

NO OPEN BURN

ORDINANCE NO. 153

AN ORDINANCE OF THE BOROUGH OF ROYALTON, DAUPHIN COUNTY, PENNSYLVANIA, PROHIBITING BURNING OUTSIDE OF STRUCTURES AND IN CERTAIN OTHER AREAS, UNDER ALL CIRCUMSTANCES, EXCEPT FOR FIRES FOR RELIGIOUS PURPOSES, CEREMONIAL PURPOSES, PURPOSES OF FREEDOM OF EXPRESSION AND FOR FOOD PREPARATION IN CERTAIN FACILITIES/AREAS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND CONTAINING OTHER PROVISIONS.

BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Royalton, Dauphin County, Pennsylvania, and it is hereby ordained and enacted as follows:

1. No person shall cause, allow, or permit any fire or the burning of any substance outside any building within the Borough of Royalton except under the circumstances herein set forth.

2. Fires for religious purposes, ceremonial purposes, and purposes of freedom of expression may be conducted in the following circumstances:

a. they must be placed at least twenty-five (25) feet from any building used, designed, or intended for human habitation, ten (10) feet from any other building or structure, and ten (10) feet from any adjoining property, property line, street, alley, road, cartway or highway;

(b) they may not be left unattended for any period(s) exceeding five (5) minutes during all times when they contain burning substance(s) or any substance(s) at a temperature greater than 98.6 degrees Fahrenheit; and they shall be considered

unattended if no person over 16 years of age is within ten (10) feet of them; and,

(c) written permission must be obtained from the owner of the location where the fire is to be held, and said written permission must be presented at the Borough Office prior to obtaining a written permit for said fire(s), which written permit must be obtained at the Borough Office at least 24 hours in advance of beginning the generation of heat at the site of said fire(s). If the width, length, or depth of the fire is to or does exceed three (3) feet in measurement, advance written permission must also be obtained from the owner of any structure of any type off the premises where the fire is to be conducted, but within thirty (30) feet of any portion of the fire, and said written permission must likewise be presented at the Borough Office prior to obtaining a written permit for said fire(s).

3. Underwriters Laboratory ("UL") approved electric barbecue grills, American Gas Association ("AGA") approved gas barbecue grills, and other commercially produced, non-electric, non-gas, hooded grills and hooded devices designed for outdoor cooking may be used for food preparation in the following circumstances;

(a) they must be placed at least three (3) feet from any adjoining property, property line, street, alley, road, cartway or highway; and,

(b) they may not be left unattended for any period(s) exceeding ten (10) minutes during all times when they contain

burning substance(s) or any substance(s) at a temperature greater than 98.6 degrees Fahrenheit; grills and such other hooded devices shall be considered unattended if no person over 16 years of age is within ten (10) feet of the grill.

4. Open pit barbecuing, roasting, and other cooking of food may be engaged in, in the following circumstances:

(a) the owner or operator of the premises must first obtain a written permit (without cost) from the Borough office at least 24 hours in advance of beginning the generation of heat by fire or other means in the pit;

(b) heat may not be in the pit for a period of more than 24 hours and all sources of heat must be fully enclosed at all times when not attended by a person or persons over 16 years of age within ten (10) feet of the pit;

(c) all portions of the pit must be placed at least twenty-five (25) feet from any building used, designed, or intended for human habitation, ten (10) feet from any other building or structure, and ten (10) feet from any adjoining property, property line, street, alley, road, cartway or highway; and

(d) the length of the pit may not be greater than ten (10) feet, and the width of the pit not greater than four (4) feet.

5. Permanent facilities for out-of-doors preparation of food may be utilized in the following circumstances:

(a) the facilities must have a floor consisting of concrete slab, extending at least one foot in all directions beyond

the fire bricked fuel combustion area and food preparation area. The slab must be of a minimum depth of four (4) inches, with 3,500 psi concrete and with reinforcement wires. The slab must be placed on a stone base of at least four (4) inches in depth; and,

(b) the food preparation-fuel combustion area of the facilities may not be larger than four (4) feet wide by four (4) feet long by four (4) feet high, exterior dimensions. The walls of the food preparation-fuel combustion area and ash area shall be interiorally lined with fire brick. The exterior walls of the permanent facility shall be constructed of brick, concrete block, poured concrete with reinforcement, or stone. Steel doors must be provided for the top of the fuel combustion area, and at a side of the ash chamber. The steel of these doors shall be not less than one-quarter ($1/4$) inch thick. The chimney for the fuel combustion area shall be not smaller than eight (8) inches by eight (8) inches interior dimension and shall be lined with a flue liner. The height of the chimney must be not less than eight (8) feet from the top of the concrete slab base, and there must be a spark protector at the top of the chimney.

(c) all portions of the facilities must be placed at least twenty-five (25) feet from any building used, designed, or intended for human habitation, ten (10) feet from any other building or structure, and ten (10) feet from any adjoining property, property line, street, alley, road, cartway or highway; and

(d) heat may not be in the facilities for a period of more than 24 hours and all sources of heat must be enclosed at all times when not attended by a person or persons over 16 years of age within ten (10) feet of the facilities.

6. No open pit barbecuing or cooking may be engaged in inside of any structure or under any roof, awning, tent, overhang, or similar overhead covering. No barbecue grill or other permitted cooking device other than an open pit barbecue may be utilized inside of any structure or under any roof, awning, tent, overhang, or similar overhead covering unless it is attended at all times by a person over 16 years of age who is within ten (10) feet of the grill or other approved device.

7. Permitted fuels in food preparation devices allowed by this Ordinance shall include only charcoal, lava rock, propane gas, natural gas according to AGA or UGI specifications, and electricity. Only commercially manufactured lighter fluid and other commercially manufactured starters intended specifically for lighting fires for barbecuing and other cooking of food may be used in any grill, pit, or other approved food preparation device.

8. All fires and burning outside any building within the Borough of Royalton shall and are hereby strictly prohibited, except for those fires which are hereby allowed under the circumstances herein set forth.

9. Part 10, Article A, Sections 10-1001 and 10-1002, of the Code of Ordinances, Borough of Royalton, Pennsylvania, shall be and

are hereby repealed, and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

10. Any person who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars and not exceeding Three Hundred (\$300.00) Dollars and costs of prosecution; provided that each and every day upon which any person violates any portion of this Ordinance shall constitute a separate offense.

11. The provisions of this Ordinance are severable. If any word, phrase, sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not be included herein.

12. It is the intention of the Borough Council and it is ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Borough of Royalton, Pennsylvania, and the sections of this Ordinance may be renumbered to accomplish that intention.

13. This Ordinance shall be effective immediately upon its enactment and approval.