

WRIGHTSVILLE BOROUGH
YORK COUNTY, PENNSYLVANIA
ORDINANCE 2014-2

***AN ORDINANCE PROHIBITING OUTDOOR BURNING IN WRIGHTSVILLE BOROUGH
UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CERTAIN
EXEMPTIONS; AND PROVISIONS FOR PENALTIES
FOR VIOLATIONS THEREOF.***

Be it Enacted and Ordained by the Borough Council of the Borough of Wrightsville, that Chapter 7, Part 1 "Open Burning," is hereby deleted in its entirety and replaced with the following:

**Part 1
Open Burning**

Section 101. Purpose and Policy.

The Council of the Borough of Wrightsville, 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 102. Definitions.

As used in the Ordinance, the following terms shall have the meanings indicated:

- A. Borough – Borough of Wrightsville.
- B. Open Burning – the ignition and subsequent burning of any combustible material (including, but not limited to wood, vegetation, paper, litter or any sort of debris) out of doors in either a burn barrel (screened or unscreened), fire ring, on the ground, or in another receptacle that does not have a flue, duct, pipe, stack or chimney or other conduit that restricts the emissions of such Open Burning. The use of propane or gas stove, or charcoal briquette grill for cooking proposes is not considered Open Burning for purposes of this Ordinance. Similarly, the recreational use of a chiminea, outdoor fireplace, fire bowl or similar apparatus (which has one of the features above that restricts emission) likewise shall not be considered Open Burning for purposes of this Ordinance.
- C. Person – Any natural person, individual, partnership, association, firm, company, trust or corporation or other entity recognized by law.

Section 103. Prohibited Acts.

No Person shall conduct the following:

- A. Regulate, management or control an Open Burning, if that Person is under the age of 18 years.
- B. Open Burning between sunset and sunrise.
- C. Open Burning that is unattended by any Person.
- D. Open Burning within fifty (50) feet of any building.
- E. Open Burning within fifty (50) feet of any adjoining property line.
- F. Open Burning on any public or private street, right-of-way, alley, road or highway.
- G. Open Burning of items and materials such as household garbage, which may be disposed of through services provided by the Borough. Leaves, brush, tree limbs and branches are not, however, prohibited.
- H. Open Burning of any hazardous material, as that term is defined by the rules and regulations of the United States Environmental Protection Agency and/or the Pennsylvania Department of Environmental Protection.
- I. Open Burning of rubber or plastic (or items consisting of rubber or plastic) manure, hair, carcass or feathers.
- J. Open Burning that causes damages to vegetation or property (real or personal).
- K. Open Burning that creates emissions that can be seen or smelled, that interferes with the reasonable enjoyment of the use of other real property in the Borough by other Persons.
- L. Open Burning without a permit.

Section 104. Exemptions.

- A. The following activities are exempt from the outdoor burning restriction in Section 103 above:
 - 1. The performance of an official duty of any public officer, if the burning is necessary for the prevention of a fire hazard that cannot be abated by any other means.
 - 2. A 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 of Wrightsville Borough.
4. Outdoor burnings done in conjunction with school-related or civic functions, ceremonies such as bonfires, group wiener roasts or campfires, provided that:
 - a. Such burnings are conducted under adult supervision (twenty-one years of age or older);
 - b. Such burnings are extinguished by midnight of the same day; and
5. Open Burning for the purpose of prevention and/or control of disease or pests when approved by the Pennsylvania Department of Environmental Protection, or its designees, and controlled by authorized personnel.
6. Open Burning in furtherance of agricultural purposes on any real property of at least ten (10) acres in size.
7. Open Burning pursuant to a permitted issued by the Borough.

Section 105. Open Burning Permits.

Open Burning may be allowed if the follow conditions are met:

- A. Person desiring to conduct Open Burning makes application to the Borough in a form provided by the Borough wherein that Person indicates the following:
 1. Name
 2. Property upon which Open Burning will be conducted
 3. Propose dates of such Open Burning
 4. The materials to be burned
 5. Dates of the Open Burning (which may be a maximum per permit of 7 consecutive days)
- B. The person pays the applicable Open Burning Permit Fee, which may be set by the Borough Council from time to time.
- C. The Borough will notify the Wrightsville Borough Fire Department of the name of the Person receiving the Open Burning Permit and the dates the Open Burning Permit unless the Person is directed to do so by the Borough.

Section 106. Control and Extinguishment.

- A. All fires, whether or not Open Burning, shall be kept under competent and continuous supervisions. The Person supervising the Open Burning shall have available a garden hose connected to a water supply or other fire extinguishing equipment or materials which shall be readily available for use.

B. All flammable and combustible materials not used as fuel in such fire for Open Burning shall be moved a sufficient distance from the Open Burning so as not to constitute a safety hazard.

C. All fires, ashes and coals shall be thoroughly extinguished.

Section 107. Enforcement, Violations and Penalties.

A. Borough Council hereby authorizes the Borough Fire Chief or his or her deputies, in addition to the Wrightsville Borough 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 \$50.00 or more than \$1,000.00 per violation, plus cost. 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 that is found to have been violated.

Section 108. Repealer.

All Ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 109. Effective Date.

The effective date of this Ordinance shall be five (5) days from the date of enactment.

Adopted this 7th day of JULY, 2014.

Attest:

WRIGHTSVILLE BOROUGH COUNCIL

Melissa Wirls
Melissa Wirls, Secretary

By: _____

APPROVED
this 7th day of JULY, 2014

By: Neil Habecker
Neil Habecker, Mayor

**WRIGHTSVILLE BOROUGH
APPLICATION FOR OPEN BURNING**

Open Burning – the ignition and subsequent burning of any combustible material (including, but not limited to wood, vegetation, paper, litter or any sort of debris) out of doors in either a burn barrel (screened or unscreened), fire ring, on the ground, or in another receptacle that does not have a flue, duct, pipe, stack or chimney or other conduit that restricts the emissions of such Open Burning. The use of propane or gas stove, or charcoal briquette grill for cooking proposes is not considered Open Burning for purposes of this Ordinance. Similarly, the recreational use of a chiminea, outdoor fireplace, fire bowl or similar apparatus (which has one of the features above that restricts emission) likewise shall not be considered Open Burning for purposes of this Ordinance.

Date of the Application: _____

Permit # _____

1. Name: _____
2. Owner: _____
3. Location of Property upon which Open Burning will be conducted: _____
4. Can the Open Burning be done at least fifty (50) feet away from any building? _____
5. Can the Open Burning be done at least fifty (50) feet away from any adjoining property line? _____
6. Proposed dates of such Open Burning (which may be a maximum per permit of 7 consecutive days) _____
7. The materials to be burned: _____

You must call the fire board at the York County Department of Emergency Services when you are ready to burn to let them know you are burning with permission. When you are finished, you must call them and let them know you are finished. Use the non-emergency number to call for the controlled burn: (717) 840-2971.

I ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF ORDINANCE NO. _____ AND VERIFY THAT ALL OF THE REQUIRMENTS THEREIN CAN BE MET.

Applicant/Property Owner

For Wrightsville Borough Use Only

Approved _____ Date _____ Fee Amount _____ Provided Ordinance Copy _____

For Department Personnel Notified

Date _____ Time _____ Telephone _____ Email _____ Fax _____