

Ordinance # 411, Enacted 04/24/2024
Freeport Borough, Armstrong County, Pennsylvania

AN ORDINANCE OF FREEPORT BOROUGH, ARMSTRONG COUNTY, PENNSYLVANIA REGULATING OUTSIDE BURNING.

Section 1. Definitions.

APPROVED CONTAINER. Fire pit, fire ring, 55- gallon drum, incinerators, or similar fire containment device made of a non-combustible material. The device must be constructed and maintained so as not to allow the fire to spread outside of the container. All materials burned must be confined entirely within the approved container which shall have an interior diameter of 2 feet or less.

BONFIRE. An outdoor fire utilized for ceremonial purposes.

BURN PERMIT. Written permission from the borough allowing an outdoor fire after receiving, reviewing, inspecting, and approving an application for a burn permit.

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares or similar devices associated with safety, or the use of propane or kerosene or other types of fuel in devices intended for heating and typically considered open flames, recreational fires, or the use of a portable outdoor fireplace.

PORTABLE OUTDOOR FIREPLACE. A portable, outdoor, solid wood or fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and short chimney or chimney opening in the top.

RECREATIONAL FIRE. An outdoor fire burning clean wood materials, where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or pit, and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

RUBBISH (TRASH). Combustible and noncombustible waste materials, including paper, rags, cartons, tin cans, plastic or glass bottles, metals, mineral matter, glass crockery, animal waste, and similar items ordinarily discarded as trash.

Section 2. Extinguishment authority.

Where any open burning or other outdoor burning or fire creates or adds to a hazardous situation, or a permit for open burning or other outdoor burning or fire has not been obtained, the Borough Manager, Fire Chief, or any police officer of the borough is authorized to order the extinguishment of the open burning operation or other outdoor burning or fire.

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Section 3. Prohibited activities.

1. Outdoor burning of rubbish, building materials, treated wood, animal waste, leaves, and grass clippings are prohibited.
2. No outdoor burning shall produce smoke that constitutes a public nuisance or interferes with other's quiet enjoyment of property.
3. No outdoor burning shall take place without having a readily available water supply or equivalent extinguishment agent in the vicinity of the fire throughout the duration of the burn.
4. No outdoor burning shall take place without a responsible adult in attendance until the fire is fully extinguished.
5. No person shall ignite, reignite, or continue to conduct a fire after having been ordered to extinguish said fire by any person authorized to order said extinguishment.

Section 4. Open burning.

1. Open burning shall not be less than 50 feet away from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.
 - a. Exception:
 - i. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.
 - ii. Fires in approved containers that that are not less 15 feet from a structure.
2. The pile size shall be 7 feet or less in diameter and 5 feet or less in height.
3. Fires shall not be located within 10 feet of a property line.
4. Open burning may only take place between the hours of sunrise and sunset. Fires must be fully extinguished by sunset and not allowed to smolder. Fires shall not be ignited or reignited between sunset and sunrise.
5. Any open burning not meeting the requirements of this section shall require a written burn permit from the borough prior to conducting open burning.

Section 5. Bonfires.

1. A bonfire shall not be conducted within 100 feet from any structure and be at least 100 feet away from any property line.
2. A bonfire shall be permitted only between the hours of noon and midnight.
3. The pile size shall be 7 feet or less in diameter and 7 feet or less in height.
4. All bonfires conducted within the borough require a written permit from the borough prior to conducting a bonfire.
5. All burn permit applications for a bonfire shall be reviewed by the Fire Chief. After reviewing the application, the Fire Chief may inspect the property on which the bonfire is to take place. The Fire Chief may set additional conditions with regards to the bonfire, including whether fire apparatus should be present at the bonfire. Additional fees may be charged and made payable to the Fire Department.

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Section 6. Recreational Fires.

1. Recreational fires shall not be conducted within 25 feet of a structure or combustible material and conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
 - a. Exception:
 - i. Fires in approved containers that are not less than 15 feet from a structure.
 - ii. Portable outdoor fireplaces used in accordance with the manufacturer's instructions.
2. Recreational fires shall burn only dried, clean wood.
3. The pile size for recreational fires shall be 3 feet or less in diameter and 2 feet or less in height and be at least 10 feet away from any property line.
4. Any recreational fire not meeting the requirements of this section shall require a written burn permit from the borough prior to conducting a recreational fire.

Section 7. Portable outdoor fireplaces.

1. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions.
2. Portable outdoor fireplaces shall not be operated within 15 feet of a structure or combustible material.
 - a. Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

Section 8. Inspections and Enforcement

1. For the purposes of issuing a permit, verifying burning complaints, or on-view violations of this ordinance, the borough manager, Fire Chief, and any borough police officers are hereby granted the authority for inspecting outside burning, burn containers, and fires.
2. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the borough police officers are hereby charged with the responsibility of issuing warnings or citations as merited for all violations.

Section 9. Fines and Penalties.

1. Any person who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed \$500 and the cost of prosecution, and in default therewith, undergo imprisonment in the Armstrong County Prison for a period not to exceed 5 days. Each day of violation shall constitute a separate offense.

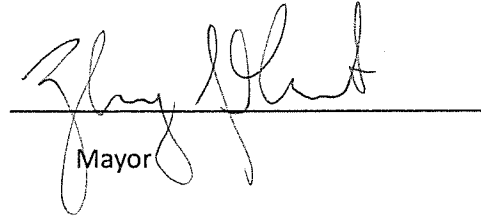
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Section 10. Severability.

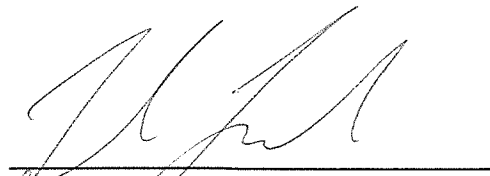
1. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the borough council declares that it would have adopted this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



Council President



Mayor



Borough Manager / Secretary