

CHAPTER VII

FIRE PREVENTION AND FIRE PROTECTION

Part 1

Outdoor Burning

- \$101. Prohibited and Permissible Burning
- \$102. Manner of Burning
- \$103. Hours
- \$104. Containers
- \$105. Burning Location
- \$106. Special Permits
- \$107. Penalties

Part 2

Volunteer Fire Company

- \$201. Duties of Volunteer Fire Department

BOROUGH OF BEECH CREEK, CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011- 1

AN ORDINANCE PROVIDING FOR THE REGULATION OF OUTDOOR FURNACES
WITHIN THE BOROUGH OF BEECH CREEK, INCLUDING A STATEMENT OF
PURPOSE, DEFINITIONS, REGULATIONS, PERMITS, ENFORCEMENT, AND
PENALTIES

BE IT ORDAINED by the Council of the Borough of Beech Creek, Clinton County,
Pennsylvania, as follows:

SECTION 1. PURPOSE.

1. It is the purpose of this Ordinance to establish and impose regulations upon the construction, operation, and maintenance of outdoor furnaces within the limits of the Borough of Beech Creek, thereby promoting the health, safety and welfare of the Borough and its residents through the regulations of outdoor furnaces.

2. Property owners and residents of the Borough are entitled to clean air and environmental circumstances free of unreasonable particulate matter, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior area within densely populated areas.

3. Outdoor fuel applications cause emission problems that cross property lines, and because the smoke stays close to the ground it can easily reach humans working or playing outdoors and penetrate neighboring buildings. Smoke from outdoor furnaces can contribute to the cause of, or worsen existing cardiovascular and respiratory ailments.

4. This Ordinance is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and to limit the effects of the same on the health, safety and welfare of the residents of the Borough of Beech Creek.

SECTION 2. DEFINITIONS.

EPA - The United State Environmental Protection Agency.

FRONT YARD – A yard extending along the full width of a front lot line and back to the required building line. On corner and through lots, front yards shall be provided along all street frontages.

OUTDOOR FURNACE - Any equipment, device, apparatus or structure, or any part thereof, located outside living space ordinarily used for human habitation, and designed to provide heat, via water or other means, to spaces or appliances in any structure.

REAR YARD – The required open space extending from the rear of the main building to the rear lot line across the entire width of the lot. On corner lots, one yard shall be designated a rear yard.

SIDE YARD – The required open space between the side (face) of any building and the side lot line, extending from the front yard to the rear yard. Any lot line not deemed a front lot line or a rear lot line shall be deemed as a side lot line. On corner lots, one yard shall be designated a side yard.

STRUCTURE – Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and swimming pools.

SECTION 3. REGULATIONS.

1. Outdoor furnaces shall not be placed less than one hundred fifty (150) feet from the nearest point of intersection of any adjacent property owner's structure.
2. Outdoor furnaces shall not be placed less than one hundred (100) feet from the nearest point of intersection of the property line of another property owner.
3. All outdoor furnaces are required to meet emission standards currently required by the United States Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modification made to them in the future.
4. Outdoor furnaces shall be located in a rear yard only. Outdoor furnaces shall not be located in a front or side yard.
5. All outdoor furnaces shall have a minimum flue height of twenty (20) feet.
6. No person shall burn any of the following fuels or materials in any outdoor furnace under any circumstances:
 - A. Household or commercial garbage or waste (as defined in Chapter 20, Section 103).
 - B. Tires
 - C. Paint and paint thinners.
 - D. Construction and demolition debris.
 - E. Plywood, particle board or other composite wood products.
 - F. Manure.

- G. Asphalt products.
- H. Rubber products.
- I. Petroleum products.
- J. Animal carcasses.
- K. Leaves.
- L. Wood that is wet and/or has been painted, varnished or coated with similar material; pressure treated lumber; wood containing preservatives, resins or glue; railroad ties.
- M. Recyclable materials such as plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- N. Newspapers, cardboard or any paper containing ink or dye.
- O. Solt coal.

