

**ORDINANCE NO. 2023- 07**

**BURNING ORDINANCE**

**AN ORDINANCE OF THE BOROUGH OF GREENSBORO, GREENE COUNTY, PENNSYLVANIA, REGULATING AND RESTRICTING THE INTENTIONAL IGNITING OF ANY MATERIAL TO CAUSE FLAME, SMOKE, EMBERS, HOT ASH, OR RESIDUE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, it is deemed necessary for the safety and welfare of the citizens of Greensboro Borough to enact this Ordinance.

NOW, THEREFORE, pursuant to the specific powers granted by the Borough Code, 8 Pa. C.S.A. § 1202, the Borough Council of Greensboro Borough, Greene County, Pennsylvania, (hereafter "Borough"), does hereby enact and ordain the following:

**SECTION 1: Fires on Public Property**

No person or persons shall set or maintain any fire upon any of the highways, streets, alleys, trails, or other public grounds in the Borough or cause to be burned thereon any paper, boxes, rubbish, leaves, or other material substance of any kind.

**SECTION 2: Outdoor Fires**

Fires shall be permitted, upon private property in the Borough provided that the following restrictions are strictly followed:

- A. Every such outdoor fire shall be built in and confined to a non-combustible container, be constructed of masonry, metal, or other non-combustible rigid material; containing a bottom, sides, and a cover as defined in Paragraph C. Outdoor fireplaces or incinerators shall be considered as burning containers for the purpose of this Ordinance.
- B. "Burn Containers" shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. If metal drums are being used, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the sides and/or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than two (2) square inches each. No such fire shall be closer than fifteen (15) feet from any building or any property line and shall only be allowed to burn on Monday, Wednesday, and Saturday, between the hours of 9:00 a.m. and 6:00 p.m. Under no conditions shall burning, as defined herein, be allowed to smolder after 6:00 p.m.
- C. All burn containers must be covered with a screen of one-half (1/2) inch or smaller mesh made of nonflammable material, which covers the entire open area above the burn container opening. Such screen shall be maintained in good order as to prevent large

particles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point whereby it loses its maximum efficiency.

- D. Exception: Portable outdoor grills or stoves, fired by propane, charcoal, or pellets and designed for food preparation, and fire pits and chimineas designed for recreational purposes, are excluded from the provisions of this Ordinance. Recreational fires must be not more than sixty (60) inches in diameter and must be attended to at all times, water to extinguish the fire must be available, and only wood is to be used in the fire pit containers.
- E. Open fires, for the purpose of clearing the land or garden, are prohibited unless said fire is kept to an area less than six (6) feet in diameter, attended to at all times, and extinguished before 6:00 p.m. The property owner shall always have water available during the burn in a sufficient amount to extinguish the fire if necessary.

### **SECTION 3: Burnable Materials**

Materials to be burned must meet DEP regulations. Burnable materials shall include the following:

- A. 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 non-burnable materials, or any paper product that is wet shall not be included as burnable paper products and are prohibited from burning.
- B. Cardboard & Chipboard: Includes cardboard and chipboard boxes, sheets, packing materials, and poster board. Excluded and not permitted to be burned are materials used to absorb oil or other noxious or toxic materials and cardboard or chipboard in combination with any other non-burnable materials.
- C. 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; wood products that have a high glue content, such as flake board or composition board; and wood products in combination with any non-burnable materials.

### **SECTION 4: Non-Burnable Materials**

Non-burnable items include: Plastic, rubber, oils, asbestos, composition boards, shingles, felt paper, canvas, fiberglass, 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, grasses, green twigs or leaves or any other materials individually or in combination, that emit smoke, acrid, obnoxious or toxic odors.

**SECTION 5: Enforcement**

- A. Enforcement thereof shall be by the Mayor, Borough Code Enforcement Officer, or duly authorized law enforcement personnel by an action before a District Judge in the same manner provided for in the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any resident of the Borough who personally witnesses a violation of this Ordinance may file a written complaint with the Borough Code Enforcement Officer and must testify if a summary citation is filed in the appropriate Magisterial District Court.
  
- B. The Borough, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation or seek any such other relief as a court of competent jurisdiction is empowered to afford.

**SECTION 6: Fines and Penalties**

Any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any of the provisions of this Ordinance shall be punished as follows:

- (a) In this section, the term “violation of this Ordinance” means:
  - 1. Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a violation of this Ordinance by rule or regulation; or
  - 2. Failure to perform an act that is required to be performed by rule or regulation authorized by this Ordinance; or
  - 3. Failure to perform an act if the failure is prohibited or declared a violation of this Ordinance, an offense, or an unlawful omission by rule or regulation authorized by this Ordinance.
  
- (b) The term “violation of this Ordinance” does not include the failure of a borough officer or borough employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Ordinance that it is the intent of the borough to impose the penalty provided for in this section upon the borough officer or borough employee.
  
- (c) Except as otherwise provided, a person convicted of a violation of this Ordinance shall be punished as follows:
  - 1. If the violation is not a criminal violation, by a civil penalty of \$600.00 per violation.
  
  - A. If the violation is criminal, by a fine of \$1,000.00 per violation.

Unless stated otherwise, violations of this Ordinance (including provisions regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water or air or noise pollution) are criminal violations.

(d) Except as otherwise provided:

1. With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.
2. As to other violations, each act is a separate offense.

(e) Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such means as are provided by law.

(f) The imposition of a penalty does not prohibit equitable relief.

(g) The imposition of a penalty does not prohibit revocation of a license, permit, or franchise or the imposition of other administrative sanctions.

(h) Any violation of this Ordinance that also violates any state law or federal law shall be prosecuted under the state law or federal law and not under this Ordinance.

#### **SECTION 7: Repealer**

Ordinance 2015-2 is hereby repealed as are any other ordinances or parts thereof inconsistent with this Ordinance as far as they may be inconsistent with the provisions herein.

Ordinance #040504-9 regulating External Fuel Burning Devices shall remain enforceable and unaffected by the provisions herein.

All prior Ordinances, or parts thereof, enacted by the Borough Council of Greensboro Borough which conflict with this Ordinance are hereby repealed.

#### **SECTION 8: Savings Clause**

Should any section, provision or other part of this Ordinance be found to be illegal, unenforceable, or void, such shall not affect the remainder hereof, which shall remain fully binding, valid, and enforceable, and such section, provision or other part shall be modified to the extent necessary to conform to law. The Borough Council of Greensboro Borough hereby declares its intention that should any section, provision or other part of this Ordinance be found to be illegal, unenforceable, or void, it would have made the foregoing Ordinance without such part or with such part so modified so as to conform to law.

**SECTION 9: Effective Date**


This Ordinance shall become effective immediately after its adoption and enactment.

Adopted and enacted this 3rd day of October, 2023, at a meeting of the Council of the Borough of Greensboro.

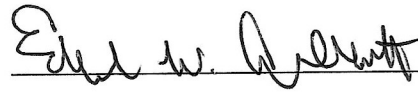
Attest:


  
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Lisa A. Miller, Borough Secretary

Borough of Greensboro:

  
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Donna J. Neino, President of Council

Examined and Approved this 3rd day of October, 2023.

  
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Edward W. Abbott, Mayor

  
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Christopher Michael Simms, Esquire