

FIRE PREVENTION AND FIRE PROTECTION
CHAPTER 7

ORDINANCE 96-14

AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT
RESTRICTING OPEN FIRES AND BURNING BY THE
ESTABLISHMENT OF SPECIFIC REGULATIONS,
EXCEPTIONS AND DEFINITIONS, DESIGNATING AN
ENFORCEMENT OFFICER AND PRESCRIBING PENALTIES
FOR VIOLATION.

The Borough Council hereby ordains:

Section 1. Definitions. As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

BOROUGH COUNCIL - the Borough Council of the Borough of Clarks Summit, County of Lackawanna, Pennsylvania.

FIRE COMPANY - Company designated to provide Fire Suppression, Fire Prevention and Emergency Medical Services to the Borough of Clarks Summit, County of Lackawanna, Pennsylvania.

FURNACE - any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewerage sludge, or any other material.

OPEN FIRE - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERMIT - A Burning Permit as issued by the Fire Chief of the Clarks Summit Fire Company No. 1, Inc., or his/her designee.

PERSON - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE - garbage, rubbish and trade waste.

RUBBISH - solids not considered to be highly flammable or explosive including but not limited to rags, old clothes,

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leather, rubber, carpets, woods, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTE - all solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

Section 2. Regulations. Within the Borough of Clarks Summit limits, all outside burning of any material whatsoever is hereby prohibited and made illegal within the limits of the Borough of Clarks Summit, except as hereafter identified:

Section 3. Exceptions. Subject to the following exceptions:

1. Open fires may be set in the performance of an official duty of any public officer, or by the Clarks Summit Fire Company, No. 1, Inc., if the fire is necessary for:
 - A. the prevention of a fire hazard which cannot be abated by other means; or
 - B. the protection of public health.
 - C. training exercises as conducted by the Clarks Summit Fire Company No. 1, Inc.
2. Open fires may be set for the purpose of "cook-outs" and/or barbecues if such open fires are contained within a outdoor grill or fireplace or barbecue pit or similar noncombustible container.
3. Open fires may be allowed, in unique/unusual circumstances. Such open burning may be allowed, after a review of the circumstances by the Fire Chief, Clarks Summit Fire Co. No. 1, Inc., and/or his/her designee. If such open fires are allowed they will be set and attended in accordance with a Permit issued by the Fire Chief and/or

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his/her designee and any conditions thereof.

The Permit (any conditions related to said Permit) shall be in the possession of the person setting and attending such open fire at all times.

Section 4. Enforcement. The Borough Council of the Borough of Clarks Summit shall appoint the Clarks Summit Police Department who shall have the power to enforce the provisions of this ordinance.

Section 5. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinance or parts thereof are specifically repealed:

Ordinance 63-6, dated September 4th, 1963

Ordinance 83-5, dated November 2nd, 1983, as it amended Ordinance 63-5.

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 of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or parts thereof not been included herein.

Section 8. Effective Date. This ordinance shall become effective ten (10) days after adoption by Borough Council.

EDWARD M. BUSH, SR.
President of Council

APPROVED:

Approved this 4th day of December, 1996:

ANTHONY PERRY
Mayor

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ATTEST:

Adopted at a Borough of Clarks Summit Special Council
Meeting conducted on Wednesday, December 4th, 1996.

James G. Vones, Sr.

JAMES G. VONES, SR.
Borough Manager/Secretary

