

ORDINANCE NO. 3 - 1997

AN ORDINANCE OF THE BOROUGH OF MERCER, MERCER COUNTY, PENNSYLVANIA, PROHIBITING THE BURNING OF MATERIALS OF A NOXIOUS NATURE, INCLUDING ANY TYPE OF GARBAGE; REGULATING AND LIMITING THE BURNING OF COMBUSTIBLE MATERIALS OF A NON-NOXIOUS NATURE; SETTING FORTH WHAT MAY BE BURNED, THE DAYS AND HOURS OF BURNING; PROVIDING FOR THE ENFORCEMENT THEREOF AND FIXING THE PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Council and the Mayor of the Borough of Mercer, Mercer County, Pennsylvania, and it is hereby ORDAINED AND ENACTED by and with the authority of the same, as follows:

SECTION 1: It shall be unlawful for any person or persons, corporation, partnership, firm, association, or any other entity, whether or not they or it be the owner(s) and/or tenant(s), to burn upon any premises, lot, street, alley, or public place within the corporate limits of the Borough of Mercer, any material or substance causing noxious or offensive odors, including any type of garbage, at any time, day or night.

SECTION 2: It shall be unlawful for any person or persons, corporation, partnership, firm, association, or any other entity, whether or not they or it be the owner(s) and/or tenant(s), to burn upon any premises, lot, street, alley, or public place within the corporate limits of the Borough of Mercer, any material or substance of non-noxious nature, at any time, day or night, EXCEPT as hereinafter set forth:

(1) Throughout the following days of each week, prevailing time:

- (a) MONDAY, from 6:00 A.M. to 8:00 P.M.; and
- (b) WEDNESDAY, from 6:00 A.M. to 8:00 P.M.
- (c) SATURDAY, from 6:00 A.M. to 8:00 P.M.

It shall be lawful to burn the following materials and substance, ONLY: leaves, brush, plant cuttings, and other dead plant matter normally occurring in the course of maintaining a residence or property;

(c) All such burning shall be attended at all times during the course of burning by the person or persons so burning, and shall not be left smoldering.

SECTION 3: The provisions of this Ordinance shall not apply to any burning by the use of any outside grill, stove, charcoal grill, or similar outdoor cooking device or fire in the cooking of food for immediate consumption.

SECTION 4: The Mercer Borough Police Department, and/or the Mercer Borough Zoning Code Officer, shall have the power and duty to enforce the provisions of this Ordinance.

SECTION 5: Any person or persons, corporation, partnership, firm, association, or any other entity, whether or not they or it be the owner(s) and/or tenant(s) who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before any District Justice having jurisdiction for Summary Offenses, be subject to a fine of not less than Five (\$5.00) Dollars and not more than Six Hundred (\$600.00) Dollars, and in the case of default in the payment of the fine and costs of prosecution, shall under go imprisonment in the Mercer County Jail for a period not exceeding Five (5) days. Each day that a violation exists, or continues, shall be deemed to be a separate offense hereunder.

SECTION 6: All Ordinances or Resolutions or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance, shall be, and the same are hereby repealed insofar as the same affect or are in conflict with this Ordinance.

SECTION 7: The provisions of this Ordinance shall be severable, and if any of the provisions hereof shall be held unconstitutional, void, or otherwise unenforceable, any such shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 8: This Ordinance shall become effective upon Enactment, and shall remain in force until modified, amended, or rescinded by the Mercer Borough Council.

ENACTED AND ORDAINED this 16th day of January, 1997.

Attest:

Sandra Nassy
BOROUGH SECRETARY

Kevin M. P. P.
COUNCIL PRESIDENT

APPROVED BY ME THIS 7th day of April, 1997.

James J. Hillery
MAYOR OF MERCER