

ORDINANCE NO. 489

AN ORDINANCE OF THE BOROUGH OF DALE, CAMBRIA COUNTY, PENNSYLVANIA, AMENDING PART 10, CHAPTER 1, ARTICLE A, FIRE PREVENTION, OF THE CODE OF ORDINANCES, BOROUGH OF DALE, TO CHANGE AND AMEND THE REGULATIONS CONCERNING OPEN FIRES WITHIN THE BOROUGH OF DALE.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Dale, and it is hereby ordained and enacted by the corporate authority of same as follows:

SECTION 1. That Section 10-1001, of the Code of Ordinances of the Borough of Dale, shall be and the same is hereby amended and shall hereafter read as follows:

“No person or persons shall set or maintain or cause to be set or maintain any fire upon any of the streets, alleys, sidewalks or other public properties in about the Borough. Further, no open or outdoor fire shall be set or maintained or caused to be set or maintained anywhere within the Borough of Dale, except as set forth in Section 10-1002 of the Code of Ordinances of the Borough of Dale.

Under no circumstances shall any of the following items be burnt or caused to be burned in any fashion in the Borough of Dale: Rubber base materials, recyclable materials, asphalt shingles, garbage (food waste), grass, leaves, other vegetation or vegetation clippings, plastic and vinyl materials, or vinyl products, disposal diapers, aerosol containers, upholstered furniture, petroleum products, paint, flammable liquids, hazardous material, creosote, combustible liquids, batteries, treated wood and treated wood products and fiberglass, nor without limitations, any other noxious, hazardous, offensive or illegal substances.”

SECTION 2. Section 10-1002 of the Code of Ordinances of the Borough of Dale is hereby amended and shall hereafter read as follows:

“All out of doors fires or open burning on private property shall be prohibited except that outdoor fires for cooking purposes shall be permitted in accordance with the regulations hereinafter set forth:

1. The fire shall be attended by a reasonable adult at all times.
2. The hours for burning shall be until ten (10:00) P.M. prevailing time, Sunday through Thursday and twelve (12:00) P.M. Fridays and Saturdays.
3. All fires must^{Be} contained in a proper receptacle, designed for such purposes such as a concrete fire ring, a stove or fireplace constructed for cooking purposes.
4. All fires shall be contained at all times and all such burnings shall be conducted in a safe manner and in such a manner as to be kept from spreading.
5. All out of door or open fires shall be a minimum of ten (10) feet from all structures, temporary or permanent, and a minimum of ten (10) feet from all property lines.
6. Fires permitted under this Ordinance shall not exceed three (3) feet in diameter nor shall flames in excess of two (2) feet in height be permitted.
7. All fires shall be thoroughly and completely extinguished after use; smoking and/or smoldering fires shall be considered a violation of this Ordinance. Fire extinguishing devices must be available on site , immediately accessible to the fire.
8. All open fires or out of door burning must be in compliance with any and all state, federal and local laws and regulations, including but not limited to the Pa. Department of Environmental Protection Regulations relative to open fires.

9. The property owner and/or person or persons in attendance at the site of said fire shall be responsible to notify the proper fire or police officials in the event of an emergency or spreading of the fire. The property owner and/or persons in attendance shall be liable, jointly and severally, for all costs and expenses, fire, police and other emergency services necessary to extinguish fires, maintained or caused to be set or maintained in violation of this Ordinance. Further, said persons shall be fully answerable in damages for any loss, injury or death caused by fires set, maintained or caused to be set or maintained in violation hereof or otherwise.

10. Loud, boisterous conduct, disturbance of the peace or other violations of the Ordinances of the Borough of Dale or the penal laws of this Commonwealth shall be cause for the Mayor, Police or other Borough authority to order the extinguishment of any out of door or open fire. Valid complains to the Borough, Mayor or Police shall likewise be cause to order the fire to be extinguished.

SECTION 3. Section 10-1003 of the Code of Ordinances of the Borough of Dale, shall be and the same is hereby amended to read as follows:

“Any person who violates or fails to conform to any provision of Section 10-1001 or 10-1002 shall, upon conviction, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution, or to imprisonment for not more than thirty (30) days”.

SECTION 4. Any parts of other Ordinances inconsistent herewith are hereby repealed.

SECTION 5. This Ordinance shall take effect upon final passage, as provided by law.

ENACTED AND ORDAINED this 9th day of September, 1997.

BOROUGH OF DALE

By Carol K. Lebernight
President

Attest:

Carol L. Baluraski
Secretary

Approved this 9th day of September, 1997.

David Deletreffe
Mayor