

BOROUGH OF MARIETTA
Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF MARIETTA, LANCASTER COUNTY, PENNSYLVANIA AMENDING IN ITS ENTIRETY CHAPTER 35 OF THE MARIETTA BOROUGH CODE OF ORDINANCES BY ESTABLISHING AND ADOPTING A BURNING ORDINANCE REGULATING BURNING AND OPEN FIRES WITHIN THE BOROUGH

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of Marietta Borough, the Borough Council has determined it necessary to amend the Marietta Borough Code of Ordinances to regulate burning and open fires within the Borough limits.

NOW, THEREFORE, BE IT ORDAINED and enacted by the Borough Council of Marietta Borough, and it is hereby ordained and enacted by and with the authority of the same that Chapter 35 of the Marietta Borough Code of Ordinances is amended in its entirety as follows:

BURNING AND OPEN FIRES

§35-1. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

BOROUGH - The Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania.

OPEN FIRE - The burning of materials wherein products of combustion are emitted directly into the air without passing through a stack or chimney from an enclosed chamber, as defined by the International Fire Code 2003, as amended, and its successors. Open Fires shall not include outside barbecues or any fire maintained in a commercially constructed grill or masonry-constructed grill for the purposes of cooking and preparing food.

PERSON - Any individual, partnership, association, cooperation, department, bureau, agency, or other legal entity.

§35-2. Open Fires restricted. No Person shall ignite, feed, cause, allow, permit, or maintain on any property within the Borough limits any Open Fire outside of any building for any purpose other than that specifically allowed per §35-3.

§35-3. Exceptions to Open Fire Restriction.

The activities prohibited in this chapter are subject to the following exceptions:

A. Open Fires may be set in the performance of any official duty of any public officer if the fire is necessary for:

- (1) The prevention of a fire hazard that cannot be abated by other means.
- (2) The protection of public health.

B. Open Fires or controlled burning shall be permitted for fire-fighting training by volunteer fire companies that serve the Borough.

C. Recreational fires. An outdoor fire burning materials other than rubbish or leaves where the fuel being burned **MUST BE** contained in an incinerator, outdoor fireplace, barbecue grill, or barbecue pit and has a total contained fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

(1) Fire of this type must be at least 10 feet from any structure and clear of any trees or other flammable materials.

(2) The fire must be attended to and maintained at all times by an adult. The fire must be fully extinguished when not attended.

(3) A water source (working hose) or some other means to control the fire must be present and functional.

(4) Smoke from a fire of this type generating a complaint to the Borough is prohibited and will need to be extinguished at the direction of the Fire Chief, the Borough Zoning Officer, a Police Officer or other designated Borough Official.

§35-4. Enforcing officials designated.

The Fire Chief, the Borough Zoning Officer, and Police Officers serving the Borough shall have the power to enforce the provisions of this chapter. The Fire Chief shall have the authority to have any fire extinguished, or ban all burning within the Borough limits if necessary to protect the public as determined in his/her sole discretion.

§35-5. Violations and penalties.

Any Person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not

less than \$100 or more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

ENACTED AND ORDAINED as an ordinance of the Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania by the Borough Council this _____ day of _____, 2016 in a lawful session duly assembled.

BOROUGH OF MARIETTA

By: _____

Bridey Hannold, President
Marietta Borough Council

Attest: _____

Sharon Bradnick, Secretary

APPROVED as an Ordinance this _____ day of _____, 2016.

Raymond Vegso, Mayor