

**BOROUGH OF PAXTANG  
DAUPHIN COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 609**

**AN ORDINANCE OF THE BOROUGH OF PAXTANG REGULATING OUTSIDE BURNING WITHIN THE BOROUGH; SETTING TIME LIMITS, TYPE OF MATERIAL TO BE BURNED, AND CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.**

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

**SECTION 1.** The Code of Ordinances of the Borough of Paxtang, Part 10, Public Safety, Chapter 1. Fire Prevention and Fire Protection, Article A. Fire Prevention, is hereby amended to add Part 3. Open Burning to read as follows:

**Section 10-1030. Definitions**

(a) **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.”

(b) **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 are missing surface in the structure. Outdoor fireplaces shall be considered as Burn Containers for the purpose of this Ordinance.

If metal drums are being used, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the sides and/or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than two (2) square inches each.

Outdoor grills or smokers, fired by propane, natural gas, charcoal or wood, and designed for food preparation, are acceptable as burn containers for the purpose of this Ordinance.

A burn container shall not contain a combustion area of more than nine (9) square feet and not to exceed two (2) feet in height.

(c) **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.

**(d) Permissible Burnable Materials** – Burnable materials shall include the following:

**(i) Propane, Natural Gas, Charcoal and Wood** (as defined below).

**Wood** – Includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood or wood products that have been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have high glue content, such as *Flakeboard or Composition Board*; and wood products in combination with any non-burnable materials. The burning of paper, grasses, green twigs or leaves is prohibited. Also prohibited, is the burning any materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke. Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

**Section 10 – 1031.**

Except as provided in Section 10-1036 of this ordinance, no burning of any kind shall be conducted within the Borough unless that burning has as its expressed purpose either cooking, food preparation, leisure or recreational enjoyment.

**Section 10-1032.**

No person, corporation or other entity shall cause to be burned any materials not in compliance, or inconsistent with this Ordinance.

**Section 10-1033.**

Burning shall be permitted only in compliance with this Ordinance. All those persons, corporations or other entities causing such fires and burning shall be prosecuted under the guidelines of this Ordinance. There shall be no burning permitted during a “Red Flag Day” as defined and designated by the National Weather Service with the exception of cooking on a burn container designed for food preparation.

**Section 10-1034.**

Burning, in compliance with this Ordinance, shall be attended at all times by a responsible individual sixteen (16) years of age or older until such time as all combustion is extinguished. Unattended burning shall be in violation of this Ordinance, and all persons, corporations or other entities causing or allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

**Section 10-1035.**

(a) No burn container shall be used within fifteen (15) feet of any building or structure. No burn container shall be used within fifteen (15) feet of any property line or public sidewalk area. No burn container shall be used without the proper cover in place. No burn container shall be used for any other purpose.

(b) No burn container designed for food preparation shall be used under a roof or building protrusion, such as but not limited to, a deck, porch, overhang or soffit or within six (6) feet of any building or structure.

**Section 10-1036.**

All burning outside of burn containers is hereby prohibited within the Borough. This Ordinance does not prohibit the issuance of “Special Burning Permit” by the Fire Chief whenever circumstances so dictate. Such Special Permits shall be issued in writing by the Fire Chief on a form provided by the Borough. In granting such Permit, the Fire Chief shall determine whether or not the Fire Company shall be in attendance. Council shall determine fees for said permit by resolution as set forth on Borough Fee Schedule.

**Section 10-1037.**

The Borough Codes Enforcement Officer, the Fire Chief, the Deputy Fire Chief and other individuals as designated by Borough Council, are hereby granted the authority and responsibility for enforcement of this Ordinance. In the event any violations of this Ordinance are found to be in existence, these officials are hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.

**Section 10-1038.**

Any person, corporation or other entity who violates the provisions of this Ordinance shall, upon conviction, pay a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1000.00) and the costs of prosecution, and in default therewith, undergo imprisonment in the County Prison for a period not to exceed thirty (30) days.

**Section 2.** 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, illegal or invalid provisions not been contained herein.

**Section 3.** All other Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

**Section 4.** This Ordinance shall be effective immediately upon adoption.

**Section 5.** It is the intention of Council, and it is ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Borough of Paxtang, Pennsylvania, and the Sections of this Ordinance may be renumbered to accomplish that intention.

Duly Enacted and Ordained by Borough Council of Paxtang this 18th day of September, 2007.

ATTEST:

BOROUGH COUNCIL OF PAXTANG

\_\_\_\_\_  
Faye Clark, Secretary

By: \_\_\_\_\_  
F. Joseph Spackman, President

APPROVED this 18<sup>th</sup> day of September, 2007.

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Keldeen Stambaugh, Mayor

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