 AM and 6 PM Mondays through Saturdays. Under no conditions shall burning, as defined herein, be permitted between the hours from 6 PM to 6 AM Mondays through Saturday nor at anytime on Sundays or Federal Legal Holidays. Fires allowed to burn or smolder after 6 PM shall be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

Section 4. Burning, in compliance with this Ordinance, shall be attended at all times by an individual eighteen (18) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of this Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

Section 5. Recreational Fires

Fires for recreational use, such as campfires, barbeques, cooking food, etc. are permitted at any time, subject to the following restrictions:

All recreation fires must be contained by means sufficient to prevent spreading.

No recreational fire shall be larger than five feet by five feet.

No recreational fire shall be left unattended at any time.

Household garbage, commercial waste, and/or other noncombustible trash or refuse may not be disposed of by burning, in or at a recreational fire.

Section 6. Any and all law enforcement officers are hereby granted the authority and responsibility for inspecting outside *Burning Containers* for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the officer is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.

Section 7. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one hundred dollars (\$100.00) and the costs of prosecution, and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty (30) days.

Section 8. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.

Section 9. All other Ordinances inconsistent with this Ordinance, are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

ORDAINED AND ENACTED this 7th day of September, 2010.

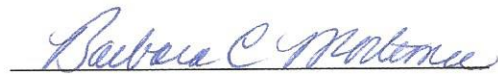
ATTEST:

BOROUGH OF EAST BRADY



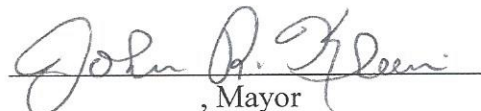
SANDRA L. STEINER

Secretary



President of Council

EXAMINED AND APPROVED by me this 8 day of September, 2010.


, Mayor