

**PROPOSED BURN ORDINANCE
ORDINANCE 01-2012**

AN ORDINANCE OF WEST MANHEIM TOWNSHIP, YORK COUNTY, PENNSYLVANIA, TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE AND TO SAFEGUARD THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWNSHIP BY REGULATING THE AIR POLLUTION AND FIRE HAZARDS OF OPEN BURNING AND OUTDOOR BURNING, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH.

BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF THE TOWNSHIP OF WEST MANHEIM and it is hereby ordained and enacted by the authority of the same.

SECTION 1: PURPOSE

1.1 This ordinance is intended to promote and safeguard the health, safety and welfare of the citizens of the Township of West Manheim, York County Pennsylvania by regulating the air pollution and fire hazards of open burning and outdoor burning as required by Act 97, The Solid Waste Management Act and Act 101, Municipal Waste Planning, Recycling and Waste Reduction Act.

SECTION 2: APPLICABILITY

2.1 This ordinance applies to all Outdoor Burning and Open Burning within the Township of West Manheim, Pennsylvania.

2.2 This ordinance does not apply to grilling or cooking food using charcoal, clean wood, propane or natural gas or other commonly accepted fuel in cooking or grilling appliances.

2.3 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

2.4 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

2.5 Nothing herein shall be construed to prevent fire-fighting training by Township designated fire-fighting organizations.

2.6 Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

2.6.1 The prevention of a fire hazard which cannot be abated by other means;

2.6.2 The protection of public health

SECTION 3: SEVERABILITY

3.1 Should any part of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.1 “Campfire” means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

4.2 “Clean wood” means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

4.3 “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

4.4 "Leaf waste." Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

4.5 “Municipality” means the Township of West Manheim.

4.6 “Outdoor Burning” means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

4.7 “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

4.8 “Outdoor wood-fired boiler” means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

4.9 “Patio wood-burning unit” means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

4.10 “Refuse” means any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush, stumps, leaves, and other vegetative matter.

SECTION 5: GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING.

5.1 Except as provided in this Ordinance, Open Burning and Outdoor Burning are prohibited in the Township of West Manheim.

5.1.1 Open burning of refuse or garbage including but not limited to food wastes, food packaging and food wraps, any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers is prohibited.

5.1.2 Open burning of leaves, leaf waste and grass clippings is prohibited

5.1.3. Open burning of wood that has been painted, varnished or coated with similar materials and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products including, but not limited to particleboard is prohibited.

5.1.4 Open burning of rubber; including tires or other synthetic rubber-like products as well as waste petroleum products is prohibited.

SECTION 6: OPEN BURNING OF TREES, LOGS, BRUSH AND STUMPS

Open burning of trees, logs, and stumps is allowed only in accordance with all of the following provisions:

6.1 Agricultural burning of fence rows, trees, stumps and other agricultural related items is permitted, but this exemption shall not extend to those items which include garbage, refuse, rubbish and trade waste.

6.1.2 Open burning shall be conducted only on the property on which the materials were generated or naturally deposited.

6.1.3 Outdoor Campfires for cooking, ceremonies, or recreation are allowed. Said fires may be around a home or place of residence, within the curtilage of said dwelling where the material to be burned has been properly placed in a debris burner constructed of metal or masonry. Said burners shall not be larger than 3 feet square or 3 feet in diameter and located not less than 25 feet away from any building or less than 10 feet from any adjoining property line. Said Campfires must be supervised at all times by an adult. No permits shall be required for such fires.

6.1.4 Open Burning under this section shall only be conducted at a location at least 25 feet from the nearest building and 10 feet from any property line.

6.1.5 Except for Campfires, Open Burning shall only be conducted from Dawn to Dusk, Monday through Saturday and at no other times.

6.1.6 Open Burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire. One adult must be in attendance of each fire (i.e. three fires = three attendees). The adults in attendance must be free from the effects of alcohol and/or illegally used controlled substances and/or over the counter medicines and/or prescribed medications that may impair proper judgment.

6.1.7 Open burn fires must not exceed eight (8) feet in diameter or square or be within 25' of a lake, stream, or river.

6.1.8 No materials may be burned upon any street, curb, gutter, sidewalk, or active railroad right of way, alley, lane or driveway.

6.1.9 Barbecue, gas, charcoal grills, and patio wood-burning units are exempt under this section.

6.1.10 The Township Supervisors shall have the authority to implement a temporary burning ban due to environmental conditions including but not limited to high winds or extreme dry conditions. The Township Supervisors shall make a reasonable attempt to inform the public of the ban using available resources.

6.1.11 The Township Supervisors may temporarily suspend any of the terms and conditions of this Ordinance for reasons it deems appropriate. The Township Supervisors may allow additional open burning times if a storm or storms result in large amounts of downed trees, branches and/or leaves. Such additional open burns shall otherwise comply with the applicable requirements of this Ordinance.

