

**SPRINGFIELD TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016- 04

**AN ORDINANCE REGULATING AND RESTRICTING OPEN BURNING FIRES
WITHIN SPRINGFIELD TOWNSHIP, YORK COUNTY, PENNSYLVANIA, AND
PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.**

WHEREAS, Springfield Township (Township) is a duly organized municipality, being a second class township; and,

WHEREAS, Township deems it appropriate and proper for the peace, health, safety, and welfare of the Township and its residents to regulate open burning fires within the Township.

NOW, THEREFORE, be it ordained and enacted, and it is ordained and enacted:

Section 1 - Definitions: As used herein, the following words and phrases shall have the definition set out after the word or phrase:

A. Burning - The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

B. Clearing and grubbing wastes - Trees, shrubs and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition waste and dirt laden roots.

C. Domestic refuse - Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two (2) families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, treated wood, construction waste materials, or materials brought to the premises where the burning takes place from activity at or generated at another site or premises. Yard waste may be domestic refuse if the yard waste to be burnt was produced entirely on the premises the yard waste is being burnt on.

D. Open burning - a fire, the contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

E. Yard waste - Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

F. Person - Any individual, corporation, association, partnership, firm, trust, estate, department, board, political entity, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Section 2 - Open burning fires shall be permitted only upon private property in the Township provided that the following regulations, conditions, and restrictions are strictly adhered to:

A. No fire shall be closer than twenty-five (25) feet from any structure. Structure shall be defined in accordance with the Township Zoning Ordinance.

B. Except for Agricultural operations and clearing/grubbing sites, and subsections D. 1-4, no fire larger than three (3) feet by three (3) feet shall be allowed to burn during any weekday except between 3:00 o'clock p.m. and sunset, and during weekend days between sunrise and sunset.

C. It is the intent of this ordinance to permit the open burning of domestic refuse only.

D. The following open burning fires are permitted so long as such open burning fire(s) meets all other requirements of this Section 2:

1. A fire set to prevent or abate a fire hazard, when approved by the Pennsylvania Department of Environmental Protection ("DEP") and set by or under the supervision of a public officer.

2. Any fire set for the purpose of instructing personnel in fire fighting, when approved by DEP..

3. A fire set for the prevention and control of disease or pests, when approved by DEP.

4. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.

5. A fire set for the sole purpose of burning domestic refuse, when the fire is on the premises of a structure occupied solely as a dwelling by two (2) families or less and when the refuse results from the normal occupancy of the structure and premise.

6. A fire set solely for recreational or ceremonial purposes.

7. A fire set solely for cooking food.

E. Open burning fires exceeding Three (3) feet by Three (3) feet in size shall be allowed to dispose of clearing and grubbing waste, and clearing of an orchard or woodlands for agricultural crop lands so long as a permit hereunder is issued.

F. No open burning fire shall be allowed to burn unless an adult person, over the age of eighteen (18), is present to supervise and control the burning during the time the fire is burning. It is the intent of this Ordinance that no fire shall be left unattended, at any time.

G. Open burning of any "spent" or old explosives or fireworks, or any petroleum product is strictly prohibited.

H. Open burning fires are not allowed on public property absent the express consent of the Board of Supervisors of the Township by Resolution duly adopted allowing any such event, being specific as to entity, supervising and responsible adult, time, duration, and location.

I. The open burning of construction materials or the bringing or delivery of offsite material to a premises to burn at that premises is strictly prohibited.

J. No open burning of any materials and/or waste is permitted that emits, releases or produces any gas, smoke or substance that is defined as hazardous as determined by DEP, statute and/or regulations as promulgated from time to time.

Section 3 - With the exception of open burning fires that conform to Section 2 above, no person(s) shall start, set, maintain or continue any open burning fire of any material or substance of any kind upon any property or premises, whether private or public, that, among other things:

A. The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted; or,

B. Emits malodorous air contaminants from the open burning which are detectable outside the property of the person on whose land the open burning is being conducted; or,

C. The emissions interfere with the reasonable enjoyment of life or property; or,

D. The emissions cause damage to vegetation or property; or,

E. The emissions are or may be deleterious to human or animal life.

Section 4 - A Permit for open burning fires larger than three (3) feet by three (3) feet may be secured from the Township Secretary or other Township personnel designated by the Board for a fee of Twenty Dollars (\$20.00). The Permit issued by the Township shall be authorized and approved by the Fire Chief or an Assistant Fire Chief in that Fire Company's first response area of the Township in which the burning is to be done, such approval to be included upon said Permit prior to issuance. The Permit shall state, on its face, the beginning date and shall be valid for one (1) week. All permits are subject to revocation by the Fire Chief or any of the Assistant Fire Chiefs in their first response area of responsibility, or the Township if, in their/its sound discretion, the open burning fire(s) poses a threat to life or property or violates Section 3 of this ordinance. Prior to any permitted burning hereunder, the permittee shall notify York County Control of the burn time and place.

Section 5 – Open Burning Bans

(a). The Chairman of the Board of Supervisors, or a Township Official are hereby authorized to declare a total or partial burning ban throughout the Township when in the Chairman's discretion, such ban is required for the peace, health, safety and welfare of the Township and its citizens, and at least one of the following has occurred:

1. The Commonwealth of Pennsylvania has declared a drought warning or drought emergency; or,

2. York County, Pennsylvania has declared a drought warning or drought emergency, or has declared a ban on burning; or,
 3. Upon request of the Fire Chief of a Fire Company serving the Township.
- (b) In the event the Chairman of the Board of Supervisors declares a ban on burning such ban shall remain in effect until lifted and terminated by the Chairman of the Board of Supervisors subject to review by the Board of Supervisors at their next regularly scheduled meeting.

Section 6 - It is the intention of the Township Supervisors that each Section or portion of any Section of this Ordinance shall be a separate provision and each shall be independent of all other provisions herein and is further the intention of the Township Supervisors that if any Section or portion of any Section shall be declared to be unconstitutional, invalid, illegal or unenforceable by any court of competent jurisdiction, such decision shall not effect the validity of any of the remaining Sections or parts thereof of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been enacted at such unconstitutional, invalid, illegal or unenforceable provision not have been included herein.

Section 7 – All prior Ordinances or parts of prior Ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

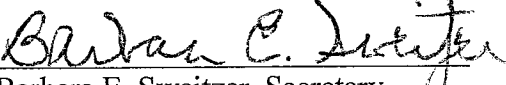
Section 8 – Any person who shall violate or fail to conform to any of the provisions of this Ordinance shall, upon conviction thereof before a District Magistrate, be guilty of a civil offense and fined and pay a civil fine of not less than one hundred dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) per violation, and costs of prosecution, including reasonable attorney fees of the Township. Each day a violation occurs shall be a separate and distinct fineable violation under this ordinance.

Section 9 – This Ordinance shall be effective within five (5) days of adoption.

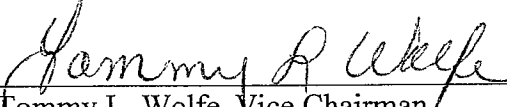
ENACTED AND ORDAINED this 10th day of October, 2016.


ATTEST:

SPRINGFIELD TOWNSHIP BOARD OF SUPERVISORS


Barbara E. Sweitzer, Secretary


E. Lamar Lehman, Chairman


Tommy L. Wolfe, Vice Chairman


Adam E. Sweitzer, Supervisor