

# CITY OF CORRY

## *Ordinance*

Ordinance No. 1668

Council Bill No. 25-07

Presented by: Mr. Jones

An ordinance amending and restating in the entirety Ordinance No. 1581 to prohibit the burning of leaves and to require their disposal through the City of Corry's Leaf Collection program.

**BE IT ORDAINED** by the Council of the City of Corry, Erie County, Pennsylvania and it is hereby enacted by the authority of the same that Ordinance No. 1581, shall be amended and restated as follows:

### **SECTION I. Title**

This ordinance shall be known and may be cited as the City of Corry Open Burning Ordinance of 2025.

### **SECTION II. Authority**

The City Council of the City of Corry, under, and by virtue of and pursuant to the authority granted by Third Class City Code P.L.662, No. 164, as amended, does hereby enact and ordain this ordinance.

### **SECTION III. Policy**

Whereas the City Council of City of Corry has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of the City of Corry, it is hereby declared to be the policy of the City of Corry to safeguard the citizens of the City of Corry from such air pollution while allowing citizens to enjoy recreation in the outdoors of the City of Corry.

### **SECTION IV. Definitions**

The following words, terms, and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

(1) **City Council** – Legal governing body within the legal jurisdictional limits of the City of Corry.

(2) **Municipality** – A city, incorporated town, township, borough, county, municipal authority, or other public body created under State law having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

(3) **Person** – Over the age of 18 who is deemed competent and mentally capable of making normal decisions.

(4) **Refuse** – means any waste material except clean wood. Waste material generated from occupied structures.

(5) **Open burning** – means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

(6) **Burning** – The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed as burning.

(7) **Leaves and yard waste** – Natural vegetation from trees, shrubs, bushes, tall weeds or grass, yard clippings, and any natural growth product.

(8) **Clearing and grubbing** – process of cleaning property of native vegetation which are cleared from land during or prior to the process of permitted construction of a structure. The term does not include demolition wastes, dirt laden roots or leaves.

(9) **Natural waste** – wood not treated, not painted, not varnished or finished. Sticks, limbs, or branches with no leaves on them.

(10) **Camp fire** – Area (no larger than 36 inches) where a fire (of natural wood) is built and maintained under continued supervision by a competent person.

(11) **Bon fire** – Area (larger than 36 inches) where a fire (of natural wood) is built and maintained under continued supervision by competent person.

(12) **Cooking fire** – used to prepare food.

(13) **Ceremonial fire** – Involving a group or organization conducting a service for their betterment.

(14) **Natural wood** – natural product from trees, untreated, unpainted, without stain or varnish. Would not produce harmful by-products during the process of combustion.

(15) **Portable Fire Pit** – portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel or other noncombustible material.

(16) **Fire Ring** – Complete, unbroken ring made of non-combustible material (metal, stone, earth or brick) that will keep the fire in a designated area.

(17) **Smoke generation** – by product of the process of combustion released into the ambient air.

(18) **Enforcement Authority/Agent** – A sworn or appointed person by the City of Corry as an officer, inspector or investigator, of the City of Corry, who possesses specialized training in, and whose duty shall be to gain compliance with City ordinances, state laws and federal laws which

they are responsible to enforce. These powers shall include the power to issue notices of violation or non-traffic citations.

## **SECTION V. Regulations**

Open burning within the City of Corry that meets the requirements set forth below shall be allowed if constantly attended and supervised by a competent person until the fire is extinguished or is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

(1) A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.

(2) A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office.

(3) Any fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office.

(4) A fire set for the purpose of clearing and grubbing property prior to the process of permitted construction of a structure or production of agricultural commodities in their raw state on farms.

(5) Camp fire / recreational fire – within a fire ring no larger than 24 inches in diameter, at least 15 feet from any structure or ignitable material or within a fire ring no larger than 36 inches in diameter, at least 25 feet from any structure or ignitable material. Portable Fire pits shall meet the requirements of 24 inch fire ring unless equipped with spark cover it can be 10 feet from any structure.

- A. for the purpose of cooking
- B. for the purpose of recreation
- C. for the purpose of ceremonial

(6) Bon fire – fire larger than 36 inches in diameter, used to clear property of natural waste that is dry (not fresh/green). A permit from the City of Corry must be obtained prior to burning to allow for inspection of site and materials to be burned. Inspection of the site will insure location is a safe distance from structures (minimum distance shall be determined based on size of planned fire) or other exposures and verify material being burned are not prohibited.

- A. for the purpose of reducing natural waste products.
- B. for the purpose of ceremonial by an organized organization.
- C. for the purpose of disposing yard waste (only at pre-determined locations)

(7) Smoke generation – If approved to have a burn, meeting one of the above allowable sections, the owner of the fire shall insure any smoke generated goes in a direction that does not cause harm or irritation to another person. They shall take into consideration wind direction and speed. The owner shall make every attempt to keep smoke or by products of the combustion process onto their property.

(8) Organized camp ground – An official organized camp ground shall be allowed to reduce the distance of a fire ring to within 10 feet of a structure.

