

**ORDINANCE
NO. 1859**

**AN ORDINANCE OF THE CITY OF WARREN
DEFINING AND REGULATING VARIOUS TYPES OF OUTDOOR BURNING AND
PRESCRIBING PENALTIES FOR VIOLATIONS**

WHEREAS, it is the desire of the City of Warren to continue to prohibit outdoor burning that is hazardous; and

WHEREAS, it is the desire of the City of Warren to continue to permit residents the opportunity to conduct certain types of outdoor burning for their pleasure, under reasonable regulations which protect the public safety and minimize interference with the use and enjoyment of neighboring and affected properties; and

WHEREAS, it is now timely to update and standardize regulations in accordance with these objectives.

NOW, THEREFORE, the City of Warren hereby ordains the following which shall be known as the City of Warren Outdoor Burning Regulations:

Section 1. Scope. This Ordinance shall regulate all areas of the City, except for those Parks, Recreational and Conservation areas regulated by Ordinance No. 1803 and any amendments thereto.

Section 2. Administration and Enforcement. The Code Department in conjunction with the Police Department shall administer and enforce the provisions of this Ordinance, and the Fire Department will provide extinguishment capabilities as warranted.

Section 3. Definitions. The following words and terms shall, for the purpose of this Ordinance, have the meaning shown herein. Any word or term not defined in this section shall have the meaning of the generally accepted definition in current dictionaries.

- a. **Barbeque Grill:** A solid fuel or gas fed open flame device designed specifically for outdoor cooking. Such devices are limited to charcoal and wood burners, natural or propane gas grills, and smokers used for slow cooking foods.
- b. **Bonfire:** An outdoor fire utilized for permitted ceremonial purposes, which has a total fuel area of more than three (3) feet in diameter and two (2) feet in height.
- c. **Combustible Material:** Any substance that may ignite and burn.

- d. **Outdoor Fireplace:** An outdoor structure of brick, stone, or metal for an open fire.
- e. **Firewood:** Clean, dry seasoned wood cut to length for the purpose of being burned in permitted outdoor fires.
- f. **Open Burning:** The ignition 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 road flares and similar devices associated with safety, recreational fires, or use of portable outdoor fireplaces, bonfires, and barbecue grills. 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.
- g. **Portable Outdoor Fireplace:** A movable, outdoor fireplace fueled by firewood, charcoal, propane, or natural gas that maintains the fire above any surface and may be constructed of steel, concrete, 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.
- h. **Recreational Fire:** An outdoor fire burning firewood where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, or barbecue grill and has a total fuel area of three (3) feet (914 mm) or less in diameter and two (2) feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.
- i. **Refuse:** The collective term applying to all garbage, rubbish, debris, and other waste materials of any type including, but not limited to plastics, rubber, roofing, siding, yard waste, leaves and all other materials intended for disposal.

Section 4. Deliberate or Negligent Burning. It shall be unlawful to deliberately or negligently set fire or cause to burn any combustible material in such a manner so as to endanger the safety of persons or property.

Section 5. Extinguishment Authority. City Officials, as designated by the Code Official, Fire Chief, and Police Chief are authorized to order the extinguishment of any outdoor burning that is conducted contrary to the provisions of this Ordinance. Failure to comply with an extinguishment order shall constitute a violation of this Ordinance.

Section 6. Prohibition of Open Burning. Open burning for any purpose, including the destruction of refuse, the conduct of a salvage operation, or the disposal of construction materials is strictly forbidden. Notwithstanding the above prohibition, Council may, by special exception, authorize open burning, in conjunction with and in

compliance with applicable state and federal regulations, for prevention or control of disease and pests.

Section 7. Regulations Controlling Permissible Outdoor Burning.

