

ORDINANCE NO. 96-5

AN ORDINANCE OF THE BOROUGH OF EAST PROSPECT
YORK, COUNTY, PENNSYLVANIA, REGULATING OUTSIDE
BURNING WITHIN THE BOROUGH OF EAST PROSPECT; SETTING
TIME LIMITS, TYPE OF MATERIALS TO BE BURNED, AND
CONDITIONS UNDER WHICH BURNING MAY BE PERMITTED.

BE IT ORDAINED and enacted by the Borough Council of the
Borough of East Prospect, and it is hereby ordained and enacted
by the authority of the same, as follows:

SECTION 1. DEFINITIONS:

Burning - As used within this ordinance "burning" shall have
the following meaning. "The igniting of any material to cause
flame, smoke embers, hot ash or residue, in combination or
individually."

Burn Container - Any container used for the purpose of
burning materials as authorized herein; constructed of masonry,
metal or other noncombustible rigid material; containing a
bottom, sides, and a cover as here in defined. "Burn Containers"
shall not be allowed to deteriorate to the point where they
contain holes or missing surface in the structure. Outdoor
fireplaces or incinerators shall be considered as Burning
Containers for the purpose of this ordinance.

If metal drums are being used, they shall not have contained
toxic or flammable or other regulated materials. They shall be
free from holes in the sides and/or bottom, except that they may
contain drain or vent holes in the bottom of the drum no larger
than two (2) square inches each.

EXCEPTION: Portable outdoor freills, fired by propane or
charcoal, and designed for food preparation, are excluded from
the provisions of this Ordinance.

Burn Container Cover - A metal screen with spaces not more
than one-half (1/2) square inch, or other comparable material,
which covers the entire open area above the burn container
opening. Such screen shall be maintained in good order as to
prevent large particles from escaping the burn container during
operation. The cover shall not be allowed to deteriorate to any
point whereby it loses its' maximum efficiency.

Burnable Materials - Burnable materials shall include the
following:

Pager - Includes newsprint, wrapping paper, paper products or sheet paper items. Paper used to absorb oils or other noxious or toxic materials; plastic coated paper; paper attached to other non-burnable materials, or any paper product that is wet shall not be included as burnable paper products, and are hereby prohibited from burning.

Cardboard & Chipboard - Includes cardboard & chipboard boxes, sheets, packing materials, etc. Excluded and not permitted to be burned are materials used to absorb oil or other noxious or toxic materials; cardboard or chipboard in combination with any other non-burnable materials.

Wood - Includes any unpainted wood or wood product. Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have a high glue content, such as Flakeboard or Composition-board; and wood products in combination with any non-burnable materials.

Non-Burnable Materials:

The following is a partial list of those materials that are classified as "Non-burnable" under the guidelines of this Ordinance.

Plastic; rubber; oils; asbestos; composition board; shingles; felt paper; canvas; fiber glass; vinyl; or any combination of the above with any other materials.

Human or animal waste; sanitary napkins diapers; food solids; oil filters; or any other materials individually or in combination, that emit smoke, or acrid, obnoxious or toxic odors.

Grasses, green twigs or leaves.

The above is a partial list of those items and materials prohibited under the guidelines of this Ordinance. Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited.

Sunrise/Sunset - A specific time of day, as determined and published by the U.S. Weather Bureau locally, at which the sun rises and sets.

SECTION 2. No person or corporation shall cause to be burned any of the above Non-Burnable Materials, or any like or similar materials not in compliance, or inconsistent with this Ordinance. It shall be illegal to burn any materials that give off any acrid, obnoxious or toxic odors, or emit heavy smoke.

SECTION 3. Burning, in compliance with this Ordinance, shall be permitted only between the hours of sunrise and sunset. Under no conditions shall burning, as defined herein, be permitted between the hours from sunset and sunrise. Fires allowed to burn or smolder after sunset shall be in violation of this Ordinance, and all those persons or corporations causing such fires shall be prosecuted under the guidelines of this Ordinance.

SECTION 4. Burning, in compliance with this Ordinance, shall be attended at all times by an individual fourteen (14) years or older until such time as the flame has subsided completely. Unattended burning shall be in direct violation of this Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this Ordinance.

SECTION 5. No Burning Container shall be used or stored within ten (10) feet of any building or structure. No Burning Container shall be used or stored within ten (10) feet of any property line or public sidewalk area. No Burning Container shall be used or stored without the proper cover in place. No Burning Container shall be used for any other purpose.

SECTION 6. All fires outside of Burning Containers are hereby prohibited within the Borough of East Prospect.

This Ordinance does not prohibit the issuance of a "Special Burning Permit" by the local Fire Chief whenever circumstances so dictate. Such Special Permit shall be issued in writing by the Fire Chief on a form provided by the Borough. In granting such Permit, the Fire Chief shall determine whether or not the Fire Company shall be in attendance.

SECTION 7. Any and all Police Officers are hereby granted the authority and responsibility for inspecting outside Burning Containers for compliance with this Ordinance. In the event any violations of this Ordinance are found to be in existence at the time of inspection, the Police Officer is hereby charged with the responsibility of issuing warnings or citations, as merited, for all violations of this Ordinance.

SECTION 8. Any person or corporation who violates the provisions of this Ordinance shall, upon conviction, pay a fine not to exceed one thousand dollars (\$1,000.00) and the costs of prosecution, and in default thereof; undergo imprisonment in the York County Prison for a period not to exceed thirty (30) days.

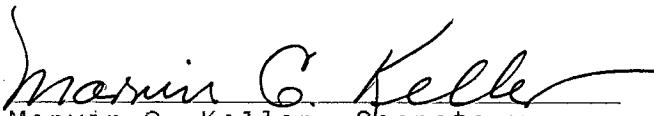
SECTION 9. If any clause, sentence or other provisions of this Ordinance should be declared unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect the remaining provisions of this Ordinance, and the Borough Council declares that it would have adopted this Ordinance had such unconstit;utional, illegal or invalid provisions not been contained herein.

SECTION 10. All Ordinance inconsistent with this Ordinance, are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

ORDAINED AND ENACTED as an Ordinance by the Borough Council of the Borough of East Prospect York County, Pennsylvania in lawful session duly assembled this 2nd day of April 1996.


Donald E. Barshinger, President

ATTEST:


Marvin C. Keller, Secretary


Maxine J. Kuntz, Mayor