

ORDINANCE NUMBER 187

AN ORDINANCE AMENDING ORDINANCE NUMBER 160 OF THE BOROUGH OF EVERSON, FAYETTE COUNTY, PENNSYLVANIA, RESTRICTING OPEN FIRES AND BURNING AND PRESCRIBING PENALTIES FOR VIOLATION.

Whereas, the Borough of Everson has enacted Ordinance 160 restricting open fires and burning in the Borough of Everson, Fayette County, Pennsylvania, and

Whereas, the Borough of Everson desires to amend said Ordinance:

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF EVERSON AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE SAME:

Section One: That Section 1. Definitions, of Ordinance Number 160 shall be amended to include the following provisions:

CLEAN WOOD - means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

FIRE CHIEF – means the Chief of the Everson Volunteer Fire Department or other person designated by the Fire Chief.

RECREATIONAL FIRE - a small outdoor fire burning clean wood, charcoal, kerosene or propane in a commercial metal fire pit made specifically for such recreational fires, a grill or a masonry container which is lined with fire bricks, fire clay or fire cement, and no larger than three (3) feet square or three (3) feet in diameter intended for recreation or cooking but not including a fire intended for disposal of refuse. Stacked bricks or cement blocks are not an acceptable container for a recreational fire.

Section Two: That Subsection 2 of Section 3 – Exceptions, of Ordinance 160 shall be amended to include the following provisions when an open fire has been specifically approved by the Enforcement Officer (these provisions and the provisions in Section 3 of Ordinance 160 do not authorize open fires absent the specific approval of the Enforcement Officer):

I. No material from outside of the Borough of Everson may be brought into the Borough of Everson for burning,

J. No burning may take place on a National Holiday, nor on a Saturday if the National Holiday occurs on the Sunday or Monday following that Saturday, nor on the Saturday that is closest to the 4th of July if the 4th of July does not fall on a weekend.

Section Three: That Section 3. Exceptions, of Ordinance 160 shall be amended to include the following provision:

3. A Recreational Fire may be set provided that it is at least fifteen feet (15') from any structure and fifteen feet (15') from any property line; remains attended at all times by an adult, and the flame may not exceed a height of one foot above the container in which the fire is set.

Section Four: That Section 4 – Enforcement, of Ordinance Number 160 shall be amended to read as follows:

- a. The Borough Council of the Borough of Everson shall have the power and duty to enforce the provisions of this Ordinance.
- b. The Code Official or the Police Department of the Borough of Everson shall have authority to issue citations to any person who shall be in violation of this Ordinance, or of any burning ban directive imposed by either County Officials or Borough Officials.
- c. Upon probable cause of a possible violation of this ordinance, the Code Official, Fire Chief or any authorized officer, agent, employee or representative of the Borough of Everson may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.
- d. A person utilizing or maintaining an Open Fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

Section Five: That Section 5. Penalties of Ordinance Number 160 shall be amended to read as follows:

- a. Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Fifty (\$50.00) Dollars nor more than Six Hundred (\$600.00) Dollars or imprisonment for a term not to exceed thirty (30) days, or both at the discretion of the Court. The Borough may file as a municipal lien any fine levied against an owner of property pursuant to this Ordinance.
- b. Any person, partnership, firm, association, corporation or other entity who violates this ordinance, and any owner of any property upon which a fire has been started in violation of this ordinance either through an intentional act or negligence, which necessitates a fire run by the Everson Volunteer Fire Department, or any other fire department or police agency, shall pay to the Borough of Everson any and all costs and charges incurred by the Everson Volunteer Fire Department by reason of such fire or emergency run. Provided; however, that the minimum charge for any fire run shall be \$600.00 plus additional minimum charge of \$200.00 for a Borough administration fee. All of the foregoing charges and expenses shall be due and payable within thirty (30)

days from the date an invoice is prepared and mailed to any person, partnership, firm, association, corporation or other entity, who sets or is responsible for such an open fire, or to any property owner upon which such a fire occurred. The Borough and Fire Department may proceed in any court of competent jurisdiction for any such civil damages and may recover any costs, expenses, or attorney fees incurred in the fire run or in the process of the recovery of such costs. The Borough may file as a municipal lien the cost of any fire run necessitated by a violation of this Ordinance. Any such lien must be filed within six months of the date of the fire run.

c. The Borough may add reasonable attorney's fees to any municipal lien filed pursuant to this Ordinance, provided Notice procedures are followed.

d. Any municipal lien filed pursuant to this Ordinance shall accrue interest at the rate of ten percent (10%) per annum from the date of filing until paid.

e. The Borough may recover reasonable attorney's fees and costs for the collection of any fine and/or fire run fees incurred pursuant to this Ordinance.

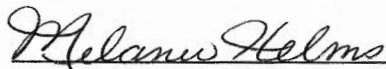
Section Six: All prior Ordinances, or Sections thereof, inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED by the Council of the Borough of Everson, this 21st day of July, 2014.

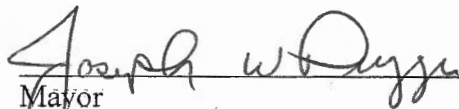
Borough of Everson


President of Council

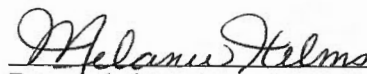
ATTEST:


Borough Secretary

APPROVED this 21st day of July, 2014.


Mayor

ATTEST:


Borough Secretary