

**VALENCIA BOROUGH, BUTLER COUNTY, COMMONWEALTH OF PENNSYLVANIA  
ORDINANCE NO. 242**

**AN ORDINANCE OF VALENCIA BOROUGH, BUTLER COUNTY, PENNSYLVANIA REPLACING ORDINANCE NO. 214 OF 1-9-1990, NOW ENTITLED "BURNING AND FIRE ORDINANCE".**

Be it ordained and enacted by the Council of Valencia Borough, Butler County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, as follows:

**WHEREAS**, the open burning of certain materials can have adverse effects on Borough residents in close proximity; and

**WHEREAS**, certain open burning activities are potentially hazardous to persons and property; and

**WHEREAS**, the Borough Code, as amended, grants to municipalities the authority to enact special purpose Ordinances which seek to protect the health and welfare of Borough residents;

**NOW THEREFORE**, be it ordained by the Valencia Borough Council as follows:

**SECTION 1:** Any prior ordinances restricting and regulating the burning of leaves, trash, or other items in the Borough of Valencia, Pennsylvania, is hereby repealed in its entirety and replaced by the following:

**SECTION 2:** Definitions. As used herein, the following terms shall be defined as follows: Burning - The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually. Recreational Fire - A fire set for recreational or ceremonial purposes, in an area which is properly prepared for said fire, such as a fire pit, a fire circle surrounded by stones, or an appliance for burning.

**SECTION 3:** Exclusions. As used herein, this Ordinance shall not apply to the following activities:

- A. Grilling or cooking food using charcoal, propane, wood, or natural gas in cooking or grilling appliances;
- B. The use of propane, acetylene, natural gas, gasoline, or kerosene in a clean burning device used for construction activities;
- C. Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for habitation;
- D. The use of propane, natural gas, or kerosene for outside clean burning heating appliances; and
- E. Burning accessory to "normal agricultural operation" as defined by the "Protection of Agricultural Operation From Nuisance Suits and Ordinances Act", 3 P.S. § 951, et seq.

**SECTION 4:** Outside Burning of Certain Materials Prohibited. In addition to open burning bans during periods of drought or as specified at the request of the District Fire Warden or Forester, Governor's Proclamation, State or Local Supervisors, Fire Department, Police Department, or Code Enforcement

Department, no person shall burn or permit the burning of materials including but not limited to, the following:

- A. Materials that should be recycled.
- B. Materials considered to be garbage or trash.
- C. Furniture, construction materials, chemicals, plastics, or oils
- D. Material that produces acrid, toxic, or noxious odors.

**SECTION 5: Receptacles Required for Certain Burning:** No person or resident of the Borough shall burn permitted materials, other than recreational fires, unless the same is burned in a stove, fireplace, burn container, chimney, pit, or incinerator.

**SECTION 6: Hours of Outside Burning:** No outside burning in the Borough is permitted, except as otherwise specified, and shall not be ignited before 9:00 A.M. prevailing time and shall not be permitted to burn after 7:00 P.M. prevailing time, with the exception of recreational fires. Fires for recreational purposes shall be completely extinguished when no longer attended.

**SECTION 7: Fires Prohibited on Certain Days:** No fires, with the exception of recreational fires, shall be permitted in the Borough on holidays recognized as such by the Commonwealth of Pennsylvania. Where Pennsylvania, Butler County, or the Borough, has issued a ban on open burning for the purposes of prohibiting brush fires, that ban shall supersede these regulations. Residents must use discretion during windy or dry weather conditions to prevent uncontrolled fire or smoke.

**SECTION 8: Nuisance Fires:** All fires are subject to discontinuance at the direction of the Borough Supervisors, Fire Department, Police Department, or Code Enforcement Department including, without limitation, if found to be unsafe, emitting noxious fumes, or emitting visible smoke, ashes, or sparks upon another neighbor's property or any structure.

**SECTION 9: All Fires:** All fires on private and public property shall comply with the following standards:

- A. Fires shall be set back as far as possible but in no instance less ten (10) feet from all combustible materials (i.e., dwellings, structures, decks, fences, chemicals, etc.) on neighboring property as a safety setback.
- B. Fire rings or pits shall be located as far back from property lines as possible but in no instance less than ten (10) feet from all property lines.
- C. Chemically treated wood may not be burned.
- D. Residents must use discretion on windy days to avoid unwanted spread of fire or smoke.
- E. A garden hose attached to a water supply or other approved fire extinguishing device shall be readily available at the location of any open burning or recreational fire.

F. Recreational fires must be attended at all times by a responsible adult or by children at least (16) years old provided they clearly understand how to control the fire.

G. The fire must be extinguished if it becomes a nuisance or fails to meet the other requirements of this Ordinance.

**SECTION 10: Adult Supervision.** All outside burning, other than recreational fires must be under the supervision of an adult over the age of eighteen (18) years.

**SECTION 11: Enforcement.** These regulations shall be enforced by Valencia Borough Supervisors, the Fire Department, the Police Department, and the Code Enforcement Department, any of whom can direct that a fire be extinguished. Exception: Agricultural Security and Preservation Areas may be exempt and protected from public nuisance ordinances in the course of normal farming operations.

**SECTION 12: Violations and Penalties.** Any person violating any of the provisions of this chapter shall be subject to fines and penalties set forth from time to time by Resolution of Borough Council.

**SECTION 13: Repealer:** All Ordinances, Code Section or parts thereof in conflict herewith are hereby repealed to the extent of such conflict. Ordinance No. 214 of 1-9-1990 is hereby repealed in its entirety.

**SECTION 14: Severability:** Should any sentence, section, clause, part or provisions of this Ordinance amendment be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

**SECTION 15: Effective Date:** This Ordinance amendment shall take place five (5) days after enactment.

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