

APOLLO BOROUGH

Armstrong, County, Pennsylvania

ORDINANCE NO. 253 of 2011

AMENDING ORDINANCE 203-81 REGULATING BURNING AND FIRES, REVISING THE PENALTY FOR VIOLATIONS AND PROVIDING FOR A PERMIT AND APPLICATION PROCESS FOR LARGE FIRES

WHEREAS, the current fine amount for violations of Ordinance 203-81 are insufficient to both prompt compliance with the Ordinance and insufficient to provide for proper enforcement thereof; and

WHEREAS, an appropriate fine amount is necessary; and

WHEREAS, regulations for certain open fires must be established; and

WHEREAS, regulations, including a permit process, for large fires must be established to protect public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of Apollo Borough, Armstrong County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

ORDINANCE 203-81 SHALL BE AMENDED BY THIS ORDINANCE TO READ AS FOLLOWS:

1. No person, within the Borough limits of Apollo, shall start and or maintain any fire unless subject to the provisions of this Ordinance. As used herein the term person shall mean any nature person, corporation or any legal entity.

2. Outdoor fires for cooking and entertaining purposes in fixed locations such as a barbeque pit and appropriately designed outdoor chimney are permitted, without the need for a permit, subject to the following conditions:
 - a. All such fires shall be in a fixed, contained enclosure, including but not limited to a barbeque pit, charcoal grill, fire ring, or properly designed outdoor chimney;
 - b. All such fires shall have a useable spark arrestor device;
 - c. All fire locations shall not exceed three (3) feet in diameter or three (3) feet by three (3) feet square enclosure;
 - d. Chimneys shall have a maximum height of four (4) feet;
 - e. Fire and/or flame shall not exceed the height of the chimney or, if no chimney is used, shall not exceed three (3) feet, at any time;
 - f. All fires shall be located at least ten (10) feet from each property line or nearest sidewalk edge or structure of any type;
3. Large fires shall be defined as any fire other than as defined above. Large fires shall be prohibited, without a permit. Permits shall be applied for using an application form, available by and provided by the Borough Manager or the Manager's designee. The Permit application shall be approved and by Apollo Borough Council, by Motion, only upon a finding that the purpose of the fire is in the public interest and that no substantial danger to the public exists. Apollo Borough Council shall attach all necessary conditions to any large fire permit issued.
4. The Permit fee shall be Twenty-Five Dollars (\$25.00) for each Permit issued. A Permit shall be limited to a single use, unless extraordinary circumstances exist and are stated in the Permit. Said Permit fee shall be modified, by Borough Council, at their discretion, by Resolution. Said Permit fee may be waived by Borough Council for nonprofit organizations.
5. Permit granting criteria:

a. Fires not otherwise prohibited by any law or regulation, whether Federal, State or local, may be permissible.

b. The Manager shall recommend to Apollo Borough Council reasonable conditions upon the granting of the Permit, including but not limited to conditions regarding the time of burning, the area where the burning occurs, the necessity for fire prevention measures and fire prevention personnel to be nearby, insurance requirements, weather contingencies and the like. The conditions of the Permit shall be stated in writing on or attached to the Permit.

6. Any person who shall violate the above provision shall, upon conviction thereof, be sentenced to pay a fine of Three Hundred Dollars (\$300.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for a maximum of three (3) days;

7. All future amendments to the penalty provisions of this Ordinance are authorized to be made by proper Resolution of Apollo Borough Council.

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ORDAINED AND ENACTED this 20th day of day of October, 2011 by Apollo Borough Council, at a lawfully called and duly advertised public meeting.

ATTEST as to both:

BOROUGH OF APOLLO

BY:

Lori C. Weig-Tamasy
Manager

BY:

David K. Heffernan, Sr.
President

Approved this 20th day of October 2011.

BY: Richard A. Dixon
Richard A. Dixon, Mayor

APPROVED AS TO FORM:

BY:

Allan J. Opsitnick
Allan J. Opsitnick, Solicitor