## **SECTION VI. Enforcement Orders**

(1) Materials that cannot be burned.

A. Refuse including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

B. Asphalt and products containing asphalt.

C. Treated or painted wood including but not limited to plywood, composite shingles, construction or demolition debris or other household or business wastes.

D. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

E. Rubber including tires and synthetic rubber – like products.

F. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling program.

G. Electronic devices, TV's, computers, monitors, key boards, speakers, radios or appliances.

H. Leaves. The burning of leaves is strictly prohibited. Leaves shall be collected and disposed of in compliance with the City of Corry's Leaf Collection Program.

(2) The City of Corry Fire department and Police department shall have the power and duty to enforce the provisions of this ordinance.

(3) The City of Corry may issue such orders as are necessary to aid in the enforcement of the provisions of this ordinance. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful open burning, orders to take corrective action or to abate a public nuisance, orders to cease or refrain from burning due to weather conditions, orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information. Such an order may be issued if the City of Corry finds that any condition existing in or on the facility or source involved is causing or contributing to open burning or if the City of Corry finds that any person is in violation of any provision of this ordinance.

(4) The City of Corry may, in its order, require compliance with such conditions as are necessary to prevent or abate open burning or effect the purposes of this ordinance.

(5) An order issued under this section shall take effect upon notice, unless the order specifies otherwise.

(6) The authority of the City of Corry to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this ordinance. The failure to comply with any such order is hereby declared to be a public nuisance.

**Permits:**

Permits to burn shall be acquired at the City of Corry for bon fires (over 36 inches in diameter) within the city limits. This one time permit will allow the Fire Department to check the area where burn will occur, check items to be burned (insuring they are appropriate), and instruct property owner of their responsibility to have extinguishment equipment on hand.

Once a calendar year cost for bon fire burn permit shall be \$5.00.

**SECTION VII. Responsibility of Owners and Operators**

(1) Whenever the City of Corry enforcing agent finds that open burning is occurring in the City of Corry, other than those exceptions noted in Section V above, the enforcing agent may order the owner or person to take corrective action in a manner satisfactory to the City Of Corry, or the enforcing agent may order the owner or person to allow access to the land by the enforcing agent or a third party to take such action.

(2) For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, the City of Corry may collect the amount in the manner established by statute.

(3) Liability: A person utilizing or maintaining an outdoor burn ring, permitted or unpermitted bon fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by fire.

**SECTION VIII. Criminal Penalties**

Any person who violates any provision of this ordinance or any order of the City of Corry issued pursuant to this ordinance commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than one hundred fifty dollars (\$150.00) or more than two thousand five hundred dollars (\$2,500.00) for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment for ninety (90) days for each separate offense. Employees of the City of Corry authorized to conduct inspections or investigations are hereby declared to be law enforcement officers authorized to issue or file citations for summary violations under this ordinance, and the City of Corry Council is hereby authorized to prosecute these offenses. For purposes of this section, a summary offense may be prosecuted before any district justice in the City of Corry. There is no accelerated rehabilitative disposition authorized for a summary offense.

**SECTION IX. Unlawful Conduct**

It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this ordinance or to fail to comply with any order or other requirement of the City of Corry; or to cause a public nuisance; or to cause air, soil, or water pollution resulting from an open burning incident; or to hinder, obstruct, prevent, or interfere with the City of Corry or its personnel in their performance of any duty hereunder, including denying the code enforcement authority access to the source or facility; or to violate the provisions of 18 Pa.C.S. § 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities) in regard to papers required to be submitted under this ordinance. The owner or operator of an open burning source shall not allow pollution of the air, water, or other natural resources of the City of Corry to result from the source.

**SECTION X. Repealer**

All other ordinances or parts thereof which are in conflict with this ordinance are hereby repealed.

**SECTION XI. Validity**

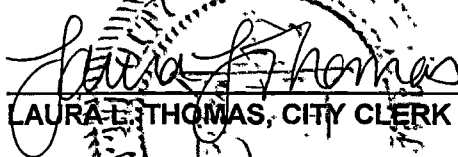
The provisions of this ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this ordinance. It is hereby declared to be the intent of the City Council of the City of Corry that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

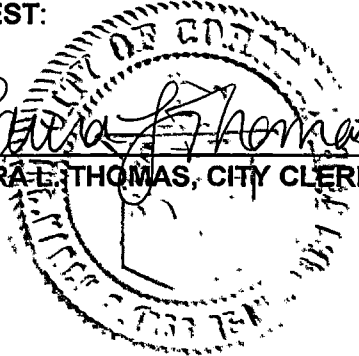
**SECTION XII. Effective Date**

This ordinance shall become effective on the 17<sup>th</sup> day of November, 2025.

Ordained and enacted into law by the City Council of the City of Corry on the 17<sup>th</sup> day of November, 2025, in lawful session regularly assembled.

ATTEST:

  
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LAURA E. THOMAS, CITY CLERK



  
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MICHAEL E. BAKER, MAYOR