SECTION 7: OUTDOOR WOOD-FIRED BOILERS/FURNANCES

7.1 An outdoor wood-fired boiler may be installed and used in the Township of West Manheim only in accordance with all of the following provisions:

7.1.1 The outdoor wood-fired boiler shall not be used to burn refuse, garbage, debris, leaf and grass clippings, and construction and demolition waste. The Outdoor Wood-Fired Boiler shall only use natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions.

7.1.2 The following fuels are strictly prohibited in new or existing Outdoor Wood Fired Boilers/Furnaces:

- a. Wood that has been painted, varnished or coated with similar materials and/or has been pressure treated with Preservatives and contains resins or gules as in plywood or other composite wood products including, but not limited to particleboard.
- b. Rubbish or garbage, including but not limited to food wastes, food packaging and food wraps.
- c. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers.
- d. Rubber, including tires or other synthetic rubber-like products.
- e. Newspaper, cardboard or any paper with ink or dyed products.
- g. Waste petroleum products.
- h. Paints or paint solvents
- i. Coal

7.1.3 The outdoor wood-fired boiler shall be located at least 25 feet from any property line and 100 feet from the nearest residential dwelling which is not on the same property as the outdoor wood-fired boiler.

7.1.4 The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface or 3 feet above the building it serves, whichever is greater. In addition, the chimney shall extend 3 feet above the highest peak of any residence located within 300 feet from the wood-fired boiler.

7.1.5 The owner of the outdoor wood-fired boiler shall obtain a permit from the Township prior to any new installation; however, owners with existing Outdoor Wood Broilers/Furnaces shall have ninety (90) days for the effective date of this Ordinance to obtain a permit conforming to the regulations stated herein. Final inspection shall be made by the Code Enforcement Officer and only put into operation following final inspection.

SECTION 8: PATIO WOOD-BURNING UNITS

8.1 A patio wood-burning unit may be installed and used in the Township of West Manheim only in accordance with all of the following provisions:

8.1.1 The patio wood-burning unit shall not be used to burn refuse, garbage, debris, leaf and grass clippings, construction and demolition waste.

8.1.2 The patio wood-burning unit shall burn only clean wood.

8.1.3 The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.

SECTION 9: BURN PERMITS

9.1 For all fires not otherwise defined in this Ordinance or for fires which would otherwise result in the violation of specifications and requirements of this Ordinance, a permit shall be obtained through West Manheim Township. The Township shall have the discretion to issue all such permits. The application must be made to West Manheim Township at least 30 days in advance of any such fire. The application will be reviewed by the designated official of the Board of Supervisors of West Manheim Township and the Fire Chief, Pleasant Hill Volunteer Fire Company.

9.2 A burning permit for a Special Event Fire is necessary. Special Event Fires are those which are normally incident to commemorative or celebration events that are sponsored by schools, municipalities and other charitable type organizations. Any person, partnership, firm, association, corporation, other entity seeking a special event fire must make application to and obtain from the West Manheim Township Board of Supervisors for a permit for such fire. A formal written request must be made to the Township at least 30 days in advance of any such special event fire.

SECTION 10: LIABILITY

10.1 A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 11: RIGHT OF ENTRY AND INSPECTION

11.1 Upon probable cause of a possible violation of this ordinance, the designated official of the Board of Supervisors of West Manheim Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 12: ENFORCEMENT AND PENALTIES

12.1 The enforcing official for this Ordinance shall be the designated official of the West Manheim Township Board of Supervisors.

12.2 Any person who violates any section of this Ordinance shall, upon conviction before a District Magistrate be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars and/or undergo imprisonment for a period not to exceed thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

fire department or police agency, shall pay to West Manheim Township any and all costs and charges incurred by the Township or Fire Company by reason of such fire or emergency run. Provided, however, that the minimum charge for any fire run shall be \$600.00 plus additional minimum charge of \$200.00 for a Township administration fee. All of the foregoing charges and expenses shall be due and payable within thirty (30) days from the date an invoice is prepared and mailed to any person, partnership, firm, association, corporation, or other entity, who sets or is responsible for such an open fire, or to any property owner upon which such a fire occurred. The Township and Fire Company may proceed in any court of competent jurisdiction for any such civil damages and may recover any costs, expenses, or attorney fees incurred in the fire run or in the process of the recovery of such costs.

SECTION 14: EFFECTIVE DATE

This Ordinance shall become effective upon its enactment.

SECTION 15: REPEAL OF PREVIOUS ORDINANCE

15.1 All ordinance or parts of ordinances inconsistent herewith are hereby repealed.

TOWNSHIP OF WEST MANHEIM

BY: *William L. Schmitt*

BY: *Carl J. Schmitt*

BY: *Mark A. Parr*

BY: _____

BY: _____

ATTEST:

Dawn Gately
TOWNSHIP SECRETARY