

**Chapter 138**  
**BURNING, OPEN**

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**[HISTORY: Adopted by the Borough Council of the Borough of Mount Union 2-9-2011 by Ord. No. 2011-1. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Fire Company — See Ch. 25.  
Fire prevention — See Ch. 170.

Outdoor fuel-burning devices — See Ch. 216.

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**§ 138-1. Title.**

This chapter shall be known as the "Mount Union Burning Ordinance."

**§ 138-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**BOROUGH** — Mount Union Borough, Huntingdon, Pennsylvania.

**BURNING** — The igniting of any material, whether in combination or individually, to cause flame, smoke, embers, hot ash or residue.

**OPEN BURNING** — The burning of any material or combination of materials where the products of combustion are emitted into the ambient air without first passing through a stack or chimney from an enclosed chamber inside of any building. For the purposes of this definition, a chamber is considered enclosed when, during the time combustion is taking place, the only apertures, ducts, stacks, flutes or chimneys open to the outside air are those necessary to admit combustion air or those necessary to permit the escape of exhaust gases from the fire to the outside of any building and then into the ambient air.

**PERSON** — Any individual, partnership, association, corporation, department, bureau, agency or other similar entity.

**RECREATIONAL FIRE** — Any fire set and/or maintained for the primary purpose of outdoor cooking or social purposes.

**§ 138-3. Prohibited acts.**

Except as set forth in this chapter, outside burning of any kind is prohibited at all times within the territorial boundaries of the Borough.

**§ 138-4. Exceptions.**

A. This chapter shall not apply to the following, to the extent that a permit is issued by the Borough:

- (1) Any fire ignited under the supervision of, or with the cooperation of, the local Fire Department to prevent or abate a fire hazard.
- (2) Any fire ignited for the purpose of instructing fire-fighting personnel on fire-fighting techniques.
- (3) Any fire ignited for the prevention and control of disease or pests.
- (4) Any fire ignited in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of a farm operation.
- (5) Any fire ignited solely for ceremonial purposes, including but not limited to a bonfire.

B. This chapter shall not apply to the following:

- (1) Any fire which is a recreational fire, subject to the following conditions:
  - (a) Fires for outside cooking shall be permitted only by use of gas grills using fuels that are in compliance with the manufacturer's instructions; grills and other cooking apparatus using charcoal, charcoal briquettes, dry split wood, dry twigs or other dry wood materials; or cooking apparatus using other burning materials manufactured for the purpose of being used for a cooking fire.
  - (b) Fires for social purposes shall be permitted only by use of metal receptacles, gas or wood stoves, gas or wood fireplaces, fire rings or other apparatus constructed or manufactured for the purpose of recreational burning using fuels that are in compliance with the manufacturer's instructions or in non-gas-burning apparatus using charcoal or charcoal briquettes or by burning dry split wood, dry twigs or other dry wood materials or other burning materials manufactured for the purpose of outdoor recreational burning.

**§ 138-5. Permits.**

A. Open burning as authorized in § 138-4A of this chapter shall occur only to the extent that the Borough issues a permit which authorizes the burn and which sets forth the basis upon which the permit is being granted. The Borough shall have the right to reject a

permit request if the open burning event poses an impending danger to the health and/or safety of Borough residents.

- B. As determined by the Borough Council from time to time, a fee may be established for the issuance of all permits hereunder.

**§ 138-6. Abatement of public nuisances.**

A violation of this chapter shall constitute a public nuisance, and the Borough shall have the right to order any person causing the nuisance to abate the activity immediately. The Borough shall have the right to bring a civil action in the Huntingdon County Court of Common Pleas against any person who causes a public nuisance under the terms of this chapter. In any civil action brought hereunder, the Borough may seek a money award covering its expenses for the abatement action, including but not limited to legal fees and costs of litigation.

**§ 138-7. Violations and penalties.**

- A. Any person who violates the provisions of this chapter, upon conviction before the Magisterial District Judge, shall be guilty of a summary offense and shall pay a fine as follows:
- (1) First offense: \$100, plus costs of prosecution and court fees.
  - (2) Second offense: \$200, plus costs of prosecution and court fees.
  - (3) Third offense: \$400, plus costs of prosecution and court fees.
  - (4) Fourth or greater offense: \$600, plus costs of prosecution and court fees.
- B. Each day an offense occurs under this chapter shall constitute a separate offense.

**§ 138-8. Effective date.**

This chapter shall become effective on April 1, 2011.

