

ORDINANCE NUMBER 477 of 2008

An Ordinance of the Borough of Forest City, Susquehanna County, Commonwealth of Pennsylvania restricting fires and open burning and prescribing penalties for violation; Establishing the Penalties for Violations of the Ordinance; Establishing a Right of Ordinance Severability and Setting Forth an Ordinance Date of Effect

WHEREAS, Under Section 53 PS. 46202 (6) Health and Cleanliness Regulations... The Borough is empowered to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough.

Be It Ordained and Enacted by the Borough of Forest City, Susquehanna County, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same that the Borough of Forest City hereby authorizes the following:.

1. Definitions: As used in this ordinance, the following terms shall have the meanings indicated,, unless a different meaning clearly appears from the context:

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

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, paper and paper products, i.e., cardboard etc.

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 raining or preparation of coal.

2. Enforcement. The Council of the Borough of Forest City shall have the power and duty to enforce the provisions of this ordinance through the Forest City Borough Police and appoint as additional enforcement officers qualified Fire Prevention Officials with the Forest City Fire Department and Forest City Code Enforcement Officers.

3. Regulations. Within the Borough of Forest City 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;

B. the protection of public health;

C. for outdoor cooking purposes, but then only in a stove, barbeque grill or other receptacle or device constructed and/or designed solely for outdoor cooking; or

D. for special occasions or under special circumstances, but then only with special permission of Council, or their above noted agents, granted in advance and for a specific purpose and a specific time or period of time. Provided: such special permission may be granted conditionally, and a violation of any condition accompanying any such special permission shall constitute a violation of this code. If this limited permission is granted, any outdoor fires shall be constantly attended by a competent person until the fire is extinguished. That person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

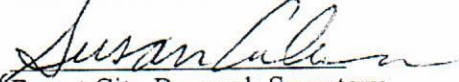
4. Penalties. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, shall be sentenced to pay a fine of not more than three hundred dollars (\$300.00), and/or imprisonment for a term not to exceed ninety (90) days.

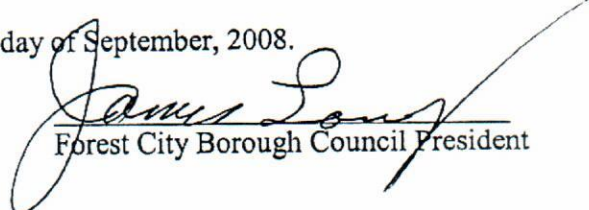
5. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

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 Forest City Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

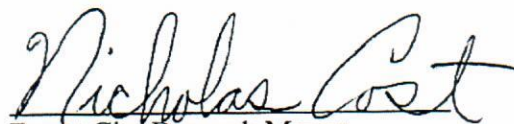
7. Effective date. This ordinance shall become effective upon passage.

ORDAINED AND ENACTED this 3rd day of September, 2008.


Forest City Borough Secretary


Forest City Borough Council President

The foregoing Ordinance is approved on the 3rd day of September, 2008.


Forest City Borough Mayor