

**BOROUGH OF ST. LAWRENCE  
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE # 450**

**AN ORDINANCE OF THE BOROUGH OF ST LAWRENCE, BERKS COUNTY, PENNSYLVANIA, PROMOTING THE HEALTH, SAFETY, AND GENERAL WELFARE OF RESIDENTS OF THE BOROUGH OF ST. LAWRENCE BY REGULATING OPEN BURNING; SMALL OPEN FIRES; INCINERATORS; HANDLING OF ASHES AND COMBUSTIBLE RUBBISH; PROVIDING FOR THE ENFORCEMENT THEREOF, AND REPLACING ORDINANCE 388.**

**BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of St. Lawrence

**SECTION 1. REPEAL OF ORDINANCE NO. 388.**

Ordinance No. 388, adopted April 10, 2008, is hereby repealed and replaced by the terms of this Ordinance.

**SECTION 2. DEFINITIONS**

When used in this Ordinance, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise.

- A. **AUTHORITY HAVING JURISDICTION (AHJ)** – shall mean Fire Code Official, Fire Marshal, Fire Protection Officer, Police Officer, duly authorized law enforcement officer or Borough of St. Lawrence Code Enforcement Officer.
- B. **BURN PERMIT** – an official document issued by the Borough for a Regulated Open Fire
- C. **BRUSH** – shall mean bushes, shrubs, thickets, tree trimmings, hedge clippings, and small trees.
- D. **FIRE** – the phenomenon of combustion manifested in light, flame, and heat.
- E. **NATURAL PERSON** – a living human being
- F. **NON-ORGANIC MATERIAL** – shall mean material derived or formed from inanimate objects, other than vegetables, such as tin cans, glass pottery, metals, plastic, and similar materials.
- G. **OPEN BURNING** – shall mean any fire or combustion from which air contaminant passes directly into the open air without passing through a flue.
- H. **ORGANIC MATERIAL** – shall mean material derived from living organisms such as wood, paper, and yard scraps.
- I. **PERSON** – shall mean any Natural Person, partnership, firm, agency, organization, estate, trust, company, department, bureau, association, corporation, or other legal or commercial entity.
- J. **REGULATED OPEN FIRE** – Any Open Burning, excluding Small Open Fires.
- K. **RESPONSIBLE ADULT** – A Natural Person, 18 years of age or older, who is not under the influence of drugs or alcohol or suffering from any other disability which would impair their ability to supervise a fire properly
- L. **RECYCLABLE** – shall mean any material eligible for reporting for Performance Grant purposes per Section 904 of Act 101 The Municipal Waste Planning, Recycling and Waste Reduction Act of July 1988.

- M. **SMALL OPEN FIRE** – a fire contained in a **Small Open Fire receptacle**, no more than three (3) feet in diameter or length, that burns charcoal, natural gas, or other clean-burning fuels such as dry and clean logs, twigs, or other wood products; or any other fire from which the properties of are emitted directly into the air without first passing through a structural stack or being used for the purposes of non-food preparation, light, ornament or recreation and being such maximum size and using such materials as authorized hereunder, and otherwise complying with this Ordinance, and conducted in such location, conditions, and in a manner which contributes only a negligible amount of air contaminants.
- N. **SMALL OPEN FIRE COVER (SPARK ARRESTOR)** – a cover that minimizes the risk of fire hazards by preventing stray sparks and hot embers from flying around.
- O. **STRUCTURE** – any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the ground.
- P. **WOOD** – hard, fibrous material that forms the trunk or branches of a tree or shrub, used for fuel or timber

### **SECTION 3. GENERAL REGULATIONS**

A. No Person shall conduct, or allow to be conducted, Open Burning of any material within the Borough except:

1. Where the burning is a regulated open fire and the Borough has issued an Open Burning permit per this Ordinance. The following Open Burning operations require a permit:
  - i. Any fire set for the purpose of training and instructing authorized personnel in firefighting, and training of persons in the use of portable fire extinguishers;
  - ii. Any fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection and set by or under the supervision of a public officer;
  - iii. Any campfire or bon-fire for organized recreational or ceremonial purposes;
  - iv. Any fire set for the prevention and/or control of disease of pests, rats, snakes, bees, etc.;
  - v. The burning of only brush, exclusively for agricultural management, including conservation practices & protection, and provided burning is located 100 feet or more from any building or structure.
    1. Burning permitted from dawn to dusk
    2. Brush must originate from the agricultural property, unless permission granted by the municipality
    3. Weather must be appropriate for burning
2. The burning is a Small Open Fire contained within a Small Open Fire receptacle, with a Small Open Fire Cover, with permitted materials, as provided herein

B. Small Open Fires

1. Permit not required
2. Permitted Locations – all Small Open Fires authorized under this Ordinance are only permitted in the following locations:

