

ORDINANCE NO. 2021 – 2

**AN ORDINANCE OF THE TOWN COUNCIL OF THE MUNICIPALITY OF
KINGSTON, LUZERNE COUNTY, PENNSYLVANIA, A HOME RULE
MUNICIPALITY, REVISING CHAPTER 65 OF THE MUNICIPAL ORDINANCES
REGULATING OPEN BURNING AND PRESCRIBING PENALTIES FOR
VIOLATIONS THEREOF**

WHEREAS, the Municipality of Kingston deems it necessary for the health, safety and general welfare of the Municipality to regulate open burning within the Municipality.

NOW THEREFORE, be it ordained and enacted by the Municipality of Kingston as follows:

Chapter 65

OPEN BURNING

§ 65-1. DEFINITIONS

As used in this Ordinance, unless otherwise stated, the following terms are defined as indicated:

BONFIRE - An outdoor fire utilized for ceremonial purposes.

OPEN BURNING - The burning of materials in an unenclosed space wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

- A. For the purpose of this definition, a chamber should be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flutes or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.
- B. Examples of open burning include but are not limited to the burning of leaves, burning of grass clippings, burning of construction debris and fires built on the ground for warmth.
- C. Open burning does not include road flares, smudgepots, “tiki torches”, candles and similar devices or devices devoted to occupational uses. Open burning shall not include recreational fires as defined in this chapter.
- D. Open burning does not include patio fireplaces, as defined, in this ordinance.

PATIO FIREPLACE - A portable device built solely for outdoor use and designed to burn solid fuel. The device comes in many styles and is generally constructed of steel with heavy duty screening around the fire box. They can also be made of concrete or of clay (chimenea). It is usually equipped with a short chimney or opening in the top. The design also includes a stand to elevate the fire box above the area in which it is placed to provide clearance from combustible materials.

RECREATIONAL FIRES - An outdoor fire that burns materials other than rubbish in which the fuel being burned is contained in an outdoor fireplace, barbeque grill, or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial purposes, cooking, warmth or similar purposes.

REFUSE – All putrescible and nonputrescible waste and including, but not limited to, garbage, rubbish, street cleanings, dead animals, abandoned automobiles and individual waste.

WASTE – All putrescible and nonputrescible materials and including, but not limited to, garbage, rubbish, street cleanings, dead animals, abandoned automobiles and individual waste.

§ 65-2. GENERAL PROVISIONS.

- A. No person, partnership, company, association, society, league, corporation or other group or entity shall burn or permit the open burning of any waste materials on any private or public property within the Municipality of Kingston.
 - B. Storage of Inflammable and Explosive Materials - In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such shall provide adequate safety devices against the hazards of fire and fire explosion and also adequate firefighting and fire suppression equipment and devices that are standard in the industry.
 - C. Exterior Fireplaces - are allowed not less than fifteen (15) feet from any structure.
 - D. Fire Rings - are allowed not less than fifteen (15) feet from any structure.
 - E. Bonfires - shall not be conducted within fifty (50) feet from any structure. Conditions that could cause a fire to spread, within fifty (50) feet, shall be eliminated prior to ignition.
 - F. Recreational Fires - shall not be constructed within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
 - G. Open flame cooking devices such as charcoal burners and other open flame cooking devices shall not operate on combustible balconies or within ten (10) feet of combustible construction. (Exceptions: one and two family dwellings, or where building, balconies are decks are protected by an automatic sprinkler system.
 - H. Liquefied-Petroleum-Gas Fueled Cooking Devices- such as an LP gas burner having an LP gas container of greater than 2.5 pounds shall not be located on combustible balconies within ten (10) feet of combustible construction. (Exceptions; one and two
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family dwellings, or where building, balconies or decks are protected by an automatic sprinkler system.

- I. Hours - It shall be unlawful to start, kindle, cause, allow or maintain any form of open burning between the hours of 01:00 a.m. and 06:00 a.m. except as specifically authorized in writing by Kingston Fire Department personnel.

§ 65-3. ATTENDANCE

Open burning, bonfires or recreational fires must be constantly attended until the fire is completely extinguished. A minimum of one (1) portable five (5) pound ABC dry chemical extinguisher must be on site or dirt, sand, water barrel, garden hose or water truck must be on site and readily available for immediate access.

§ 65-4. PERMITS .

Permits shall be required from the Fire Chief of the Municipality of Kingston prior to scheduling any bonfire.

§ 65-5. VIOLATIONS AND PENALTIES. AND ENFORCEMENT

The violation of any section of the chapter shall be punishable by a fine not less than \$25.00 and not more than \$300.00, plus costs of prosecution, or a term of imprisonment, the maximum shall not be more than thirty (30) days.

§ 65-6. FIRE DEPARTMENT

Even if the burning would be allowed under this article, no open burning shall occur, if in the discretion of the Kingston/Forty Fort Fire Department, said burning constitutes a nuisance by representing a danger to public safety, health or welfare.

§ 65-7. SEVERABILITY

In case any one or more of the provisions of this chapter shall, for any reason, be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this chapter shall be construed as if such invalid, illegal or enforceable provision had never been contained herein.

§ 65-8.


This ordinance shall become effective thirty (30) days following its publication date per Municipality of Kingston Charter Section 213.

NOW THEREFORE, be it ordained and enacted by the Municipality of Kingston that this Ordinance shall become effective 30 days following its publication date pursuant to Kingston Charter Section 213.

INTRODUCED at meeting of the Town Council of the Municipality of Kingston held the 16th day of February, 2021.

ADOPTED at a meeting of the Town Council of the Municipality of Kingston, Luzerne County, Pennsylvania held the 6th day of April, 2021.

FOR THE TOWN COUNCIL OF THE
MUNICIPALITY OF KINGSTON


By: 
Robert Thompson, Jr., President

ATTEST:


Julie Norton, Secretary

Date: 4-6-21

APPROVED:


Paul J. Roberts, Jr., Mayor

Date: 4-6-21