

**BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA
RESOLUTION NO. 2015- 07**

(Duly Adopted March 3, 2015)

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BOWMANSTOWN, CARBON COUNTY, PENNSYLVANIA, PURSUANT TO
ORDINANCE NO. 2012-03, AS AMENDED BY ORDINANCE NO. 2014-03 THE
BURNING ORDINANCE, DESIGNATING DATES AND TIMES DURING WHICH THE
BURNING OF RESIDENTIAL YARD WASTE IS PERMITTED.**

WHEREAS, on August 7, 2012 the Borough Council adopted Ordinance No. 2012-03 prohibiting burning; and

WHEREAS, on December 2, 2014, Bowmanstown Borough Council adopted Ordinance No. 2014-03 to permit the burning of residential yard waste, however the Mayor did not sign the Ordinance; and

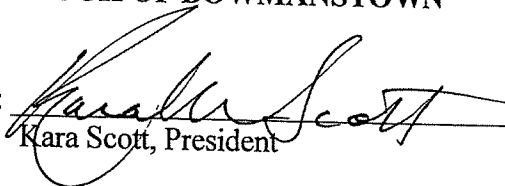
WHEREAS, on December 23, 2014, Bowmanstown Borough Council overrode the Mayor's veto by a vote of 5 to 2 and adopted Ordinance No. 2014-03, which allows the Borough to establish, by Resolution, specific dates and times during which the burning of residential yard waste is permitted;

NOW THEREFORE, BE IT RESOLVED AND ADOPTED, by the Borough Council of the Borough of Bowmanstown, Carbon County, Pennsylvania, that pursuant to Article III: Section IV- Prohibitions, Subsection C of Ordinance No. 2014-03 (amending Ordinance No. 2012-03), the burning of residential yard waste shall be permitted Monday through Saturday, from dawn to dusk. No burning of residential yard waste shall be permitted on Sunday.

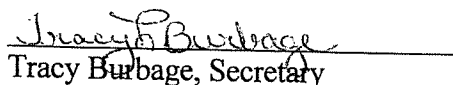
DULY RESOLVED AND ADOPTED, this 3rd day of March, 2015, by the Borough Council of the Borough of Bowmanstown, Carbon County, Pennsylvania, in lawful session duly assembled.

**BOROUGH COUNCIL OF THE
BOROUGH OF BOWMANSTOWN**

By:


Kara Scott, President

ATTEST:


Tracy Burbage, Secretary

**BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2014 - 03

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BOWMANSTOWN AMENDING ORDINANCE 2012-03 TO PERMIT THE BURNING
OF RESIDENTIAL YARD WASTE WITHIN THE BOROUGH IN CERTAIN
CIRCUMSTANCES, AND REMOVING A PROVISION RELATED TO THE DISPOSAL
OF RESIDENTIAL YARD WASTE.**

WHEREAS, by its Ordinance No. 2012-03 duly ordained and enacted at a regular public meeting on August 7, 2012, the Borough Council of the Borough of Bowmanstown enacted the Bowmanstown Borough Burning Ordinance; and

WHEREAS, the Borough Council of the Borough of Bowmanstown now desires to amend certain portions of the Burning Ordinance.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Borough Council of the Borough of Bowmanstown, County of Carbon and Commonwealth of Pennsylvania, as follows:

ARTICLE I: Section I – Definitions of Ordinance No. 2012-03 is hereby amended by adding the following definition:

“Residential Yard Waste - grass, leaves, prunings, brush and shrub (i.e., small branches, up to 4" in diameter and twigs) from general yard maintenance, and Christmas trees. Residential Yard Waste does not include materials generated by tree removal, land clearing or home renovation projects”

ARTICLE II: Section III – Provisions of Ordinance No. 2012-03 is hereby deleted in its entirety.

ARTICLE III: Section IV – Prohibitions of Ordinance No. 2012-03 is hereby amended to add the following subsection C:

“C. The Borough may permit the burning of Residential Yard Waste at specific dates and times as specified in a duly adopted Resolution of Borough Council. Notwithstanding the foregoing, burning shall not be permitted during such times as Carbon County has enacted a County wide burning ban.”

ARTICLE IV: Severability - The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions

which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

ARTICLE V: Repealer - All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ARTICLE VI: Effective Date - This Ordinance shall be effective five (5) days after its enactment by the Borough Council of the Borough of Bowmanstown, County of Carbon and Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 2nd day of December, 2014, by the Borough Council of the Borough Bowmanstown, in lawful session duly assembled.