7. All outdoor furnaces may only be utilized for the sole purpose of furnishing heat to a structure and hot water during the period of October 1 through April 30; and only if the outdoor furnace meets the requirements of this Ordinance.

8. All storage of firewood or other fuel sources that are to be burned in an outdoor furnace shall be neatly stacked and stored under cover.

9. Ashes or other waste from an outdoor furnace shall be stored in a sealed container.

SECTION 4. PERMITS.

No person shall install or operate an outdoor furnace in the Borough without first obtaining a permit according to the following procedure:

1. Anyone who desires to install or operate a new outdoor furnace upon their Property in the Borough must complete an application in writing and submit it to the Borough Secretary, along with the requisite application fee of One Hundred (\$100.00) Dollars, at least twenty (20) days prior to the desired date of installation. Permit application forms shall be available at the Borough Office during regular business hours.

2. Proof that the outdoor furnace is certified to meet EPA emission standards must be submitted with the application. The applicant shall also be required to submit a copy of the manufacturer's recommended operating parameters and installation specifications. If

the permit application is approved, this information shall be kept on file at the Borough office along with copies of the permit.

3. Upon receipt of a completed application, the Borough Zoning Officer shall meet with the applicant to review the proposed site. If the application is not complete, the Borough Zoning Officer shall send the applicant a letter which states what information is required to complete the application.

4. Within five (5) days of site inspection, a letter shall be forwarded to the applicant from the Borough Zoning Officer, which either grants or denies the application to install the outdoor furnace. In the event the application is denied, the letter shall state the reasons for denial, and the right of the applicant to appeal the decision of the Borough Zoning Officer to Borough Council.

5. If compliance is certified with this Ordinance by the Borough Zoning Officer, the applicant shall then obtain all necessary permits to comply with the Pennsylvania Uniform Construction Code through the Borough Building Code official. The outdoor furnace shall not be permitted until the applicant has also complied with all applicable sections of the Pennsylvania Uniform Construction Code.

6. If the applicant wishes to appeal the denial of an application, the applicant must forward a written and signed appeal to the Borough Secretary within thirty (30) days of the date of the denial letter from the Borough Zoning Officer.

7. Upon receipt of an appeal, a hearing shall be arranged before Borough Council within forty-five (45) days of the next regularly scheduled Borough Council meeting. Notices of the hearing shall be served by the Borough via first class mail, or hand delivered, upon the applicant and all property owners having a property line within five hundred (500) feet of the proposed site.

8. Following the hearing before Borough Council, a written decision shall be issued to the applicant within seven (7) days of the hearing. The decision shall be forwarded to the applicant by first class mail and shall also be posted at the Borough office.

9. In the event Borough Council overrules the Borough Zoning officer's denial of an application, the Borough Council may impose additional conditions or restrictions upon the applicant with respect to installation, placement, operation, or approved fuel sources. The determination of Borough Council may be appealed within thirty (30) days of the date of the written decision to the Clinton County Court of Common Pleas.

SECTION 5. ENFORCEMENT.

1. The Borough Zoning Officer is hereby empowered to inspect grounds on which outdoor furnaces are installed to determine if there is compliance with the provisions of this Ordinance. If noncompliance with the provisions of this Ordinance constitutes a nuisance, or if any condition or structure poses a threat to the health, safety and welfare of the

public, he shall issue a written notice to be serviced by certified mail upon the owner of said premises, or if the owner's whereabouts or identity is unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure complained of, and shall require the owner to commence to remove or otherwise rectify the condition as set forth therein within thirty (30) days of mailing or posting of said notice and thereafter, to fully comply with the requirements of the notice within a reasonable time.

SECTION 6. PENALTIES.

Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars. Every day that a violation of this Ordinance continues shall constitute a separate offense.

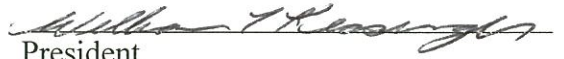
SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect and be enforced as of the date of enactment.

ORDAINED AND ENACTED as an Ordinance of the Borough of Beech Creek on this 5th day of July, 2011.

