

TOWNSHIP OF CONOY  
Lancaster County, Pennsylvania

**ORIGINAL**

ORDINANCE NO. 2001 - 1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CONOY, LANCASTER COUNTY, PENNSYLVANIA, TO ESTABLISH A CODE OF ORDINANCE OF THE TOWNSHIP TO ESTABLISH AN OUTDOOR BURNING ORDINANCE, TO ENACT REGULATIONS TO CONTROL AND RESTRICT OUTDOOR BURNING.

BE AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CONOY, LANCASTER COUNTY, PENNSYLVANIA, as follows.

Section 1. **LEGISLATIVE INTENT.**

It is against public policy to permit uncontrolled and unrestricted out-door burning. The purpose of this Chapter is to prevent needless damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained.

Section 2. **DEFINITIONS.**

For the purpose of this Ordinance, the following words and terms shall have the meanings ascribed to them herein:

**BURNING PIT OR INCINERATOR**--A pit completely in ground and is covered by a chain link fence or other suitable material which is enclosed by a door when in use. A ten (10) foot clear area shall be maintained around any burning pit or incinerator, free of any brush, tree or other combustible material.

**CONTAINED FIRE**--Any fire contained in an incinerator, fireplace or cooking grill or other contained enclosure designed for outdoor cooking or a fireproof container.

**CONTROLLED FIRE**--A fire with adult supervision and surrounded by noncombustible barrier.

**ENFORCEMENT OFFICER**--The person such as the Township Manager/Secretary-Treasurer and the Susquehanna Regional Police Department designated by the Conoy Township Board of Supervisors to enforce this ordinance.

**OUTDOOR FIRE**--any fire set or maintained outside of a building.

**PERSON**--Any individual, partnership, organization, association, agency, firm, estate, corporation or any other legally recognized entity.

**RESPONSIBLE ADULT**--An individual eighteen (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.

**TOWNSHIP**--The Township of Conoy, Lancaster County, Pennsylvania.

**UNCONTAINED FIRE**--Any fire not included not included in the definition of a

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contained fire.

### **Section 3. FIRES ON PUBLIC PROPERTY UNLAWFUL; Exception.**

It shall be unlawful for any person or persons either directly or indirectly to kindle or maintain any fire or authorize or permit any fire to be kindled or maintained on any public road, street, alley, sidewalk within the Township. Contained fires for cooking and camp fires may be maintained upon park or recreation land owned by the Township if supervised by a responsible adult and if all other requirements of this Ordinance are met. Nothing in this Section shall prevent any employee and/or agent of the Township from burning trash upon public ground when such burning is in furtherance of any municipal purpose such as maintaining clean and trash-free public grounds.

### **Section 4. GENERAL REGULATIONS ON OUTDOOR FIRES.**

Outdoor fires shall be permitted upon private property in accordance with the following regulations.

1. In those areas of denser population where land is zoned (R-1) Residential, (R-2) Residential, (VC) Village Center, Industrial or Commercial, no person either directly or indirectly shall kindle or maintain an outdoor fire except in an appropriate receptacle, building or burning pit at least twenty (20) feet from any structure, building or property line. Any such contained fire shall be kept under constant supervision during incineration and at the end of said period shall be completely extinguished.
2. In those areas where land is zoned Rural or Agricultural, no person either directly or indirectly shall kindle or maintain an outdoor fire, with the exception of the type of fire as hereinafter provided, except in a burning pit or container at least twenty (20) feet from any structure, building or property line.
3. In those instances where it is impractical or impossible to confine an outdoor fire to a receptacle or burning pit, an outdoor fire may be kindled or maintained only if such outdoor fire is a controlled fire and is maintained at a distance of fifty (50) feet from any structure, building or property line. All outdoor fires, whether maintained in a receptacle or burning pit or in the open as controlled fires shall be kept by a responsible adult during incineration and at the end of said period shall be completely extinguished.
4. Nothing herein shall be construed to prevent fire-fighting training by Township-designated fire-fighting organizations.

### **Section 5. SAFE DISTANCES.**

1. It shall be unlawful to allow any outdoor fire, including cooking fires, within an unsafe distance from any structure, building or property line.

