

RECEIVED
Date: 11-23-01

RESOLUTION 2001-15
RESOLUTION PROVIDING FOR A TEMPORARY COUNTYWIDE BURN BAN

WHEREAS, the current persistent very dry and windy conditions, plus a blanket of dry leaves has created emergency fire conditions in York County; and

WHEREAS, the County Commissioners are desirous of providing for the health, safety and welfare of the people of York County, Pennsylvania and protecting them from the dangers and treats of uncontrolled fires and unsafe fires; and

WHEREAS, the County Commissioners are authorized by Act No. 52 of 1995 of the General Assembly of the Commonwealth of Pennsylvania (codified at 16 P.S. Sections 13201 et seq) to impose temporary countywide burn bans on open fires.

WHEREAS, the County Commissioners have received a written request from Michaux State Forest District Forester Michael Kusko, Jr. to impose a countywide burn ban on open fires, based upon requests from more than 50% of the County's fire chiefs; and

WHEREAS, this situation is an emergency condition that requires immediate action.

NOW THEREFORE, be it resolved by the Board of Commissioners, County of York, Pennsylvania, as follows:

1. The foregoing recitations are incorporated by reference.
2. Definitions. Open burning is defined as the ignition and subsequent burning of any combustible material (garbage, leaves, grass, twigs, litter, paper, vegetative matter involved with land clearing, or any sort of debris) out-of-doors in either a burn barrel, (screened or unscreened) fire ring, or on the ground. The use of propane or gas stoves, charcoal briquette grills, or the use of tobacco in any form is not covered under this Resolution.
3. Duration. Any burn ban imposed under this section is temporary and shall remain in effect for no more than 30 days. The County Commissioners, upon the recommendation of the District Forester, may extend the ban for up to an additional 30 days.
4. Construction. This burn ban shall supersede any municipal ordinance to the contrary.

PUBLIC NOTICE

Pursuant to a Resolution 2001-15 adopted by the York County Board of Commissioners, effective 10:25 a.m. on November 23, 2001, there is a temporary burn ban in York County, Pennsylvania for 30 days. The Resolution, including definitions, enforcement, and penalties are available for review at the municipal offices of York City and County boroughs and townships, the York County Commissioners Office, 1 West Marketway, Fourth Floor, York, PA, the Law Library in the York County Courthouse, and York City, township and borough offices.

York County Board of Commissioners

Christopher B. Reilly, President

James F. Donahue, Vice President

Shirley L. Glass, Commissioner

Publish one (1) time in York Dispatch, York Daily Record, Hanover Evening Sun, and Patriot-West Shore edition.

5. Procedures to Notify Residents. Residents will be notified of the temporary burn ban by preparing and distributing a press release, by publishing an official public notice in newspapers of general circulation, by distributing copies of the resolution to all municipalities, and by making the resolution available for public review at the Commissioners' Offices and the County Law Library.

6. Enforcement Procedures.

(a) Enforcing Officials. Any sworn police officer when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of this Resolution.

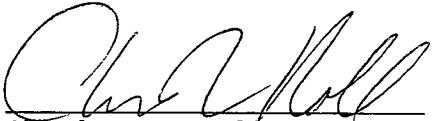
(b) Limitation. Whenever a violation of this Resolution occurs in a city, borough, incorporated town or township which has in effect an ordinance prohibiting open burning, the police officer may cite the violation under either the municipal ordinance or the county resolution. Under no circumstances shall any person be cited for violations of both this Resolution and the municipal ordinance for the same violation.

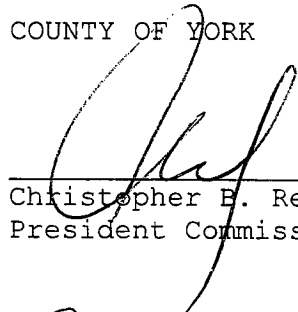
7. Penalty. A person who violates this Resolution commits a summary offense and shall, upon conviction, be sentenced to any a fine of not more than \$100 for the first offense, \$200 for the second offense and \$300 for the third offense.

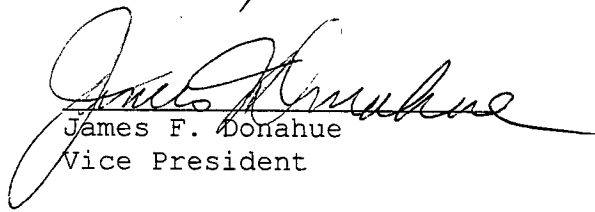
8. Effective Date. This Resolution shall take effect in 48 hours.

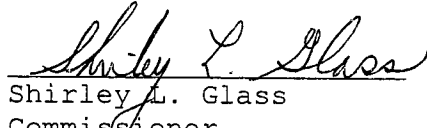
ATTEST:

COUNTY OF YORK


Charles R. Noll
Chief Clerk/Administrator


Christopher E. Reilly
President Commissioner


James F. Donahue
Vice President


Shirley L. Glass
Commissioner