

ORDINANCE NO. 2014-230

**CARROLL TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF CARROLL, YORK COUNTY, PENNSYLVANIA, PROMOTING THE HEALTH, SAFETY AND GENERAL WELFARE OF CARROLL TOWNSHIP BY PROHIBITING OPEN BURNING IN CARROLL TOWNSHIP UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CERTAIN EXEMPTIONS; AND PROVIDING FOR THE PENALTIES FOR VIOLATIONS THEREOF.

BE IT AND ORDAINED by the Board of Supervisors of the Township of Carroll, York County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

SECTION 1. Short Title.

This Ordinance shall be known as the “Carroll Township Burning Ordinance.”

SECTION 2. Definitions.

For the purposes of this Ordinance, the following terms shall be defined as set forth below.

- 2.01 Brush – Bushes, shrubs, thickets, tree trimmings, hedge clippings and small trees
- 2.02 Contained Fire – Any outdoor fire contained in an incinerator, fireplace, brazier, pit, fire ring or other similar contained or enclosed structure.
- 2.03 Person – Any natural person, partnership, firm, association or corporation.
- 2.04 Uncontained Fire – Any outdoor fire not included in the definition of a “contained fire”.

SECTION 3. Prohibited Acts.

- 3.01 It shall be unlawful for any person to burn, ignite, maintain or permit to burn any material, including the following, without complying with this Ordinance.

Household trash, books magazines, newspapers, cardboard and/or any items that are required to be recycled in Carroll Township under the Pennsylvania Act 101, including brush and scrap lumber or any vegetation, plywood, drywall plastic products, insulation

material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 PA Code 271.1.

EXCEPT where fire or burning operations result from:

- A. Any fire set for the purpose of training and instructing authorized personnel in fire fighting. (DEP Air Quality needs to be notified).
- B. Any fireplace, wood burning, coal stove or solid fuel heaters within the confines of a permanent structure intended for human inhabitation solely for the purpose of heating the dwelling unit.
- C. Any campfire or bon-fire solely for organized recreational or ceremonial purposes.
- D. Any fire for the sole purpose of cooking and preparing food.
- E. Any fire set to keep persons warm at a private gathering when it does not create a fire hazard. Fire must be containerized and only untreated wood may be burned.
- F. Any fire set to keep persons warm at a building construction site, public gathering or other outdoor function when it does not create a fire hazard. Fire must be containerized and only untreated wood may be burned.
- G. Any fire set for the prevention and/or control of disease or pests, rats, snakes, bees, etc.
- H. Any fire for the burning of brush, exclusively for agricultural management and conservation practices & protection, and provided burning is located 75 feet or more from any building or structure. Brush must originate from the same property.

3.02 No person shall conduct a fire on any streets, sidewalks, alleys or public grounds of the Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

3.03 The Code Enforcement Officer may suspend the outdoor burning at any time when the following conditions exist:

- A. When Smoke and/or ash emission are or may be objectionable, offensive or deleterious to human or animal health or permeate or crosses neighboring properties, and/or falls on buildings, vehicles or vegetation.
- B. When extreme dry conditions or drought warrant a ban on all burning.

SECTION 4. Control and Extinguishment.

- 4.01 All fires shall be kept under continuous responsible adult supervision.
- 4.02 Proper notification shall be made to the York County Emergency Center (911) of the time, place and period of an uncontained fire.
- 4.03 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.

SECTION 5. Penalties.

- 5.01 Any person violating any portion of this Ordinance or neglecting to comply with any order or notice issued pursuant hereto for violation of any section hereto, shall upon conviction, be subject to the payment of a fine not exceeding one thousand dollars (\$1,000.00) and the payment of costs of prosecution for each offence, or shall be subject to imprisonment for a period not exceeding thirty days (30) days. Each day's continuance of any violation of this Ordinance shall constitute a separate offence, punishable by a like fine and imprisonment in default of payment thereof.

SECTION 6. Severance Clause.

- 6.01 Should a court of competent jurisdiction declare any section, paragraph, clause or phrase of this Ordinance unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

SECTION 7. Repealer Clause.

- 7.01 All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ENACTED AND ORDAINED into an Ordinance this 14th day of April 2014.

Attest:

Jaye L Romberger
Secretary

**CARROLL TOWNSHIP
BOARD OF SUPERVISORS**

Bruce R. Trostle
Bruce R. Trostle, Chairman

Andy C. Ritter
Andy C. Ritter, Vice-Chairman

Mark R. McCurdy
Mark R. McCurdy, Member

Pietro R. Picciurro
Pietro R. Picciurro, Member

Edward R. Coble
Edward R. Coble, Member

CERTIFICATE

I, the undersigned, Secretary of the Township of Carroll, York County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on this 14th day of April, 2014; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 14th day of April, 2014.


Faye L. Romberger, Secretary

(SEAL)