

ORDINANCE NO. 4-93

12-6-93

AN ORDINANCE REGULATING OPEN FIRES AND OUTDOOR BURNING IN THE BOROUGH OF COCHRANTON, CRAWFORD COUNTY PENNSYLVANIA.

WHEREAS it is the opinion of the Mayor and Borough Council that it is necessary to regulate burning with the Borough of Cochranton in order to protect the health, welfare and safety of all persons.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Mayor and Borough Council for and of the Borough of Cochranton and it is hereby ordained and enacted by the authority of the same:

Section 1: DEFINITION

1. Person - Any individual, partnership, association, syndicate, company, firm trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

Section 2: REGULATIONS

No person shall ignite, feed, allow, or permit an open fire or burn any item or items within the Borough.

Section 3: EXCEPTIONS

Persons may burn wood, paper, grass cuttings and leaves or other naturally growing plants and vegetation. Those items may be burned only upon the person's property and may not be burned on any street or on any sidewalk located within the Borough.

Any persons burning items pursuant to this Section, may only burn plant or vegetable materials that have been grown upon their own property in the Borough.

Any items being burned under this Section, must be burned either in a barrel or a fire ring or must have a clear area of least ten (10) feet between the edge of the fire and the closest building or structure, trees, bushes or shrubs.

Any fire being burned pursuant to this Section must be attended at all times.

The provisions of this Ordinance shall not apply to any fire intentionally set to prevent or abate a fire hazard, or for any fires intentionally set for the protection of public health.

Fires may be used for outdoor cookouts, family or group bonfires, or for recreational purposes. Any fire must be in a grill, fire ring or barrel and must be at least ten (10) feet between the edge of the fire and the closest building or structure, trees, bushes or shrubs. These fires must be extinguished at the time the parties conclude the event and retire for the evening.

All/^{other}fires being burned under this Section must be extinguished no later than sunset. No fires may be ignited before sunrise.

Section 4: EMERGENCIES

The Mayor, or the Borough Council, may issue an order directing that there shall be no burning within the Borough when it has been determined that an emergency condition exists within the Borough.

Section 5: ENFORCEMENT

Any person found to be violating the terms of this Ordinance shall be given a verbal warning by a police officer or any other individual authorized by the Borough Council. The verbal warning shall instruct that the fire shall be extinguished within thirty (30) minutes. Failure to comply with the verbal warning may result in the issuance of a citation for a summary offense.

The Borough Police are authorized to request assistance from the Borough Fire Department to extinguish any fire that has been set in violation of this Ordinance, where their assistance is required or where the person who has been given a verbal warning has failed to comply and has not extinguished the fire. In the event that the fire department does extinguish the fire, the person or persons to whom a citation has been issued, may be required to pay, as restitution, any costs incurred or assessed as a result of the fire department responding to a call for their assistance.

Section 6: PENALTIES

Any person violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a summary offense and be sentenced to pay a fine ~~not to exceed~~ \$300.00, together with costs and restitution. The Borough Council may, by resolution, increase the maximum fine allowed.

Section 7: REPEALER

All other ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed.

Section 8: VALIDITY

The provisions of this Ordinance are severable and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of the Court shall not affect or impair the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 9: EFFECTIVE DATE

This Ordinance shall become effective on the 6th day of December, 1993.

ATTEST:

Borough of Cochranton:

Frances McClain
Borough Secretary

Zeyl K. Dal
Council President

Examined and approved this 6th day of December, 1993.

Richard E. Lupton
Mayor

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