ATTEST:


Secretary


President

APPROVED THIS 5th DAY OF JULY, 2011.


Mayor

Part 1

Outdoor Burning

§101. Prohibited and Permissible Burning. No person shall burn outdoors any garbage, refuse, or other material which may be consumed by fire, except dry paper products, dry tree or plant material, and such materials as are used for outdoor cooking, such as grills using charcoal. (Ord. 91-1, November 5, 1991, §101)

§102. Manner of Burning. Any permitted burning shall be accomplished only in a manner as not to cause excessive smoke constituting a nuisance and only if such burning is attended at all times by an adult person responsible therefor. (Ord. 91-1, November 5, 1991, §102)

§103. Hours. Outdoor burning shall only be permitted during daylight hours between sunrise and sunset; no outdoor burning shall be allowed on Sunday or Wednesday. (Ord. 91-1, November 5, 1991, §103)

§104. Containers. Any permitted burning shall be accomplished only in a covered, properly ventilated metal container, not to exceed a capacity of fifty-five (55) gallons, so constructed as to prevent burning materials and ashes from escaping therefrom; leaves may be burned on gardens. (Ord. 91-1, November 5, 1991, §104)

§105. Burning Location. No permitted burning shall be allowed within fifty (50) feet of any dwelling or on any public right-of-way. (Ord. 91-1, November 5, 1991, §105)

§106. Special Permits. Borough Council may, from time to time, issue special permits for burning of materials otherwise prohibited herein upon written application and after public consideration of such request at a regularly scheduled Council meeting. (Ord. 91-1, November 5, 1991, §106)

§107. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof in a summary proceeding, pay a fine of not less than one hundred (\$100.00) dollars nor more than six hundred (\$600.00) dollars, plus costs of prosecution, or undergo imprisonment in the County jail for a term not to exceed ninety (90) days, or both. (Ord. 91-1, November 5, 1991, §107)

BOROUGH OF BEECH CREEK, CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2011- 2

AN ORDINANCE AMENDING CHAPTER VII, PART 1, ENTITLED "OUTDOOR BURNING" TO REQUIRE AN ANNUAL PERMIT FOR CONTAINERS

Council of the Borough of Beech Creek, Clinton County, Pennsylvania, HEREBY ENACTS and ORDAINS as follows:

SECTION 1: Section 101 of Part 1 of Chapter VII of the Beech Creek Borough Code is amended in whole as follows:

SECTION 101. PROHIBITED AND PERMISSIBLE BURNING. No person shall burn outdoors any garbage, refuse, or other material which may be consumed by fire, subject to the following exceptions:

- (a) dry paper products or dry tree or plant materials; and
- (b) such materials as are used for outdoor cooking, such as grills using charcoal.

SECTION 2: Section 104 of Part 1 of Chapter VII of the Beech Creek Borough Code is amended in whole as follows:

SECTION 104. CONTAINERS. Except as hereinafter provided, any burning allowed by Section 101(a) hereof shall be accomplished only in a covered, properly ventilated metal container, not to exceed a capacity of fifty-five (55) gallons, so constructed as to prevent burning materials and ashes from escaping there from. Any dry leaves and any dry plant material may be burned on gardens.

SECTION 3: Section 108 is added to Part 1 of Chapter VII of the Beech Creek Borough Code as follows:

SECTION 108. ANNUAL PERMIT. A permit shall be required before use by any person of a container required by Section 104 hereof. Applications for an annual burning permit shall be accompanied by a fee in the amount of Ten (\$10.00) Dollars payable to the Borough. A burning permit shall be valid for the calendar year in which it is issued. Annual burning permits shall be issued by the Secretary of the Borough upon receipt of an application and payment of the fee.

SECTION 4. The provisions of this Ordinance shall become effective on the first day allowable under the Commonwealth of Pennsylvania Borough Code except the requirement in Section 108 of a fee in the amount of Ten (\$10.00) Dollars for issuance of a permit which fee shall be effective January 1, 2012.

