

ORDINANCE NO. 160

AN ORDINANCE OF THE BOROUGH OF EVERSON, FAYETTE COUNTY, PENNSYLVANIA, RESTRICTING OPEN FIRES AND BURNING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS AND DEFINITIONS, DESIGNATING AN ENFORCEMENT OFFICER AND PRESCRIBING PENALTIES FOR VIOLATIONS.

The Borough Council of the Borough of Everson, Fayette County, Pennsylvania, hereby ordains:

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.

BOROUGH COUNCIL - the Borough Council of the Borough of Everson.

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. Regulations. Within the Borough of Everson 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.

SECTION 3. Exceptions. Subject to the following 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 authorized Enforcement Officer of this Ordinance; provided,

A. paper, paper products, leaves, branches and other non-putrescible vegetable matter only are burned;

B. other than fires for the burning of leaves and small branches, all outdoor fires authorized under this Section shall be built in and confined to a non-combustible container covered with a screen of one-half (1/2") inch or smaller mesh or with such other suitable non-combustible cover;

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

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

E. no such burning is allowed on any street or sidewalk within the Borough of Everson;

F. all such burning takes place between the hours of 1:00 P.M. to 4:00 P.M. on Wednesdays and 12:00 Noon to 4:00 P.M. on Saturdays;

G. no fire shall be closer than fifteen (15) feet from any building or property line;

H. all such fires shall be attended by the person starting such fire. No such fire shall be permitted to burn, smoke or smolder after the expiration of the hours for such burning. All fires not completely out by the end of the authorized burning period shall be put out by the person starting such fire in such a way that they shall not continue to burn, smoke or smolder after the expiration of the authorized burning period.

SECTION 4. Enforcement. The Borough Council of the Borough of Everson shall appoint the Enforcement Officer who shall have the power to enforce the provisions of this Ordinance.

SECTION 5. Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred and 00/100 (\$600.00) Dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

SECTION 6. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed:

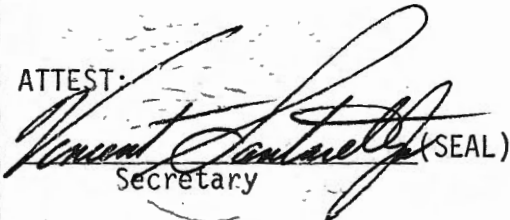
Section 103(2) of Ordinance No. 159 (Solid Waste Ordinance) but only as it relates to the prohibition of the burning of leaf waste, branches, paper and paper products and non-petrucible vegetable matter.

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 unconstitutionality, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. Effective Date. This Ordinance shall become effective five (5) days after the date of its adoption.

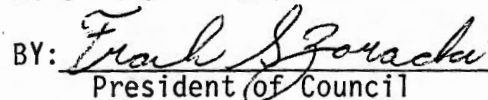
ORDAINED AND ENACTED this 28th day of December, 1993
by the Borough Council of the Borough of Everson.

ATTEST:

 (SEAL)
Secretary

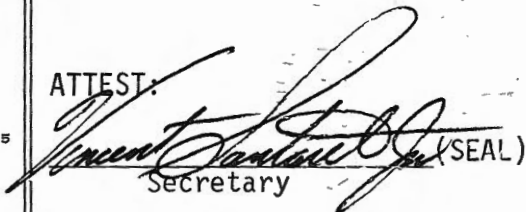
BOROUGH OF EVERSON

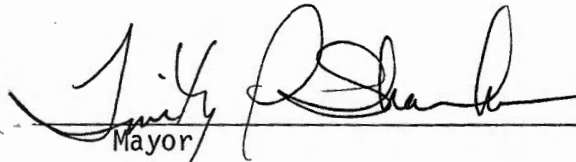
BY:


President of Council

EXAMINED AND APPROVED and signed by me this 28th day of
December, 1993.

ATTEST:

 (SEAL)
Secretary


Mayor