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NOTICE is hereby given that the Council of the Borough of Beavertown, Snyder County, Pennsylvania, intends to consider, and anticipates enacting, an ordinance entitled:

ORDINANCE NO. 2-2007

AN ORDINANCE OF BEAVERTOWN BOROUGH, SNYDER COUNTY, PENNSYLVANIA, PROHIBITING THE BURNING WITHIN THE BOROUGH OF ALL MATERIALS EXCEPT SYLVAN MATERIALS; REQUIRING BURN CONTAINERS; LIMITING THE HOURS AND DAYS FOR BURNING; SPECIFYING CERTAIN EXCEPTIONS TO THIS ORDINANCE; AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

This Ordinance is adopted to promote and protect the health, safety, and welfare of the residents of Beavertown Borough by prohibiting all outdoor burning except for sylvan materials during the daylight hours on Tuesdays and Fridays within the Borough as well as requiring the use of burn containers. This Ordinance is also adopted to conform to the requirements of Section 4000.1501 of the Pennsylvania Municipal Waste Planning, Recycling & Waste Reduction Act as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended, and to Section 6018.610 of the Solid Waste Management Act as set forth in Title 35 of Purdon's Pennsylvania Statutes Annotated, as amended, wherein the residents of the Commonwealth are prohibited from burning recyclable materials.

Copies of the proposed Ordinance may be examined at the Beavertown Borough Office in the Beavertown Community Building, Walnut Street, Beavertown, Pennsylvania, or at the Law Office of Robert M. Cravitz, Beavertown Borough Solicitor, 503 North Market Street, Selinsgrove, Pennsylvania. The Council intends to consider, and anticipates enacting, the proposed ordinance at its regular meeting at the Council Chambers of the Beavertown Community Building, Walnut Street, Beavertown, Pennsylvania, on Tuesday May 8, 2007, at 7:00 p.m., or as soon thereafter as the matter may be considered.

Robert M. Cravitz,
Beavertown Borough Solicitor

Please publish this notice in the legal section of your publication of April 21, 2007, and send bill together with proofs of publication to Linda G. Thomas, P. O. Box 268, Beavertown, Pennsy

*Ord. # 2-2007
Amended @ March 09,
2010 meeting to
include Saturdays
during daylight hours
as an add. burning
day. See Ord. #3-2010
Linda Thomas
Sec.*

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The Council of the Borough of Beavertown ordains as follows:

1. Authority. This Ordinance is adopted pursuant to authority granted by Sections 46202(3), (4), (5), (6), (16), and (74) of the Borough Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended, and to conform the Beavertown Borough Code to the requirements of Section 6018.610 of the Solid Waste Management Act as set forth in Title 35 of Purdon's Pennsylvania Statutes Annotated, as amended, and Section 4000.1501(c)(1)(ii) of the Pennsylvania Municipal Waste Planning, Recycling & Waste Reduction Act as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended.

2. Purpose. This Ordinance is adopted to promote and protect the health, safety, and welfare of the residents of Beavertown Borough by prohibiting all outdoor burning except for sylvan materials during the daylight hours on Tuesdays and Fridays within the Borough as well as requiring the use of burn containers. This Ordinance is also adopted to conform to the requirements Section 4000.1501(c) of the Pennsylvania Municipal Waste Planning, Recycling & Waste Reduction Act as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended, and to Section 6018.610 of the Solid Waste Management Act as set forth in Title 35 of Purdon's Pennsylvania Statutes Annotated, as amended, wherein the residents of the Commonwealth are prohibited from burning recyclable materials.

3. Definitions. The following words used in this Ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

Air Contaminant - Smoke, dust, fumes, gas, odor, mist, vapor, pollen or any combination thereof.

Borough - The Borough of Beavertown, Snyder County, Pennsylvania.

Borough Mayor - The duly elected Mayor of the Borough of Beavertown, Snyder County, Pennsylvania.

Burn or Burning - The undergoing of rapid combustion of a substance in such a manner as to give off heat, gases, air contaminants, and usually, but not always, light.

Burn Container - Any noncombustible container or enclosure used primarily for the disposal of sylvan materials. Burn containers shall include, but not be limited to, burn barrels, incinerators, and burn pits; but shall not include outdoor burn containers primarily used for indoor heating purposes, barbecue grills, gas grilles, or any other containers used primarily for the cooking of food.

Garbage - Any discarded animal or vegetable matter.

Malodorous Air Contaminants - Air contaminants which have an odor that causes annoyance or discomfort to the public and that the Borough determines to be objectionable to the public.

Open Area - A portion of privately owned land which is situated so that it is free of any and all overhead obstructions, including but not limited to trees, branches, buildings, wires, and cables, and so that it is not a fire hazard when in use. An open area shall not include a public street, alley, or road.

