

**COLLEGEVILLE BOROUGH
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE BOROUGH OF COLLEGEVILLE, MONTGOMERY COUNTY PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF COLLEGEVILLE, CHAPTER 330, TO ADDRESS OUTDOOR FIRES; RESCINDING CHAPTER 337 IN ITS ENTIRETY; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough of Collegeville under 8 Pa.C.S.A. § 3301.1(a), The Borough Code, shall enact ordinances deemed beneficial to the borough;

WHEREAS, the 2015 International Fire Code was adopted by Council in 2019;

WHEREAS, after review of its General Laws, particularly its existing regulations regarding outdoor fires, Borough Council has determined that its fire code located at Chapter 330 should be amended to further clarify the use of outdoor fires to provide for the safety and security of its residents;

WHEREAS, after a comparison of the existing Collegeville Code of Ordinances and the 2015 International Fire Code, Staff recommends deleting Chapter 337 of the Code of Ordinances to remove potential conflicts;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Collegeville Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

Section I. **Section 330-2, entitled “Amendments”, of Chapter 330, entitled “Fire Prevention” of the Code of Ordinances of Collegeville Borough is hereby amended as follows:**

G. **Section 307.1 shall be amended as follows:**

307.1. Prohibition of burning for disposal purposes.

In accordance with the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988, (P.L. 528, No. 101) ("Pennsylvania Act 101") and as amended by Act 140 of 2006, it shall be unlawful for any person to openly burn any material, including the following, at any time in any zone within the Borough: household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in the municipality under Pennsylvania Act 101, including yard waste, leaves and scrap lumber or any vegetation, plywood, drywall, plastic products, insulation materials, upholstered furniture, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 PA Code 271.1, garbage, dead animals, human and animal excrement, human and animal hair, rubber products, including tires, hydrocarbon products or

flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring.

307.1.1. Exclusions.

The prohibition of open burning shall be in effect except when the burning results from:

- (a) An open burning set to prevent or abate a fire hazard when approved by the Department of Environmental Protection's regional office and set by or under the supervision of a public officer.
- (b) A fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's regional office.
- (c) A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's regional office.
- (d) A fire set for the purpose of burning, clearing and grubbing waste; if within an air basin, an air curtain destructor must be used and must be approved by the Department of Environmental Protection's regional office.
- (e) A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.
- (f) A fire set solely for cooking food.
- (g) A fire set solely for recreational or ceremonial purposes.

307.1.2. Regulations pertaining to permitted instances of open burning.

1. Any such open burning as permitted in Section 307.1.1 shall be located at least fifty feet or more from any building, structure or combustible materials.
2. A permit from the Borough is required for any instances of open burning as permitted in 307.1.1 items (a) through (g). A fee maybe charged for said permit by resolution of the Borough Council, as may be modified from time to time. However, any Borough or Fire Official may suspend open burning at any time when it is determined by any of them that, in their opinion, any of the following conditions exist:
 - (a) Smoke, embers and/or ash emission cause damage to property or vegetation

of adjacent properties.

- (b) Smoke, embers and/or ash emission are, or maybe, offensive, objectionable, a public nuisance or deleterious to human or animal health.
 - (c) Dry conditions or drought warrant a ban on all open burning, in which case the Borough Council shall be so advised in writing.
3. All fires in open burning must be guarded or attended to by one or more responsible adult persons, being individuals eighteen or over, at all times until such fire and open burning have been extinguished.
 4. Yard waste that is permitted to be burned on agricultural land must originate from the same parcel of land on which it is burned.
 5. Nonorganic or recyclable materials, or any other combustibles which may create large amounts of smoke, may not be openly burned.
 6. Any such open burning shall be permitted between the hours of 8:00 a.m. and 5:00 p.m. No burning or smoldering shall occur outside the above time period, unless prior permission is requested of and expressly granted by the Borough.

307.1.3 Outdoor fireplaces, outdoor propane heaters, outdoor firepits, outdoor cooking grills, outdoor patio stoves, chimeneas and factory-built metal novelty stoves.

