

**YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009-3

**AN ORDINANCE AMENDING ORDINANCE NO. 2006-03, REGULATING OPEN
FIRES**

WHEREAS, York Haven Borough Ordinance No. 2006-03 provides regulations for open burning; and

WHEREAS, York Haven Borough desires to establish additional exceptions.

NOW THEREFORE BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the York Haven Borough Council, York County, Pennsylvania, under the authority of law as follows:

SECTION 1: Section 7, Exceptions for Obtaining a Permit, of Ordinance No. 2006-03 shall be amended to read as follows

SECTION 7. Exceptions for Obtaining a Permit. Subject to the provisions named in above Section 6, specifically Subsections d, h, i, j, k, and o, the following are permitted, between the hours of 7:00 a.m. and midnight, without requiring a permit:

(a). A fire contained in a barrel or non-combustible container covered with a heavy mesh screen. No such fire shall be closer than 15 feet from any building or property line.

(b). A fireplace which shall be no larger than 3 feet by 3 feet constructed of noncombustible material.

(c). A barbecue pit or similar container for the purpose of preparing or cooking a meal which shall be no larger than 3 feet by 3 feet.

(d). The use of a propane or gas stove, or charcoal briquette grill, for cooking purposes.

(e). The recreational use of a chimnea, fire bowl or similar apparatus which has a feature that restricts emissions such as a flue, duct, pipe, stack, heavy mesh screen, chimney or other conduit that restricts emissions.

SECTION 2: Repealer. Any ordinance or part thereof, conflicting with this Ordinance is hereby repealed insofar as the same affects of this Ordinance.

SECTION 3: Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4: Effective Date. This Ordinance shall become effective five (5) days after the date of enactment as provided by law.

ENACTED AND ORDAINED this 3rd day of August 2009.

ATTEST:

YORK HAVEN BOROUGH COUNCIL

Pamela Bulet

Secretary

Margaret P. Malenon

President

Approved this 3rd day of August 2009.

By: *Keith D. Rode*
Mayor

YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2006-03

AN ORDINANCE AMENDING ORDINANCE NO 92-6 AND RESTATING
SECTIONS OF ORDINANCE NO. 92-6 REGULATING OPEN FIRES

BE IT ORDAINED AND ENACTED, and it is hereby enacted and ordained by the Council of the Borough of York Haven, York County, Pennsylvania, under authority of law as follows:

SECTION 1. Title.

This Ordinance shall be known as and may be cited as the "York Haven Borough Open Fire Ordinance".

SECTION 2. Purpose and Policy.

The Council of the Borough of York Haven, York County, Pennsylvania has determined that open burning may cause harm to citizens and inhabitants of the Borough by endangering their health, safety, and welfare. Accordingly, this Ordinance is designed to regulate open burning, so that it may be utilized when desired, necessary, or appropriate, but only in such a fashion so as to avoid harm to those in the vicinity of such open burning.

SECTION 3. Definitions.

Adult Person – any individual who has attained the age of 18 years.

Barrel – metal cylindrical object approximately one (1) to three (3) feet in width and three (3) to five (5) feet in height.

Borough – the Borough of York Haven, York County, Pennsylvania.

Open Fire – any fire that is not confined within a building.

Residence – any dwelling, building or structure except temporary housing, constructed, erected or altered, designed, used or intended for part of the building occupied as professional or business offices.

Residential Area – any area which the primary use is single family dwellings with lot sizes less than 43,560 square feet.

SECTION 4. Regulation. It shall be unlawful for any person or persons, firm, or corporation to build or cause to be built any Open Fire within the Borough, unless and until such person or persons, firm or corporation shall first have secured from the Borough Secretary a permit for the building of such fire.

SECTION 5. Permit.

(a). Form. Application for such permit shall be made upon a form supplied by the Borough Secretary which form may require the disclosure of all facts deemed necessary by the Ordinance Enforcement Officer for the enforcement of the provisions of this Ordinance. An application is required for each Open Fire.

(b). Authorization. The permit shall be limited to the building of one (1) Open Fire for the purpose of consuming large piles of brush, and similar materials under the direct supervision of the Borough.

(c). Fee. The shall be ten dollars (\$10.00) per permit and said fee may be amended from time to time, as necessary, by Resolution.

(d). The permit shall only be good for thirty (30) days from the date of issuance.

SECTION 6. Restrictions. The following restrictions shall apply to Open Fires:

(a). A permit shall be issued to each individual in specific cases as the need arises if approved by the Mayor and Borough.

(b). An Open Fire will only be permitted during such time as approved by the Mayor and Borough.

(c). No Open Fire shall be permitted on the premises of or near a salvage operation.

(d). An Open Fire shall not be built under any circumstance in windy weather.

(e). An Open Fire which is authorized under the permit shall only occur between dawn and dusk.

(f). No Open Fire is allowed on any set street or sidewalk within the Borough.

(g). Leaves, branches and other non-putrescible vegetable matter are the only items permitted to be burned.

(h). The burning of tire, tar products, plastic products and or petroleum products is prohibited.

(i). No hazardous or other objectionable condition shall be created by such burning.

(j). The emissions shall not pass outside the property of the person on whose land the Open Fire is being conducted.

(k). Malodorous air contaminants from the Open Fire shall not be detectable outside of the property of the person whose land the Open Fire is being conducted.

(l). No such Open Fire shall be started or allowed without first contacting York County Control (1-800-427-8347) to inform them of the location of the Open Fire.

(m). No such Open Fire shall be started or allowed to continue to burn without an adult person in control and in attendance at said Open Fire at all times and such person shall have a hose connected to a water supply sufficient to control said fire or other fire extinguishing equipment readily available for use.

(n). Open fires in the Borough are permitted provided that such fire shall be no closer than 60 feet from any building used as a residence and no closer than 60 feet to a property line or accessory building regardless of whose property the building is located upon.

(o). No outdoor burning of any kind shall be permitted anywhere in the Borough during such time a dry weather emergency is declared by the York Haven Borough Council or York County.

SECTION 7. Exceptions for Obtaining a Permit. Subject to the provisions named above in Section 6, specifically Subsections d, e, h, i, j, k, m, and o, the following are permitted without requiring a permit:

(a). A fire contained in a barrel or a non-combustible container covered with a heavy mesh screen. No such fire shall be closer than 15 feet from any building or property line.

(b). A fireplace which shall be no larger than 3 feet by 3 feet constructed of noncombustible material.

(c). A barbecue pit or similar container for the purpose of preparing or cooking a meal which shall be no larger than 3 feet by 3 feet.

SECTION 8. Enforcement. The Borough Council hereby authorizes the Mayor and the Newberry Township 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. The Borough may authorize others to enforce this Ordinance by Resolution.

SECTION 9. Penalties. Any person who violates any provision of this Ordinance, shall upon conviction thereof in a summary criminal proceeding shall be sentenced to pay a fine of not more than six hundred dollars (\$600.00), together with costs of prosecution and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

SECTION 10. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 11. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 12. Effective Date. This Ordinance shall become effective five days after the date of its enactment provided by law.

ORDAINED AND ENACTED this 4th day of December, 2006.

Attest:

YORK HAVEN
BOROUGH COUNCIL

Pamela A. Bulet
Secretary

By: Margaret E. Malcher
President

APPROVED this 4th day of December 2006.

Keith D. Rode
Mayor