

**BOROUGH OF NEW FLORENCE
WESTMORELAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 OF 2025

**AN ORDINANCE TO ESTABLISHING REGULATIONS
REGARDING OUTDOOR RECREATIONAL BURNING
WITHIN THE BOROUGH OF NEW FLORENCE**

WHEREAS, the Council of the Borough of New Florence is authorized to prohibit nuisances and address public health pursuant to the provisions to the Pennsylvania Borough Code, 8 Pa. C.S.A. Section 1202; and

WHEREAS, the Council of the Borough of New Florence has, from time to time, adopted multiple Ordinances designed to prohibit nuisances and address public health; and

WHEREAS, the Council of the Borough of New Florence now intends to adopt comprehensive regulatory provisions to prohibit nuisances and address public health on all properties, public or private, within the Borough.

NOW, THEREFORE, the Council of New Florence Borough hereby ordains and enacts the following:

SECTION ONE: REGULATIONS FOR OUTDOOR RECREATIONAL BURNING.

1. **Purpose.** The purpose of this Ordinance is to establish rules and regulations under which Outdoor Recreational Burning on private property shall be permitted within the Borough of New Florence and, further, to prescribe penalties for violations hereof. Other than as set forth herein, no person or persons shall burn or cause to be burned any municipal waste, trash, lumber, leaves, straw or any other combustible materials of any kind in or upon any property, street, alley or any public property within the limits the Borough of New Florence.

2. **Definitions.** As used herein, the following terms shall have the meanings indicated:

FIRE – Combustion or burning of materials causing light, flame, and heat.

FIRE-EXTINGUISHING DEVICE – An available means of rapid extinguishment of an open fire including, without limitation, a fire extinguisher with a minimum 4A rating; garden hose; water barrel; sand or dirt; or water truck.

MATERIALS – Dry and clean wood, small branches, twigs, kindling, charcoal, propane, natural gas, and any other clean burning fuel.

OUTDOOR RECREATIONAL BURNING OR FIRE – A fire contained within a grill, outdoor barbeque, fireplace or similar device for the purpose of cooking food with natural gas, propane or any other clean burning fuel, wood or charcoal; or any other fire created for warming or ceremonial purposes within an enclosure that is constructed from masonry, brick, stone, metal or other noncombustible material, or other similar device that encloses and contains fire, such as a chiminea, fireplace or commercially manufactured fire pit designed specifically for the purpose of containing a fire. Charcoal grills, pellet grills, propane grills and wood-fired smokers are specifically excluded from this definition.

3. Outdoor Recreational Burning.

- a. No persons shall burn any materials of any kind on private property except as authorized by this chapter or otherwise permitted by the federal, state or local law.
- b. No permit shall be required for outdoor recreational fires undertaken in compliance with this Ordinance.
- c. Outdoor recreational fires are permitted on residential lots. The materials burned by the fire can only be of the type defined herein this section. It is a violation of this Ordinance to burn any rubbish, garbage, cardboard, leaves, yard waste, household waste, municipal waste, construction debris, toxic or noxious materials, cloth, plastic, treated, painted, varnished or otherwise coated materials, or other materials that tend to cause excessive or malodorous emissions or excessive smoke. Small quantities of paper and cardboard may be burned as kindling.
- d. Outdoor recreational fires may only be conducted within fire enclosures no larger than three (3) feet in diameter and two (2) feet in height.
- e. Outdoor recreational fires are not permitted within ten (10) feet of any public roadway or property line.
- f. Outdoor recreational fires in a patio fire pit or chiminea shall be undertaken in compliance with manufacturer instructions.
- g. The size of the pile of combustible material must be less than three feet in diameter and one foot in height.
- h. Outdoor recreational fires are only permitted within the Borough between the hours of 12:00 noon and 1:00 AM.
- i. Any property conditions that could facilitate the spread of a fire must be fully removed before igniting an outdoor recreational fire.