1. Outdoor fireplaces, outdoor propane heaters, outdoor firepits, outdoor cooking grills, outdoor patio stoves, chimeneas and factory built metal novelty stoves shall be permitted upon private property within all zones of the Borough solely for their intended purpose.
2. No person shall use outdoor fireplaces, outdoor propane heaters, outdoor firepits, outdoor cooking grills, outdoor patio stoves, chimeneas and factory-built metal novelty stoves for the burning of material as outlined in Section 307.1.
3. Outdoor fireplaces, outdoor propane heaters, outdoor firepits, outdoor cooking grills, outdoor patio stoves, chimeneas and factory-built metal novelty stoves shall not be used indoors or in any enclosed areas that are not properly ventilated.
4. Outdoor fireplaces, outdoor propane heaters, outdoor firepits, outdoor cooking grills, outdoor patio stoves, chimeneas and factory-built metal novelty stoves shall be located at a safe distance from any public street, right-of-way, or property line.
5. All outdoor fires operated under this section shall have a maximum pile size of 3 feet or less in diameter and 2 feet or less in height.

307.1.4. Indoor fireplaces; woodburning and coal stoves; solid-fuel heaters.

1. Fireplaces or woodburning or coal stoves shall be permitted inside residential private property within all zones of the Borough solely for the purpose of heating the dwelling unit.
2. Only seasoned firewood, coal or solid fuels recommended by the manufacturer maybe burned in such fireplaces, woodburning or coal stoves or solid-fuel heaters.
3. No person may use such fireplaces, woodburning or coal stoves or solid-fuel heaters for the burning of any material as outlined in Section 307.1.
4. Such fireplaces, woodburning or coal stoves or solid-fuel heaters shall not be used for such purpose when, in the judgment of a Borough or fire official, a fire hazard is created by such use and operation and/or any danger is posed to the occupants therein or the neighboring buildings and/or occupants.
5. If the smoke, ashes and/or smell emitting to the outside atmosphere from the chimney, stove pipe or flue are objectionable or offensive to the general public, the operation of such fireplace, woodburning or coal stove or solid-fuel heater shall be suspended by any Borough or fire official.

307.1.5. Handling of ashes and rubbish.

Ashes, smoldering coals, wood and embers or other material liable to spontaneously ignite shall not be deposited or allowed to remain within 10 feet of any combustible materials but shall be deposited in noncombustible containers. Rubbish of any kind shall not be allowed to accumulate.

H. Section 307.3 is deleted and replaced with the following:

307.3 Extinguishment authority. When open burning, recreational fires or use of outdoor fireplaces, outdoor propane heaters, outdoor firepits, outdoor cooking grills, outdoor patio stoves, chimeneas or factory-built metal novelty stoves creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* or Colledgeville Police Officer is authorized to order the extinguishment of the open burning operation.

I. Section 307.4.3, delete the exception.

J. Sections 307.4.4 and 307.4.5 shall be added and read as follows:

307.4.4. Portable outdoor and fixed outdoor fireplaces: shall be operated in accordance with §§ 307, 307.4 and 307.5.

307.4.5. Attendance. Open burning, bonfires, recreational fires and use of outdoor fireplaces, outdoor propane heaters, outdoor firepits, outdoor cooking grills, outdoor patio stoves, chimeneas and factory-built metal novelty stoves shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section II. Section 337 entitled “Fires, Flammable Materials, and Chimneys”, of the Code of Ordinances of Collegeville Borough is rescinded in its entirety:

Section III. REPEALER

Any and all terms, conditions and provisions or any Ordinance or Resolution of Collegeville Borough in conflict with the terms, conditions and provisions of this Ordinance, are hereby repealed to the extent of such conflict.

Section IV. SEVERABILITY

It is hereby declared to be the legislative intent, that if a court of competent jurisdiction declares any provision of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.

Section V. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its legal enactment by the Borough Council of the Borough of Collegeville.

Ordained and enacted, by the Council Members of Collegeville Borough, Montgomery County, Pennsylvania, this 3rd day of February, 2021.

ATTEST:



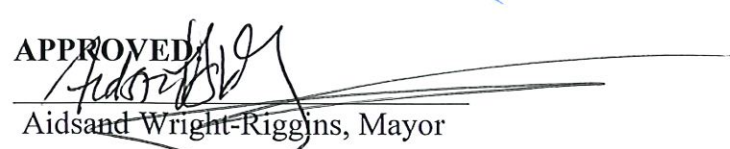
Tamara Twardowski, Secretary

COLLEGEVILLE BOROUGH COUNCIL



Cathy Kernen, President

APPROVED:



Aidsand Wright-Riggins, Mayor