

ORDINANCE NO. 702

AN ORDINANCE OF THE BOROUGH OF SELLERSVILLE, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, REPEALING CHAPTER 60 OF THE CODE OF THE BOROUGH OF SELLERSVILLE AND REPLACING IT WITH A NEW CHAPTER 60, REGULATING OUTDOOR BURNING.

NOW THEREFORE, be it ORDAINED and ENACTED by the Borough Council of Sellersville Borough, Bucks County, that the Code of the Borough of Sellersville is hereby amended as follows:

Section 1. Chapter 60 of the Code of the Borough of Sellersville (Ordinance No. 649) is hereby repealed in its entirety and replaced with a new Chapter 60, entitled "Outdoor Burning" as follows:

§ 60-1 Applicability.

Except as set forth in Section 60-2, the provisions of this chapter shall apply to any fire or open flame outside of any building in the Borough of Sellersville.

§ 60-2 Exceptions to Applicability.

The provisions of this chapter shall not apply to:

A. Burning by personnel employed by the Borough of Sellersville while acting within the course and scope of their duties as employees.

B. Burning by members of the Sellersville Fire Department while acting within the course and scope of any training exercises approved by the Fire Chief.

§ 60-3 Burning on Public Property Prohibited.

It shall be unlawful for any person to ignite, feed, cause, allow, permit, or maintain any fire or open flame in or on any public street, sidewalk, alley, right-of-way, park, or any other public property.

§ 60-4 Burning on Private Property Prohibited.

Except as set forth in Section 60-5, it shall be unlawful for any person to ignite, feed, cause, allow, permit, or maintain any fire or open flame in or on any private property.

§ 60-5 Permitted Burning on Private Property.

The following types of fires shall be permitted in or on any private property:

A. Fires in a commercially-constructed grilling appliance fueled by charcoal, propane, or natural gas for the purpose of grilling or cooking food.

B. Fires fueled by the burning of clean wood, subject to all of the following conditions and limitations:

(i) The fire is fully contained within a noncombustible fireplace, chiminea, metal fire ring, or similar noncombustible container, or, if on the ground, is enclosed with stones, bricks, or other noncombustible material designed to ensure the fire will not spread from its confines, and have a screen of half-inch or smaller mesh:

(ii) the fire is no larger than three feet across;

- (iii) the fire is no closer than 15 feet from any building or structure or any combustible materials;
- (iv) the fire is no closer than 20 feet from any property line;
- (v) the fire is attended to at all times by a responsible adult;
- (vi) a water hose, fire extinguisher, or other suitable means of extinguishing the fire is readily available and sufficient to extinguish the fire; and
- (vii) no fires are permitted at any time the Borough of Sellersville is under a Red Flag Warning.

§ 60-6 Definitions.

A. "Clean wood" means natural wood that is dead, dry, or sufficiently seasoned so as not to cause excessive smoke and has not been painted, varnished, or coated with any similar material, has not been pressure treated with preservatives, and does not contain resins or glues as is commonly found in plywood or other composite wood products.

B. "Red Flag Warning" means a forecast warning issued by the United States National Weather Service to warn the public that critical weather and fuel moisture conditions exist that could lead to rapid increases in wild fire activity. Red Flag Warnings are posted at <http://weather.gov/phi>.

B. "Responsible adult" means an individual eighteen years of age or older who is not under the influence of drugs or alcohol or suffering from any physical or mental impairment which could impair such person's ability to safely and properly supervise a fire.

§ 60-7 Violations and Penalties.

Any person who violates any provision of this chapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed \$1,000 per violation, plus court costs and reasonable attorneys' fees incurred by the Borough of Sellersville and, in default of the payment of such fine, costs, or attorneys' fees, may be sentenced to imprisonment for a period not to exceed thirty days. Violations of more than one section of this chapter shall constitute separate violations. Each day that a violation of any provision of this chapter continues or occurs shall constitute a separate violation.

Section 2. If any sentence, clause, section, or part of this Ordinance is found for any reason to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall not affect or impair any remaining provisions, clauses, sentences, sections, or parts of this Ordinance.

Section 3. This Ordinance shall become effective immediately.

ORDAINED and ENACTED this _____ day of _____, 2015, by Sellersville Borough Council.

ATTEST:

BOROUGH OF SELLERSVILLE

David J. Rivet
Secretary of Borough Council

Robert C. Rudick
President of Borough Council

APPROVED this _____ day of _____, 2015

Thomas C. Hufnagle, Mayor

