

ORDINANCE NO. 8 OF 2016

AN ORDINANCE OF THE BOROUGH OF PLYMOUTH, LUZERNE COUNTY, REGULATING OUTSIDE BURNING WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.

WHEREAS, BURNING IN THE Borough has not been the preferred manner to dispose of waste or refuse;

WHEREAS, unregulated open burning poses a threat to the health, safety and welfare of the Borough residents as well as their property;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council as herein after set forth:

Section 1. Definitions

Open Burning – As used within this Ordinance, “open burning” shall have the following meaning. “The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually into the air without passing through a stack or chimney. It does not include the legal smoking of tobacco products.

Plant Life – Vegetation including but not limited to trees, tree branches, leaves, yard trimmings, shrubbery, grass and weeds.

Refuse – All putrescible and non-putrescible wastes (except body waste), and including but not limited to garbage, rubbish, street cleanings, dead animals, abandoned automobiles and solid market and individual waste.

Section 2. No person, corporation or entity shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, except as specifically authorized by this ordinance or except as permitted in writing by the Code Enforcement Officer of the Borough or the Borough Chief of Police.

Section 3. Burning, in compliance with this Ordinance, shall be permitted only between the hours of 8:01 a.m. and 10:59 p. m.. Under no conditions shall burning, as defined herein, be permitted between the hours from 11:00 p. m. to 8:00 a. m. Fires allowed to burn or smolder after 11:00 p. m. shall be in violation of this Ordinance, and all those persons, entities or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

Section 4. Burning, in compliance with this Ordinance, shall be attended at all times by an individual eighteen (18) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of this Ordinance, and all persons, entities or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

Section 5. No *Burning* shall take place within twenty (20) feet of any building, structure, combustible materials or adjacent property lines.

Section 6. Provided that the burning complies with applicable and federal statutes, regulations or other law and the size of that fire does not exceed one (1) foot in height by two (2) feet in width and two (2) feet in length, the following burning shall be allowed:

1. The burning of charcoal, clean untreated wood, and other cooking fuels customarily used in an outdoor grill or other traditional food cooking devices;
2. The Burning of clean untreated wood in a commercially manufactured outdoor fire place or safe outdoor fire pit or outdoor fire place provided that:
 - a. The fire is wholly contained within the fire pit or fire place;
 - b. The fire pit or fire place is covered by a screen to control emission of ash and embers;
 - c. The fire does not constitute a nuisance to adjoin property owners or the public in general;
 - d. The fire is not within twenty (20) feet of combustible materials or adjacent property lines;
 - e. The fire is attended by an individual of at least eighteen (18) years of age;
 - f. There is not more than one (1) fire pit or place located on the lot or premises; and
 - g. The dwelling unit is the abode of or of a person or persons acting as a single housekeeping unit.
3. Burning for a bona fide ceremonial purpose.
4. Burning by any Governmental Agency or governmental subdivision for training or other purposes.

Section 7. Even if open burning is allowed under this ordinance, no open burning shall occur if at the discretion of the Code Enforcement Officer or Chief of Police of the Borough, if said burning in his opinion represents a danger to the public safety, health or welfare of the residents of the Borough.

Section 8. Plant Life/Refuse. No person, entity or corporation shall burn plant life or refuse as defined under this ordinance except with the express written approval of the Code Enforcement Officer or Chief of Police.

Section 9. The Borough Code Enforcement Officer and/or any Plymouth Borough Police Officer is hereby granted the authority and responsibility for enforcing compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence, the Borough Code Enforcement Officer and/or any Plymouth Borough Police Officer is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance or commencement of an action in the Magistrates District having jurisdiction over matters occurring in the Borough of Plymouth to redress any violation.

Section 10. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a minimum fine of three hundred dollars (\$300.00) and a maximum fine not to exceed one thousand dollars (\$1,000.00) and the costs of prosecution, as well as filing fees, and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty (30) days. The action to enforce this penalty provision shall be commenced in the Magistrate District having jurisdiction over matters occurring in Plymouth Borough and said magistrate shall have the authority and jurisdiction to impose the fines, costs and penalties specified herein.

Section 11. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, illegal or invalid provisions not been contained herein.

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

ENACTED AND ORDAINED the 11th day of October, 2016 at a duly authorized regular meeting of the Plymouth Borough Council.

BOROUGH OF PLYMOUTH

By: Gary Kochinski
Gary Kochinski, President of Council

ATTEST:

Holly Spece
Holly Spece, Secretary

APPROVED BY THE MAYOR

Dorothy E. Petrosky
Dorothy E. Petrosky, Mayor

Dated: October 11, 2016