

PROPOSED ORDINANCE NO. 236

**AN ORDINANCE OF THE BOROUGH OF PATTERSON HEIGHTS, BEAVER COUNTY, PROHIBITING THE BURNING OF MATERIALS WITHIN THE BOROUGH AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REVOKING INCONSISTENT ORDINANCES**

BE IT ORDAINED AND ENACTED by The Council of the Borough of Patterson Heights and it is hereby ordained and enacted by virtue of the authority of the same as follows:

**SECTION 1. PURPOSE**

This Ordinance is enacted in the interest of health, safety and welfare of the residents of the Borough of Patterson Heights for the prevention of fires and to eliminate nuisances caused by smoke, ash and odors resulting from burning materials.

**SECTION 2. PROHIBITION OF BURNING MATERIALS**

Unless permitted in Section 3 of the within ordinance, no person, firm, corporation or other entity shall burn any materials whatsoever within the Borough of Patterson Heights.

**SECTION 3. PERMISSIBLE BURNING**

1. Fires are permitted under the following conditions, to the extent they are properly attended by a person sixteen (16) years of age or older.

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| Cooking grills:       | Grills, stove ranges, broilers and other cooking devices, involving flames for heating and cooking foods, to the extent said devices comply with all other laws, regulations and codes, may be used.   |
| Fireplace Burning.    | Logs (authentic and artificial) may be burned within a fireplace or stove serviced by a proper chimney system, to the extent such burning is compliant with all other laws, regulations and codes.   |
| Recreational Burning: | Burning wood products within a firepit, chiminea, receptacle or other container for recreational purposes shall be permitted. Such containers shall be no larger than four (4) feet in width and four (4) feet in length and shall be deep enough to contain all flames of the fire. |

2. Under no circumstances will burning be permitted of (a) materials determined by Borough Council to be recyclable under the terms of the Borough Recycling Ordinance, (b) salvaged or reclaimed products or materials and solid or liquid materials or rubbish resulting from construction, building operations or trade or business, (c) rubbish, garbage, plastics, rubber products or any other materials creating noxious or toxic smoke or fumes or (d) leaves, grass, or other lawn and yard debris (e) paper.

3. No outdoor burning shall be kindled or maintained within twenty (20) feet of any building or structure or within ten (10) feet of any property line. Furthermore, all outside burning shall be completely extinguished by 11:00 p.m.

#### SECTION 4. SEVERABILITY

The provisions of this Ordinance are severable. If any portion 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 portions of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Patterson Heights that this Ordinance would have been adopted had such unconstitutional, illegal or invalid portion not been included herein.

#### SECTION 5: EMERGENCIES

In the event a fire hazard or emergency condition exists by reason of a dry season or other circumstances, the Council, Mayor or Fire Chief may, by proclamation, prohibit all outdoor burning of any kind for the duration of such emergency. Such proclamation shall be publicly announced through the news media within the Borough, and thereafter, no person shall kindle or maintain any outside fire whatever for the duration of such emergency.

#### SECTION 6. REPEAL OF OTHER ORDINANCES


All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, including Ordinances 87 and 203..

#### SECTION 7. PENALTIES

Any person, firm, corporation or other entity who shall violate any of the provisions of this Ordinance or fail to comply herewith shall upon conviction before a District Magistrate, be subject to a fine of not less than Two Hundred (\$200.00) Dollars, nor more than Five Hundred Dollars (\$500.00), plus costs of prosecution, for the first violation; Not less than Five Hundred Dollars (\$500.00), nor more than One Thousand Dollars (\$1000.00) for any additional violation.

ENACTED, AND ORDAINED this 6 day of November, 2006.

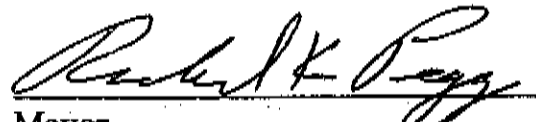
ATTEST:

  
Secretary

BOROUGH OF PATTERSON HEIGHTS

  
Council President

EXAMINED AND APPROVED this 6 day of November, 2006.

  
Mayor