

ORDINANCE NO. 2008 - 1

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF
NESQUEHONING, CARBON COUNTY, PENNSYLVANIA, AMENDING
THE CODE OF ORDINANCES OF THE BOROUGH OF NESQUEHONING,
SPECIFICALLY CHAPTER 59 ET. SEQ. AND AMENDING ORDINANCE
NO. 88-3, AND PROVIDING FOR REGULATING BURNING WITHIN THE
BOROUGH OF NESQUEHONING AND PROVIDING PENALTIES FOR ANY
VIOLATION OF SAID BURNING REGULATIONS

BE IT ORDAINED and ENACTED by the Council of the Borough of Nesquehoning, Carbon County, Pennsylvania and it is hereby Ordained and Enacted by authority of the same as follows:

ARTICLE 1: The burning of allowable material in the Borough of Nesquehoning can be done only on the following days and between the following hours:

Monday through Friday from 5:00 p.m. to 8:00 p.m.
Saturday from 12:00 p.m. to 6:00 p.m.

ARTICLE 2: Included in allowable material shall be limbs or branches from trees and brush; grass clippings and leaves.

Material not allowed to be burned shall include paper, cardboard, clothes, rags, furniture, tires, leather, rubber of any kind, plastic and plastic coated materials, flammable materials, wood and other material from building construction, demolition or renovation or any other industrial or household waste.

ARTICLE 3: The Council of the Borough of Nesquehoning authorizes and it shall be the duty of any Nesquehoning Police Officer, any Fire Chief or their designee of the Fire Companies of the Borough of Nesquehoning, to examine all places within the Borough limits where a controlled burning is requested. In the discharge of such duty, he or she may enter upon or into any private lane, alley, vacant lot, backyard, or any other portion of the private property of any person within the Borough of Nesquehoning.

ARTICLE 4: Anyone within the Borough of Nesquehoning who burns and any property owner in the Borough of Nesquehoning, who allows burning on his or her property, shall be jointly and severally liable for any and all damages incurred as a result of any burning.

ARTICLE 5: Anyone who burns within the Borough of Nesquehoning and any property owner in the Borough of Nesquehoning who allows burning on his or her property shall clean up and removed any and all residues from the burning within TEN (10) WORKING DAYS from the date of the burning.

ARTICLE 6: In the event anyone is engaged in illegal burning under the provisions of this ordinance, any Fire Chief or their designee of the Fire Companies of the Borough of Nesquehoning or any member of the Nesquehoning Police Department shall notify said person that he or she is in violation of said ordinance and said person shall immediately extinguish the fire.

ARTICLE 7: Any person who violates any of the provisions of this ordinance shall upon conviction thereof be fined in an amount not to exceed THREE HUNDRED (\$300.00) DOLLARS and in default of payment of said fine and costs, shall be sentenced to undergo imprisonment for a period not in excess of THIRTY (30) DAYS.

ARTICLE 8: All existing Ordinances of Nesquehoning Borough, or parts thereof, inconsistent with this Ordinance or any part thereof, are hereby repealed or amended to the extent specified herein.

ARTICLE 9: This ordinance shall become effective upon adoption hereof.

ARTICLE 10: If there is a Burning Ban in effect within the Borough of Nesquehoning, the Burning Ban will supersede any of the allowable burning within the Borough of Nesquehoning and no burning will be allowed until the Ban is lifted.

ORDAINTED and ENACTED by the Council of the Borough of Nesquehoning on this 23rd day of April, 2008.

BOROUGH OF NESQUEHONING

By: _____
President of Council

ATTEST:

Secretary/Treasurer

APPROVED this 23rd day of April, 2008.

Mayor