

**BOROUGH OF PICTURE ROCKS
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2004-04

**AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS,
LYCOMING COUNTY, PENNSYLVANIA, REGULATING
OUTDOOR BURNING WITHIN THE BOROUGH AND FIXING
PENALTIES FOR VIOLATIONS THEREOF.**

IT IS HEREBY ENACTED AND ORDAINED by the Council of the Borough of Picture Rocks, as follows:

Section I. Title.

This Ordinance shall be known and maybe cited as the Outdoor Burning Ordinance.

Section II. Definitions.

For the purpose of this Ordinance, the following definitions shall apply.

- A. The singular shall include the plural;
- B. The masculine pronoun shall include the feminine and the neuter;
- C. The term "person" shall include individuals, partnerships, associations and corporations, whether private or public;
- D. The word "may" indicates optional and the word "shall" indicates mandatory;
- E. Clearing and grubbing waste – trees, shrubs and other native vegetation which are cleared from land during or prior to the process of construction, not to include dirt laden roots;
- F. Approved Burning Container – a noncombustible, properly ventilated container, covered with a noncombustible wire screen, with a maximum mesh grid of not more than one-half (1/2) inch, which prevents particles from blowing away;
- G. Burning Ban – A cessation of outdoor burning within the Borough of Picture Rocks during emergency conditions;

H. Bonfire – An outdoor fire which is not contained within an approved burning container.

Section III. Restrictions.

For the purpose of this Ordinance, the following restrictions shall apply:

A. Excluding burning authorized under Section IV, Subsections A through F, outdoor burning shall be conducted:

1. Monday through Friday from 7:00 a.m. to 7:00 p.m.;
2. Saturday from 7:00 a.m. to noon;
3. Outdoor burning shall be prohibited from noon on Saturday through 7:00 a.m. on Monday;
4. Outdoor burning shall be prohibited on all nationally recognized holidays.

B. Burning of paper and/or paper products is authorized without a permit, provided that:

1. Burning is conducted in an approved burning container;
2. Burning is conducted on the premises of a structure occupied solely as a dwelling by two families or less;
3. The products burned resulted from the normal occupancy of the structure.

C. Outdoor burning of the following substances shall be prohibited:

1. Garbage;
2. Rubbish;
3. Refuse;
4. Trash;
5. Trimmings;
6. Leaves;

7. Dirt laden roots;
8. Construction and/or demolition debris;
9. Any other substance which may generate malodorous emissions.

D. Burning of clearing and grubbing waste is authorized, provided that:

1. A permit shall be obtained from the Mayor (see Attachment 1);
2. Appropriate safety procedures shall be followed (see Attachment 2);
3. Time restrictions listed in Section III, Subsection A shall be adhered to.

E. Outdoor burning shall be conducted in such a manner that visible emissions from such fires shall not pass outside the property of the person on whose land the burning is being conducted;

F. Emissions from such outdoor fires shall not interfere with the reasonable enjoyment of life or property of neighboring property owners;

G. Emissions from outdoor fires shall not cause damage to vegetation or property;

H. Emissions from outdoor fires shall not be deleterious to human or animal health;

I. Excluding burning authorized under Section IV, Subsection A, all outdoor fires must be kept a minimum of fifteen (15) feet from all man-made structures and five (5) feet from any living trees or shrubs;

J. During emergency conditions, the Mayor, in his absence a Borough Council Officer, may institute a Burning Ban within the Borough. Notice of such ban shall be via newspaper and/or radio and television announcements and posting of notices in the Post Office and Borough Building. Notice of cancellation of such ban shall be via the same avenues.

Section IV. Exceptions.

The following outdoor burning exceptions are authorized:

A. Burning of wood and/or charcoal products for recreation and/or food preparation purposes must be contained in a device approved for this purpose (e.g. patio chimney, grill or fireplace);

B. A fire set to prevent or abate a fire hazard, when approved by the Mayor and the Department of Environmental Protection and set by or under the supervision of a public officer;

C. A fire set for the purpose of instructing personnel in fire fighting, when approved by the Mayor and the Department of Environmental Protection;

D. A fire set for the prevention and control of disease or pests, when approved by the Mayor and the Department of Environmental Protection;

E. A fire set in conjunction with the production of agricultural commodities in their natural state and on the premises of the farm operation, when approved by the Mayor;

F. Bonfires for recreational or ceremonial purposes, (e.g. pep rallies, outdoor gatherings) are authorized, provided that:

1. A permit shall be obtained from the Mayor (see Attachment 1);
2. Appropriate safety procedures shall be followed (see Attachment 2).

Section V. **Violations and Penalties.**

Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than One Hundred Dollars (\$100.00) and costs of prosecution and/or imprisonment for not more than ten (10) days.

Section VI. **Repealer.**

The Picture Rocks Out-of-Door Burning Ordinance of 1986 is hereby repealed. All other ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section VII. **Attachments.**

- A. Attachment 1 – Permit;
- B. Attachment 2 – Guidelines.