- i. Grills, outdoor barbeques, or fireplaces designed for and used strictly for cooking only shall be no less than five (5) feet from a house, structure, inhabited area, roadway, utility, tree, or other combustible material
  - ii. Other open fires shall be maintained in an authorized receptacle located not less than ten (10) feet from the nearest house, structure, inhabited area, roadway, property line, utility, tree or other combustible materials.
- 3. Permitted Small Open Fire Receptacles –
  - i. A grill or outdoor barbecue designed for the purpose of the preparation of food for human consumption; or
  - ii. A fireplace, chiminea, fire ring, or commercial fire pit designed specifically to contain a fire, or a fire pit constructed of paving stones or manufactured block creating a non-combustible perimeter.
  - iii. All Small Open Fire Receptacles shall have a cover in place during use, except when cooking food.
- 4. Permitted Times - There are no time restrictions for Small Open Fires authorized under this Ordinance. Provided all regulations herein are followed.
- 5. Permitted Materials to Burn – Properly dried clean untreated Wood
- 6. Maximum size – In no case may the combustible material and flame of a Small Open Fire be greater than three feet in diameter or two feet in height.
- 7. All Small Open Fires in the Borough shall be tended by a Responsible Adult at all times, remaining within 15 feet of the fire. The Responsible Adult shall not be under the influence of a controlled substance or alcohol.
- D. Immediately upon the discovery of any prohibited Open Burning in the Borough, the Person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning.
- E. Only an adult property owner or other Responsible Adult authorized by the property owner may burn or cause to be burned an open fire in the Borough; such Person must be present at all times to tend to the fire from ignition through extinguishment. Additionally, adequate means to control and extinguish the fire must be readily available at all times during the burning; suitable covering or means of ash disposal must be used to prevent the ash from becoming airborne.
- F. It shall be unlawful for any Person to open burn any material, including the following at any time within the Borough of St. Lawrence: Household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in the Borough; including brush and scrap lumber or any vegetation, plywood, drywall, plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or wiring, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 PA Code 271.1
- G. No fire shall be burned that creates excessive smoke, excessive odor, or malodorous emissions.
- H. Proof that the defendant in any enforcement action owns or controls the property on which Open Burning occurs shall be prima facie evidence that such defendant has conducted, or allowed to be conducted, such burning.

#### **SECTION 4. ENFORCEMENT**

This Ordinance shall be enforced by the AHJ. AHJ personnel may:

1. request to see a copy of the issued burn permit.
2. May order any fire be immediately extinguished, abated, diminished, or corrected (in their sole judgement), if the fire:
  - a. is emitting excessive smoke, odor or malodorous emissions;
  - b. contains prohibited materials;
  - c. using a prohibited containment device;
  - d. in a prohibited location or size;
  - e. or is emitting sparks or hot ashes that may pose a fire threat to the Borough and its residents
  - f. in violation of any portion of Section 3. General Regulations

**SECTION 5. PENALTIES**

Any Person violating any of the provisions of this Ordinance or neglecting to comply with any order or notice issued pursuant hereto for violation of any section hereto, shall upon conviction before any District Justice, be subject to the payment of a fine of not less than three hundred dollars (\$300.00) or more than one thousand dollars (\$1,000.00) and the payment of costs of prosecution for each offense, or shall be subject to imprisonment for a period not exceeding thirty (30) days.

Each day's continuance of any violation of this Ordinance shall constitute a separate offense, punishable by a like fine and imprisonment in default of payment thereof.

**SECTION 6. SEVERANCE CLAUSE**

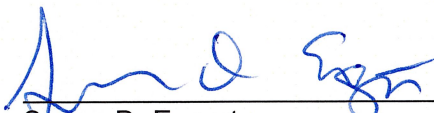
Should a court of competent jurisdiction declare any section, paragraph, clause or phrase of this Ordinance unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

**SECTION 7. REPEALER CLAUSE**

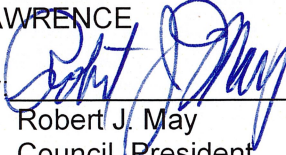
All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED into an Ordinance this 10<sup>th</sup> day of March, 2022.

ATTEST:


  
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Susan D. Eggert,  
Borough Secretary

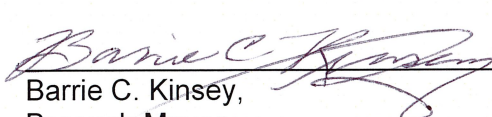
COUNCIL OF THE BOROUGH OF SAINT  
LAWRENCE.

By:   
\_\_\_\_\_  
Robert J. May  
Council President

APPROVED, this 10<sup>th</sup> day of March, 2022, by the Borough of Saint Lawrence Mayor

ATTEST:

  
\_\_\_\_\_  
Susan D. Eggert,  
Borough Secretary

  
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Barrie C. Kinsey,  
Borough Mayor