

ORDINANCE 236

BOROUGH OF HONEY BROOK
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF HONEY BROOK, AS AMENDED, AT CHAPTER 7, FIRE PREVENTION AND FIRE PROTECTION, PART I, OPEN BURNING, TO ADD DEFINITIONS AND TERMS REGULATING PORTABLE OUTDOOR FIREPLACES WITHIN THE BOROUGH.

AND NOW, this 7th day of MARCH, 2016 it is hereby Enacted and Ordained by the Borough Council of the Borough of Honey Brook, Chester County, Pennsylvania, as follows:

SECTION 1. Section 7-102. Definitions is hereby amended to include the following new definition:

“Portable Outdoor Fireplace - an appliance or device commercially manufactured out of non-combustible materials such as steel, concrete or clay to burn solid fuel such as wood but also including propane, gas or other appropriate regulated fuels in the outdoors for the express purpose of providing heat, recreation, and/or cooking food for consumption. This term includes, but is not limited to, chimneas, patio heating units, heating lamps, wood fired boilers, cast iron fire pits, and stove furnaces.”

SECTION 2. Section 7-105. Exemption for Recreational Fires. shall be removed in its entirety and replaced as follows:

“Section 7-105. Exemptions for Recreational Fires and Portable Outdoor Fireplaces.

1. Outdoor Barbeques. It shall be lawful at any time for any person to kindle, set, start, ignite and maintain a recreational fire for the purpose of outdoor barbeques, provided that such fire is confined to an outdoor barbeque structure as defined herein, and is used solely for the heating, cooking and preparation of food products for human consumption.

2. Portable Outdoor Fireplaces. It shall be lawful at any time for any person to use a Portable Outdoor Fireplace, as above defined, subject to the following regulations:

- A. The Portable Outdoor Fireplace shall not be used to burn refuse, junk materials or recyclable materials.
- B. The Portable Outdoor Fireplace shall only be used to burn clean wood or approved alternatives.

- C. The Portable Outdoor Fireplace shall be attended at all times and observation is required at all times until the fire is completely extinguished.
- D. The Portable Outdoor Fireplace shall be located at least twenty-five (25') feet away from the nearest structure or combustible material which is not on the same property as the Portable Outdoor Fireplace, and at least fifteen (15') feet away from the nearest structure or combustible material which is located on the same property as the Portable Outdoor Fireplace.
- E. The Portable Outdoor Fireplace shall not cause a nuisance to neighbors with respect to smoke, odor emissions or illumination, and shall constitute a public nuisance if utilized in violation of the within regulations and otherwise applicable regulations of Chapter 7.
- F. The Portable Outdoor Fireplace shall not be operated when the use of the unit is objectionable or offensive because of smoke or odor emissions when atmospheric conditions or local circumstances dictate.
- G. The Portable Outdoor Fireplace must be used according to the manufacturer's specifications and instructions.
- H. The Portable Outdoor Fireplace must be UL listed or approved by the Borough Fire Marshall, Borough Fire Chief and/or Borough Code Enforcement Officer."

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed insofar as they may be inconsistent herewith. All other terms of Chapter 7 shall remain in full force and effect.


SECTION 4. If any section, part, or clause of this ordinance is declared void by a court of competent jurisdiction the remainder of this ordinance shall remain valid and in full force and effect.

SECTION 5. This ordinance shall become effective upon enactment as provided by law.

ADOPTED by Borough Council this 7th day of MARCH, 2016

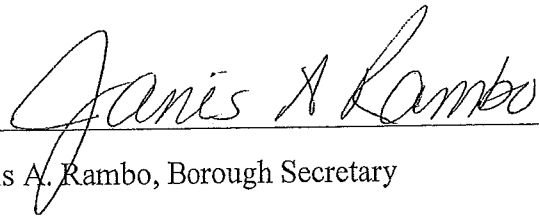
By: Janice Jenzano
VICE President, Borough Council

APPROVED by the Mayor, this 7 day of March, 2016.

By: _____

Christopher Mulhall, Mayor

ENACTED this 7th day of MARCH, 2016.

By: _____

Janis A. Rambo, Borough Secretary