

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-11-01

AN ORDINANCE PROHIBITING OPEN AND CONFINED BURNING IN WINDSOR TOWNSHIP UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CERTAIN EXEMPTIONS; AND PROVIDING FOR THE DECLARATION OF A FIRE EMERGENCY WHEN DRY CONDITIONS CREATE SUBSTANTIAL DANGER TO LIFE OR PROPERTY FROM FIRE AND PROVIDING FOR PENALITIES 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 non-combustible receptacle, 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 non-combustible, receptacle; and equipped with a top so constructed as to prevent fly ash from escaping into the atmosphere.
- C. Fire Emergency – A period during which dry conditions in the Township create a danger to life or property from fire.
- D. Leaf Waste – Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.
- E. Person – Any natural person, partnership, association, firm, company, corporation or other entity.
- F. 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 lines.

- 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 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 burning required for the protection of public health at the direction of the appropriate public officer.
 - 3. Instructing personnel in firefighting when approved by a Fire Chief in their first response area in Windsor Township.
 - 4. Open burning set solely for recreational, ceremonial or cooking purposes; limited to an area of 4' or less in diameter and 4' or less in height.
- B. The following activities are exempt from open burning prohibitions in Section II. F:
 - 1. Open 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 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 burning is completed.
- F. If the York County Regional Police Department or an official of the Township Designated Contract Fire Department has deemed an open or confined burning to be unsafe, a hazard to public, or in violation of this Ordinance, the fire may be extinguished immediately by the York County 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: Declaration of a Fire Emergency.

The Township Manager, after conferring individually with a majority of the Board of Supervisors, shall declare a fire emergency when a fire emergency exists. The Township Manager shall immediately give notice of the fire emergency to at least one daily newspaper of general circulation in Windsor Township and one radio station received in Windsor Township.

SECTION VI: Prohibited Acts During a Fire Emergency.

During a time that a Fire Emergency has been declared, no person shall:

1. Ignite or feed an open or confined burning; or
2. Cause, suffer, allow or permit an open burning on any property under his control.

If a Fire Emergency has been declared, the York County Regional Police Department or an official of the Township Designated Contract Fire Department may extinguish said fire immediately.

SECTION VII: Ending a Fire Emergency.

At such time as a fire emergency no longer exists, the Township Manager shall declare the fire emergency to be at an end and shall give the same notice required in Section V.

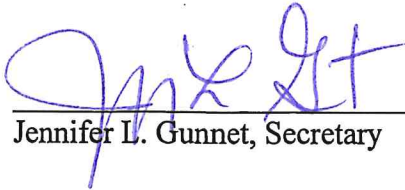
SECTION VIII: Enforcement; Violations and Penalties.

- A. The Windsor Township Board of Supervisors hereby authorizes the York County 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.
- B. 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.
- C. 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.

D. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect.

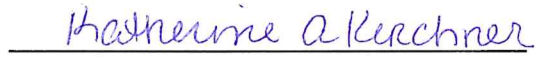
Adopted this the 20th day of Nov., 2023.

Attest:




Jennifer L. Gunnet, Secretary

Windsor Township Board of Supervisors



Katherine A. Kerchner, Chairperson



Kim Moyer, Vice Chairperson

Rodney L. Sechrist