

**WINDSOR TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2015-09-01**

**AN ORDINANCE PROHIBITING OPEN AND CONFINED BURNING IN WINDSOR TOWNSHIP UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CERTAIN EXEMPTIONS; AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.**

WHEREAS, it is necessary to regulate the use of fire within Windsor Township to ensure the health, safety and welfare of the Township residents, be it Enacted and Ordained by the Board of Supervisors of Windsor Township as follows:

**SECTION I: Definitions.**

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. Open Burning – Any fire not confined or contained in a receptacle of acceptable construction (e.g. metal, masonry or other nonflammable material), fifty-five (55) gallons or smaller, and equipped with a top so constructed as to prevent fly ash from escaping into the atmosphere.
- B. Confined Burning – Any fire confined or contained in a receptacle of acceptable construction (e.g. metal, masonry or other nonflammable material), fifty-five (55) gallons or smaller, and equipped with a top so constructed as to prevent fly ash from escaping into the atmosphere.
- C. Leaf Waste – Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.
- D. Person – Any natural person, partnership, association, firm, company, corporation or other entity.
- E. Recyclables – Those materials which may be processed or refabricated for reuse and which are specified in the Windsor Township Solid Waste Ordinance for separation from the regular solid waste, including leaf waste.

**SECTION II: Prohibited Acts.**

- A. No person under the age of eighteen (18) shall be permitted to regulate, manage or control an open or confined burning.
- B. No person shall conduct an open or confined burning between sunset and sunrise.
- C. No person shall conduct an open burning within fifty (50) feet of any building.
- D. No person shall conduct an open or confined burning within twenty-five (25) feet of any adjoining property line.
- E. No person shall conduct an open or confined burning on any public or private street, street right-of-way, alley, road or highway.

- F. No person shall conduct an open or confined burning of any items, at any time, for the purpose of disposal, that may be accommodated through services provided by the Township or a designee, including but not limited to household garbage, large item pickup, recyclables and leaf waste.
- G. No person shall conduct an open or confined burning consisting of construction residue and/or demolition waste, plastics, by-products of manufacturing and processing operations, tires, tubes, tar, waste oil, roofing materials, batteries, automobile parts, hazardous materials (pesticides, propane tanks, etc.), waste from commercial operations and any other substances which may emit noxious odors.

### **SECTION III: Exemptions.**

- A. The following activities are exempt from the open and confined burning prohibitions in Section II, B:
  - 1. The performance of an official duty of any public officer, if the open or confined burning as necessary for the prevention of a fire hazard which cannot be abated by any other means.
  - 2. Open or confined burning required for the protection of public health at the direction of the appropriate public officer.
  - 3. Instructing personnel in fire fighting when approved by a Fire Chief in their first response area in Windsor Township.
  - 4. Open or confined burning set solely for recreational or ceremonial purposes.
  - 5. Open or confined burning set solely for cooking food.
- B. The following activities are exempt from open or confined burning prohibitions in Section II, F:
  - 1. Open or confined burning in furtherance of agricultural purposes on any property of five (5) acres or more (not including household garbage, large item pickup, recyclables and leaf waste).
- C. Devices used solely for the purpose of cooking, including but not limited to charcoal grills, propane grills, and wood fired ovens are exempt from this ordinance.

### **SECTION IV: Control and Extinguishment.**

- A. All open or confined burning shall be kept under continuous responsible adult supervision.
- B. All flammable and combustible materials not in use shall be removed to a distance of fifty (50) feet or more from an open or confined burning as to not constitute a hazard.
- C. Proper notification shall be made to the York County Emergency Center (911) of the time, place and period of an open or confined burning.
- D. All open and confined burning, ashes and coals shall be thoroughly extinguished after the use has been completed so as to no longer be found to radiate heat.

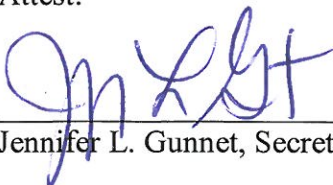
- E. Notification to the York County Emergency Center (911) shall be made when the open or confined burning is completed.
- F. If the York Area Regional Police Department or an official of a Township Designated Contract Fire Department has deemed an open or confined burning to be unsafe, a hazard to the public, or in violation of this Ordinance, the fire may be extinguished immediately by the York Area Regional Police Department or an official of a Township Designated Contract Fire Department. Failure to extinguish immediately upon request constitutes a violation of the Ordinance.

**SECTION V: Enforcement; Violations and Penalties.**

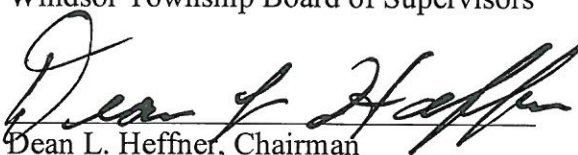
- A. The Windsor Township Board of Supervisors hereby authorizes the York Area Regional Police Department to enforce the provisions of this Ordinance in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- C. Any person who shall violate any of the provisions of this Ordinance shall, upon summary conviction, be subject to a penalty of not less than \$200.00 nor more than \$1,000.00 per violation plus costs. Should such person refuse or neglect to pay such penalty, such person shall be subject to imprisonment to the extent allowed by law for the punishment of summary offenses.
- D. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated.

Adopted this the 21<sup>st</sup> day of September, 2015.

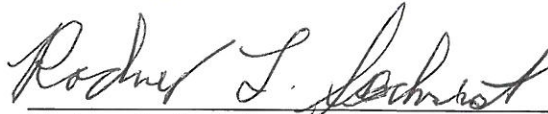
Attest:

  
Jennifer L. Gunnet, Secretary

Windsor Township Board of Supervisors

  
Dean L. Heffner, Chairman

  
Jo Anna J. Shovlin

  
Rodney L. Sechrist