

**CONEWAGO TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 354

**AN ORDINANCE OF CONEWAGO TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, AMENDING AND RESTATING THE BURN ORDINANCE,
REGULATING OPEN BURNING AND THE PREVENTION OF AIR
POLLUTION WITHIN THE TOWNSHIP, DEFINING CERTAIN TERMS,
ESTABLISHING BURNING OPERATIONS AND REGULATIONS, AND
PROVIDING FOR ENFORCEMENT OF PENALTIES**

WHEREAS, the Board of Supervisors adopted Ordinance No. 242, the Burn Ordinance, on July 15, 1996; and

WHEREAS, the Board of Supervisors desires to amend the Burn Ordinance to make it consistent with other Township Ordinances.

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

SECTION 1. Intent. The Board of Supervisors 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. Definitions. 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. Fire Ring: Noncombustible material arranged in a fashion no larger than four (4) feet in diameter or four (4) x four (4) feet square, to be high enough to protect the inside combustibles from spreading outside the noncombustible material and whose combustibles

are not stacked higher than could fall outside the noncombustible material. The immediate area around the fire ring should be free from any combustible items.

d. **Manufactured Cooking Equipment:** Any commercially manufactured cooking device fueled by natural gas, propane, or charcoal. Must have a UL label attached, must be operated according to manufacturer's recommendations.

e. **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.

f. **Farming Operation and Agricultural:** Those uses of the land that are primarily agrarian (minimum 75%) in nature and restricted exclusively to agriculture.

g. **Domestic Refuse:** Garbage, rubbish, or other waste generated by normal occupancy of a dwelling unit for residential purposes.

h. **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.

i. **Approved Fire Ring Area:** An area no closer than Thirty-Five (35) (to include adjoining properties and structures, public streets, highways, roads, ally, right-of-way), 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 material being burned.

j. **Commercial 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.

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 of 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 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;
- (5) the emissions are or may be deleterious to human or animal health.
- (6) Fire Ring Use prohibited between the hours of 2 AM and Sunrise.

- 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, or fire company fund raising 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 solely for recreational or ceremonial purposes contained within a Fire Ring, and whose combustibles are not stacked higher than could fall outside the Fire Ring.
 - (6) any fire set solely for cooking food contained within a Fire Ring.
 - (7) any fire using a Manufactured Cooking device.

SECTION 4. Burning Regulations. All burning shall be subject to the following regulations;

- a. No more than one (1) burn area shall exist at the same time, on a given property.
- b. The entire burn area for a fire related to farming or agricultural burning shall not exceed four hundred (400) square feet.
- c. An approved fire shall burn only between sunrise and 2 AM.
- d. 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.
- e. No approved fire shall be left unattended at any time.
- f. The Person attending an approved fire shall be reasonably equipped with such tools as may be necessary to control the fire.
- g. No Person shall ignite such materials as tires, roofing materials, plastics of any kind, wet garbage, insulated wire, 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.

- h. If burning per Section 3(b)(4) the Person conducting the burn must first notify the York County 911 Center through its non-emergency number (717-840-2971) of his intentions to burn as part of his agriculture operation, and provide his name, address, and a call back number for the person conducting the burn. This type of burn is subject to Section (4)(a-h).
- i. No Person shall conduct an Open Burn during a period in which a ban on all Open Burning has been declared by the township fire department, local or county government. Such ban does not preclude the use of Manufactured Cooking Equipment.
- j. Pursuant to Act 101 of 1988, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. § 4000.101 et seq., and Township Ordinance No. 342, no recyclable items shall be burned, including but not limited to, newspaper and inserts, magazines and catalogs, junk mail and envelopes, office paper, corrugated cardboard boxes, cereal, soda, tissue boxes and other paperboard packaging, paper towel and toilet paper cores, paper bags and phone books”, and leaf waste.
- k. No person shall burn Domestic Refuse or Commercial Refuse.

SECTION 5. Violations.

Any Person who violates, or permits the violation of any provision of this Ordinance shall upon being found liable by the District Magistrate, 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 6. Authorized Enforcement Officers.

The following persons shall be authorized to issue Criminal (Non-Traffic) Summary Enforcement Notices in addition to the township solicitor, execute and file such action before the appropriate District Magistrate for enforcing provisions of this Ordinance:

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

SECTION 7. Repealer. Any other ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 8. Severability. 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 9. Effective Date. This Ordinance shall become effective five (5) days after passage as provided by law.

Adopted this ____ day of _____, 2016.

Attest:

**CONEWAGO TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

Chairperson

Vice Chair

Member