

ORDINANCE NO. 41

AN ORDINANCE OF MONAGHAN TOWNSHIP, YORK COUNTY, PENNSYLVANIA REGULATING OUTDOOR BURNING, REQUIRING PROPERTY OWNERS TO NOTIFY COUNTY CONTROL WHEN BURNING UNCONTAINED FIRES OUTDOORS, AND PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Monaghan Township, York County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1. PURPOSE

The purpose of this ordinance is to prevent unnecessary fire calls to the Monaghan Township Fire Company and to promote the health, welfare and safety of the residents of Monaghan Township.

SECTION 2. DEFINITIONS

For the purpose of this ordinance, the following words used herein shall be considered to have the meaning set forth in this section:

1. Enforcement Officer - The Fire Chief of the Monaghan Township Fire Company, any officer of the designated Police Department for Monaghan Township, or the Monaghan Township Zoning Officer shall be designated Enforcement Officers under this Ordinance.
2. Fire - Any combustion set or maintained outside of a building manifested by light, flame or heat.
3. Responsible Adult - An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.
4. Uncontained Fire - Any fire maintained outside of a building which is not contained in an incinerator, fireplace, or other fireproof enclosure.

SECTION 3. GENERAL LIMITATIONS ON BURNING

1. Compliance with Ordinance.

It shall be unlawful to burn, ignite, incinerate, maintain, or permit to burn any materials whatsoever, or whatever in nature, without complying with this Ordinance. Nothing herein shall be construed to prevent fire-fighting training by Township fire-fighting organizations.

2. Safe Distances.

- (a) No uncontained fire shall be set, started, fed, permitted to burn, or maintained where such fire may endanger any building or property, except where such building or property is used by the fire department for training purposes.

- (b) An uncontained fire shall be permitted only upon private property and shall take place at least fifty feet (50') from any building or road line.

3. Control of Burning and Unattended Fires.

- (a) No uncontained fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily-available fire-extinguishing materials and equipment.
- (b) No uncontained fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

4. Extinguishing Unsafe Fires.

It is a violation of this ordinance to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire may be extinguished by an official of the Township Fire Company or extinguished immediately upon request of an Enforcement Officer.

5. Unlawful Substances.

- (a) Burning of plastics, byproducts of manufacturing and processing operations, and wastes from commercial operations is strictly prohibited.
- (b) Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth or other competent governmental body.
- (c) Fires shall be used only to burn readily combustible materials.

6. Special Circumstances.

In the event that it is necessary to have an uncontained fire other than permitted under this Ordinance, special permission must be obtained in advance from the Fire Chief of the Monaghan Township Fire Company or his designee.

SECTION 4. NOTIFICATION OF COUNTY CONTROL

This ordinance requires that any person setting an uncontained fire notify York County Control two hours prior to setting the fire. Further, York County Control shall immediately be contacted when an uncontained fire is extinguished.

SECTION 5. ENFORCEMENT

Any person who violated this Ordinance or assists or abets its violation, shall upon conviction thereof, before any Magistrate, be sentenced to pay a fine of not less than Fifty Dollars, nor more than Five Hundred Dollars, together with the costs of prosecution.

SECTION 6. LIABILITY

The Township of Monaghan and its agents, officials, and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its enactment.

Adopted by the Monaghan Township Board of Supervisors, York County, Pennsylvania and enacted and ordained into Ordinance this 7th day of March, 1994.

MONAGHAN TOWNSHIP BOARD OF SUPERVISORS

Mary E. Coble
Mary E. Coble, Chairman

ATTEST:

Brad S. Bock 3/14/94
Brad S. Bock, Vice Chairman

Gregory J. Swear
Secretary

John R. Kriener
John R. Kriener, Supervisor