

HEIDELBERG TOWNSHIP

ORDINANCE NO. 02- 04

AN ORDINANCE REGULATING OUTDOOR FIRES IN  
HEIDELBERG TOWNSHIP, YORK COUNTY, PENNSYLVANIA,  
AND PRESCRIBING PENALTIES FOR VIOLATION

WHEREAS, the Board of Supervisors of Heidelberg Township believes that to protect the health, safety, and welfare of the residents, regulation is necessary regarding outdoor fires throughout the Township.

WHEREAS, The Second Class Township Code, Act of May 1, 1933, P.L. 103; No. 69, as amended, 53 P.S. §65101, et seq. specifically, 53 P.S. §66805, authorizes Townships of the Second Class to make regulations by ordinance, relative to the cause and prevention of fires.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is enacted and ordained, by the Board of Supervisors of Heidelberg Township as follows:

SECTION 1. DEFINITIONS.

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give this ordinance its most reasonable application:

1. "Township" - Heidelberg Township, York County, Pennsylvania;
2. "Board of Supervisors" - the Board of Supervisors of Heidelberg Township, York County, Pennsylvania;
3. "Township Police" - the Police Department of the Township, the Southwestern Regional Police Department, or their successors in interest;
4. "burning" and "fire" - smoking and smoldering ash or debris and any smoking or smoldering during prohibited hours shall be a violation of this part;
5. "furnace" - any enclosed device specifically designed for burning any material for the production of heat;
6. "garbage" - all decayable animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food;

7. "incinerator" - any devise specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material;

8. "open fire" - a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator;

9. "refuse" - garbage, rubbish and trade waste;

10. "rubbish" - solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpet, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials;

11. "salvage operation" - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any produce or material, including but not limited to, metals, chemical, shipping containers or drums; and

12. "trade waste" - all solid or liquid material or rubbish resulting from construction, building operations, or the operation of any business, trade or industry including but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemical, cinders and other forms of solid or liquid waste materials.

## SECTION 2. TIMES AND CONDITIONS WHEN OUTDOOR FIRES ARE PERMITTED.

No person, firm, partnership, corporation or other entity, whether for profit or not for profit, shall set or start or maintain or permit any fire anywhere within the Township except as follows:

1. Open fires may be set in the performance of a duty of any public officer if the fire is necessary for the following:

- A. the prevention of a fire hazard which cannot be abated by other means; or
- B. the protection of public health.

2. Outside burning shall be permitted in any approved container covered with wire mesh located at least twenty-five (25) feet from any structure or building and no closer to any property line than fifteen (15) feet, provided the following standards are met:

- A. only non-decayable vegetable matter are burned;

- B. there is no practical available alternative method for disposal of the material to be burned;
- C. no hazardous or other objectionable condition will be created by such burning;
- D. no such burning is allowed on any street or sidewalk within the Township;
- E. it is the intent of this ordinance to permit the burning of combustible or flammable materials such as dry leaves, paper and other such items which will burn and not smolder nor emit offensive odors; and
- F. outside burning shall be permitted between sunrise to sunset Monday through Saturday and at no other times.



3. No one shall bring any items onto any site within the Township so that those items can be burned at that location.

SECTION 3. EXCLUSION FOR BURNING IN AN APPROVED CONTAINER.

Excluded from Section 2 of this Ordinance, after notification to County Control (911), shall be the agricultural burning of fence rows, trees, stumps and other agricultural related items and burning of leaves and branches, but this exclusion shall not extend to those items which include garbage, refuse, rubbish and trade waste.

SECTION 4. PERSONS TO BE PRESENT DURING BURNING.

All burning as permitted hereunder must be attended by a person of at least sixteen (16) years of age or older who must, except for short absences, attend the fire or burning or smoking or smoldering until the burning is totally extinguished. The person in attendance at the site shall make certain that any controlled burn is monitored until the items which were burned at that location are cold.

SECTION 5. PENALTIES FOR VIOLATION.

Any person, firm or corporation who shall violate this part shall be subject to the fines and penalties set forth in Ordinance No. 97-2, as it may hereafter be amended.

SECTION 6. DECLARATION AGAINST FIRE BANS.

In the event that the County Fire Marshall declares a ban on burning, the Township shall adhere to the ban. The Board of Supervisors shall issue any exemptions in writing at their discretion. The Board of Supervisors may enact a burning ban as necessary for public safety by resolution at any meeting.

SECTION 7. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions hereof.

SECTION 8. REPEAL OF INCONSISTENT ORDINANCES.

All ordinances, or parts of ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED AND ORDAINED this 6<sup>th</sup> day of November, 2002, in lawful session duly assembled.

ATTEST:

HEIDELBERG TOWNSHIP

Yvonne Markie  
Secretary

[Signature]  
Chairman