

## ORDINANCE #2016-07

# ORDINANCE OF THE BOROUGH OF AUDUBON AMENDING CHAPTER 26, FIRE PREVENTION AND PROTECTION

## Article III Outdoor and Open Burning

### § 26-24. Purpose.

This article shall amend Chapter 26 of the Borough of Audubon Fire Safety Regulations and 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 Borough of Audubon by regulating the air pollution and fire hazards of open burning and outdoor burning.

### § 26-25. Applicability.

This article applies to all outdoor burning and open burning within the Borough of Audubon:

- A. This article does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This article does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

### § 26-31. Definitions.

As used in this article, the following terms shall have the meanings indicated:

#### **CAMPFIRE**

A small outdoor fire intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse.

#### **CLEAN WOOD**

Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

#### **CONSTRUCTION AND DEMOLITION WASTE**

Building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building, or other structure.

#### **FIRE MARSHAL**

The Marshal of the Borough of Audubon or other person designated by the Fire Marshal. Note: The term "Fire Marshal" is used throughout this ordinance, municipalities may, at their discretion, designate persons other than those associated with the Fire Department for many of the responsibilities in this article.

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**MUNICIPALITY**

A county, township, city, or village.

**OPEN BURNING**

Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

**OUTDOOR BURNING**

Open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

**OUTDOOR WOOD-FIRED BOILER**

A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

**PATIO WOOD-BURNING UNIT**

A chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

**REFUSE**

Any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

**§ 26-32. General prohibition.**

Open burning and outdoor burning are prohibited in the Borough of Audubon unless the burning is specifically permitted by this article.

**§ 26-33. Open burning of refuse.**

Open burning of refuse is prohibited.

**§ 26-34. Burning trees, logs, brush, stumps, leaves, and grass clippings.**

Open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited.

**§ 26-35. Outdoor wood-fired boilers.**

No person shall install, use, or maintain an outdoor wood-fired boiler in the Borough of Audubon.

**§ 26-36. Patio wood-burning units.**

A patio wood-burning unit may be installed and used in Borough of Audubon only in accordance with all of the following provisions:

- A. The patio wood-burning unit shall not be used to burn refuse.
- B. The patio wood-burning unit shall burn only clean wood.

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- C. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- D. The patio wood-burning unit shall not cause a nuisance to neighbors.
- C. A Permit, issued by the Borough of Audubon Fire Marshal, must be obtain seasonally. Permit Fee-\$10.00

**§ 26-37. Liability.**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

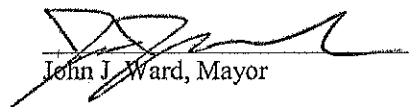
**§ 26-38. Right of entry and inspection.**

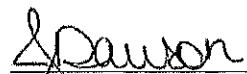
The Fire Marshal or any authorized officer, agent, employee or representative of the Borough of Audubon who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.

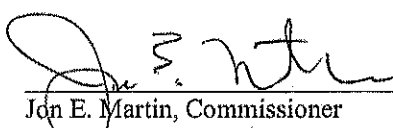
**§ 26-39. Enforcement; violations and penalties.**

- A. The Fire Marshal and the Borough of Audubon are authorized to enforce the provisions of this article.
- B. Any person, firm, association, partnership, corporation, or governmental entity who or which violates any of the provisions of this article or fails to comply with a duly authorized order issued pursuant to this article shall be deemed to be responsible for a municipal civil infraction which shall be punishable by civil fine of no less than \$50 and no more than \$100.
- C. The violator shall pay costs which may include all expenses, direct and indirect, which the Borough of Audubon has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$50 nor more than \$100 be ordered. In addition, the Borough of Audubon shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this article. Each day that a violation of this article exists shall constitute a separate violation of this article.

THE BOROUGH OF AUDUBON:

  
John J. Ward, Mayor

  
Jennifer Z. Dawson, Commissioner

  
Jon E. Martin, Commissioner