

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2004-01

**AN ORDINANCE OF FELTON BOROUGH, YORK COUNTY, PENNSYLVANIA
REGULATING OPEN BURNING**

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

SECTION 1. DEFINITIONS. As used in the 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. Person – Any natural person, partnership, association, firm, company, or corporation or other entity.

SECTION 2. PROHIBITED ACTS.

No Person shall conduct the following:

- A. Regulation, management or control of an Open Burning if under the age of eighteen (18).
- B. Open Burning between sunset and sunrise.
- C. Open Burning within fifty (50) feet of any building.
- D. Open Burning within twenty-five (25) feet of any adjoining line.
- E. Open Burning on any public or private street, street right-of-way, alley, road or highway.
- F. Open 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 leaves, brush, tree limbs and branches, household garbage and large item pickup.
- G. Open Burning consisting of construction residue and waste.

SECTION 3: BURN BAN. It shall also be unlawful for any Person to conduct an Open Burning during a ban on Open Burning. A ban on Open Burning shall be determined when prevailing conditions and the interests of public safety mandate a restriction on Open Burning. The Fire Chief of the Union Volunteer Fire Department of Felton may recommend to the Felton Borough Council that it declare a ban on Open Burning. After receipt of the recommendation to ban Open Burning, the Borough Council may impose a ban on Open Burning. In the alternative, the Borough Council may declare a ban on Open Burning at its discretion. Notice of the imposition of any such ban on all Open Burning shall be announced by the Borough via radio, newspaper, or posting. After the Borough Council lifts any ban imposed on Opening Burning, it shall provide similar notice. For purposes of this Section, it shall be presumed that the record of legal owner of any land upon which Open Burning is conducted shall have set such fire or permitted it to continue to burn where the owner consents to such action on his property by others, or does not take steps to extinguish the fire immediately upon learning about it.

SECTION 4: EXEMPTION.

A. The following activities are exempt from the Open Burning prohibitions in Section 2.B.

1. The performance of an official duty of any officer, if the Open Burning is necessary for the prevention of a fire hazard which cannot be abated by any other means.
2. An Open 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 York (Windsor) Township.
4. Ceremonies and activities done under adult supervision such as bonfires done in conjunction with school related or civic functions, scouting and related activities, group wiener roasts or campfire.

B. The following activities are exempt from the Opening Burning prohibition in Section 2. D and F.

1. Open Burning in furtherance of agricultural purposes on any farm of ten (10) acres or more only.

SECTION 5: CONTROL AND EXTINGUISHMENT.

- A. All fires, whether or not an Open Burning, shall be kept under competent and continuous supervision.
- B. All flammable and combustible materials not in use as a fuel for a fire shall be removed a sufficient distance from a fire 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.

- E. Notification to the York County Emergency Center (911) shall be made when the Open Burning is completed.

SECTION 6: ENFORCEMENT, VIOLATIONS AND PENALTIES.

A. The Felton Borough Council 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. The Borough Council may authorize others to enforce this Ordinance by resolution.

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 nor more than \$600 per violation. 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.

SECTION 7: REPEALER. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

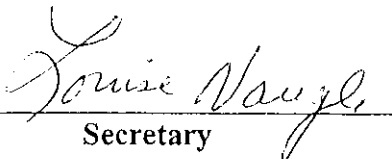
SECTION 8: SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

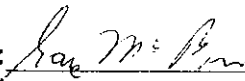
SECTION 9: EFFECTIVE DATE. This Ordinance shall become effective five days after the date of its enactment as provided by law.

ENACTED AND ORDAINED this 5th day of January, 2004, by the Borough Council of the Borough of Felton, York County, Pennsylvania, in lawful session, duly assembled.

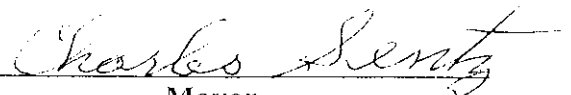
ATTEST:

**BOROUGH COUNCIL FOR
FELTON BOROUGH**


Secretary

By: 
President of Council

Approved this 5th day of January, 2004.


Mayor