

ORDINANCE NO. 1270

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY, AMENDING ORDINANCE NO. 1176 WHICH BANNED OPEN BURNING IN THE BOROUGH TO: 1. ADD THE DEFINITION OF CHIMINEA AND FIRE PIT; 2. PROVIDE REGULATIONS FOR BURNING BAN EXCEPTIONS; AND 3. ESTABLISH AN EFFECTIVE DATE.

The Borough of Tyrone hereby ordains the following:

SECTION 1. AMENDMENT TO ORDINANCE NO. 1176.

Ordinance No. 1176 is hereby amended by adding all words underlined and by deleting all words containing a ~~strikethrough~~.

A. Section 1B of Ordinance No. 1176 entitled "Exceptions" is hereby amended as follows:

B. Exceptions. The prohibition on open burning set forth in Subsection "A" shall not apply where the open burning operation results from:

(1) Any fire set solely for recreational or ceremonial purposes, provided that the material to be burned is non-recyclable material and provided that such burning is in compliance with the regulations set forth in Section 1C entitled "Regulations For Permitted Burning"; and

(2) Any fire set solely for cooking food, provided that the material to be burned is non-recyclable material and provided that such burning is in compliance with the regulations set forth in Section 1C entitled "Regulations For Permitted Burning.

C. Regulations. Any and all open burning of any material permitted by the Exceptions herein set forth shall be accomplished in an approved container such as a concrete enclosure, fire pit and/or chiminea (collectively referred to as "Container") and shall comply with the following :

1. Said container must have a screen of sufficient strength to prevent ash or unburned material from being released from said container during or after burning has occurred.

2. Said container shall be within reach of an operating water faucet and/or operating garden hose and shall be placed on privately owned property; but in no event

shall said container be placed closer than 10 feet from the property line of the person burning.

3. Said container shall not be placed on or near any combustible material nor on the surface of any public street.

4. Any and all open permitted burning shall be completely extinguished by 11:00 p.m. Any and all open permitted burning shall be done under the consent and direct supervision of an adult of 18 years of age or older and shall not be done when a strong breeze or wind is active.

5. Any and all open permitted burning must be carried out in a manner to prevent the emission of noxious or offensive smoke and/or odors.

6. no open burning shall cause emissions which interfere with the reasonable enjoyment of life or property.

7. It shall be unlawful for any person to burn those materials which are prohibited under any and all local, Commonwealth and/or federal law, including but not limited to, the following materials:

a. Leaves, leaf waste and grass clippings (dried or otherwise).

b. Clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint (newspaper), plastic and any and all other source-separated recyclable material.

c. Garbage.

d. Hazardous waste.

e. Any substance which interferes with the reasonable enjoyment of life or property or is harmful to human or animal health.

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

1. "Chiminea" shall mean a fireplace that has a chimney to efficiently fuel fire

with fresh air.

2. "Fire Pit" shall mean a bowl or 360 degree open fireplace.

3. "Fireplace" shall mean any area wherein a fire has been ignited other than a completely enclosed container such as a furnace.

SECTION 2. RATIFICATION.

Except as amended hereby, Ordinance No. 1176 shall remain in full force and effect.

SECTION 3. SEVERABILITY.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Tyrone that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 5. REPEALER.

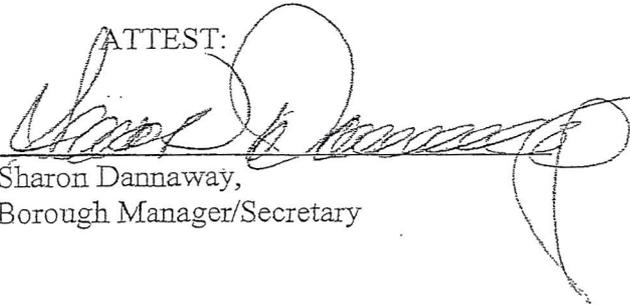
Any ordinance or resolution or part thereof inconsistent with the terms of this Ordinance is hereby repealed.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective upon the earliest possible date provided by law.

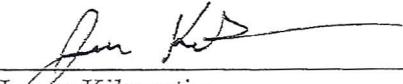
ORDAINED AND ENACTED as an Ordinance of the Borough of Tyrone by the Borough Council on this 11th day of August, 2008.

ATTEST:


Sharon Dannaway,
Borough Manager/Secretary

BOROUGH OF TYRONE

By


James Kilmartin
Mayor/President of Council