

**CODE OF WAYMART BOROUGH
OUTDOOR BURNING – CHAPTER 45**

**CHAPTER 45.
Outdoor Burning**

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[HISTORY: An ordinance regulating outside burning in Waymart Borough setting time limits, type of material to be burned and conditions under which burning may be permitted, adopted as Ordinance 2018-2 by the Borough Council of Waymart Borough on September 11, 2018.]

§ 45-01. Definitions.

Burning—As used within this Chapter "burning" shall have the following meaning: "the igniting of any material to cause flame, smoke, and embers, hot ash or residue, in combination or individuality."

Burn Container—Any container used for the purpose of burning materials as authorized herein constructed of masonry, metal or other non-combustible rigid material: containing a bottom, sides and a cover as herein defined. "Burn Containers" shall not be allowed to deteriorate to the point where they contain holes of missed surface in the structure. Outdoor fireplaces or incinerators shall be considered as Burning Containers for the purpose of this Chapter. If metal drums are being used, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the side and or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than two (2) square inches each. The Burn Container shall not exceed 4 feet in width, 4 feet in length, and 4 feet in height/depth, nor shall said container be placed closer than 15 feet from any structure of fence.

Exceptions:

- A. Portable outdoor grills fired by propane, charcoal or any natural wood as designed for food preparation, are excluded from the provisions of this Chapter.
- B. Any burning of natural wood at any time for leisure purposes on condition that the fire is attended by an individual 14 years of age or older.

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 larger 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.

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Burnable Materials—Burnable materials shall include the following:

- A. Paper, which-includes newsprint, wrapping paper, paper products of sheet paper items. Paper used to absorb oils or other noxious or toxic materials, plastic-coated paper, paper attached to other non-burnable materials, or any other paper product that is wet shall not be included as burnable paper products and are hereby prohibited from burning.
- B. Cardboard and chipboard, which includes cardboard and chipboard boxes, sheets, packing materials, etc. Excluded and not permitted to be burned are materials used to absorb all oil or other noxious or toxic materials, cardboard or chipboard in combination with any other non-burnable materials.
- C. Wood, which-includes 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 flake board or composition board; and wood products in combination with any non-burnable materials.

Non-Burnable Materials—Non-burnable materials shall include but not be limited to the following partial list:

- A. Plastic, Rubber, oils, asbestos composition boards, shingles, felt paper, canvas, fiberglass, vinyl, or any similar materials, or any combination of the above with any other materials.
- B. Human or animal waste, sanitary napkins, diapers, food solids, oil filters, or any other materials individually or in combination that emit smoke, or acrid, or noxious or toxic odors.
- C. Grasses, green twigs or leaves.

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

Sunrise/Sunset—A specific time of day, as determined and published by the U.S. Weather Bureau locally at which the sun rises and sets.

§ 45-02. Burning Prohibition.

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 Chapter. It shall be illegal to burn any materials that give off any acrid, obnoxious or toxic odors or emit heavy smoke. All burning shall be confined to a burn container cover, as defined by this Chapter.

§ 45-03. Burning Hours.

Burning in compliance with this Chapter shall be permitted only between the hours of sunrise and sunset. Under no condition shall burning, as defined herein, be permitted between the hours from sunset to sunrise. Fires allowed to burn or smolder after sunset shall be in violation of this Chapter and

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all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Chapter.

§ 45-04. Burning Supervision.

Burning in compliance with this Chapter shall be attended at all times by an individual fourteen (14) years or older until such time as the flame has subsided and is completed. Unattended burning shall be in direct violation of this Chapter and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Chapter.

§ 45-05. Burning Containers.

No burning container shall be:

- A. Used or stored within fifteen {15} feet of any building or structure.
- B. Used or stored within twenty {20} feet of any property line or public sidewalk area.
- C. Used or stored without the proper cover in place.
- D. Used for any other purpose.

§ 45-06. Special Burning Permits.

All fires outside of Burning Containers are hereby prohibited within the Borough. Notwithstanding this, the issuance of "Special Burning Permits" by the local Fire Marshall whenever circumstances so dictate shall not be prohibited. Such Special Burning Permits shall be issued in writing by the Fire Marshall on a form provided by the Borough. In granting such permit the Fire Marshall shall determine whether or not the Fire Company shall be in attendance,.

§ 45-07. Enforcement.

Any and all Borough Police Officers are hereby granted the authority and responsibility for inspecting outside burning containers for compliance with this Chapter. In the event any violations of this Chapter are found to be in existence at the time of inspection, the Police Officer is hereby charged with the responsibility of issuing warnings or citations, as merited for all violations of this Chapter.

§ 45-08. Violations and Penalties.

Any person or corporation who violates the provisions of this Chapter shall, upon conviction, pay a fine not to exceed one thousand {\$1,000} dollars and the cost of prosecution, and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty {30} days.

§ 45-09. Validity.

If any clause, sentence or other provisions of this Chapter should be declared unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this

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Chapter, and the Borough Council declares that it would have adopted this Chapter had such unconstitutional, illegal, or invalid provisions not been contained herein.