

BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 269

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ORWIGSBURG, SCHUYLKILL COUNTY, PENNSYLVANIA, RESTRICTING FIRES AND OPEN BURNING WITHIN THE BOROUGH OF ORWIGSBURG AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

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BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, 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:

FURNACE - any enclosed device specifically designed for burning any material for the production of heat.

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

GOVERNING BODY - The Borough Council of the Borough of Orwigsburg.

INCINERATOR - any device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material.

OPEN FIRE - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE - garbage, rubbish and trade waste.

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

SALVAGE OPERATION - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to, metals chemicals, shipping containers or drums.

TRADE WASTE - all solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

SECTION 2. ENFORCEMENT. The Police Department of the Borough of Orwigsburg shall have the power and duty to enforce the provisions of this ordinance.

SECTION 3. REGULATIONS. Within the Borough of Orwigsburg limits, no person shall:

1. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any

public or private place outside any building, or

2. cause, suffer, allow, or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.

Exceptions:

1. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

A. the prevention of a fire hazard which cannot be abated by other means; or

B. the protection of public health.

2. Open fires may be set with approval of the fire chief or, if the fire chief is unavailable, the ranking officer of the fire department; provided,

A. leaves, branches and other non-petrescible vegetable matter only are burned.

B. there is no practical available alternative method for disposal of the material to be burned,

C. no hazardous or other objectionable condition will be created by such burning.

D. no such burning is allowed on any street or sidewalk within the Borough of Orwigsburg, and

E. all such burning takes place between the hours of 9:00 a.m. and 9:00 p.m.

SECTION 4. 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 one hundred (\$100.00)

dollars, and/or to imprisonment for a term not to exceed ninety (90) days.

SECTION 5. REPEALER. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. Ordinance No. 183 is specifically repealed.

SECTION 6. 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 of Orwigsburg that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption.

DULY ENACTED AND ORDAINED, this 9th day of July, A.D., 1986, by the Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF ORWIGSBURG


Secretary

BY:


President of Council

(Seal)

EXAMINED AND APPROVED this 9th day of July, A.D., 1986.


Mayor of the Borough of Orwigsburg
Schuylkill County, Pennsylvania