

INTRODUCED: 6-12-23

BY: Pat Foley

ENACTED: 7-10-23

ORDINANCE NO.: 334

BOROUGH OF SOUTH CONNELLSVILLE
FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. 334

AN ORDINANCE OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 324 RELATING TO BURNING WITHIN THE BOROUGH; TO MODIFY THE PERMITTED DAYS AND TIMES FOR BURNING; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of South Connellsville has determined that there is a substantial risk of public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained; and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(11), affords the borough of South Connellsville with the power “[t]o regulate the emission of smoke from chimneys, smokestacks and other sources to the extent the regulation is not otherwise prohibited by applicable Federal or State law;” and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(17)(iii), affords the Borough of South Connellsville with the power “[t]o adopt, by ordinance, rules and regulations not inconsistent with State regulations relating to the storage of inflammable articles;” and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(17)(iv), affords the Borough of South Connellsville with the power “[t]o impose, by ordinance, other safeguards concerning inflammable articles as may be necessary;” and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(4), affords the Borough of South Connellsville with the power “to prohibit and remove any nuisance;” and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(5), affords the Borough of South Connellsville with the power “[t]o make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort and safety of the borough;” and

WHEREAS, the Borough Code, 8 Pa.C.S.A. § 1202(56), affords the Borough of South Connellsville the power to ensure “that fire and emergency medical services are provided within the Borough by the means and to the extent determined by the borough, including the appropriate financial and administrative assistance for these services;”

WHEREAS, the Borough Council of the Borough of South Connellsville previously adopted Ordinance No. 324 regulating burning within the Borough of South Connellsville; and

WHEREAS, the Borough Council of the Borough of South Connellsville desires to update its burning regulations to limit the number of days and times during which burning may occur within the Borough of South Connellsville; and

WHEREAS, the Borough Council of the Borough of South Connellsville previously adopted a Quality of Life ticketing ordinance, identified as Ordinance 327, which makes it an offense to engage in burning of solid waste that is not otherwise in compliance with the ordinances of the Borough of South Connellsville.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of South Connellsville, Fayette County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Amendment of Section 3(a) of Ordinance 324. The Borough Council hereby amends Section 3(a) of Ordinance No. 324 by deleting Section 3(a) in its entirety and replacing it with the following:

(a) “Permitted Times. Except as provided in Section 3(b) for certain recreational fires, open fires shall be permitted only during the following times:

Mondays	Prohibited
Tuesdays	Prohibited
Wednesdays	1:00 p.m. to 9:00 p.m.
Thursdays	Prohibited
Fridays	Prohibited
Saturdays	8:00 a.m. to 9:00 p.m.
Sundays	Prohibited”

Section 2. Acknowledgement of Consistency and Applicability of Quality of Life Ticketing Ordinance. The Borough Council hereby acknowledges Section 3(20) of Ordinance 327, which makes it an offense for which a quality of life violation ticket may be issued for a person to dispose of trash, waste, riffraff, lawn/yard waste, or any other solid waste by burning unless done in compliance with the provisions of South Connellsville Borough ordinances and regulations governing the burning of solid waste. The Borough Council hereby further states and confirms its intention that persons in violation of Ordinance 324, as amended by this Ordinance, may be ticketed pursuant to and in conformity with the provisions of Section 3(20) of Ordinance 327.

Section 3. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 4. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the Borough Council of the Borough of South Connellsville at a duly advertised public meeting held on the 10th day of July, 2023.

BOROUGH OF SOUTH CONNELLSVILLE

By: 

George Jay

President of Council

ATTEST: (SEAL)


Kelly Addis

Borough Secretary

Examined and Approved this 10th day of JULY, 2023.

By: 

Donald Ringer

Mayor

