

BOROUGH OF CANONSBURG
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. 1373

AN ORDINANCE OF THE BOROUGH OF CANONSBURG REPEALING AND REPLACING CHAPTER 90 OF THE CANONSBURG CODE OF ORDINANCES AND ANY ORDINANCES INCONSISTENT THEREWITH, PROVIDING FOR THE REGULATION OF OUTDOOR BURNING

WHEREAS, Council of the Borough of Canonsburg (the "Borough") has previously enacted various ordinances that were codified in Chapter 90 of its Code of Ordinances; and

WHEREAS, the Pennsylvania Borough Code permits the Borough to make regulations as may be necessary for the health, safety and welfare and to promote safety of the Borough; and

WHEREAS, the Borough has determined through recommendation of its Fire Code Officer that its ordinances regulating Outdoor Burning need amended to further this purpose; and

WHEREAS, the Borough as determined that Chapter 90 of its Code of Ordinances be repealed and replaced by the contents contained herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Canonsburg, as follows:

Section 1. Applicability.

This ordinance applies to all outdoor burning within the Borough of Canonsburg except:

1. Grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
2. Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device, that is compatible with laws governing such a device, within a building used for human or animal habitation.
3. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 2. Open Burning Regulations

Open burning of trees, logs, brush, and stumps, is permitted from November 1st through April 30th on Wednesdays and Saturdays between the hours of 10:00 a.m. and 5:00 p.m., prevailing time, in accordance with the following provisions:

1. 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 on roadways or surrounding properties. Open burning shall be conducted in conformance with all local and state fire protection regulations.
2. Open burning fires shall not exceed five (5) feet in diameter or five (5) feet in height.
3. Open burning fires shall be completely surrounded by a noncombustible barrier.
4. Open burning shall be conducted only on property on which the materials were generated.
5. Open burning shall be conducted at a location at least fifteen (15) feet from:
 - a. The nearest structure on the property
 - b. Any combustible material; combustible wall or partition, exterior window opening, exit access or exit.and twenty-five (25) feet from any structure which is not on the same property.
6. Open burning is prohibited upon any public property, right of way, street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.
7. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years old and fire extinguishing equipment available as may be necessary for the fire's total control.
8. Open burning conducted outside November 1st through April 30th on Wednesdays and Saturdays between the hours of 10:00 a.m. and 5:00 p.m., prevailing time, can only be done upon securing a permit from the Borough's Fire Code Officer.

Section 3. Recreational Fires

Recreational fires may be conducted in accordance with all of the following provisions.

1. Recreational fires shall burn only dried, clean wood with a maximum diameter of three (3) feet and maximum height of two (2) feet.
2. Recreational fires 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 or surrounding properties. Recreational fires shall be conducted in conformance with all local and state fire protections regulations.
3. Recreational burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years old age until the fire is

- extinguished and is cold. The person shall have available for use such equipment as may be necessary for the fire's total control.
4. Recreational burning shall be conducted at a location at least fifteen (15) feet from:
 - a. The nearest structure on the property
 - b. Any combustible material, combustible wall or partition, exterior window opening, exit access or exit and twenty-five (25) feet from any structure which is not on the same property.
 5. All recreational fires shall be extinguished by 10:00 pm.
 6. Recreational fires shall not cause a nuisance to neighbors.

Section 4. Prohibited Burning

All outdoor burning of, plastic, rubber, paper, treated wood, refuse, leaves, yard and grass clippings is strictly prohibited.

Section 5. Liability

A person 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.

Section 6. Right of Entry and Inspection

The Fire Chief or authorized officer, agent, employee or representative of Canonsburg Borough who presents credentials may inspect any property for the purpose of ascertaining compliance with provisions of the ordinance.

Section 7. Enforcement and Penalties

Notwithstanding any language which permits outdoor burning, open burning, or recreational fires, any fire that will be offensive or objectionable because of smoke or odor emissions or size when atmosphere conditions, wind or local circumstances make such fires hazardous, may be ordered by police, fire or code enforcement officers to be extinguished.

Any person who shall be convicted of violating or failing to comply with the provisions of this Ordinance before a Magisterial District Judge shall be punishable by a fine of not more than One thousand (\$1,000) Dollars, plus costs of prosecution.

The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished as provided above for each sperate offense.

The Borough Police Department and/or Code Enforcement Officer are authorized to carry out the duties and obligations of enforcing this Ordinance.

Section 8. Severability

Should any part of this Ordinance be held legally invalid, the remainder shall be in full force and effect.

Section 9. Repealer


Any part of any Ordinance, specifically Chapter 90 of the Borough of Canonsburg Code of Ordinances, or resolution or ordinances inconsistent herewith shall be repealed and replaced by the contents contained herein.

Section 10. Effective Date

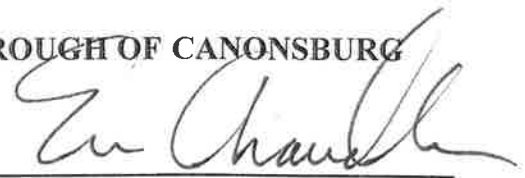
This Ordinance shall be effective upon adoption by the Borough Council.

WHEREFORE, BE IT ORDAINED AND ENACTED BY ORDINANCE NO. 1373 into law this 10 day of April, 2023.

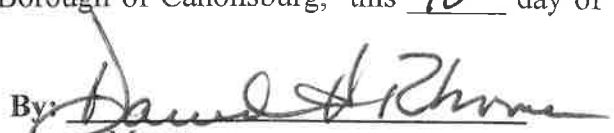
ATTEST:


Denise Lesnock, Borough Manager

BOROUGH OF CANONSBURG

By: 
Eric Chandler, President of Council

Examined and approved by me, the Mayor of the Borough of Canonsburg, this 10 day of April, 2023.

By: 
Mayor