

Outdoor Burning Ordinance for the Borough of Mansfield

Ordinance No. 471

Section 1. PURPOSE

This ordinance is intended to promote public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Borough of Mansfield by regulating the air pollution and fire hazards of outdoor burning.

Section 2. APPLICABILITY

This ordinance applies to all outdoor burning within the Borough of Mansfield.

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances except as specifically set forth herein.
- B. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 3. SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 4. DEFINITIONS

- A. "COMMERCIALLY MANUFACTURED CONTAINER" means commercially manufactured and constructed to contain fire and carrying with it an implied warranty of fitness for the particular purpose of residential recreational burning or a structure, in-ground or above-ground, which is surrounded by a non-combustible material such as stone, masonry, or steel with a diameter of 4' or less and a height of 8" or more containing provisions for the intake of combustion air.
- B. "OTHER CONTAINER" means any container that is not a Commercially Manufactured Container but is constructed for the purpose of residential recreational burning, in-ground or above-ground, which is surrounded by a non-combustible material such as stone, masonry, or steel with a diameter of 4' or less and a height of 8" or more containing provisions for the intake of combustion air.
- C. "CONSTRUCTION AND DEMOLITION WASTE" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- D. "BOROUGH" means the Borough of Mansfield.
- E. "NATURAL WOOD" means wood which is non-synthetic in nature and which has not been painted, varnished, or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- F. "OPEN BURNING" means kindling or maintaining a fire where the products of combustion are a stack or a chimney. This includes burning in a burn barrel.
- G. "OUTDOOR BURNING" means open burning or burning in an outdoor wood furnace or patio wood-burning unit.

- G. "OUTDOOR FIREPLACE" means a permanently constructed man made masonry unit that utilizes wood as the primary fuel source and consists of a firebox and chimney
- H. "OUTDOOR FIREPLACE GRILL UNIT" means a permanently constructed man made masonry unit that utilizes wood or charcoal as the primary fuel source and consists of a firebox and chimney for cooking purposes.
- I. "PATIO WOOD-BURNING UNIT" means a chiminea or patio warmer.
- J. "RECREATIONAL FIRE" means a campfire and or small outdoor fire generally built in an iron ring or similar device intended for recreation or cooking or warmth, limited to a size not exceeding a fuel supply (i.e. wood) of greater than four (4) feet in diameter and three (3) feet in height. A campfire does not include a fire intended for disposal of waste wood or refuse.
- K. "REFUSE" means any waste material except trees, logs.

Section 5. GENERAL PROHIBITION ON OPEN BURNING

Open burning is prohibited in the Borough of Mansfield unless the burning is specifically permitted by this ordinance and with the express approval of the Borough of Mansfield as set forth under this ordinance.

SECTION 6. OPEN BURNING OF REFUSE

Open burning of refuse is prohibited.

Section 7. BURNING TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

Open burning of trees, logs, brush, stumps, leaves, and grass clippings are prohibited.

Section 8. RECREATIONAL FIRES & PATIO WOOD-BURNING UNITS

Any person wishing to conduct recreational burning (campfires) or install patio wood-burning units must do so only in accordance with all of the following provisions:

- A. Receive approval from the Borough of Mansfield prior to use of Other Container (not Commercially Manufactured Container), to be used for recreational fires so constructed after the date of the enactment of this ordinance. Any Other Containers existing prior to the date of the enactment of this ordinance, constructed to contain recreational fires which do not pose a fire risk, do not need approval. Any Other Container that is attached to a structure shall be constructed in accordance with the Pennsylvania Uniform Construction Code.
- B. Maintain the recreational burning or patio wood-burning unit in accordance with this ordinance.
- C. The recreational fire or patio wood-burning unit shall not be used to burn refuse.
- D. The recreational fire or patio wood-burning unit shall burn only natural wood.
- E. The recreational fire shall be a minimum of 15 feet from any structure or combustible material. Any condition that may be caused to spread outside the Commercially Manufactured Container or Other Container should be eliminated prior to ignition.
- F. A patio wood-burning unit (i.e. chiminea, etc.) shall be used in accordance with the manufacturer's recommendations, which shall include but not be limited to placement on fire brick or other fire resistant material at a minimum of 18" beyond any exterior surface when placed on combustible material.
- G. A Commercially Manufactured Container shall be used in accordance with the manufacturer's recommendations.
- H. All natural wood and fire shall be contained within the fuel area.
- I. Fires shall be constantly attended until the fire is extinguished.
- J. A minimum of one fire extinguisher with a minimum 4-A rating or other approved fire extinguishing equipment shall be available for immediate use (i.e. garden hose, sufficient amount of water ready for use, sufficient amount of dirt and adequate shovel ready for use, etc.)
- K. No recreational fire or patio wood-burning units shall be utilized between the hours of 12:00 midnight and 7:00 AM.

