

STEWARTSTOWN BOROUGH
YORK COUNTY, PENNSYLVANIA

Ordinance 2004-008

AN ORDINANCE OF THE BOROUGH COUNCIL OF STEWARTSTOWN, YORK COUNTY PENNSYLVANIA REPEALING ORDINANCES # 7-72 AND 1994-006 KNOWN AS THE STEWARTSTOWN BOROUGH AIR POLLUTION CONTROL ORDINANCE, FAMILIARLY REFERRED TO AS THE OPEN BURNING ORDINANCE PERMITTING THE ENFORCEMENT, EXCEPTIONS AND PENALTIES OF THE ORDINANCES. BOTH ORDINANCE 7-72 AND 1994-006 ARE REPLACED ENTIRELY

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Stewartstown, York County, Pennsylvania, as follows:

Section 1

Definitions:

- A. CONTAINED FIRE – Any outdoor fire contained in an incinerator, fireplace, brazier, pit, fire ring or other similar contained or enclosed structure.
- B. COOKING FIRE – Any fire for the purpose of cooking and contained in an outdoor barbecue, gas or other type of cooking grill which is freestanding and self contained.
- C. ENTERTAINMENT FIRE – Any outdoor fire contained in a product purchased and manufactured solely for the purpose of providing a fire for enjoyment and relaxation.
- D. FIRE – Any fire set or maintained outside a building.
- E. GRUBBING WASTE – Tree parts, tree limbs, weeds, grass and other organic material.
- F. INCINERATOR – Equipment having a combustion chamber which is enclosed on at least three (3) sides and constructed of noncombustible material such as heavy-gauge steel, stone or firebrick, and shall include, but not limited to burn barrels. The top of the incinerator and any exhaust area shall be equipped with a spark arrester having opening of not more than one (1) inch square or, alternatively, screening sufficient to retard and reduce the escape of sparks.
- G. PERSONS – Any individual, partnership, organization, association, agency, firm, estate or corporation and any other legal or commercial entity.
- H. RESPONSIBLE ADULT – Any individual eighteen (18) years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.
- I. UNCONTAINED FIRE – Any fire not included in the definition of “contained fire”.
- J. BURNING BAN – A period of time specified by Borough Council which prohibits all types of burning with the exception of cooking and entertainment fires.

Section 2

Prohibited Burning

The following are stipulated material, situations and conditions, in which open burning is prohibited:

- A. Burning of construction debris, plastics, by-products of manufacturing and processing operations, tires, waste from commercial operations and any other substances which are likely to emit noxious odors or dense smoke is strictly prohibited.
- B. No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire extinguishing apparatus or equipment.

- C. No fire shall be allowed to burn within fifty (50) feet of any building, property line, with the exception of cooking and entertainment fires as defined in Section 1.
- D. No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds of the Borough, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.
- E. Any fire during a burning ban period as specified by Borough Council.
- F. Contained fires shall not be permitted to burn or smolder between the hours of midnight and 6:00 am with the exception of cooking and entertainment fires.
- G. No fires of any kind shall be permitted which results in smoke, fire, ash cinders or partly burned materials being carried onto or deposited on adjoining properties.
- H. Any fire which has not been properly reported to the Fire Chief as stipulated herein.
- I. Any fire which does not have adequate means to be extinguished safely and effectively such as but not limited to a fire extinguisher and/or an available water source.

Section 3

Permitted Fires

The following are stipulated material, situations and conditions, in which open burning is allowed:

- A. Cooking, recreation or ceremonial fires, so long as they are contained fires as defined herein.
- B. Fires set for the purpose of providing fire fighting training by Eureka Volunteer Fire Company.
- C. Fires set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection or its designee and tended and controlled by authorized personnel.
- D. In the event it is necessary or desirable to have an uncontained fire such as a recreational bonfire or to burn agricultural debris or waste, special permission shall be obtained in advance from the Fire Chief and Borough Office.

Section 4

Extinguishing Fires/Costs

- A. Any fire set in violation of this Ordinance may be extinguished by Eureka Volunteer Fire Company, either at the request of the Fire Chief or the designated agent of Borough Council such as police or codes enforcement.
- B. In the event there are any costs associated with the extinguishing of any fire in violation of this Ordinance, such costs shall be the responsibility of the persons responsible for the fire.

Section 5

Individual Permission / Enforcement

Stewartstown Borough Council only authorizes open burning with the exception of cooking and entertainment fires for a period of time designated by Borough Council to be the month of May and the month of November of each year. Borough Council may at any time revoke permission to open burn for such reasons as drought conditions or adverse weather conditions. Borough Council authorizes the Fire Chief to act as its agent to permit on individual requests to open burn during the specified allotted time for open burning and any special request received during the remainder of the year. The Fire Chief may refuse any and all requests due to adverse weather conditions such as high winds or a long period of dry weather.

Any persons requesting to open burn must contact the Fire Chief each time such persons wish to open burn during the designated period authorized by Borough Council. Failure to contact and receive permission to open burn from the Fire Chief will result in a violation of this Ordinance and will be subject to penalties and fines as outlined in this Ordinance.

Stewartstown Borough Police Department shall have the power and duty to enforce the provisions of the Ordinance.

Section 6

Penalties

- A. Any person as defined by this Ordinance who is convicted of violating any of the provisions in this Ordinance shall be subject to a fine not to exceed \$1,000.00, together with costs for each violation and/or imprisonment to the extent permitted by law. Each day of violation and each separate fire violation of this Ordinance shall constitute a separate violation.
- B. Neither Stewartstown Borough nor its agents, officials and representatives including Eureka Volunteer Fire Company shall be under any circumstances liable or responsible for damages caused to any person or property by reason of the provisions of this Ordinance or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance, or as a result of extinguishing or fighting any fire, whether such fire was started in violation of or in compliance with this Ordinance. The person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

Section 7

Effective Date

This Ordinance shall be effective immediately upon its enactment.

ORDAINED AND ENACTED this 2nd day of Aug, 2004

ATTEST:

STEWARTSTOWN BOROUGH COUNCIL

Susan M. Grow
Susan M. Grow, Secretary

Wilberetta P. Gibbs
Wilberetta P. Gibbs, Council President

APPROVED THIS 2nd DAY OF Aug, 2004

Richard R. Hall
Mayor Richard R. Hall