Bonfires, recreational fires, and the use of outdoor fireplaces are permitted in accord with the following regulations, and regulations enforceable by the Pennsylvania Department of Environmental Protection:

a. General Requirements:

1. Bonfires, recreational fires, and fires in portable outdoor fireplaces shall be constantly attended by an adult until the fire is extinguished. A minimum of one portable fire extinguisher or other fire extinguishing equipment, such as water barrel, garden hose, or water truck shall be available for immediate use.
2. No fire may be ignited using incendiary, flammable, or combustible liquid not manufactured for such purpose.
3. No fire shall be ignited or maintained within ten (10) feet of a property line, or public sidewalk.

b. Regulations for Bonfires:

1. A bonfire shall not be conducted within fifty (50) feet of a structure or combustible material. Conditions which could cause fire to spread to a structure or combustible material shall be eliminated prior to ignition.
2. A bonfire shall not be conducted without a permit issued by the City of Warren.
3. Once ignited, firewood only may be burned.

c. Regulations for Recreational Fires:

1. Recreational fires shall not be constructed within (twenty-five) 25 feet of a structure or combustible material. Conditions which could cause fire to spread to a structure or combustible material shall be eliminated prior to ignition.
2. Once ignited, firewood or charcoal only shall be burned.
3. The perimeter of a recreational fire shall be contained within a barrier of non-combustible material so as to prevent fire spread.

d. Regulations for Use of Portable Outdoor Fireplaces:

1. Portable outdoor fireplaces shall be utilized in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material. Conditions which could cause fire to spread to a structure or combustible material shall be eliminated prior to ignition.

2. Once ignited, firewood, charcoal, propane, or natural gas only shall be burned.

Section 8. Use of Barbeque Grills. Barbeque grills are permitted in accord with the following regulations:

- a. All Barbeque Grills shall be utilized in accordance with the manufacturer's instructions and shall not be operated on any balcony.
- b. Solid fuel burning grills shall not be operated within fifteen (15) feet of combustible construction.
- c. When operating a gas-fed grill, clearances to combustible construction shall be maintained in accordance with the manufacturer's instructions. In the absence of said instructions, a minimum fifteen (15) feet of clearance shall be maintained.

Section 9. Regulations for Outdoor Burning and Use of Barbeque Grills Within Street Right-of-Ways

- a. No recreational fire, bonfire, portable outdoor fireplace, or barbeque grill shall be operated, conducted, or maintained within any street right-of-way, except as approved by the City of Warren in conjunction with a special event permit.
- b. Should the City approve a recreational fire, bonfire, use of a portable outdoor fireplace or barbeque grill within any street right-of-way, the City Manager may establish requirements in addition to those set forth herein, and as are necessary to protect the public interest.

Section 10. Temporary Burning Ban. The City Manager or designee may establish a temporary ban on all types of outdoor burning whenever such action is deemed to be in the public interest due to air quality, weather, or other conditions.

Section 11. Violations. Upon investigation of violations of the Ordinance, the investigating City Official may, if a violation is found to exist, order the fire extinguished or prosecute a non-traffic citation, or both.

Section 12. Penalties and Fines. A non-traffic citation will be issued and fines and penalties will be sought through the District Court. Each offense is deemed a summary offense and subject to a fine of not more than \$1,000.00. Any costs incurred in the enforcement of this ordinance shall also be sought. Failure to pay penalties, fines, and costs shall cause the City of Warren to pursue all appropriate legal means to collect penalties, fines and costs due.

Section 13. Repealer.

Ordinance No. 1805 and all other Ordinances or parts of Ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 14: Severability.

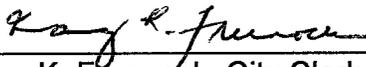
The provisions of this Ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such determination shall not affect the validity of any of the remaining provisions of this Ordinance.

ADOPTED this 17th day of August, 2015.



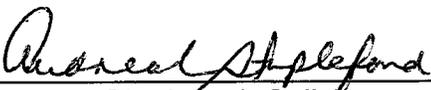
Maurice J. Cashman, Mayor

ATTEST:



Nancy K. Freenock, City Clerk

APPROVED AS TO FORM:



Andrea L. Stapleford, Solicitor