- L. Outdoor burning, including recreational fires and use of patio wood-burning units, shall be prohibited when smoke emissions, atmospheric conditions, or local circumstances make such fires hazardous
- M. Recreational fires or patio wood-burning unit shall not be permitted on non-residential sites.
- N. Police and Borough of Mansfield designees are authorized to require that any fire be immediately extinguished and discontinued if it is determined that the fire is not in compliance with the above rules or creates a health issue to any nearby neighbors, or if the burning is determined to constitute a hazardous condition. Said determination shall be made at the sole discretion of the Borough of Mansfield designee or officer with an explanation/discussion with subject residents or other persons present. This does not limit the power of the Mansfield Hose Company to act or require action in the event of emergency or other authorized event.

Section 9. OUTDOOR FIREPLACES & FIREPLACE GRILL UNITS

Outdoor fireplaces and fireplace grill units are permitted only in accordance with all of the following provisions:

- A. A minimum of a 10 foot clearance between an outdoor fireplace and combustible materials or structures.
- B. Shall be constructed of concrete, masonry or an approved non-combustible material.
- C. Shall be considered as an accessory structure as defined in the Zoning Ordinance of the borough of Mansfield and shall follow the required setback.
- D. The interior firebox shall not be larger than 3' in any dimension.
- E. All natural wood and fire shall be contained within the fuel area.
- F. The chimney shall be a minimum of 3.5' above top of firebox.
- G. Any outdoor fireplace or fireplace grill unit that is attached to a structure shall be constructed in accordance with the Pennsylvania Uniform Construction Code.
- H. Fires shall be constantly attended until the fire is extinguished.
- I. A minimum of one fire extinguisher with a minimum 4-A rating or other approved fire extinguishing equipment shall be available for immediate use. (i.e. garden hose, sufficient amount of water ready for use, sufficient amount of dirt and adequate shovel ready for use, etc.)
- J. Outdoor fireplaces and fireplace grill units shall burn only natural wood, charcoal or propane.
- K. No outdoor fireplace or fireplace grill shall be utilized between the hours of 12:00 midnight and 7:00 AM.
- L. Outdoor burning, including outdoor fireplace and fireplace grill unit use, shall be prohibited when smoke emissions, atmospheric conditions, or local circumstances make such fires hazardous.
- M. No outdoor fireplace or fireplace grill unit shall be permitted on non-residential sites.
- N. Police and Borough of Mansfield designees are authorized to require that any fire be immediately extinguished and discontinued if it is determined that the fire is not in compliance with the above rules or creates a health issue to any nearby neighbors, or if the burning is determined to constitute a hazardous condition. Said determination shall be made at the sole discretion of the Borough of Mansfield designee or officer an explanation/discussion with subject residents or other persons present. This does not limit the power of the Mansfield Hose Company to act or require action in the event of emergency or other authorized event.

Section 10. OPEN FLAME DEVICES

Charcoal burners and other open-flame devices including Liquefied petroleum gas fuel devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

- One and two family dwellings
- Where buildings and decks are protected by an automatic sprinkler system.

Section 11. 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. This ordinance shall not insulate any individual, individuals, entity, etc. from a nuisance action brought by a third or private party against another.

Section 12. RIGHT OF ENTRY AND INSPECTION

The Code Enforcement Officer or any authorized officer, agent, employee or designee of the Borough of Mansfield who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance upon probable cause, consent, or in exigent circumstances which pose a danger to human health or property.

Section 13. ENFORCEMENT AND PENALTIES

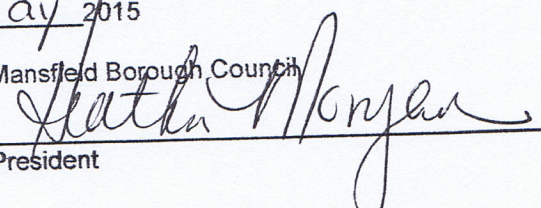
Any person, firm, association, partnership, corporation who violates any provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by the State of Pennsylvania which shall be punishable by civil fine determined in accordance with the following. This section shall not insulate any person and/or entity from payment of suppression costs and/or other criminal and/or civil liability.

	<u>Mandatory Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3-year period*	Written Warning to violator and property owner	Written Warning to violator and property owner
2 nd Offense within 3-year period*	\$100.00 fine to violator and written warning to property owner	\$500.00 fine to violator and written warning to property owner
3 rd Offense within 3-year period*	\$250.00 fine to violator and written warning to property owner	\$500.00 fine to violator and written warning to property owner
4 th or More offenses within 3-year period*	\$500.00 fine to violator and written warning to property owner	\$500.00 fine to violator and written warning to property owner

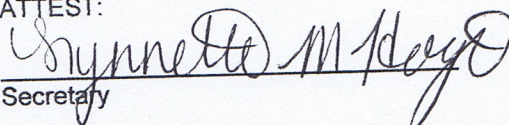
Section 14. EFFECTIVE DATE

This ordinance shall take effect and be in force as of May 13, 2015.

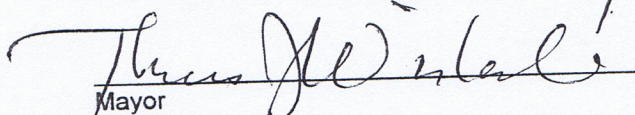
ORDAINED AND ENACTED this 13th day of May 2015

By: 
Mansfield Borough Council
President

ATTEST:


Secretary

APPROVED this 13th day of May 2015


Mayor