

**WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 08-02-01

**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 fires 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. Person – Any natural person, partnership, association, firm, company, corporation or other entity.

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 or confined 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 and recyclables (excluding leaves, brush, tree limbs and branches).

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. An 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. Ceremonies and activities done under adult supervision such as bonfires done in conjunction with school related or civic functions and related activities, group wiener roasts or campfires.

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 farm of 10 acres or more (not including household garbage, large item pickup and recyclables).

SECTION IV: Control and Extinguishment.

A. All fires, whether or not an open or confined burning, shall be kept under continuous responsible adult supervision.

B. All flammable and combustible materials not in use as fuel for a fire shall be removed to a distance of fifty (50) feet or more from a 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 fires, ashes and coals shall be thoroughly extinguished after the use thereof 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.

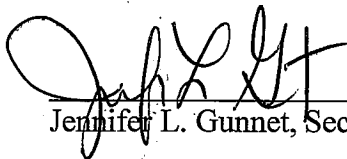
SECTION V: Enforcement; Violations and Penalties.

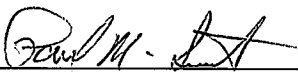
- A. The Windsor Township Board of Supervisors hereby authorizes the York Area Regional Police Department to enforce the provisions of this Ordinance in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.
- B. Any person who shall violate 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.

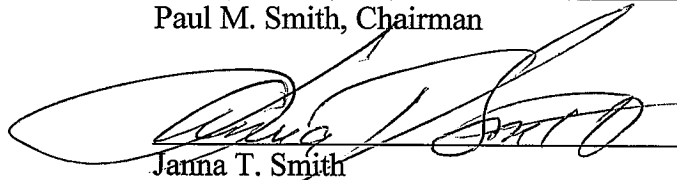
Adopted this 4th day of February, 2008.

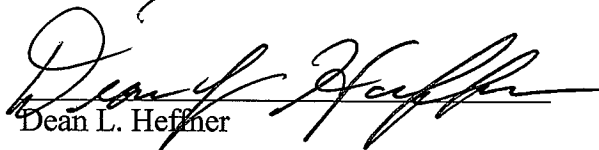
Attest:

Windsor Township Board of Supervisors


Jennifer L. Gunnet, Secretary


Paul M. Smith, Chairman


Janna T. Smith


Dean L. Heffner