

Chapter 125

BURNING, OPEN

§ 125-1. Prohibited and permissible burning.

§ 125-2. Manner of burning.

§ 125-3. Hours.

§ 125-4. Containers.

§ 125-5. Burning location.

§ 125-6. Special permits.

§ 125-7. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek 11-5-1991 by Ord. No. 91-1 (Ch. VII, Part 1, of the 1978 Code of Ordinances). Amendments noted where applicable.]

§ 125-1. Prohibited and permissible burning. [Amended 9-6-2011 by Ord. No. 2011-2]

No person shall burn outdoors any garbage, refuse, or other material which may be consumed by fire, subject to the following exceptions:

- A. Dry tree or plant materials; and [Amended 7-2-2013 by Ord. No. 2013-3]
- B. Such materials as are used for outdoor cooking, such as grills using charcoal.

§ 125-2. Manner of burning.

Any permitted burning shall be accomplished only in a manner as not to cause excessive smoke constituting a nuisance and only if such burning is attended at all times by an adult person responsible therefor.

§ 125-3. Hours.

Outdoor burning shall only be permitted during daylight hours between sunrise and sunset; no outdoor burning shall be allowed on Sunday or Wednesday.

§ 125-4. Containers. [Amended 9-6-2011 by Ord. No. 2011-2; 7-2-2013 by Ord. No. 2013-3]

Except as hereinafter provided, any burning allowed by § 125-1A hereof shall be accomplished only by burning dry leaves and any dry plant material on gardens. Burning any material in metal containers is specifically prohibited.

§ 125-5. Burning location.

No permitted burning shall be allowed within 50 feet of any dwelling or on any public right-of-way.

§ 125-6. Special permits.

Borough Council may, from time to time, issue special permits for burning of materials otherwise prohibited herein upon written application and after public consideration of such request at a regularly scheduled Council meeting.

§ 125-7. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Clinton County.¹

1. Editor's Note: Original § 108, Annual Permit, added 9-6-2011 by Ord. No. 2011-2, of the 1978 Code of Ordinances, which immediately followed this section, was repealed 7-2-2013 by Ord. No. 2013-3.