

ORDINANCE NO 2-2007

AN ORDINANCE OF THE BOROUGH OF LYONS, BERKS COUNTY, PENNSYLVANIA, PROHIBITING OPEN BURNING EXCEPT AS ENUMERATED HEREIN, AND SETTING PENALTIES FOR VIOLATION

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Lyons, Berks County, Pennsylvania, and it hereby is enacted and ordained by the authority of the same as follows:

Section 1. Open Burning Prohibited. There shall be no open burning of any materials in the Borough of Lyons except as set forth herein.

Section 2. Exceptions to General Prohibition on Open Burning. The following types of open burning may occur, subject to permit requirements set forth in Section 3 hereof:

(a) A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection and set by or under the supervision of Borough fire officials or their designated representative(s).

(b) A fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection and set by or under the supervision of Borough fire officials or their designated representative(s).

(c) A fire set for the control or prevention of disease or pests, when approved by the Department of Environmental Protection and set by or under the supervision of Borough fire officials or their designated representative(s).

(e) Furthermore, this Ordinance is not intended to prohibit the cooking of food contained in a grill or vessel intended for the cooking of food and which uses only charcoal or natural or propane gas as a fuel.

(f) A fire set or authorize by Borough Officials for public purposes in the Borough Park.

Section 3. Violations. Any person who violates any provisions of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay

a fine of not more than Five Hundred (\$500.00) Dollars and costs, and in default of said fine and costs, to undergo imprisonment in the Berks County Prison for a period of not in excess of thirty (30) days.

Section 4. Repeal. Any ordinance or resolutions or parts of ordinances or resolutions, insofar as they are mutually contradictory herein, be and the same are hereby repealed; provided, however, that the term of all other ordinances or resolutions or parts thereof shall be interpreted in a manner consistent with this Ordinance.

Section 5. Severability. If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Lyons that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 6. Effective date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED into law this 5th day of November, 2007 by the Borough Council of the Borough of Lyons, Berks County, Pennsylvania.

BOROUGH OF LYONS, BERKS
COUNTY, PA

Attest: *Sammy M. Bonel*
Secretary

BY: *Lynon B. DeJunk*
President

EXAMINED AND APPROVED AS AN ORDINANCE this the 5th day of
November, 2007.

Randy L. Schleyel
Mayor