ATTEST:

**BOROUGH OF BOWMANSTOWN
BOROUGH COUNCIL**

By: Tracy Burbage
Tracy Burbage, Secretary

By: Kara Scott
Kara Scott, President

Mayor, William H. Ravert, vetoed this Ordinance at the Borough Council meeting of December 2, 2014; however, Borough Council, by a vote of 5 to 2, overrode the Mayor's veto at the Borough Council meeting of December 23, 2014. The Borough Council's vote is recorded below:

John Domant: Yeah
Pam Leiby: Nay
Rob Moyer: Yeah
Kara Scott: Nay

Burdell Steigerwalt: Yeah
Darren Thomas: Yeah
Norman Engle, Jr.: Yeah

**BOROUGH OF BOWMANSTOWN
CARBON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2012 - 03

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BOWMANSTOWN PROHIBITING BURNING WITHIN THE LIMITS OF THE
BOROUGH OF BOWMANSTOWN, AND SETTING FORTH THE PENALTIES FOR
ANY VIOLATIONS THEREOF.**

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

SECTION I. – **Definitions:** For the purposes of this Ordinance the term:

- A. **Paper** – shall include books, cardboard, magazines, newsprint, wrapping/writing paper, and all other material of a similar nature;
- B. **Recyclables** – shall include paper, cardboard, magazines, newsprint, cans, plastics and glass;
- C. **Refuse** – shall include all combustibles such as cloth, plants, shrubbery and tree clippings, leaves, and wood, etc.; and
- D. **Rubbish** – all paper, recyclables, and other garbage as may result from the use of the property.

SECTION II. – **Materials:** It shall be unlawful for owners and/or occupants of any structure, vacant lot, mobile home, motor vehicle, or temporary residence to:

- A. Have any outdoor burning within the Borough limits except as described in Section IV;

- B. Permit the accumulation of paper, recyclables, or rubbish on sidewalks or property under their control, where such accumulation creates a fire or safety hazard;
- C. Burn paper, refuse or rubbish anywhere within the Borough limits at any time; and
- D. Burn recyclables anywhere or at anytime within the Borough limits.

SECTION III. – Provisions:

- ~~A. The Borough will provide means to dispose of leaves and branches within the borough one (1) time in the Spring and two (2) times in the Fall.~~

SECTION IV. – Prohibitions:

- A. No person shall kindle or maintain any bonfire, refuse or rubbish fire within the limits of the Borough of Bowmanstown; and
- B. This does not include barbeque pits, chimneys, portable smokers used for curing or flavoring foods, open pit campfires, or similar outdoor recreational burning appliances.

SECTION V. – Enforcement/Penalties:

- A. The Mayor of the Borough of Bowmanstown, the Code Enforcement Officer, or any other duly authorized agent shall have the power and duty to enforce the provisions of this Ordinance;
- B. Any person, partnership, firm or corporation violating any of the provisions of this Ordinance, shall upon conviction thereof be subject to a fine of not less than Five Hundred (\$500.00) Dollars, and not more than One Thousand (\$1,000.00) Dollars for each offense, and in default of payment of said fine and costs of

prosecution, shall be imprisoned for such period as prescribed by law. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense; and

- C. Within thirty (30) days of the effective date of this Ordinance, any person, partnership, firm or corporation violating any of the provisions of this Ordinance, shall be served with a written warning in lieu of a notice of violation. Said written warning shall be issued for a first offense only, and only within the first thirty (30) days immediately following the effective date of this Ordinance.

Thereafter, all violations of this Ordinance shall be subject to paragraph B above.

SECTION VI. – **Severability:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION VII. – **Effective Date:** This Ordinance shall be effective five (5) days after its adoption by the Borough Council of the Borough of Bowmanstown, Carbon County, Pennsylvania.

DULY ORDAINED AND ENACTED this 7th day of Aug, 2012, by the Borough Council of Bowmanstown, in lawful session duly assembled.

ATTEST:

**BOROUGH OF BOWMANSTOWN
BOROUGH COUNCIL**

By: Tracy Burbage
Tracy Burbage, Secretary

By: William Ravert
William Ravert, President

APPROVED this 7th day of August, 2012.

By: Keith G. Billig
Keith G. Billig, Mayor

**KEITH G. BILLIG
MAYOR OF BOWMANSTOWN
CARBON COUNTY, PA
MY COMMISSION EXPIRES 1/06/2014**