- j. All devices containing an outdoor recreational fire shall be cleaned and maintained on a regular basis to prevent the buildup of residual combustible material, such as charcoal, food grease, drippings or scraps, or other debris.
- k. At least one person of at least 18 years of age must:
 - i. Attend (being outside, on the property, and in line of site of the fire) the fire at all times until the fire is extinguished;
 - ii. Ensure the fire is under control and poses no risk of spreading outside the enclosure; and
 - iii. Maintain a fire-extinguishing device readily available for use to extinguish the small recreational fire on an immediate basis.
- l. Outdoor recreational fires must be fully extinguished prior to being left unattended.
- m. The burning of paint cans, gasoline cans, vinyl products, plastics, chemicals, aerosols, tires, siding, construction or roofing materials, or any petroleum based products or any other toxic, combustible or hazardous materials is strictly prohibited. This prohibition also applies to the burning of organic materials and/or radiological materials.
- n. Burning shall not occur during environmental conditions, including temperature inversions, fogs, low cloud ceilings, high wind conditions, dry weather conditions and/or events of dry weather warnings as issued by the County Emergency Management Agency, Pennsylvania Emergency Management Agency or the Pennsylvania Department of Environmental Protection or its agencies.
- o. All burning of leaves and/or green unseasoned wood (less than one year of age) is prohibited.
- p. No burning by business owners, operators, contractors, and/or owners of construction materials generated on site or off site.
- q. No person undertaking any burning within the Borough shall permit said burning to pollute air, water or soils within the Borough.
- r. Outdoor recreational fires shall not create a nuisance. In the event of a nuisance arising from an outdoor recreational fire, the extinguishment thereof may be directed by the Fire Chief and/or Code Enforcement Officer. A nuisance is deemed to exist if the outdoor recreational fire:
 - i. Generates flying embers that pose a hazard to a dwelling, structure, tree or other vegetation, combustible material, roadway or utility;

- ii. Generates smoke, fumes or odors that affect other persons or property or unreasonably interferes with the use or enjoyment of neighboring properties;
- iii. Contains prohibited materials;
- iv. Causes an unreasonable risk of explosion;
- v. Creates a risk of harm to person's and/or the community's health;
- vi. Is not attended by a person physically who is over 18 years of age;
- vii. Is in a prohibited location; or
- viii. The burning violates other state, county, borough and/or federal burning laws.

3. Violations and Penalties.

- a. Any person who violates any provision of this chapter shall be guilty of a summary offense for each day of violation and, upon conviction, shall be required to pay a penalty for the use of Borough of New Florence in a sum not to exceed \$600, together with costs of prosecution, and in default of such payment shall undergo imprisonment for not more than 30 days.
- b. Each day of a continuing violation shall constitute a new violation of this Ordinance.
- c. In addition to any criminal penalties or proceedings, the borough is permitted to take any and all other civil remedies at law or in equity.

4. Additional Costs and Expenses.

- a. The owners of the property upon which the burning occurs and/or all persons physically operating the burn shall be responsible for costs involved in and related to a violation, including, but not limited to, costs for suppression activities, corrective actions, litigation, oversight, monitoring, sampling, testing and all related costs of investigation related to a corrective action or suppression.
- b. The Borough of New Florence may collect the costs incurred for the foregoing in the same manner as civil penalties in addition to other civil penalties or criminal penalties as assessed.

SECTION TWO: All ordinances or parts thereof conflicting with the provisions hereof are hereby repealed to the extent of such conflict.

SECTION THREE: In the event any court of competent jurisdiction shall determine that any piece or portion of this ordinance is illegal, unconstitutional or unenforceable, the same shall not affect the remaining provisions hereof which shall remain in full force and effect.

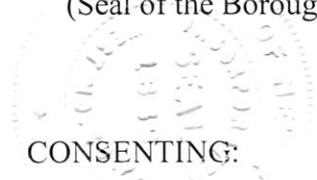
ORDAINED AND ENACTED by the Council of the Borough of New Florence,
Westmoreland County, Pennsylvania at a meeting duly assembled this 18th day of November
_____, 2025.

COUNCIL OF THE BOROUGH OF NEW FLORENCE

By *Jan L. Batts*
President

ATTEST:

Charles A. Priest
Secretary
(Seal of the Borough)



CONSENTING:

[Signature]
Mayor