Person - A natural person, firm, partnership, association, corporation, trust, or any entity with legal responsibilities. Whenever used in any clause prescribing or imposing a fine or imprisonment, or both, "person" shall mean as applied to associations, the partners, or members thereof, and as applied to corporations, the officers thereof.

Plastic - Any synthetic or natural organic materials made from or consisting of resins, resinoids, polymers, cellulose derivatives, casein materials and proteins.

Rubber - A highly elastic solid substance polymerized by the drying and coagulation of the latex of rubber trees and plants.

Rubbish - Any unwanted material that is rejected or discarded, including but not limited to, debris, litter, trash, refuse and disposable diapers.

Sylvan Materials - Any substance made exclusively of wood, including but not limited to, newspapers, magazines, cardboard, and related materials.

4. Outdoor Burning Prohibited. No person shall burn garbage, rubbish, rubber, plastic, leaves, brush, trees, or related materials in any manner within the Borough unless otherwise authorized by the Pennsylvania Department of Environmental Protection, or its successor. Except as otherwise provided in this Ordinance, all outdoor burning is prohibited within the Borough.

5. Permitted Burning And Burning Hours. Any person may burn sylvan materials outside his dwelling within the Borough provided such burning occurs only during day light hours on Tuesdays and Fridays and in a burn container as specified in Section 6 below. No person shall burn sylvan materials outside his dwelling after sunset or before dawn on Tuesdays and Fridays. No person shall burn any sylvan materials outside his dwelling within the Borough on Mondays, Wednesdays, Thursdays, Saturdays or Sundays.

6. Burn Container Required. Any and all outside burning of sylvan materials within the Borough shall occur in a burn container. Every burn container shall be situated so as not to be a fire hazard when in use and so as not to cause any public or private nuisance from malodorous air contaminants. Every burn container shall be constructed, equipped, and used so as to prevent the discharge of embers, ashes, and other debris into the atmosphere. Burn containers shall be properly ventilated, shall be covered with a metal grid on top, and shall be periodically emptied so as not to accumulate ashes, cinders, and other debris that would prevent ventilation and combustion of the sylvan materials. While in use burn containers shall be attended by the person or persons burning sylvan materials, combustion of the sylvan materials shall occur in as rapid as possible manner, and no burn container shall be unattended nor shall it be allowed to smolder or

emit excessive smoke. Persons using burn containers shall be solely liable for any and all harm or damage caused by or associated with such use and the Borough by regulating such activity by this Ordinance is in no way responsible or liable for any such harm or damage. Persons using burn containers do so at their own risk.

7. Exceptions To Outdoor Burning Prohibition. The prohibitions of Sections 4 and 5 above shall not apply where the burning results from:

A. A fire set to prevent or abate a fire hazard, when approved by the Borough Mayor or, in the absence of the Mayor, the Fire Chief of the Beavertown Volunteer Fire Company;

B. A fire set for the purpose of instructing personnel in fire fighting, when approved by the Borough Mayor;

C. A fire set for the prevention and control of disease or pests, when approved by the Borough Mayor;

D. A fire set solely for ceremonial purposes;

E. A fire set solely for cooking food; or

F. A fire of wood, wood chips and/or charcoal in a ceramic, brick, or steel burn container commonly known as a "chiminea" for the purpose or purposes of heating and/or illuminating an outdoor area. No other sylvan materials, rubbish, plastic, rubber, leaves, brush, or garbage shall be burned in the burn container mentioned in this subsection.

8. Fire Warning. By duly enacted resolution, the Council may from time to time during periods of drought or other dry conditions issue a fire warning and prohibit all burning within the Borough except as otherwise authorized by the Pennsylvania Department of Environmental Protection or its successor. The prohibition may also include the discharge or ignition of sparklers and other devices otherwise not classified as fireworks and controlled as such by the laws of the Commonwealth of Pennsylvania. Notice of such warning and prohibition shall be advertised one (1) time in a newspaper of general circulation within the Borough. Violations of any such resolutions shall constitute a violation of this Ordinance and shall be subject to the penalties provided herein.

9. Approval By Other Authorities. Approval by the Borough of any burning permitted under this Ordinance does not relieve any person from any duty of also obtaining approval under the rules and regulations of any other authority, notably the Pennsylvania Department of Environmental Protection or its successor.

10. Violations and Penalties. Any person who violates any provision of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than \$100.00 and not more than \$1,000.00, plus costs of prosecution, for each and every offence and, in default of said fine and costs, to undergo imprisonment in the Snyder County Prison for a period not in excess of 30 days. Every day of violation shall be considered a separate violation. In addition to these penalties, the Borough may assess whatever other penalties are allowable under the Air Pollution Control Act, as amended.