

BOROUGH OF MINERSVILLE
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 336

AN ORDINANCE TO REPEALING ORDINANCE NO. 89 AND ESTABLISHING AN ORDINANCE REGULATING OUTSIDE BURNING WITHIN THE BOROUGH OF MINERSVILLE; SETTING TIME LIMITS, TYPES OF MATERIAL TO BE BURNED AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED AND PRESCRIBING PENALTIES FOR VIOLATIONS; KNOWN AS THE OUTSIDE BURNING ORDINANCE.

BE IT ORDINAINED and enacted by the Borough Council of the Borough of Minersville;

Section 1. Definitions

Burning - As used within this Ordinance "burning" shall have the following meaning. "The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually."

Burn Container(s) - Only manufactured fire pits, chimineas or fireplace kits with a underwriters laboratory label will be permissible. All Burn Containers must contain sides and cover as defined herein. All Burn Containers must be installed and used in accordance with the manufacturer installation instructions. Burn Containers shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. No homemade fire pits, outdoor fireplaces, incinerators, chimineas and other types of burning pits will be allowed within the Borough of Minersville.

Exception: Portable outdoor grills, fired by propane or charcoal, and designed for food preparation, are excluded from the provisions of this Ordinance.

Burn Container Cover - a metal screen with spaces not more than one-half (1/2) square inch, or other comparable 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.

Burnable Materials - only seasoned firewood or the material permitted in the Burn Containers manufacturer's instructions manual will be permitted to be burned in the burn container.

Non-Burnable Materials - the following is a partial list of those materials that are classified as "non-burnable" under the guidelines of this Ordinance.

- Plastic; rubber; oils; asbestos; composition boards; shingles; felt paper; canvas; fiber glass; 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; residential waste; or any other materials individually or in combination, that emit smoke, or acrid, obnoxious, or toxic odors.
- Grass, green twigs, or leaves.

The above is a partial list of those items and materials prohibited under the guidelines of this Ordinance. Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

Combustible - As defined within this Ordinance as “able to catch fire and burn easily.”

Section 2. No person or corporation shall cause to be burned any of the above Non-Burnable Materials, or any like or similar materials not in compliance, or inconsistent with this Ordinance. It shall be illegal to burn any materials that give off any acrid, obnoxious, or toxic odors, or emit heavy smoke.

Section 3. Burning, in compliance with this Ordinance, shall be permitted only between the hours of 8 a.m. to 12 a.m. Under no conditions shall burning, as defined herein, be permitted between the hours of 12 a.m. to 8 a.m. Fires in Burn Containers must be fully extinguished and not be allowed to burn or smolder after 12 a.m. Any fires burning after 12 a.m. shall be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

Section 4. All Burn Containers must always be attended by a responsible resident of the property that is 18 years of age.

Section 5. The use of gasoline or other accelerants cannot not be used to start fires in Burn Containers.

Section 6. All burning in the Burn Containers must be done in a way as to not cause excess flames or be used in a way that will cause property damage or bodily harm.

Section 7. All Burn Containers must be kept ten (10) feet from any combustible structure. No burning container shall be used within five (5) feet of any property line or public sidewalk area. No burning container can be used for any other purpose.

Section 8. Any and all Borough Police Officers, Code Enforcement Officers, and/or Borough Fire Chief are hereby granted the authority and responsibility for inspecting outside Burning Containers for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Officers are hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance. Any condition that is deemed as unsafe or causing annoyance or alarm to neighbors will authorize the Officer to require the immediate extinguishment of the burning.

Section 9. This Ordinance or the provisions hereof shall not apply to any fuel burning appliance within the confines of a dwelling unit.

Section 10. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one thousand dollars (\$1,000) and the costs of prosecution,

and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty (30) days.

Section 11. SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 12. All other Ordinances inconsistent with this Ordinance, are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

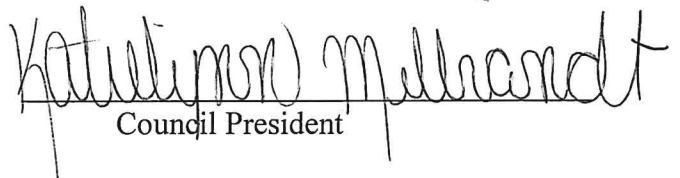
Section 13. This Ordinance shall take effect immediately upon its final adoption by the Council of the Borough of Minersville.

ENACTED AND ORDAINED this 11th day of May, 2021 by the Council of the Borough of Minersville, County of Schuylkill in the Commonwealth of Pennsylvania, in lawful session duly assembled.

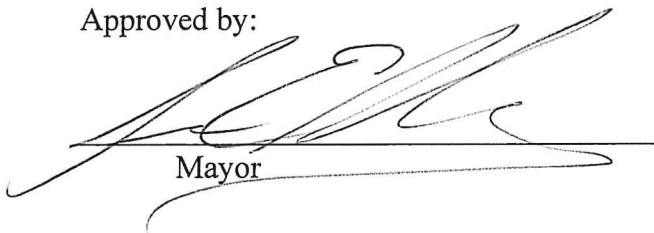
Attest:


Secretary

Borough of Minersville


Council President

Approved by:


Mayor