

ORDINANCE NO. 1-87

AN ORDINANCE OF THE TOWNSHIP OF DUNBAR, FAYETTE COUNTY, PENNSYLVANIA, REGULATING THE BURNING OF GARBAGE AND OTHER MATERIALS UPON PUBLIC OR PRIVATE PROPERTY, EXCEPT AS PROVIDED IN THIS ORDINANCE AND FIXING CERTAIN DAYS AND HOURS FOR BURNING WITHIN THE TOWNSHIP AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the indiscriminate burning of garbage, rubbish and refuse materials within the Township of Dunbar, Fayette County, Pennsylvania, has created problems relating to the health, safety and general welfare of the citizens of Dunbar Township.

NOW THEREFORE, in order to protect and promote the health, safety, peace, quiet enjoyment, comfort and tranquility of the residents of Dunbar Township, Fayette County, Pennsylvania, be it hereby enacted and ordained by the Supervisors of Dunbar Township, Fayette County, Pennsylvania, as follows:

SECTION I. UNLAWFUL TO BURN SUBSTANCES CAUSING NOXIOUS ODORS.

From and after the effective date of this Ordinance,

it shall be unlawful for any individual, partnership, association, corporation, department, bureau, agency or other legal entity to burn upon any premises, lot, street, alley, or any public place within the limits of the Township of Dunbar, any material or substance causing noxious or offensive odors at any time of the day or night.

SECTION II. FIRES UNLAW AT CERTAIN TIMES; PERMIT REQUIRED FOR CERTAIN FIRES.

It shall be unlawful for any individual, partnership, association, corporation, department, bureau, agency, or other legal entity from and after the effective date of this Ordinance to burn and/or permit to remain burning upon any premises, lot, street, alley or public place within the limits of the Township of Dunbar, any lose, dry papers, leaves or dry combustible materials of non-noxious nature at any time during the day or night, except between the hours of 10:00 o'clock A.M. until 4:00 o'clock P.M., prevailing time, on Wednesday of each week and between the hours of 10:00 o'clock A.M. until 6:00 o'clock P.M., prevailing time, on Saturdays of each week.

SECTION III. RESTRICTIONS.

The right to burn dry combustible materials of non-noxious nature on the days and during the hours set forth in

Section II of this Ordinance shall be subject to the following additional conditions:

(a) No fire shall be permitted to burn within twenty-five (25) feet from any structure;

(b) No fire shall be permitted to burn unattended;

(c) The burning permitted by Section II of this Ordinance shall be allowed only to accommodate the burning of normal and reasonable household accumulations.

SECTION IV. EXCEPTIONS.

(a) The restrictions on burning set forth in the Ordinance shall not apply to any fire contained in a stove, furnace, incinerator, boiler, or fireplace so constructed and used as to prevent the spread of fire by an arresting screen or similar device which prevents the escape of igniting particles or burning material therefrom.

(b) Burning may be permitted of open fires set in the performance of an official duty of any public officer if the fire is necessary for:

(1) The prevention of a fire hazard which cannot be abated by other means; or

(2) The protection of public health.

SECTION V. PENALTIES.

Any individual, partnership, association, corporation, department, bureau, agency, or other legal entity which shall violate any provisions of this Ordinance, shall, upon conviction, be sentenced to pay a fine of not less than \$50.00 or more than \$300.00, plus the costs of prosecution, and/or be sentenced to a term of imprisonment for a term not to exceed 90 days.

SECTION VI. REPEALER.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION VII. 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 and/or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared that the intent of the Supervisors of Dunbar Township, that this Ordinance would have been adopted at such unconstitutional, illegal or invalid sentence, clause, section or part thereof, not being included herein.

SECTION VIII. EFFECTIVE DATE.

This Ordinance shall become effective on March 1, 1987

ORDAINED AND ENACTED by the Supervisors of Dunbar Township, Fayette County, Pennsylvania, this 5th day of February, 1987.

David L. Leman

Steve Tomasko

Eugene Brazier

ATTEST:

Eugene Brazier
Secretary

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