

PROHIBITING THE BURNING OF RECYCLABLES

Ordinance # 2009-1

An ordinance prohibiting the burning of those recyclables that Three Springs Borough collects in its recycling programs; providing for enforcement; and providing penalties for violation.

WHEREAS, it is in the best interests of the health, safety and welfare of the residents of Three Springs Borough to recycle rather than burn those specific items that are included in its recycling program; and

WHEREAS, the Commonwealth of Pennsylvania Department of Environmental Resources has mandated that Three Springs Borough enact this ordinance in order to continue to receive grant funds towards its local, voluntary recycling program;

NOW, THEREFORE, the Borough Council does hereby enact and ordain:

SECTION I: Following the effective date of this Ordinance, it shall be unlawful for residents of Three Springs Borough to burn any recyclable that is included in county volunteer curbside recycling or Borough recycling programs. A list of recyclables may be obtained from the Borough secretary.

SECTION II: Permitted supervised open burning of the following materials shall be permitted: non-recyclable refuse, non-recyclable paper, non-recyclable cardboard and dried plant growth (yard waste) generated on the premises where they are burned. All open burning shall be conducted in a non-combustible barrel or equivalent container equipped with a screen adequate to eliminate flying ash.

SECTION III: ENFORCEMENT – Any law enforcement agent or any employee or official of Three Springs Borough, is hereby authorized to enforce this ordinance.

SECTION IV: PENALTIES - Any person violating any of the provisions of this Ordinance shall, upon summary conviction before a Magisterial District Justice, be sentenced to pay a fine of not less than Twenty-five (\$25.00) and not more than One Hundred Dollars (\$100.00) and the cost of prosecution, such fines to be collected as like fines are now collected by law, and/or shall undergo imprisonment not exceeding 10 days, or both. Any person continuing any such violation beyond one (1) calendar day, shall be deemed to have committed a separate offense for each calendar day such violation continues.

SECTION V: SEVERABILITY – The provision of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of the Ordinance. It is hereby declared to be the intent of the Council of Three Springs Borough that this Ordinance would

have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section not been included herein.

SECTION VI: EFFECTIVE DATE – This ordinance shall become effective five (5) days after enactment.

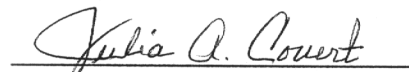
SECTION VII: REPEALS - All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

THREE SPRINGS BOROUGH



Harold G. Walker, President

Attest:


Julia A. Covert, Secretary

Approved this 2nd day of February, 2009