

NOTICE

Notice is hereby given by the Council of the Borough of Freeburg, Snyder County, Pennsylvania, that it intends to consider and to enact an ordinance entitled:

ORDINANCE NO. 03 - 2013

AN ORDINANCE OF FREEBURG BOROUGH, SNYDER COUNTY, PENNSYLVANIA, PROHIBITING OUTSIDE BURNING WITHIN THE BOROUGH AND BURN CONTAINERS; SPECIFYING CERTAIN EXCEPTIONS TO THIS ORDINANCE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND REPEALING FREEBURG BOROUGH ORDINANCE NO. 05-2008).

This Ordinance is enacted to promote the general health, welfare, and safety of the community by prohibiting open outside burning and burn containers within the Borough and adopting regulations that are at least no less stringent than open burning regulations of the Pennsylvania Department of Environmental Protection.

The Borough Council intends to act on the proposed ordinance at its reconvened meeting on Tuesday, July 16, 2013, at 7:30P.M., at the Freeburg Community Building, Church Street and Freeburg Road, Freeburg, Pennsylvania. The proposed ordinance may be examined at the Freeburg Borough Office, Church Street and Freeburg Road, Freeburg, Pennsylvania, or the Law Offices of Robert M. Cravitz, Freeburg Borough Solicitor, 503 North Market Street, Selinsgrove, Pennsylvania.

Robert M. Cravitz, Solicitor
Freeburg Borough

Please publish one time in the legal section of your publication and send the proof of publication together with your bill to Joyce Klingler, Freeburg Borough Secretary, Church Street and Freeburg Road, P. O. Box 308, Freeburg, Pennsylvania, 17827. Thank you.

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The Council of the Borough of Freeburg, Snyder County, Pennsylvania, enacts and ordains as follows:

SECTION 1. Authority For Ordinance. This Ordinance is adopted in conformance with and pursuant to authority granted by Sections 46202 (3), (4), (5), (8), (11), and (17) of the Borough Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, as amended, and Section 4012 of the Air Pollution Control Act as set forth in Title 35 of Purdon's Pennsylvania Statutes Annotated, as amended.

SECTION 2. 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 Freeburg, Snyder County, Pennsylvania.

Borough Secretary - The duly appointed secretary for the Borough of Freeburg, Snyder County, Pennsylvania.

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

Burn Container - Any noncombustible container or enclosure used primarily for the disposal of materials through burning.

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.

Mayor - The Mayor of the Borough of Freeburg, Snyder County, Pennsylvania.

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 <end, 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, brush, trees, and similar natural items, any and all materials collected for recycling in the Borough such as newspapers, corrugated paper, leaves, cardboard, office paper, and similar items.

SECTION 3. Purpose. This Ordinance is enacted to promote the general health, welfare, and safety of the community by setting forth regulations on outdoor burning, enforceable by the Borough, that are at least no less stringent than outdoor burning regulations of the Pennsylvania Department of Environmental Protection.

SECTION 4. Outside Burning Prohibited. No person shall burn garbage, rubbish, rubber, plastic, sylvan materials, including, but not limited to, newspapers, corrugated paper, leaves, cardboard, office paper, and similar items, or related materials in any manner within the Borough unless otherwise authorized by the Pennsylvania Department of Environmental Protection. Except as otherwise provided in this Ordinance, all outdoor burning is prohibited within the Borough.

SECTION 5. Burn Container Prohibited. Any and all burn containers for outdoor burning are prohibited within the Borough. All burn containers existing within the Borough as of the effective elate of this Ordinance shall be removed and such container together with all of its contents shall be properly disposed of according to the rules and regulations of the Pennsylvania Department of Environmental Protection. Persons shall thirty (30) days from the effective date of this Ordinance during which to remove and dispose of his burn containers.

SECTION 6. Exceptions.

(1) Tile prohibition of Section 4 above shall not apply where the burning results from:

(a) A fire set to prevent or abate a fire hazard, when approved by the Mayor and set by or under the supervision of the local fire chief or Borough Police;

(b) Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Mayor;

(c) A fire set for the prevention and control of disease or pests, when approved by the 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 products or garbage shall be burned in the burn container mentioned in this subsection.

SECTION 7. Additional Regulation. 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. The prohibition may also include the discharge or ignition of sparklers and other devices otherwise not classified fireworks and controlled as such by the laws of the Commonwealth of Pennsylvania. Notice of such warning and prohibition shall be advertised one 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.

SECTION 8. 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 regulations of any other authority, notably, the Pennsylvania Department of Environmental Protection.

SECTION 9. 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 \$25.00 and not more than \$1,000.00, plus costs, for each and every offense 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.

SECTION 10. Severability. If any clause, provision, sentence, section, or part of this Ordinance shall be held to be invalid or illegal, such invalidity or illegality shall not affect or impair any remaining part of this Ordinance, it being the intent of the Borough Council that such remainder shall be and shall remain in full force and effect.

SECTION 11. Number And Gender. The use of the singular in this Ordinance shall include the plural and the use of the neuter shall include the feminine and masculine.

SECTION 12. Repeal. Freeburg Borough Ordinance No. 05-2008 and all other Borough ordinances or parts thereof inconsistent with this Ordinance are hereby repealed.

SECTION 13. Effective Date. This Ordinance shall be effective immediately upon its enactment.

DULY ENACTED AND ORDAINED this 16th day of July, 2013 by the Council of the Borough of Freeburg, Snyder County, Pennsylvania, in lawful session duly assembled after proper notice having been given.

ATTEST:

FREEBURG BOROUGH
SNYDER COUNTY, PENNSYLVANIA

Joyce A Klingler
BOROUGH SECRETARY

Michael P. Reed
PRESIDENT

(Freeburg Borough Seal)

Approved this 24th day of July, 2013.

Andrew Smith
Mayor Of Freeburg Borough

CERTIFICATION

I, Joyce Klingler, Secretary of the Council of the Borough of Freeburg, Snyder County, Pennsylvania, hereby attest and certify that the foregoing is a true and correct copy of Freeburg Borough Ordinance No. 03-2013, which was duly enacted at the regular meeting of the Council on July 16, 2013.



Joyce Klingler, Freeburg Borough Secretary


(Freeburg Borough Seal)