

**BOROUGH OF MARION HEIGHTS,
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 09 - 2023

INTRODUCED BY COUNCIL — May 18, 2023

ADOPTED BY COUNCIL — June 13, 2023

**An Ordinance Amending Chapter 12 of the
Code of the Borough of Marion Heights**

**CHAPTER 12
Outdoor Fires**

§12-1 Purpose

The purpose of this chapter is to provide the Borough with rules and regulations to improve public safety by promoting the control of fire hazards; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance of these objectives.

§12-2 Definitions.

The following terms when used in the chapter shall have the meanings hereby respectively ascribed thereto:

Adult – A person 18 years old or older.

Extinguishment Agent - Continuous water source (example: garden hose), fire extinguisher or a device approved by the Marion Heights Borough Fire Chief or his/her designee.

Garbage – all animal and vegetable waste, including offal, carcasses, fat, bone, swill and vegetables and all animal refuse resulting from storage, handling, preparation and consumption of food.

Public Nuisance – a condition which causes inconvenience, annoyance, or discomfort to any person or resident in the reasonable enjoyment of their quality of life on their property.

Refuse – discarded articles or materials, including but not limited to, building materials, house furnishings, machinery, vehicles, or parts thereof, and combustible and noncombustible waste other than rubbish, as hereinafter set forth.

Rubbish – combustible organic and inorganic material specifically limit to dried leaves, tree branches, other plant material, and paper, cardboard and like material.

§12-3 Fires on streets or public grounds prohibited

- A. No person or persons shall set or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in the Borough of Marion Heights or burn or cause to be burned thereon any rubbish or other material or substance of any kind.
- B. Fires on public property shall be permitted for special events with the approval of the Marion Heights Borough Council and Marion Heights Borough Fire Chief or his/her designee.

§12-4 Burning garbage and rubbish prohibited

No person or persons shall burn or attempt to burn any garbage or refuse or any other material other than material approved by the Marion Heights Borough Fire Chief or his/her designee.

§12-5 Fires on private property

- A. Every resident wishing to burn an outdoor fire shall first complete a permit application to the Borough of Marion Heights. Application must include a detailed site plan showing the location of the proposed firepit and distances to all structures within twenty-five (25) feet.
- B. Applications shall be inspected and approved by the Borough Code Enforcement Officer, any member of council, mayor or fire chief prior to the permit being issued.
- C. Once approved, the outdoor fire device shall not be relocated or replaced without reapplication, inspection and approval.
- D. Permits remain with the property and do not need to be renewed unless covered by Subsection C above.
- E. An application fee shall be set by resolution of the Borough of Marion Heights Council and listed on the Borough Fee schedule.

§12-6 Requirements for all Outdoor Fires

- A. Every outdoor fire shall be burned in, and confined to, a non-combustible, ventilated container or other incinerator (pit) no larger than 24" in diameter with a screen of ½ inch or smaller mesh.
- B. No such fire or container shall be closer than 10 feet from any building or structure.
- C. All fires shall be continually attended to by a responsible adult until the fire is completely extinguished.
- D. One portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing agent, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization when the fire is burning.
- E. Only commercial fire logs, charcoal or clean, dry, natural wood, may be burned in any fire container or pit.
- F. Fires may not cause a public nuisance as determined by any member of Borough Council, the Mayor, the Fire Chief, Code and/or Police Officer.

G. All outdoor fires must comply with any burning bans issued by the State, County or Local Officials.

H. No fire is allowed to burn upon any day except between the hours of 8 am and midnight.

Exemption: Any burning done for health or safety reasons as part of the official duties of any public officer, official, or volunteer fire company is not subject to the requirements of this part.

§12-7 Extinguishing of Unsafe or Offensive Fires

- A. If the responsible adult is notified by a Police Officer, Fire Department Representative or other authorized representative of the Borough, to extinguish the outdoor fire, the responsible adult must immediately extinguish the outdoor fire.
- B. If the outdoor fire appears to be unsupervised or the responsible adult refuses to extinguish it after such notice, the Police Officer, Fire Department Representative or other representative of the Borough, may take any and all appropriate action to extinguish the outdoor fire.

§12-8 Revocation

Borough Council has the authority to revoke any outdoor fire permit for any violations of this Ordinance at its discretion.

§12-8 Violations and penalties.

- A. Whoever violates any provision of this chapter shall, upon conviction in a summary proceeding, be sentenced for as follows:
 - 1. Upon a first offense, not less than one hundred (\$250.00) dollars plus all costs and, in default of payment of said fine and costs, to undergo imprisonment not to exceed fifteen (15) days.
 - 2. Upon a second offense, not less than three hundred (\$500.00) dollars plus all costs and, in default of payment of said fine and costs, to undergo imprisonment not to exceed thirty (30) days.
 - 3. Upon a third and subsequent offense, not less than five hundred (\$1,000.00) dollars plus all costs and, in default of payment of said fine and costs, to undergo imprisonment not to exceed thirty (60) days.
 - 4. Each Day that a violation of this Part continues shall constitute a separate offense.

§12-9 Severability

- A. All ordinances or resolutions or parts of ordinances or resolutions as they are inconsistent herewith are hereby repealed and rescinded.
- B. In the event any provision, section, sentence, clause or part of this chapter shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections sentences, clauses or parts of this chapter; it being the intent of Marion Heights Borough that the remainder of the chapter shall be and shall remain in force and effect.

EFFECTIVE DATE

This Ordinance shall be effective immediately upon adoption.

Adopted this 13th day of June, 2023

Attested By:
Borough Secretary

Linda Gregis, Secretary

BY: _____
Joseph Petrovich, President

Linda Gregis, Secretary

BY: _____
John Wargo, Mayor

SEAL