

Chapter 73
BURNING, OUTDOOR

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[**HISTORY: Adopted by the Borough Council of the Borough of McSherrystown 12-14-1994 by Ord. No. 1994-9. Amendments noted where applicable.**]

GENERAL REFERENCES

Open burning at junkyards — See Ch. 215, § 215-89H.

§ 73-1. Open fires restricted.

No person, firm, partnership or corporation shall set or maintain an open fire, including but not limited to the burning of leaves, refuse, garbage or paper, anywhere in the Borough of McSherrystown, except as provided by §§ 73-3 and 73-4 herein.

§ 73-2. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

OPEN FIRE — Any fire that is not confined within a building.

§ 73-3. Exceptions.

Nothing herein shall prohibit the use of gas grills or charcoal grills or woodburning fireplaces in the Borough of McSherrystown, where the sole and express purpose for the use of such grills or fireplaces is the preparation of cooked foods for human consumption.

§ 73-4. Special permits.

A special permit may be issued by the Borough of McSherrystown for burning therein, if, in the sole discretion of the Borough, a permit is warranted because of special circumstances and if such burning would not create a fire hazard, or create a smoke nuisance or threaten other exposures detrimental to human habitation. The applicant shall pay a fee of \$10 to the Borough for each permit issued to defray administrative costs. Such permit may designate and limit the date and time to begin and end such burning, and may designate and limit the space or area or type of container within which the said burning shall be confined.

§ 73-5. Adult presence required at fires allowed by special permit. ¹

Any person, firm, partnership or corporation issued a special permit for burning under § 73-4 of this chapter is required to have one or more adult persons present at the approved burning site to oversee the said burning.

§ 73-6. Violations and penalties. ²

Any police officer of the Borough may cite any person, firm, partnership or corporation who shall violate the provisions of this chapter, and upon conviction thereof, the violator shall be sentenced to pay a fine of not less than \$50 or more than \$1,000, plus the costs of prosecution, or in default thereof, be sentenced to no more than 30 days in jail.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).