

OFFICIAL

**BOROUGH OF FOREST HILLS
ORDINANCE NO. 1106**

AN ORDINANCE OF THE BOROUGH OF FOREST HILLS,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 7, PART II, OF THE FOREST HILLS BOROUGH
CODE OF ORDINANCES, OUTDOOR FIRES, AS AMENDED,
TO REGULATE OPEN BURNING WITHIN THE BOROUGH.

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. §1202(5) authorizes the Borough of Forest Hills (the "Borough") to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty convenience, comfort and safety of the Borough; and

WHEREAS, Section 1202(15) of the Borough Code, 8 Pa.C.S. § 1202(15), authorizes the Borough to adopt and enforce a fire prevention code; and

WHEREAS, Chapter 7 of the Borough Code of Ordinances sets forth the Fire Prevention and Fire Protection Code of the Borough; and

WHEREAS, the Council of the Borough desires to amend and restate in its entirety, Part II of Chapter 7 of the Borough of Forest Hills Code of Ordinances, "Outdoor Fires" to revise the rules and regulations applicable to open burning in the Borough; and

WHEREAS, the Borough does not, by the enactment of this ordinance, intend to interfere with the authority of any professional or volunteer firefighters or law enforcement professionals responding to emergency calls and controlling, extinguishing, or ordering the extinguishment of any fire.

NOW THEREFORE, be it ordained and enacted by the Borough Council of the Borough of Forest Hills, and it is hereby ordained and enacted by and with the authority of the same, incorporating the above recitals by reference:

SECTION 1. Chapter 7 of the Borough of Forest Hills Code of Ordinances is amended by restating Part II in its entirety as follows:

§7-201 Definitions.

OPEN BURNING

Any fire or combustion from which air contaminants pass directly into the open air without passing through a flue. The term includes any fire or combustion which occurs in a chiminea, outdoor fireplace, firepit or grill.

§7-202 General.

No person shall conduct, or allow to be conducted, the open burning of any material, except where the Borough has issued an open burning permit to such person in accordance with this Part, or where the open burning is conducted solely for the purpose of preparation of food for human consumption, recreation, light, or ornament, and in a manner which contributes a negligible amount of air contaminants, and which is in accordance with the following requirements:

1. No material other than clean wood, propane, or natural gas may be burned except as provided in this section.

- A. Charcoal may be used in an outdoor fireplace or grill for the purpose of cooking.
 - B. Commercially available fire logs, paraffin logs, or wood pellets may be used in outdoor fireplaces.
 - C. Paper or commercial smokeless fire starters may be used with clean wood to start an allowed fire.
2. Any volume of clean wood being burned shall be no larger than three feet (3') wide by three feet (3') long by two feet (2') high.
 3. Any open burning must be set back at least 15 feet from any dwelling, inhabited area, accessory structure, property line, roadway, sidewalk, right-of-way, public street or road, or other public access way.
 4. Open burning using chimineas, firepits, or outdoor fireplaces may only be conducted using the materials in Section 7-202(1), above.
 5. Except for the commercial preparation of food, open burning activities shall not be conducted on Air Quality Action Days or its equivalent as designated by Allegheny County.
 6. Such open burning does not violate any additional regulations contained in this Part, or any other applicable laws, rules, or regulations. This Section shall not allow or permit any open burning which would not otherwise be allowed or permitted under any other applicable ordinance, regulation or fire code.

§7-203 Nuisance Fires.

The Borough may prohibit, or reduce, any open burning activity which it determines to be a nuisance. This determination will be based on, but not limited to, the following criteria:

1. The severity of the amount of air pollutants, smoke, or malodorous material;
2. The duration or frequency of the open burning;
3. The topography of the surroundings; and/or
4. The meteorological conditions.

§7-204 Supervision and Discovery of Fire.

A responsible individual, being an adult property owner or other adult authorized by the property owner shall authorize, conduct, or tend open burning, and such individual must be present and shall tend to the open burning from the time it is lit through the time of total extinguishment.

1. Immediately upon the discovery of any open burning that is not being conducted in accordance with this Part, the person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning.

§7-205 Permits.

1. The Borough may issue a permit for open burning during a period specified by the Borough, but only where such open burning is solely for:
 - A. The Abatement of a fire or public health hazard when the burning is conducted under the supervision of a public officer;
 - B. The instruction of personnel in fire fighting, except that instruction using only propane does not require a permit;

- C. The fostering of agriculture;
 - D. The conducting of a ceremony; or
 - E. Clearing and grubbing wastes subject to, at a minimum, the requirements of the Allegheny County Open Burning Regulations, and any and all other applicable fire codes or regulations.
2. Applications for permits under this Part shall be submitted to the Borough Manager on a form prepared by the Borough Manager in consultation with the Borough Fire Chief.
 3. Applications shall be submitted to the Borough Manager at least fifteen (15) days prior to any proposed burning date(s). The Borough Manager may issue a permit, deny a permit, or issue a permit subject to any additional terms and conditions deemed appropriate in his or her sole discretion. Permits may be revoked at any time by the Borough Manager should any terms of this Part be violated, or should revocation be deemed necessary due to safety or public health concerns.
 4. An approved permit shall be present and available at the site of any permitted open burning at all times during said open burning and shall be available for inspection upon request by any Borough personnel, law enforcement, or fire protection personnel, including volunteer fire fighters or EMS.
 5. The Borough Manager may consult with the Borough Fire Chief with respect to any matter arising under this Section.

§7-206 Violations and Penalties.

1. The open burning of any materials except as provided in Section 7-202, without a permit, is expressly prohibited. The owner, tenant, or other adult individual in control of any property upon which an open burning occurs in violation of this Part shall be strictly liable for any violation of this Part.
2. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with this Chapter 1 of this Code.
3. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
4. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

SECTION 2. Should any sentence, section, clause, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, other than the part declared to be invalid.

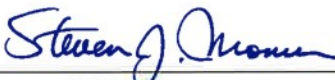
SECTION 3. All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED and ENACTED this 19th day of April, 2023, by the Council of the Borough of Forest Hills in lawful session duly assembled.

ATTEST:

BOROUGH OF FOREST HILLS




Steven J. Morus
Borough Manager/Secretary
(SEAL)

By: 

Markus Erbedinger
President, Borough Council

EXAMINED and APPROVED this 19th day of April, 2023.



Frank Porco, Jr.
Mayor