

Part 1**Outside Burning****§10-101. Definitions.**

1. The following definitions shall apply to the interpretation and enforcement of this Part:

Burning—the igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually.

Burn container—any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other noncombustible rigid material, containing a bottom, sides and a cover as herein defined. “Burn containers” shall not be allowed to deteriorate to the point where they contain holes or missing surface in the structure. Outdoor fireplaces or incinerators shall be considered as burning containers for the purpose of this Part. If metal drums are being utilized, they shall not have contained toxic or flammable or other regulated materials. They shall be free from holes in the sides and/or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than 2 square inches each. Exception: portable outdoor grills, fired by propane, natural gas or charcoal, and designed for food preparation, are excluded from the provisions of this Part.

Burnable materials—burnable materials shall include the following:

(1) *Paper*—includes newsprint, wrapping paper, paper products or sheet paper items. Paper used to absorb oils or other noxious or toxic materials, plastic coated paper, paper attached to other non-burnable materials, or any other paper product that is wet shall not be included as burnable paper products, and are hereby prohibited from being burned.

(2) *Cardboard and chipboard*—includes cardboard and chipboard boxes, sheets, packing material, etc. Excluded and not permitted to be burned are materials used to absorb oils or other noxious or toxic materials, as well as cardboard or chipboard in combination with any other non-burnable materials.

(3) *Wood*—includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood material that has been chemically treated to prevent rot or moisture damage, or any other similar wood treatment, wood products that have a high glue content, and wood products in combination with any non-burnable materials.

Non-burnable materials—non-burnable materials shall include the following, in any combination:

- (1) Plastic.
- (2) Rubber.
- (3) Oils.
- (4) Asbestos.
- (5) Composition boards.

- (6) Shingles.
- (7) Felt paper.
- (8) Canvas.
- (9) Fiber glass.
- (10) Vinyl.
- (11) Human or animal waste.
- (12) Sanitary napkins.
- (13) Diapers.
- (14) Food solids.
- (15) Oil filters.
- (16) Any other materials individually or in combination with others that emit smoke, or acrid, obnoxious, toxic odors.

2. *Meaning of Certain Words.* All words used in the singular shall include the plural; all words used in the plural shall include the singular; all words referring to a certain gender shall include reference to both genders; whenever the words “dwelling,” “dwelling unit” or “premises” are used in this Part, they shall be construed as though they were followed by the words “or any part thereof.”

(Ord. 52, 8/7/2008, §1)

§10-102. Illegal Burning.

No person or corporation shall cause to be burned any of the above-referenced non-burnable materials, or any like or similar material, not in compliance, or inconsistent with this Part. It shall be illegal to burn any materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke.

(Ord. 52, 8/7/2008, §2)

§10-103. Permitted Hours.

Burning, in compliance with this Part shall be permitted only between the hours of 8 a.m. and dusk (when street lights come on) each Saturday and Wednesday of each week. Under no conditions shall burning, as defined herein, be permitted at any other time, than the designated times outlined in this Section. Fires allowed to burn or smolder outside of these time parameters shall be in violation of this Part and all those persons or corporations causing such fires shall be prosecuted under the guidelines addressed in this Part.

(Ord. 52, 8/7/2008, §3; as amended by Res. 2014-1, 8/7/2014; and by Res. 2014-1A, 10/2/2014)

§10-104. Unattended Burning Prohibited.

Burning, in compliance with this Part, shall be attended at all times by an individual 14 years of age, or older, until such time as the flames have subsided completely. Unattended burning shall be in direct violation of this Part, and all persons or corporations causing and permitting such unattended burning shall be prosecuted under the guidelines addressed in this Part.

(Ord. 52, 8/7/2008, §4)

§10-105. Burning Permits.

This Part does not prohibit the issuance of a “burning permit” by the local Fire Marshall whenever circumstances so dictate. Such permits shall be issued in writing by the local Fire Marshall. In granting such a permit, the Fire Marshall shall determine whether or not the Fire Company shall be in attendance.

(Ord. 52, 8/7/2008, §5)

§10-106. Inspections by Borough.

The Borough Council of the Borough of Hunker shall have authority, in person or by its agents and/or employees, to inspect outside burning containers for compliance with this Part. In the event any violations of this Part are found to be inexistence at the time of the inspection, the representative is hereby charged with the responsibility of issuing warnings as merited, for all violations of this Part.

(Ord. 52, 8/7/2008, §6)

§10-107. Violations and Penalties.

1. Any person, firm or corporation who or which shall violate or fail, neglect or refuse to comply with any of the provisions of this section shall, upon conviction thereof, be sentenced to a fine of not more than \$1,000 plus reasonable attorney’s fees and costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 2014-01]

2. In the enforcement of this Part, the Borough Council of the Borough of Hunker may, at its sole discretion, utilize a citation letter notifying the person responsible as to the violation of this Part and providing that person an opportunity to remedy said violation within 7 days of the date of that notice and to impose a fine of \$50 payable to the Borough of Hunker, without the necessity of a court proceeding and the imposition of attorney’s fees and court costs.

(Ord. 52, 8/7/2008, §7; as amended by Ord. 2014-01, 10/2/2014)

§10-108. Filing of Complaints.

1. Any resident of the Borough of Hunker wishing to file a complaint of a possible violation of this Part may do so in writing, addressing said complaint to the Borough Council of the Borough of Hunker.

2. Said complaint should be delivered to the Secretary, or any other member of the Borough Council of the Borough of Hunker.

3. Due diligence will be give to all complaints, and acted upon accordingly, if and only if they are submitted in writing, and found to be factual.

(Ord. 52, 8/7/2008, §8)