DULY ENACTED and ORDAINED this ____ day of September, 2011, by the Council of the Borough of Beech Creek, Clinton County, Pennsylvania.

ATTEST:


Secretary

BOROUGH OF BEECH CREEK

By: 
President

Approved this 6th day of September, 2011.


Mayor

BOROUGH OF BEECH CREEK, CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013- 3

AN ORDINANCE AMENDING CHAPTER VII, PART 1, ENTITLED "OUTDOOR BURNING" TO PROHIBIT BURNING IN METAL CONTAINERS AND DELETE THE ANNUAL PERMIT REQUIREMENT

Council of the Borough of Beech Creek, Clinton County, Pennsylvania, HEREBY ENACTS and ORDAINS as follows:

SECTION 1: Section 101(a) is amended to delete "dry paper products or";

SECTION 2: Section 104 of Part 1 of Chapter VII of the Beech Creek Borough Code is amended in whole as follows:

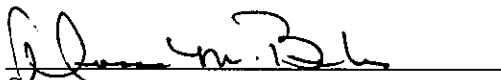
SECTION 104. CONTAINERS. Except as hereinafter provided, any burning allowed by Section 101(a) hereof shall be accomplished only by burning dry leaves and any dry plant material on gardens. Burning any material in metal containers is specifically prohibited.

SECTION 3: Section 108 of Part 1 of Chapter VII of the Beech Creek Borough Code is deleted.


SECTION 4. The provisions of this Ordinance shall become effective on the first day allowable under the Commonwealth of Pennsylvania Borough Code.

DULY ENACTED and ORDAINED this 2nd day of July, 2013, by the Council of the Borough of Beech Creek, Clinton County, Pennsylvania.

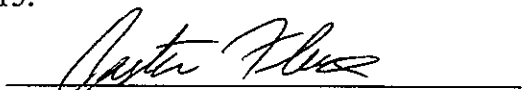
ATTEST:


Secretary

BOROUGH OF BEECH CREEK

By: 
President

Approved this 2nd day of July, 2013.


Mayor

Part 2
Volunteer Fire Company

§201. Duties of Volunteer Fire Company. The Borough's Volunteer Fire Company and its membership are authorized to perform the following in addition to the normal firefighting, rescue and emergency medical duties:

A. Participation in drills, practices, training sessions and prefire planning activities authorized by the Fire Chief and supervised by a qualified instruction, or a fire department officer.

B. Participation in community celebrations, ceremonial observances and funerals for deceased firefighters or other public figures where such attendance is deemed appropriate by the Fire Chief.

C. While performing duties necessary to prepare the fire station for use as a distribution center or a polling place for the primary and general elections. This is extended to include like services performed at other Borough or School District buildings.

D. Preparation for and responsible participation in parades providing that attendance has the prior approval of the Fire Company.

E. Any public service functions performed for the welfare of the community, including recovery of animals, as long as these activities are responsibly supervised and are sanctioned by the Fire Company.

F. Any and all public safety activities undertaken by Fire Company members to render care to the injured, prevent loss of life, provide comfort and security to victims and limit or prevent damage to or loss of property as circumstances may dictate.

G. While rendering assistance to police officers where such aid is specifically requested or is done without request to protect the public welfare from imminent danger, including fire/police duties.

H. Participation in fire prevention activities, post-fire investigations, bomb searches, evacuation drills and fire lane enforcement.

I. While participating in public programs to promote health and safety, to enlist new members or solicit community support or conduct fund raising activities so long as no compensation is being paid to the member while engaged in the fund raising activity, one hundred (100) percent of the proceeds go to the Fire Company and each activity is sanctioned by the Fire Company.

J. While safely and responsibly performing maintenance and remodeling work on the Fire Company vehicles, buildings, grounds or equipment.

K. Such other duties necessary for the efficient operation of the volunteer services as may, from time to time, be assigned by the Borough Council and the officers of the Fire Company and as may be defined within the constitution and by-laws of the Volunteer Fire Company.

(Ordinance 94-1, December 6, 1994, Section 1)