

Bill No. 9 of 2017

Ordinance No. 3765 of 2017

CITY OF MEADVILLE

CRAWFORD COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE CITY OF MEADVILLE, CRAWFORD COUNTY, PENNSYLVANIA, TO ADD ARTICLE 1507 TO THE FIRE PREVENTION CODE, SPECIFICALLY ADDING DEFINITIONS, REQUIREMENTS, REGULATIONS AND LIMITATIONS ON OUTDOOR BURNING; PRESCRIBING PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT THEREOF.

BE IT ORDAINED AND ENACTED by the Council of the City of Meadville, Crawford County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same as follows:

Section 1. Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Meadville by regulating the air pollution and fire hazards of outdoor burning.

Section 2. Applicability. This ordinance applies to all outdoor burning within the City of Meadville, with the exception of grilling or cooking food using charcoal, wood, propane or natural gas in UL-approved cooking or grilling appliances.

Section 3. Definitions. As used in this ordinance, the following terms shall have the meanings indicated:

APPROVED – Something that is acceptable to or accepted by the Fire Code Official.

OPEN BURNING – The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include recreational fires as defined herein, road flares, devices associated with safety or occupational uses typically considered open flames. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

BONFIRE – Any large outdoor fire which does not qualify as a Recreational Fire.

FIRE CODE OFFICIAL – The Fire Chief of the City of Meadville Fire Department or authorized designee, including the duty officer.

RECREATIONAL FIRE – An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

PORTABLE OUTDOOR FIREPLACE – A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

RUBBISH – Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

Section 4. *Regulations for Outdoor Burning.*

- A. Open Burning is prohibited.
- B. At no time may any material other than charcoal or dry, seasoned, non-pressure-treated wood which has not been painted or otherwise covered with any sealants or spirits such as polyurethane, stains or preservatives be burned.
- C. Recreational Fires are permitted with the following provisions.
 - 1. All recreational fires must be contained by a non-combustible material and constantly attended by a competent adult until the fire is extinguished. No recreational fires are permitted between the hours of 11:00 p.m. and 6:00 a.m. on any day.
 - 2. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment or materials, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
 - 3. Recreational fires, with the exception of those in a UL-approved container such as a portable outdoor fireplace, shall not be conducted within 25 feet of a structure or combustible material and not within 10 feet of a property line. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
 - 4. Recreational fires in UL-approved containers such as portable outdoor fireplaces shall comply with the requirements herein and the manufacturer's instructions. Further, the amount of fuel in use shall not exceed the safe capacity of the device, and portable

outdoor fireplaces shall be at least 15 feet from a structure, including decks and balconies, and at least 10 feet from a property line. Their placement shall be stable and reasonably level so as to make tipping unlikely. They shall not be used on a deck, within any tent, or on or under any roof.

- D. Recreational fires found to be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited as determined by the Fire Code Official in his discretion.
- E. The Fire Code Official is authorized to order the extinguishment of any fire which creates a hazardous or objectionable situation in the Fire Code Official's discretion or which otherwise violates any provision of this ordinance.
- F. Bonfires. A bonfire shall not be conducted within 50 feet of a structure or combustible material. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition. Bonfires require a permit and prior approval of the Fire Code Official.
- G. Sky Lanterns. No person shall release or cause to be released any untethered, free-floating sky lantern or similar devices utilizing an open flame within the City of Meadville.

Section 5. Administration. This ordinance shall be administered and enforced by the Fire Code Official.

Section 6. Appeals. The appeal provisions as adopted by the Meadville Property Maintenance Code, Section 1721.18 of the Meadville Municipal Code, shall apply.

Section 7. Enforcement proceedings. Enforcement proceedings may be instituted by the Fire Code Official by citation or complaint in the manner provided by the applicable Pennsylvania Rules of Criminal Procedure, Rules 402 through 424, or amendments thereto, and the provisions of this code.

Section 8. Penalty. Any person who shall violate a provision of this code, or who shall fail to comply with any of the requirements of this code, or who shall fail to comply with an order issued by the Fire Code Official, shall, except as otherwise specifically provided in this code, be subject to a fine of no less than \$50 and no more than \$1,000, imprisonment for a term not exceeding 30 days, or both.

Section 9. Violations.

- A. Unlawful Acts. It shall be unlawful for any person to cause or permit a condition to exist contrary to or in violation of any of the provisions of this ordinance; or to fail to obey a lawful order of the Fire Code Official.

- B. Notice of Violation. Due to the nature of open burning, no written notice to extinguish an illegal fire shall be required from the Fire Code Official prior to taking action to abate or to file a citation. Persons responsible shall have the opportunity to be heard in any court proceeding instituted for imposition of a penalty for violation.
- C. Action to Remedy Unlawful Act. In the event of a violation of this Ordinance, or if action is not taken to remedy a violation or to comply with a notice or order directing certain action to correct a violation, the Fire Code Official may institute an action for imposition of a penalty in accordance with Section 7 of this ordinance; or institute appropriate legal proceedings to restrain, correct or abate the violation; or institute legal proceedings to enforce an order. In the case of an emergency, the code official may take immediate action to protect the public health, safety and welfare.

Section 10. *Effective Date.* The provisions of this ordinance shall become effective at 12:01 AM, prevailing time, on the 21st day after the date of final passage and enactment.

Section 11. *Severability.* Should any section, part or provision of this Ordinance be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts hereof, and of any Code of which this Ordinance may be or may be considered to be part, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the date of final enactment hereof.

Section 12. *Repealer.* All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Introduced This 20th day of September, A.D., 2017

Second Reading This 20th day of September, A.D., 2017

Finally Passed and Enacted This 4th day of October, 2017.

CITY OF MEADVILLE

Attest:



H. LeRoy Stearns, Mayor

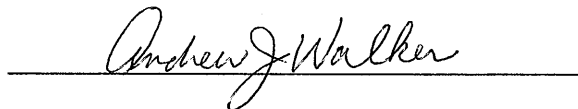


Andrew J. Walker,

City Manager/City Clerk

CERTIFICATION

I, Andrew J. Walker, hereby certify that I am the duly appointed City Clerk of the City of Meadville, and the above Ordinance was adopted at a regular meeting of the City Council of the City of Meadville, held on OCTOBER 4, 2017, and that a minimum number of council members were present to represent a quorum.



Date: OCTOBER 5, 2017

Andrew J. Walker, City Clerk