

**ORDINANCE NO. 275**  
Borough of Ellport, Lawrence

An ordinance of the Borough of Ellport, Lawrence County, Pennsylvania, restricting fires and open burning also prescribing penalties for violation.

**BE IT ENACTED AND ORDAINED** by the Council of the Borough of Ellport as follows:

**Section 1. Definitions:** As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**BOROUGH COUNCIL** – The borough Council of the Borough of Ellport.

**GARBAGE** – all-putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**OPEN FIRE/FIRE PIT** – a fire in which any material is burned in open or in a fire pit.

**ADULT PERSON** – Individual person 18 years of age or older

**REFUSE** – garbage, rubbish and waste, including plastic materials.

**RUBBISH**- solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpet, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, mattress, tin cans, glass, crockery, masonry, metals, chemicals and other similar materials.

**TRADE WASTE**- all solid or liquid material or rubbish resulting from construction, but not limited to: plastic products, cartons, paint, grease, oil and other petroleum products, chemicals and other forms of solid or liquid waste materials.

**Section 2. Enforcement:**

1. The Borough Council of the Borough of Ellport shall have the power and duty to enforce the provisions of this ordinance.
2. Borough Council hereby delegates enforcement of the provisions of this ordinance to any police agency having jurisdiction over the Borough.
3. Any and all Police Officers are hereby granted the authority and responsibility for inspecting Open fires/fire pits for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Police Officer is hereby charged with the responsibility of issuing warnings or citation, as merited, for all violations of this Ordinance.

**Section 3. Regulations within the Borough of Ellport, no person shall:**

1. Ignite or feed an open fire/fire pit for the destruction of refuse or in the conduct of a salvage operation.
2. Use any combustible fuels to ignite fires such as gasoline, lighter fluid or other flammable agent to start or re-start a fire.
3. Burn any materials that give off any acid, obnoxious, toxic odors, emit heavy smoke, embers and hot ash to impact your neighbors with smoke.
4. Fires shall not exceed (3) three feet in width and (3) three feet in height.
5. Fires shall have a adult present at all times.
6. Fires shall be completely extinguished before the adult leaves the fire location.

**Exceptions:**

1. Open fires may be set in the performance of any Ellport public official.
2. Open fires/fire pits may be set provided,
  - A. Wood and logs only are burned.
  - B. no tree leaves, grass, weeds, plant clippings, rags, old clothes, leather, rubber, carpet, excelsior, paper, ashes, tree branches, yard trimmings, furniture, mattress, tin cans, glass, crockery, masonry, metals, chemicals, garbage, rubbish, trade waste, PVC, asphalt shingles, insulated wire and other similar materials.
  - C. No hazardous or other objectionable condition will be created by such burning.
  - D. No such burning is allowed on any street, alley (or berm area of either) or sidewalk within the Ellport Borough.
  - E. All fires must be contained no closer than ten (10) feet to any structure, including fences.
  - F. All open fires/fire pits are to be no greater the (3) three feet dia. x (2) two feet high.
  - G. Containment shall be constructed of masonry, or steel plate ring (not less than 1/8 " (11 ga.) thick, or landscaping brick pavers that's been kiln fired.
  - H. All such burning takes place between the hours of 8:00 A.M. and 11:00 P.M.
  - I. No burning is permitted other than during this specified time.
3. Burn Barrels may be used ONLY for:
  - A. House hold paper products.
  - B. Burn barrels are to be no closer than ten (10) feet from any structure or fence.
  - C. All such burning shall be between the hours of 7:00 AM and 7:00 PM, prevailing time, only on Tuesday through Saturday except no such burning is permitted on National Holidays. No burning is permitted in burn barrels other than during this specified time.

**Section 4. Burning:**

1. Burning in compliance with this ordinance, shall be attended at all times by an individual 18 years or older until such time as the flame has been subsided completely. Unattended burning shall be in direct violation of this Ordinance.
2. Fires allowed to burn or smolder after the allowed burning hours shall be in violation of this Ordinance.

**Section 5. Penalties:** Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred (\$300.00) dollars plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings.

**Section 6. Repealer:** All Ordinances or parts of Ordinances that inconsistent herewith are hereby repealed.

**Section 7. Severability:** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 8. Effective Date:** This Ordinance shall become effective on passage.

**ENACTED AND ORDAINED** by the Borough Council of Ellport, this 19 day of SEPT., 2022, by a majority vote of Council at a regular meeting where at least a quorum was present.

**ATTEST:**

**ELLPORT COUNCIL**

Maquerite Christy  
Borough Secretary

Neil W  
Council President

Reviewed and approved this 19 day of SEPTEMBER, 2022

Joe Cisco  
Mayor