

BURN ORDINANCE # 242

AN ORDINANCE OF CONEWAGO TOWNSHIP, YORK COUNTY, PENNSYLVANIA, FOR THE REGULATION OF OPEN BURNING AND THE PREVENTION OF AIR POLLUTION WITHIN THE TOWNSHIP, DEFINING CERTAIN TERMS, ESTABLISHING PERMIT REQUIREMENTS AND PROVIDING FOR ENFORCEMENT AND PENALTIES.

SECTION 1. The Board of Supervisors of Conewago Township has determined that air pollution from an open fire is detrimental to the health, comfort, living conditions, welfare, and safety of the residents of Conewago Township and it is hereby declared to be the policy of Conewago Township to safeguard the welfare of its residents by regulating emissions causing such air pollution in conjunction with the standards and regulations of the Air Pollution Control Act, Chapters 121 and 129, Pennsylvania Department of Environmental Resources.

SECTION 2. The following words, terms and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

- a. Person: Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivisions, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.
- b. Board: The Board of Supervisors of Conewago Township.
- c. Open Burning: Any fire, the contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue, chimney, stack or stove pipe.
- d. Farm: Those uses of the land that are primarily agrarian in nature and restricted exclusively to agriculture.
- e. Domestic Refuse: Garbage, rubbish, or other waste generated by normal occupancy of a dwelling unit for residential purposes.
- f. Clearing and Grubbing Wastes: Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term DOES NOT include demolition wastes and dirt laden roots.
- g. Approved Open Burning Container: A metal barrel in good condition placed in the middle of a ten foot diameter circle cleared to mineral soil. Barrel must contain draft holes, be elevated on cinderblocks, and be covered by a heavy screen mesh.

h. Approved Open Burning Area: An area no closer than seventy-five (75) feet to any structure, cleared of all vegetation, and the diameter of which is at least ten (10) feet from the outside edge of the pile of material being burned.

i. Commercial/Industrial Refuse: Any material, not “Domestic Refuse” or “Farm” nor “Clearing and Grubbing Waste”, generated or produced as a product or by-product, or waste, or any disposable material, by any business, commercial or industrial activity.

j. Business: Any activity or operation conducted for profit, supplying a product or service for a consumer, including all commercial and industrial operations. Any activity generating any refuse that is not “Domestic Refuse”, “Farm” or “Clearing and Grubbing Waste”.

SECTION 3. Burning Operations.

a. No person shall cause, suffer, or permit the open burning of any material within Conewago Township in such a manner that:

(1) the emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted;

(2) malodorous air contaminants from the open burning are detectable outside the property of the person on whose land the open burning is being conducted;

(3) the emissions interfere with the reasonable enjoyment of life or property;

(4) the emissions cause damage to vegetation or property; or

(5) the emissions are or may be deleterious to human or animal health.

b. Exceptions. The requirements of subsection (a) of this section shall not apply where open burning results from:

(1) any fire set to prevent or abate a fire hazard, when approved by the Pennsylvania Department of Environmental Protection and when set by or under the supervision of a public officer;

(2) any fire set for the purpose of instructing personnel in fire fighting, when approved by the Pennsylvania Department of Environmental Protection;

(3) any fire set for the prevention and control of disease or pests, when approved by the Pennsylvania Department of Environmental Protection;

- (4) any fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation;
- (5) any fire set for the purpose of burning domestic refuse, when the fire is on the premises of any structure occupied solely as a dwelling by two families or less and when such refuse results from the normal occupancy of said structure;
- (6) any fire set solely for recreational or ceremonial purposes contained within a fire ring not to exceed 4' in diameter.
- (7) any fire set solely for cooking food contained within a fire ring not to exceed 4' in diameter.
- (8) any fire set solely for elimination of clearing and grubbing wastes.

SECTION 4: A burn permit shall be required for all fires set under Section 3 b(4), 3b(5), and 3b(8) of this ordinance. The applicant shall apply at the township office for a burn permit application. Upon receipt of application, the applicant shall complete all information requested and return the form to the township office. The township office staff will forward one copy to the Strinestown Community Fire Company for approval or disapproval. In the event that the application is disapproved, the township shall return the form upon which the disapproval has been designated to the applicant with an explanation. If a permit is approved, the permit shall be a permanent permit and will expire upon property transfer.

SECTION 5: All burning for which a permit is required shall be subject to the following regulations;

- a) No more than one (1) burn area shall exist at the same time.
- b) The entire burn area shall not exceed four hundred (400) square feet.
- c) No approved container fire shall be closer than thirty-five (35) feet from any structure; no approved open burning area shall be closer than seventy-five (75) feet from any structure.
- d) An approved fire shall burn only between sunrise and sunset.
- e) No approved fire shall be allowed to burn unless an adult person is present to regulate and control the burning during the time the fire is in existence.
- f) No approved fire shall be left unattended at any time.

g) The person attending an approved fire shall be reasonably equipped with such tools as may be necessary to control the fire.

h) No person shall ignite such materials as tires, roofing materials, plastics of any kind, wet garbage, or other substances which are likely to emit noxious odors or dense smoke or to ignite any other materials that are likely to be detrimental to the air quality of Conewago Township.

i) An approved fire shall only be conducted in AN APPROVED CONTAINER as defined in this ordinance or in AN APPROVED OPEN BURNING AREA as defined in this ordinance.

j) No permittee shall conduct an open burning without first notifying the 911 Fire Board of their intentions to burn and to provide information and the burn permit number to the 911 Fire Board dispatcher.

k) No permittee shall conduct an open burning during a period in which a ban on all open burning has been declared.

SECTION 6: Violations

a) Any person who violates, or permits the violation of any provision of this ordinance shall upon being found liable therefore by the district justice, pay a fine of not more than One Thousand (\$1,000.00) Dollars plus all costs including reasonable attorney's fees incurred by the Township.

SECTION 7: Authorized Enforcement Officers.

The following persons shall be authorized to issue Civil Enforcement Notices and in addition to the township solicitor, execute and file civil complaints before the appropriate district magistrate for enforcing the provisions of this ordinance.

- a) Northern York County Regional Police
- b) Strinestown Community Fire Company Line Officers
- c) Township Zoning Officer
- d) Township Administrator
- e) Other staff or employees of the township as may be designated by township resolution of the Board of Supervisors.

SECTION 8: Ordinance number 216 and any other ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 9: The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

SECTION 10: This ordinance shall become effective five (5) days after passage as provided by law.

Adopted this 15th. day of July, 1996

CONEWAGO TOWNSHIP BOARD OF SUPERVISORS

/s/ Rickie L. Fink

/s/ Ray E. Hykes

/s/ Donald R. Kern

Attest: /s/ Lou Anne Bostic, Secretary