

BOROUGH OF MUNHALL  
ORDINANCE NO. 1537

AN ORDINANCE OF THE BOROUGH OF MUNHALL, ALLEGHENY COUNTY, PENNSYLVANIA; AN ORDINANCE REGULATING OPEN BURNING IN THE BOROUGH; PROVIDING FOR AUTHORITY OF ENFORCEMENT; PENALTIES EFFECTIVE DATE.

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of the Borough of Munhall, Allegheny County, Pennsylvania, Borough Council has determined that it is necessary to regulate open burning of items within the Borough of Munhall; and

WHEREAS, this Ordinance is deemed to be in the best interests of the citizens of Munhall Borough; and

WHEREAS, this Ordinance is passed pursuant to the Borough Code.

NOW, THEREFORE, it is ORDAINED as follows:

This Ordinance shall be known as the Open Burning Ordinance.

Section I. Applicability of Ordinance. This Ordinance applies to all outdoor burning and open burning within the Borough of Munhall except for the following:

a] It shall not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances in an appropriate container or fireplace.

b] It shall 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] It shall not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 2. Restrictions on permitted open burning. Open burning of wood, trees, logs, brush and/or stumps shall only be permitted in compliance with the following:

a] Only clean, dry wood products may be burned.

b] Burning shall only be permitted in an approved outdoor rated fireplace, fire pit, chimney or 55 gallon drum.

c] No burning shall be permitted between the hours of 11:00 pm and 7:00 am, prevailing time.

d] All burning and fires must be no less than 15 feet distant from the nearest structure.

e] All outdoor burning shall be attended at all times by an individual not younger than 18 years of age.

f] Adequate means of fire extinguishment must be immediately available at all times when outdoor burning is taking place.

g] Burning at construction sites having a valid building permit for the purpose of providing warmth shall only be permitted if the weather is at or below 32°F and said burning shall only take place in a 55 gallon drum suitable for containing such fire.

h] Persons 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.

i] All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields, Open burning shall be conducted in conformance with all local and state fire protection regulations and the 2006 International Fire Code.

j] No materials may be burned upon any street, curb, gutter, sidewalk or on the ice of a lake, pond, stream, body of water or on any public property.

k] No person shall be permitted to create or permit an open fire on property unless he/she has the legal right to possession of that property.

l] The Fire Marshall or other authorized officer, agent, employee or representative of the Borough of Munhall, who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 3. The open burning of refuse is prohibited. Refuse shall include any waste material, including building supplies, garbage, grass and leaves. It shall not include trees, logs, brush, stumps, and other vegetative matter.

Section 4. Authority of the Fire Marshall. The Fire Marshall shall have the power to prohibit open burning if such burning is contrary to the provisions of this Ordinance or the 2006 international Fire Code.

Section 5. Penalties. Any person or entity found to be in violation of this Ordinance shall be subject to a civil fine in the amount of \$600.00 for each violation.

Section 6. Appeals. Any person or entity aggrieved by a decision of the Fire Marshall shall have the right of appeal to the Munhall Borough Code Enforcement Board.


Section 7 Severability. If any portion of this Ordinance is illegal or unconstitutional, then it is deemed to be the intent of Munhall Borough Council that the balance of this Ordinance would have been enacted irrespective of said invalid portion.


Section 8. Effective date. This Ordinance shall take effect immediately.

ORDAINED into law this 18<sup>th</sup> day of March , 2009.


ATTEST:

MUNHALL BOROUGH

  
Borough Manager

By   
President

APPROVED this 18<sup>th</sup> day of March, 2009.

  
Mayor