

ORDINANCE NO. 532

**BOROUGH OF MUNCY
LYCOMING COUNTY, PENNSYLVANIA**

**AN ORDINANCE REGULATING AND RESTRICTING
OUTDOOR FIRES AND OPEN BURNING**

BE IT ORDAINED AND ENACTED by the Borough of Muncy, Lycoming County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same follows:

Section 1. Title. This Ordinance shall be known and may be cited as the Muncy Borough Open Burning Ordinance.

Section 2. Declaration of Policy. It is hereby declared to be the policy of the Borough of Muncy as a matter of public health and safety to regulate fires and open burning in the Borough of Muncy for the purposes of controlling air pollution and protecting buildings, housing, property and the well-being of its citizens.

Section 3 Definitions. The following words, terms and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings described to them:

OPEN BURNING - For the purposes of this Section, "open burning" is defined as the burning of any materials wherein smoke, ash, or embers are emitted into the air without passing through a stack or chimney. Open burning does not include the legal smoking of tobacco products.

PLANT LIFE - Vegetation including, but not limited to, trees, tree branches, leaves, yard trimmings, shrubbery, grass and weeds.

REFUSE – All putrescible and non-putrescible wastes (except body waste), and including but not limited to garbage, rubbish, street cleanings, dead animals, abandoned automobiles, and solid market and individual waste.

Section 4. General. No person shall start, kindle, cause, allow, or maintain any form of open burning on private or public property, except as specifically authorized by this Ordinance or except as permitted, in writing, by the Council of the Borough of Muncy or its appointed designee.

This Ordinance does not regulate the use of charcoal, gas, or other types of grills.

Section 5. Plant Life/Refuse. No person shall burn plant life, refuse or any other similar substance except by the express written approval of the Council of the Borough of Muncy.

Section 6. Exemptions. Provided that the burning complies with applicable state statutes, regulations, or other local laws, the following types of open burning shall be allowed upon receipt of a permit as outlined in Section 8, below:

The burning of clean untreated wood in a commercially manufactured outdoor fire receptacle, commercially manufactured outdoor fire place, or other reasonably safe outdoor fire receptacle or outdoor fire place (burning barrels and ground fire pits are expressly prohibited) provided that:

- a. The fire is wholly contained within the fire receptacle or fire place;
- b. The fire is covered by a screen to control the emission of ash and embers;
- c. The fire receptacle is located not less than eight (8) feet from the property line or not less than fifteen (15) from any structure located on an abutting property;
- d. No fire shall be set or maintained on any public road right-of- way or on any public property;
- e. The fire is not unattended;
- f. The fire is attended at all times by an individual eighteen (18) years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire;
- g. There shall be readily available a means of fire suppression as may be necessary to take control of the fire; and
- h. There is not more than one fire receptacle or fire place located on the lot; and

For purposes of this subsection, a dwelling is the abode of a person or persons acting as a single housekeeping unit or any ancillary out buildings not attached to the house, including but not limited to a shed or garage.

Section 7. Permits. Any person desiring to burn anything in accordance with this Ordinance, shall first contact Muncy Borough to obtain an annual permit. A permit may only be obtained by the deeded owner of the property and is only valid for that property. A permit will only be issued after an inspection by the Borough's appointed designee. An annual permit shall only be valid from the date of issuance until December 31st of that same year. The fee for the permit shall be as set by the Muncy Borough Council from time to time in its fee schedule.

Anyone starting such a fire without a permit shall be deemed in violation of this Ordinance and subject to the penalties in Section 10, below.

Section 8. Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

Section 9. Right of Entry and Inspection. The Muncy Borough Police Department, the Muncy Area Fire Department or any authorized agent, officer or representative of the Borough of Muncy who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 10. Penalty. Any person violating any of the provisions of this Ordinance shall be guilty of a summary offense and upon conviction shall be subject to a fine of not more than three hundred (\$300.00). Each act in violation of any of the provisions hereof shall be deemed a separate offense.

Any person, firm, association, partnership or corporation convicted of a violation of this Ordinance shall have their permit immediately revoked and shall not be permitted to obtain another permit for a period of two (2) years from the date of the conviction.


Section 11. Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Council of the Borough of Muncy that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.


Section 12. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. All ordinances not specifically amended hereby remain in full force and effect.

Section 13. Effective Date. This Ordinance shall become effective January 1, 2016.

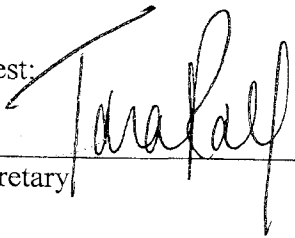
ENACTED, this 4th day of August, 2015.

MUNCY BOROUGH COUNCIL


President


Mayor

Attest:


Secretary