

**BOROUGH OF FREEPORT**  
**ARMSTRONG COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 395**

**AN ORDINANCE OF THE BOROUGH OF FREEPORT, COUNTY OF ARMSTRONG,  
COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING OUTDOOR BURNING PERMITS AND  
REGULATIONS IN THE BOROUGH OF FREEPORT.**

**SECTION 1. APPLICABILITY**

This Ordinance applies to all outdoor burning within the Borough of Freeport except:

1. Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances (i.e. any grill solely for the purposes of cooking.) This shall not be construed to mean a recreational fire that is used for cooking and entertainment.
2. Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
3. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**SECTION 2. OUTDOOR BURNING OF REFUSE AND LEAVES**

All outdoor burning of refuse is strictly prohibited. All burning of leaves shall be in accordance with all Pennsylvania Department of Environmental Protection Air Quality Program regulations.

**SECTION 3. OPEN BURNING**

Open burning of trees, logs, brush, stumps, yard and grass clippings, may be conducted after review, approval and permit issuance by the Fire Marshal or his/her designee in accordance with all of the following provisions:

1. Open burning shall be constructed in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or visibility hazard on roadways or surrounding properties. Open burning shall be conducted in conformance with all local and state fire protection regulations.
2. Open burning shall occur between the hours of one (1) hour after sun-up (dawn) and one (1) hour before sun-down (dusk.) Open burning is permitted seven (7) days per week.
3. Open burning fires shall not exceed eight (8) feet in diameter or eight (8) feet in height.
4. Open burning fires shall be completely surrounded by a noncombustible barrier.
5. Open burning shall be conducted only on property on which the materials were generated.
6. Open burning shall be conducted at a location at least twenty-five (25) feet from any structure which is not on the same property and at least fifteen (15) feet from:
  - a. The nearest structure on the property; and
  - b. Any combustible material, combustible wall or partition, exterior window opening, exit or access.

7. Open burning is prohibited upon any public property, right of way, street, curb, gutter or sidewalk or on the ice of a pond, lake, stream or body of water.
8. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

#### **SECTION 4. RECREATIONAL FIRES**

Recreational fires may be conducted after review, approval and permit issuance by the Fire Marshal or his/her designee in accordance with all of the following provisions:

1. Recreational fires shall burn only dried, clean wood with a maximum diameter of three (3) feet and maximum height of three (3) feet. A pit, fire ring, 55-gallon drum or other device to contain the fire shall be used.
2. Recreational fires shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways or surrounding properties. Recreational fires shall be conducted in conformance with all local and state fire protection regulations.
3. Recreational burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
4. Recreational burning shall be conducted at a location at least twenty-five (25) feet from any structure which is not on the same property and at least fifteen (15) feet from:
  - a. The nearest structure on the property; and
  - b. Any combustible material, combustible wall or partition, exterior window opening, exit or access.
5. Recreational fires shall not cause a nuisance to neighbors.

#### **SECTION 5. RECREATIONAL BONFIRES**

Recreational bonfires may be conducted after review, approval and permit issuance by the Fire Marshal or his/her designee in accordance with all of the following provisions:

1. Recreational bonfires shall burn only dried, clean wood with a maximum diameter of six (6) feet and a maximum height of ten (10) feet.
2. Recreational bonfires shall be conducted in a safe and nuisance-free manner, when wind and weather conditions minimize adverse minimize adverse effects and do not create a health hazard or visibility hazard on roadways or surrounding properties. Recreational bonfires shall be conducted in conformance with all local and state fire protection regulations.
3. Recreational bonfires shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
4. Recreational bonfires shall be conducted at a location at least one-hundred (100) feet from any structure which is not on the same property and at least fifty (50) feet from:
  - c. The nearest structure on the property; and

- d. Any combustible material, combustible wall or partition, exterior window opening, exit or access.
5. Recreational bonfires shall be extinguished by midnight nightly.

#### **SECTION 6. PERMITS**

Notwithstanding any restrictions or requirements as stated in this Ordinance, the following outdoor burning is permitted after review, approval and permit issuance by the Fire Marshal and his/her designee:

1. Fires set to prevent or abate a fire hazard and under the supervision or set by a public officer as acceptable or approved by the PA DEP.
2. Fires set for the purpose of instructing personnel in fire suppression or prevention training.
3. Fires set for environmental purposes.
4. Fires requested for construction sites after review and approval of the Fire Marshal or his/her designee.

#### **SECTION 7. LIABILITY**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire as well as costs associated with the emergency response.

#### **SECTION 8. RIGHT OF ENTRY AND INSPECTION**

The Fire Marshal or his/her designee or authorized officer, agent, employee or representative of Freeport Borough who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of the Ordinance.

#### **SECTION 9. ENFORCEMENT AND PENALTIES**

Notwithstanding any language which permits outdoor burning, open burning or recreational fires, any fire that will be offensive or objectionable because of smoke or odor emission or size when atmosphere conditions, wind or local circumstances make such fires hazardous, may be ordered by the Fire Marshal, Code Enforcement Officer, and/or Police Department to be extinguished.

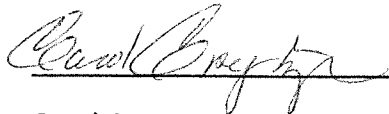
If at any time, any fire is found to be a nuisance to persons or neighboring properties, the fire shall be extinguished by order of the Fire Marshal, Fire Department, Code Enforcement Officer, and/or Police Department. The action of any person, firm, association, partnership, corporation, or governmental entity who fails to extinguish said nuisance fire shall be considered committing a summary offense and disorderly and fined not less than \$250.00 and not more than \$1,000.00 per occurrence. These fees may be adjusted from time to time by Resolution by Borough Council and advertised on the Annual Fee Schedule.

#### **SECTION 10. REPEALER AND EFFECTIVE DATE**

All Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance are hereby repealed insofar as some affect this Ordinance. This Ordinance shall become effective immediately.

ORDAINED AND ENACTED THIS 1st February DAY OF \_\_\_\_\_, 2021.

ATTEST:

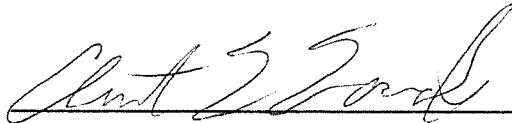


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Carol Crytzer

Secretary, Borough of Freeport

BOROUGH OF FREEPORT:

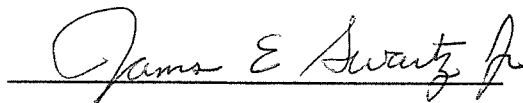


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Clint Warnick

President, Borough Council

APPROVED AS TO FORM:



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James E. Swartz Jr.

Mayor, Borough of Freeport