

**ORDINANCE NO. 573**

**AN ORDINANCE OF THE SPRING CITY BOROUGH COUNCIL INTENDED TO EFFECTIVELY PROHIBIT "OPEN BURNING" WITHIN MUNICIPAL LIMITS, SUBJECT TO CERTAIN SPECIFICALLY ENUMERATED EXCEPTIONS, AND ALSO AUTHORIZE THE BOROUGH'S DESIGNATED FIRE DEPARTMENT TO EXTINGUISH OUTDOOR FIRES WHEN CIRCUMSTANCES WARRANT.**

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Spring City Borough Council as follows:

**SECTION 1. Short Title.** This Ordinance shall be known, and may be cited, as the "Spring City Borough Open Burning Ordinance."

**SECTION 2. Definitions.** With respect to the interpretation of this ordinance, the following terms shall be defined as follows:

**OPEN BURNING** – The burning of any material or combination of materials where the products of combustion are emitted directly into the ambient air without first passing through a stack or chimney from an enclosed chamber inside of any building, including but not limited to the open burning of refuse, trees, logs, brush, leaves, stumps, and grass clippings. For purposes of this definition, a chamber is considered "enclosed" when, during the time combustion is taking place, the only apertures, ducts, stacks, flutes or chimneys open to the outside air are those necessary to admit combustion air or those necessary to permit the escape of exhaust gases from the fire to the outside of any building, and then into the ambient air.

**PERSON** – Any individual or other legal entity.

**SECTION 3. Prohibition of Outdoor Burning.** No person shall engage in open burning in Borough of Spring City unless it is otherwise specifically permitted herein.

**SECTION 4. Exceptions.** The prohibition on open burning shall not apply to the following:

- A. Any of the following, provided that they are authorized by Council, conducted under the supervision of the fire department, and, to the extent required, authorized by a permit duly issued by the Commonwealth of Pennsylvania Department of Environmental Protection ("PA DEP"):

1. Any fire ignited to prevent or abate a fire hazard;
2. Any fire ignited for the purpose of instructing firefighting personnel or to demolish a fire hazard (including a structure or structures);
3. Any fire ignited for the prevention and control of disease or pests;
4. Any fire ignited in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of a farm operation; and
5. Any fire ignited solely for ceremonial purposes, such as a bonfire.

B. Outdoor campfires subject to the following limitations:

1. Only clean wood may be burned; the burning of refuse is specifically prohibited.
2. Burning can only occur in approved NFPA containers that have screened lids and are on during burning.
3. The containers must be setback at 15 feet from any structure.
4. There must be a fire extinguishing agent present, i.e., garden hose, bucket of water, fire extinguisher.
5. The campfire must be attended at all times.
6. Campfires are prohibited between the hours of 12:00am and 12:00pm.
7. No campfire may occur contrary to any emergency declaration.
8. No campfire may occur contrary to any directive issued by the fire department.

- C. Outdoor wood-fired boilers, provided each unit is first inspected by the fire department or Code Enforcement Officers for proper placement so not to cause damage or become a nuisance, prior to operation.
- D. Patio wood-burning units, subject to the following limitations:
  - 1. Only clean wood may be burned; the burning of refuse is specifically prohibited.
  - 2. The unit is setback at least 15 feet from the nearest structure on all neighboring properties.
  - 3. The unit is not installed or used on any deck which is constructed of wood or composite materials or on any balcony.

**SECTION 5. Authority to Extinguish Outdoor Fires.** The Borough's fire department is authorized to extinguish any fire which is deemed to be in violation of this ordinance or which otherwise poses a risk to the health and safety of any person.

**SECTION 6. Penalties.** Each violation of a section or subsection of this ordinance shall constitute a separate violation. Each day the violation persists shall then constitute a separate summary offense for which the maximum criminal fine of \$1,000 and/or a maximum term of imprisonment of ninety (90) days may be imposed upon conviction. For the enforcement of this ordinance or to correct any violation thereof, the Borough may also, or in the alternative, institute appropriate action or proceeding at law or equity. The offender shall also be assessed all court costs and be required to reimburse all attorneys' fees reasonably incurred by the Borough in association with securing a conviction and/or related to any other proceedings instituted pursuant hereto.

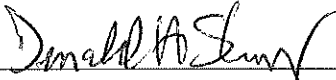
**SECTION 7. Severability.** If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining ordinance provisions, sentences,


clauses, sections. It is the intent of the Spring City Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

**SECTION 8. Effective Date.** This ordinance is effective immediately upon enactment.


ENACTED and ORDAINED this 8<sup>TH</sup> day of OCTOBER, 2024.

**SPRING CITY BOROUGH COUNCIL**

BY:   
Donald Shaner, President

ATTEST:   
Kisha Tyler, Borough Manager

Approved this 8<sup>th</sup> day of October, A.D., 2024.

  
Michael A. Weiss, Mayor