

TOWNSHIP OF CONESTOGA

Lancaster County, Pennsylvania

ORDINANCE NO. 2015-01

***AN ORDINANCE REGULATING OPEN BURNING AND
OTHER FIRES WITHIN CONESTOGA TOWNSHIP,
LANCASTER COUNTY, PENNSYLVANIA***

WHEREAS, it is the opinion of the Supervisors of Conestoga Township that open burning and other fires not properly handled may be detrimental to the welfare and safety of the residents of Conestoga Township.

IT IS HEREBY ORDAINED AND ENACTED by the Supervisors of Conestoga Township, Lancaster County, Pennsylvania, as follows:

Section 1.

This Ordinance shall be known and may be cited as the "Conestoga Township Burning Ordinance".

Section 2.

Definitions:

- (a) Outdoor Fire – Any fire set for the purpose of burning trash, leaves, debris or any other substance.
- (b) Recreational Fire – A fire contained in a fireplace, pit, grill, chiminea or similar structure for purposes of grilling, cooking or as a decorative amenity.
- (c) Approved Waste Burner:
 - 1. A steel drum in good condition with a wire mesh or perforated metal covering having holes or mesh of not over a quarter inch size to arrest sparks and ash; or

2. A fireplace or homemade burner in good condition with closed top and a chimney covering as in (a) above; or
3. A commercial type burner in good condition with a top opening cover as in (a) above.

Section 3.

Except as otherwise provided in this Ordinance, no person or entity shall cause or allow open burning.

Section 4.

It shall be unlawful for any person to build, maintain or set an Outdoor Fire or Recreational Fire on any part of any public street in the Township of Conestoga.

Section 5.

It shall be unlawful for any person to build or maintain an Outdoor Fire upon private property in Conestoga Township except in conformity with the following regulations:

- (a) Such fire shall be located at least fifty (50) feet from any structure and adequate provision shall be made to prevent fire from spreading to within fifty (50) feet of any structure; or such fire shall be confined to an Approved Waste Burner or cooking facility (as those terms are defined herein) located safely at least fifteen (15) feet from any structure.
- (b) Such fire shall be constantly attended by a competent person until such fire shall have been extinguished.
- (c) No such fire shall be built or maintained or set between sunset and sunrise of any day.
- (d) Any such fire must be contained in an Approved Waste Burner.

Section 6.

A Recreational Fire is permitted at any time so long as constantly attended by a competent person until such fire has been extinguished.

Section 7.

The Board of Supervisors may declare a fire ban emergency in Conestoga Township with or without consultation with the fire chiefs of the volunteer fire companies operating within the

Township during period of drought, or other periods of high fire risk to woodlands or property within Conestoga Township.

Upon the Board of Supervisors declaring a fire ban emergency, all outdoor burning or fires shall be prohibited until the ban is lifted by the Board of Supervisors.

The Township shall publish a notice of the fire ban emergency at least once in a local newspaper of general circulation. In addition, the Township may issue news releases to all communication media, including radio, television and newspapers.

Section 8.

The Board of Supervisors and the Southern Regional Police Department shall have the power to enforce the provisions of this Ordinance.

Section 9.

1. Any person who shall violate any provision of this Ordinance or who shall fail to comply with any requirement thereof, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300 and in default of payment, to imprisonment for not more than thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

2. In the case of a fire requiring fire fighters and/or equipment and upon conviction of any violation of this Ordinance, the violator shall also pay charges in order to cover the fire fighting costs incurred in responding to the fire.

Section 10.

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 Governing Body that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not have been included herein.

Section 11.

The adoption of this Ordinance repeals Ordinance No. 01-03 entitled "An Ordinance Regulating Open Burning and Other Fires Within Conestoga Township, Lancaster County, Pennsylvania" adopted February 4, 2003.

Section 12.

This Ordinance shall be effective five (5) days after its adoption.

DULY ORDAINED AND ENACTED this 7 day of July, 2015, by the Board of Supervisors of the Township of Conestoga, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF CONESTOGA
Lancaster County, Pennsylvania

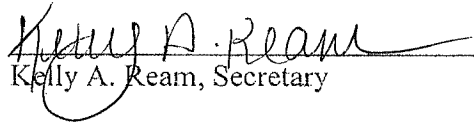
Attest: Henry D. Ream
(Assistant) Secretary

By: S. Seiden
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]

00806933 / (00541.077)

I, Kelly A. Ream, Secretary of Conestoga Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Conestoga Township held on _____
JULY 7 _____, 2015, at which meeting a quorum was present and voted in favor thereof.



Kelly A. Ream, Secretary