

Chapter 53

BURNING, OUTDOOR

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[HISTORY: Adopted by the Borough Council of the Borough of Seven Valleys 11-2-1998 by Ord. No. 98-3. Amendments noted where applicable.]

§ 53-1. Definitions.

The following terms, as used in this chapter, shall have the meanings set forth below.

BURNABLE MATERIALS — Includes only the following materials so long as when burned the same does not give off any acrid, obnoxious or toxic odors nor emit heavy smoke:

- A. Paper including 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 other nonburnable materials, or any paper product that is wet shall not be included as burnable paper products and are hereby prohibited from burning.
- B. Cardboard and chipboard including cardboard and chipboard boxes, sheets, packing materials, and similar materials made of cardboard or chipboard. Excluded and not permitted to be burned are materials used to absorb oil or other noxious or toxic materials; cardboard or chipboard in combination with any other nonburnable materials.
- C. Wood including 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, or other similar treatment; wood products that have a high glue content, such as flakeboard or composition board; and wood products in combination with any nonburnable materials.

BURN CONTAINER — Any container constructed of masonry, metal or, other noncombustible rigid material containing a bottom, sides and a cover and capable of safely containing any fire permitted under this chapter. Any container which has deteriorated to the point where it contains holes or is missing any surface of its structure shall not be included within the meaning of burn container. Outdoor fireplaces or incinerators shall be considered to be a burning container for the purposes of this chapter.

- A. If a metal drum is being used as a burn container, it shall not have contained toxic or flammable or other regulated materials; and it shall be free from holes in the sides or the bottom, except it may contain drain or vent holes in the bottom of the drum no larger than two square inches each.

BURN CONTAINER COVER — A metal screen, or other comparable material, which covers the entire open area above the burn container opening.

BURNING — The igniting of or the maintenance of the ignition of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually. Smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

§ 53-2. Prohibited acts; permitted hours for burning; conditions.

No person, firm, partnership, corporation or other entity shall cause or allow any material to be burned out of doors within the Borough of Seven Valleys, except that only on the third Saturday of each month between the hours of 7:00 a.m. and 5:00 p.m., the burning of burnable materials is permitted. Any such permitted fire shall be burned in and maintained within a burn container, and shall be attended at all times by an individual who is 18 years of age or older until such time as the flame, its embers and smoldering has been extinguished. Unattended burning is hereby declared to be a violation of this chapter, and any person or entity causing or allowing an otherwise permitted fire to be unattended shall be in violation of this chapter. A burn container shall be covered with a burn container cover while a fire is burning in the container. Any screen properly used as a burn container cover shall be maintained in good order so as to prevent large particles from escaping the burn container during a permitted fire. No person or entity shall cause or permit any otherwise permitted fire to continue to burn or smolder after 5:00 p.m.

§ 53-3. Cancellation of permitted fires.¹

The Mayor may cancel all otherwise permitted outside fires on those third Saturdays of any month where the Mayor and the Fire Chief or designee have determined that a fire danger exists due to lack of precipitation, whereupon all burning of any material whatsoever out of doors within the Borough of Seven Valleys shall be prohibited for such Saturdays. Upon making such determination, the Mayor shall issue a statement or proclamation to that effect and shall make the contents thereof available to the local newspapers and may make the same available to the other news media as the Mayor may deem appropriate. Before any person or entity ignites any outside fire which may be otherwise permitted under the exception stated in § 53-2 hereof, such person or entity shall contact the Mayor or the Fire Chief or designee to determine whether a fire danger has been declared.

§ 53-4. Placement, covering and use of containers.

No burn container shall be used or stored within 25 feet of any building or other structure nor within 20 feet of any property line or sidewalk, street or alley. No burn container shall be used or stored without the proper burn container cover in place. No burn container shall be used for any purpose other than to burn burnable materials as specified herein.

§ 53-5. Exclusions.

- A. Outdoor cooking fires are hereby excluded from the prohibitions of this chapter so long as the outdoor cooking fire is fully contained within a commercially constructed grill or

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

a masonry constructed fireplace or grill intended for cooking fires and so long as such outdoor cooking fire is being used solely for the purpose of cooking.

- B. Campfires are excluded from the prohibitions of this chapter so long as the same is in a container or enclosure no larger than three feet in diameter and no less than two feet in height, and so long as the same is constantly attended by an individual who is 18 years of age or older.
- C. An outside fire burned in strict compliance with a Special Burning Permit issued for the same shall be excluded from the prohibitions of this chapter. Any person or entity desiring to burn any burnable materials out of doors within the Borough of Seven Valleys which cannot otherwise be burned within a burn container may request such special burning permit from the Fire Chief or designee who may issue such permit if, in the sole and absolute discretion of the Fire Chief or designee, the Fire Chief or designee determines that the circumstances of such request justify the issuance thereof and that such fire will not constitute a hazard. Any fire burned pursuant to such special burning permit shall be attended at all times by an individual who is 18 years of age or older, and shall be subject to the regulations applicable to an otherwise permitted fire pursuant to the exception set forth in § 53-2 of this chapter. The Fire Chief or designee may establish conditions upon any special burning permit issued, including but not limited to the condition that the fire under such permit may not be ignited or maintained unless and until the fire company, in such strength and array as the Fire Chief or designee may determine, is in attendance.²

§ 53-6. Violations and penalties.³

Any person, corporation, partnership, company, or other entity who shall violate the provisions of this chapter shall, upon conviction before a District Justice, be sentenced to pay a fine of not more than \$1,000, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days. The aforesaid fine and costs shall be in addition to, and separate from, the right of the borough to collect any other costs or expenses authorized by this chapter.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).