

**EAST GREENVILLE BOROUGH  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2009- 06**

**AMENDING THE CODE OF ORDINANCES OF THE BOROUGH  
OF EAST GREENVILLE ADDING THERETO A NEW CHAPTER,  
DESIGNATED CHAPTER 58, ENTITLED OUTDOOR BURNING,  
REGULATING OUTDOOR BURNING WITHIN THE BOROUGH;  
SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED,  
AND ESTABLISHENG THE CONDITIONS UNDER WHICH  
OUTDOOR BURNING MAY BE PERMITTED.**

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

SECTION 1. The Code of Ordinances of the Borough of East Greenville is amended by the addition of a new Chapter, Designated Chapter 58 and entitled "Outdoor Burning," which shall read as follows:

**§ 58-1. – Definitions.**

**BURNING** – As used within this Ordinance "burning" shall have the following meaning. "The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually".

**BURN CONTAINER** – Any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material; containing a bottom, sides, and a cover as herein defined. "Burn Containers" shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. Outdoor fireplaces or incinerators shall be considered as Burning Containers for the purpose of this Ordinance. Drums and barrels are not considered burn containers.

**Exception:** Portable outdoor grills, fired by propane or charcoal, and designed for food preparation, are excluded from the provisions of this Ordinance.

**BURN CONTAINER COVER** – A metal screen with spaces not more than one-half (1/2) square inch, or other comparable material, which covers the entire open area above the burn container opening. Such screen shall be maintained in good order as to prevent large particles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point whereby it loses its maximum efficiency.

BURNABLE MATERIALS – Burnable materials shall include the following:

A. Wood – Includes any unpainted wood and wood in its natural state, including the bark, and Dura-Flame logs.

B. Non-Burnable Materials - The following is a partial list of those materials that are classified as "non-burnable" under the guidelines of this Ordinance.

1. Any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have a high glue content, such as Flake Board or Composition Board (also known as Oriented Strand Board); and wood products in combination with any non-burnable materials.

2. Plastic; rubber; oils; asbestos; composition boards; shingles; felt paper; canvas; fiber glass; vinyl; or any similar materials; or any combination of the above with any other materials.

3. Human or animal waste; sanitary napkins; diapers; food solids; oil filters; or any other materials individually or in combination, that emit smoke, or acrid, obnoxious or toxic odors.

4. Grasses, green twigs or leaves.

5. Cardboard and chipboard boxes, sheets, packing materials, etc. Excluded and not permitted to be burned are materials used to absorb all oil or other noxious or toxic materials; cardboard or chipboard in combination with any other non-burnable materials.

6. Paper – Includes newsprint, wrapping paper, paper products, or sheet paper items.

7. Refuse – Garbage and rubbish, as herein defined.

8. Rubbish – Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, grass, crockery and dust and other similar materials.

9. Garbage – The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

**§ 58-2.** – It shall henceforth be illegal for any resident of the Borough of East Greenville or the possessor of real property within the said Borough to burn any materials, be they burnable or non-burnable, in other than an approved burning container as defined herein. Examples of such containers are chimineas, portable or fixed patio fireplaces, masonry fireplaces, etc. No person or corporation shall cause to be burned any of the above Non-Burnable Materials, or any like or similar materials not in compliance, or inconsistent with this Ordinance. It shall be illegal to burn any materials that give off any acrid, obnoxious, or toxic odors, or emit heavy smoke

**§ 58-3.** – Burning, in compliance with this Ordinance, shall be permitted only between the hours of 7:00 A.M. and 12:00 A.M. Under no conditions shall burning, as defined herein, be permitted between the hours from 12:00 A.M. and 7:00 A.M. Fires allowed to burn or smolder after 12:00 A.M. shall be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

**§ 58-4.** – Burning, in compliance with this Ordinance, shall be attended at all times by an individual eighteen (18) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of this Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

**§ 58-5.** – No Burning Container shall be used or stored within twenty (20) feet of any dwelling. No Burning Container shall be used or stored within ten (10) feet of any property line or public sidewalk area. No Burning Container shall be used or stored without the proper cover in place. No Burning Container shall be used for any other purpose.

**§ 58-6.** – Adequate means of fire extinguishment must be immediately available at all times when outdoor burning is taking place. Adequate means of fire extinguishment shall be one portable fire extinguisher with a minimum 4-A rating and properly inspected to prove serviceability, or a garden hose connected to a reliable water supply. Dirt, sand, or water barrels may be considered as alternates if neither a hose nor fire extinguisher is available.

**§ 58-7.** – All fires outside of Burning Containers are hereby prohibited within the Borough. This Ordinance does not prohibit the issuance of "Special Burning Permit" by the local Fire Marshall whenever circumstances so dictate. Such Special Permits shall be issued in writing by the Fire Marshall on a form provided by the Borough. In granting such Permit, the Fire Marshall shall determine whether or not the Fire Company shall be in attendance.

**§ 58-8.** – No materials may be burned upon any street, curb, gutter, and sidewalk or on any public property. No person shall be permitted to create or permit an open fire on property unless he/she has the legal right to possession of that property.

§ 58-9. – Any and all Borough Police Officers, the Borough Fire Marshall, and the Fire Chief of the East Greenville Fire Department or his deputy and Assistants are hereby granted the authority and responsibility for inspecting outside Burning Containers for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Fire Marshall is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance. The Fire Marshal shall have the authority to prohibit open burning if such burning is contrary to the provisions of this Ordinance, or if weather conditions are unfavorable for burning.

§ 58-10. – Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one thousand (\$1,000.00) dollars and the costs of prosecution, and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty (30) days.


§ 58-10. – If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstitutional, legal or invalid provisions not been contained herein.

SECTION 2. Chapter 47, Section 47-1 of the Code of Ordinances of the Borough of East Greenville is amended by modifying the definition of the term "Rubbish" to read as follows:


RUBBISH – Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, grass, crockery and dust and other similar materials. Wood, as that word is defined in § 58-1 of this Code shall not be considered to be Rubbish.

SECTION 3. The above-said amendment to the Code of Ordinances of the Borough of East Greenville shall become effective immediately upon adoption.

ENACTED AND ORDAINED by the said Borough this 8<sup>TH</sup> day  
of SEPTEMBER, 2009.

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Secretary

APPROVED this 8<sup>TH</sup> day of SEPTEMBER, 2009.

  
\_\_\_\_\_  
Mayor