YORK HAVEN BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026 - 02

AN ORDINANCE OF YORK HAVEN BOROUGH, YORK COUNTY, PENNSYLVANIA, REGULATING OUTDOOR BURNING

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

SECTION 1: OUTDOOR BURNING PROHIBITED. No person or other legal entity, either directly or indirectly, shall ignite, kindle, or maintained on any public or private street, avenue, highway, road, alley, or public or private land within York Haven Borough, except as may be provided herein below.

SECTION 2: EXCEPTIONS TO OUTDOOR BURING PROHBITION. Outdoor burning shall be permitted only as follows:

A. Category A: The following types of burning shall be permitted a minimum of six feet (6') from any building or structure, and a minimum of ten feet (10') from any property line:

   1. Propane and natural gas fire tables and fire pits with stands

   2. Chimineas with spark screen or wind guard

B. Category B: The following types of burning shall be permitted a minimum of fifteen feet (15') from any building or structure, and a minimum of ten feet (10') from any property line:

   1. Wood burning fire pits, fire bowls fifty inches (50") diameter or less with cooking grate, spark screen or wind guard

C. Category C: The following types of burning shall be permitted a minimum of twenty feet (20') from any building or structure, and a minimum of ten feet (10') from any property line:

   1. Wood burning fire pits, fire bowls sixty inches (60") in diameter or less with cooking grate, spark screen or wind guard

D. On properties of greater than one (1) acre, open burning shall be permitted except during burn bans.

SECTION 3: MISCELLANEOUS PROVISIONS RELATING TO OUTDOOR BURNING.

A. Use of only aged, dried wood is allowed. The burning of any type of construction material, treated wood, furniture or trash is prohibited.

B. Fire pits, fire bowls, chimineas and similar portable devices shall not be used on "Code Orange" or "Code Red" air quality days or during burn bans.

C. Requirement for spark screens, cooking grates, or wind guards.

D. A garden hose connected to a constant water source or extinguishing device must be stored close by, available and operational in the event of an emergency.

E. The use of any type of flammable or combustible liquid at any time is prohibited.

F. Appliances must be used in accordance with the manufacturer's instructions and guidelines and all provisions of the 2015 International Fire Code. User instructions and guidelines shall be kept nearby for quick reference.

G. There must be one person at least 18 years of age present to assume responsibility for the use of these devices.

H. Users must dispose of all ashes in a safe manner. After 24 hours has passed, all left over hot ashes must be thoroughly dampened, cooled and stored in a metal can that is used solely for ash storage. The metal can should be a minimum of 5 feet from any structure. Ashes that are two (2) or three (3) days old may appear to be safe, but can still retain enough heat to cause an unwanted fire. Do not discard hot ashes in a compost pile, paper bag cardboard box or anything that is combustible.

I. Care and necessary precautions should be taken in handling partially burned wood. The wood may still be smoldering and could cause a serious burn.

J. Smoke is not allowed to cross property lines. Users must be mindful of the wind speed prior to starting this type of fire.

SECTION 4: PENALTIES. Any person who shall violate any of the provisions of this article or who fails to comply therewith, or who shall violate or fail to comply with any order made hereof, and from which no appeal has been taken or if taken as been fully exhausted in accordance with the procedures set forth herein, shall for each and every violation and non-compliance respectively, be guilty of a summary offense and be sentenced to pay a fine not to exceed $1,000, plus all costs and attorney fees, in default of said fine and costs, to a term of imprisonment not to exceed 90 days. The imposition of a penalty for any violation or non-compliance shall not excuse the violation of noncompliance or permit it to continue; and all such responsible persons shall be

required to correct or remedy such violations or non-compliances within a time limit specified by the Code Enforcement Officer, or his designee; and when not otherwise specified, each day that a violation or non-compliance continues shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or enforcement of the requirements of this article by appropriate court action.

SECTION 5: ENFORCEMENT. The provisions of this Ordinance shall be enforced by the York Haven Borough Code Enforcement Officer, any York Haven Borough official appointed from time to time by resolution of the Borough Council, or by any police officer having authority within York Haven Borough.

SECTION 6: REPEALER. All Ordinances or parts of Ordinances, including, but not limited to Ordinance 2009-3, that are inconsistent with the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 7: 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 of York Haven Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part not been included herein.

SECTION 8: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ORDAINED AND ENACTED this 1st day of June 2026.

ATTEST:

YORK HAVEN BOROUGH
BOROUGH COUNCIL

Andrea Devine
Secretary

By: _____
President

_____
Mayor