

ORDINANCE NO. 2012-02

AN ORDINANCE REGULATING RECREATIONAL FIRES IN THE BOROUGH OF KULPMONT, COUNTY OF NORTHUMBERLAND AND COMMONWEALTH OF PENNSYLVANIA.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Kulpmont, Northumberland County, Pennsylvania, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same:

SECTION ONE:

1. Recreational fires may be set provided they are fully contained with a screened chiminea subject to the following restrictions:
 - a. Only clean seasoned firewood or charcoal may be burned. No burning of trash, leaves, brush, pressure-treated wood or painted wood is permitted. All burning combustibles must be contained inside the chamber.
 - b. All openings in the container must be covered with wire mesh or other non-combustible screening materials that will prevent the passage of sparks or embers.
 - c. Fires must be kept 20 feet away from any structure.
 - d. All fires shall be constantly attended by at least one (1) adult person until they are completely extinguished. A minimum of one portable fire extinguisher with a minimum Class A or better rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, water bucket or garden hose shall be available for immediate utilization.
 - e. No such fire or container used for open burning may be used on any wooden/plastic porch, deck, balcony or other portion of building.
 - f. Fires are not permitted during adverse wind and weather conditions.
 - g. Fires shall not be permitted to smolder.
 - h. All open fires as set forth herein shall be extinguished no later than 11:00 P.M.
 - i. Any fire permitted to burn in an unsafe manner under adverse weather conditions, unsupervised, determined unsafe by the Police, Code Enforcement or Fire Department or in violation of

any provisions of this Ordinance, shall be extinguished immediately upon demand by such official.

- j. No provisions of this Section shall be interpreted to prohibit burning of appropriate fuels in residential fireplaces, barbeques or grills.

SECTION TWO: Enforcement

- A. Penalties. Any person shall violate any provisions of this ordinance shall, upon conviction thereof before the District Magistrate Judge, be sentenced to pay a fine of not than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.
- B. Remedies. No penalty herein shall prevent the Borough from enforcing this Ordinance by equitable, injunctive or any other remedies.
- C. Liability. The Kulpmont Borough and its agents, officials, and representatives shall not, under any circumstances be liable or responsible for damages caused to any person or property by reason of the provisions of this Ordinance, or be reason of the conduit of burning activity in compliance or non-compliance with the terms and provisions of the Ordinance. The person or party responsible for any such fire shall be solely responsible for any and all damages caused as a result thereof.

SECTION THREE: Repealer

All ordinance or parts of ordinances which are inconsistent here with are hereby repealed

SECTION FOUR: Severability

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part of this ordinance. It is hereby declared as the intent of the Borough of Kulpmont that this ordinance would have been adopted had such

unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION FIVE: Effective Date.

This ordinance shall become effective upon the date of its enactment. Enacted and ordained as an Ordinance of the Borough of Kulpmont, Northumberland County, Pennsylvania, this 12 day of June 2012

ATTEST: BOROUGH OF KULPMONT

BRUNO VARANO
PRESIDENT OF COUNCIL

RHONDA WILK
BOROUGH SECRETARY

MYRON TURLIS
MAYOR