

BOROUGH OF AVALON

ORDINANCE NO. 07-1314

AN ORDINANCE OF THE BOROUGH OF AVALON, COUNTY OF ALLEGHENY, ENACTED TO REGULATE RECREATIONAL BURNING WITHIN THE MUNICIPALITY AND SETTING FORTH THE PENALTIES FOR VIOLATING THIS ORDINANCE.

WHEREAS, Section 1202 of the Borough Code grants Avalon the power to do the following:

1. To regulate the emission of smoke (16);
2. To regulate the cause and management of fires and the prevention thereof (21); and
3. To make and adopt all such ordinances and regulations necessary for the safety and welfare of the Borough (74).

53 P.S. § 46202 (16), (21), and (74);

WHEREAS, § 2105.50 and § 2109.02 through § 2109.07 of Allegheny County's Health Department regulations set forth the parameters of permissible burning within the County and detail the penalties for any violations thereof;

WHEREAS, this Ordinance is intended to fully comply with the County's Health Department regulations and all other County Codes related to burning;

WHEREAS, this Ordinance, while complying with the above-referenced Codes, seeks to set forth the parameters within which recreational burning is permitted within the Borough's limits;

NOW THEREFORE BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of the Borough of Avalon, County of Allegheny, Pennsylvania, as follows:

SECTION 1: RECREATIONAL BURNING.

RECREATIONAL BURNING within the Borough of Avalon is hereby permitted provided **all** of the following conditions are met **and** there is full compliance with all other provisions of this Ordinance:

1. That the fire is at least ten (10) feet from the nearest building, tree, bush, shrub, high grass, and/or any flammable liquids and/or accelerants;
2. That the area covered by the fire is no more than four (4) feet by four (4) feet in size;
3. That the fire is tended to by both the person who obtained the permit and the person who owns or controls the property on which the recreational burning is occurring;
4. That no liquid and/or other accelerant is used to initiate and/or enhance the fire in any way;

5. That only wood and/or paper products may be burned. The burning of anything other than wood and/or paper products, including but not limited to refuse/garbage, is strictly prohibited;
6. That smoke emanating from the fire is not disturbing those persons otherwise not at the site of the fire; **and**
7. That a permit, at a cost of five dollars (\$5.00), is obtained in advance from Avalon Borough in order to conduct this recreational burning. A person must be at least 18-years of age in order to obtain this permit.

A failure to meet **all** of the conditions set forth in **section 1.** will be deemed a violation of this Ordinance, subjecting the violator to the penalties set forth in **section 5.** of this Ordinance.

SECTION 2. PERMIT REQUIREMENTS.

The permit required by **section 1.(7)** must be obtained at least 24-hours prior to commencing the recreational burning. The permit provided will only be effective for the date and times specified on the permit, on which date and during which times the burning is to occur. This approved permit must be in the possession of the person who obtained the permit, and this person must be present at the site of the recreational burning. A failure to abide by the provisions of this section will be deemed a violation of this Ordinance, subjecting the violator to the penalties set forth in **section 5.** of this Ordinance.

SECTION 3. AVALON'S RESERVATION OF RIGHTS.

The Borough of Avalon herein reserves the right to deny a permit to any person charged with, though not yet adjudicated for, arson and/or to any person who has been convicted of or plead guilty or no contest to arson. Furthermore, Avalon reserves the right to extinguish any fire not in full compliance with this Ordinance, regardless as to whether a permit had been properly obtained and/or issued.

SECTION 4. PERSONS DEEMED RESPONSIBLE.

For purposes of this Ordinance, the following persons will be deemed jointly or severally responsible and both are required to be present at the recreational burning: the person who owns or controls the property on which the recreational burning takes place **and** the person who obtained the permit. Both of these persons are responsible for ensuring that either water or a fire extinguisher is readily accessible in order to immediately extinguish the fire, if necessary. A failure to abide by the provisions of this section will be deemed a violation of this Ordinance, subjecting the violator to the penalties set forth in **section 5.** of this Ordinance.

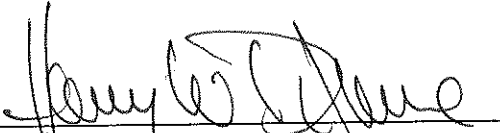
SECTION 5. PENALTY AND VIOLATION.

Any person violating any provision of this Ordinance will be fined Six Hundred (\$600.00) Dollars plus costs and, in default of payment of these fines and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Ordinance continues will be deemed a separate offense.

SECTION 6. REPEALER.

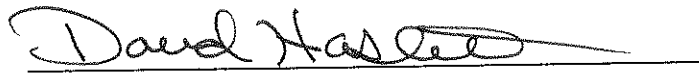
Any Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

ATTEST:


Harry W. Dilmore,
Borough Secretary


Edward Klicker,
President of Council

EXAMINED AND APPROVED this 17th day of April, 2007.


David Haslett, Mayor of Avalon Borough