

## **Chapter 7**

### **Fire Prevention and Fire Protection**

#### **Part 1 Open Burning**

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**Part 1****Open Burning****§7-101. Short Title.**

This Part shall be known and may be cited as the “Akron Borough Open Burning Ordinance.”

(Ord. 00048, 9/14/2009, §II)

**§7-102. Definitions.**

*Borough* - Akron Borough, Lancaster County, Pennsylvania.

*Open burning* - the burning of any material or combination of materials where the products of the combustion are emitted directly into the ambient air without first passing through a stack or chimney from an enclosed chamber inside of any building or structure. For purposes of this definition, a chamber is considered “enclosed” when, during the time combustion is occurring, the only apertures, ducts, stacks, flues or chimneys open to the outside air are those necessary to emit combustion air or those necessary to permit the escape of exhaust gasses from the combustion to the outside of any building, and then into the ambient air.

*Outdoor barbeque structure* - any commercially constructed grill intended to be used solely for heating, cooking and preparing food for human consumption or a constructed masonry grill used only for heating, cooking or preparing food for human consumption.

*Person* - any individual, partnership, association, corporation, limited liability company, limited liability partnership, department, bureau, agency or other similar legal entity, but excluding the Borough of Akron.

*Recreational fire* - an outdoor fire used for recreational purposes such as to cook food on an outdoor barbecue structure; or to burn non-treated, dry wood or charcoal in a residential fire pit, fire circle or chimenea. A recreational fire is a fire that is not used for the purpose of disposing of the material being consumed.

(Ord. 00048, 9/14/2009, §II)

**§7-103. Prohibition Against Open Burning.**

Except as herein provided, within the Borough, no person shall kindle, set, start, ignite, maintain or permit the kindling, setting, starting, ignition or maintenance of any open burning for any purpose, including by way of example and not by way of limitation, any junk fire, refuse fire, open fire, a fire ignited to burn brush, grass, wood, leaves, paper, rubbish, garbage, construction materials, etc.

(Ord. 00048, 9/14/2009, §II)

**§7-104. Exceptions to Prohibition Against Open Burning.**

1. *Fires by Permit.* Certain exceptions to the prohibition of open burning may be allowed by permit.

A. The type of open burning that may be allowed by permit includes the

following:

- (1) To prevent or abate a fire hazard.
- (2) For the purpose of instructing firefighting personnel or to demolish a fire hazard (including a structure or structures).
- (3) For the prevention and control of disease or pests.
- (4) Solely for ceremonial purposes, such as a bonfire.

B. All such open burning must be undertaken with the supervision of the Volunteer Fire Company of Akron, Pennsylvania.

C. The Borough Manager shall be considered the Permit Officer.

D. The Borough Council may establish permit fees by resolution.

2. *Recreational Fires.* It shall be lawful at any time for any person to kindle, set, start, ignite and maintain a recreational fire, provided that such fire is used solely for recreational purposes and is confined to an approved outdoor barbeque structure, fire pit, fire circle or chimenea.

(Ord. 00048, 9/14/2009, §II)

#### **§7-105. Authority to Extinguish Outdoor Fires.**

The Borough Council hereby gives express authority to the volunteer fire company of Akron, Pennsylvania, to extinguish any open burning, including recreational fires, within the Borough when the Fire Chief or, in his absence, the highest acting officer of the fire company deems that conditions warrant such action.

(Ord. 00048, 9/14/2009, §II)

#### **§7-106. Penalties.**

1. Any person who violates any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$500 plus costs. Each day that a violation of this Part continues shall constitute a separate offense.

2. The Akron Borough Police may file non-traffic citations with that magisterial district judge who has jurisdiction over any violation of this Part.

(Ord. 00048, 9/14/2009, §II)