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2. No outdoor fire shall be set, started, fed, permitted to burn or maintained where such outdoor fire may endanger any building or property except where such building or property is used by the fire department for training purposes or for any other purpose to further public health, safety and welfare.
3. Outdoor fires shall be permitted only upon private property and shall take place at least (20) feet from any building, structure, property line or road line.
4. Nothing herein shall be deemed to prohibit indoor cooking activities providing that reasonable safeguards are maintained.
5. Cooking grills may be less than twenty (20) feet from a building providing that reasonable safeguards are maintained.

**Section 6. CONTROL OF OUTDOOR FIRES AND UNATTENDED OUTDOOR FIRES.**

1. No outdoor fire shall be allowed to burn without a responsible adults supervision and without a readily-available fire-extinguishing apparatus, such as a water hose. Sand or dirt may also be considered provided an ample supply is available or shovels and rakes are on hand.
2. No outdoor 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.
3. No outdoor fire shall be set that results in uncontrolled burning of vegetation or property.
4. Outdoor fires shall be confined in a trash barrel, covered with a wire screen two inches or smaller mesh, or in other suitable non-combustible container or burning pit, except for fires, leaves, brush and/or natural, untreated wood which need not be confined to or covered by a non-combustible container.

**Section 7. EXTINGUISHING UNSAFE FIRES.** It is a violation of this Ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised or otherwise in an unsafe manner or as uncontrolled fire. Any such outdoor fire may be extinguished by an official of the Township designated fire company or extinguished immediately upon request of such official.

**Section 8. HOURS.**

1. Except as otherwise specified herein, outdoor fires shall be permitted upon private property any time of day each day of the week.

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2. In the Village Center Area or Residential District no person shall burn or cause to be burned any paper, boxes, rubbish, leaves or any kind of substance, nor shall any person set or maintain any uncontained fire, or burn or cause to be burned an uncontained fire of any substance or material of any kind.
3. In the Village Center and Rural District contained fires shall not be permitted to burn or smolder between the hours of 9:00 p.m. and 6:00 a.m.
4. Recreational fires using natural, untreated wood and containing a fuel source of no more than eight (8) cubic feet are permitted at any time so long as they comply with all other provisions of this Ordinance.

### Section 9. **UNLAWFUL SUBSTANCES.**

1. Burning of byproducts of manufacturing and processing operations and wastes from commercial operations is strictly prohibited.
2. 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 outdoor 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 of Pennsylvania or the United States of America or any other competent body.
3. **NO** garbage or plastics shall be burned at any time either indoors or out-of-doors.
4. Outdoor fires shall be used only to burn readily combustible materials.
5. Using gasoline to start a fire is strictly prohibited.

Section 10. **SPECIAL CIRCUMSTANCES.** In the event that it is necessary to have an uncontained fire of a size and/or at times other than permitted under this Ordinance, special permission must be obtained in advance from the Fire Chief of the Volunteer Fire Company providing service to the area in which a property is located or designee. In the event any Fire Company is required to respond to a fire which violates the provisions of this Ordinance, a service fee may be levied by the responding Fire Company.

Section 11. **ENFORCEMENT AND PENALTIES.** Any person who violates any provisions of this Ordinance shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than one hundred (\$100.00) dollars and not more than six hundred (\$600.00) dollars and costs, and in default of payment of said fine and costs to undergo imprisonment in the County Prison for a period not in excess of thirty (30) days.

Section 12. **EQUITABLE AND OTHER REMEDIES.** No penalty herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive and other remedies.

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Section 13. **LIABILITY.** The Township 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 responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

Section 14. **REPEALS.** All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 15. **SEVERABILITY.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 16. **EFFECTIVE DATE.** This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Conoy as provided by **LAW.**

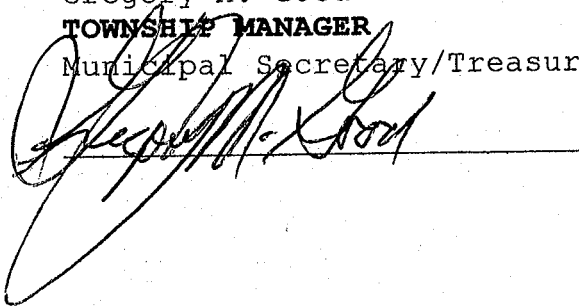
**DULY ORDAINED AND ENACTED THE** 14<sup>th</sup> **DAY OF** May **2000**, by the Board of Supervisors of the Township of **CONOY**, Lancaster county Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF CONOY**  
Lancaster County, Pennsylvania

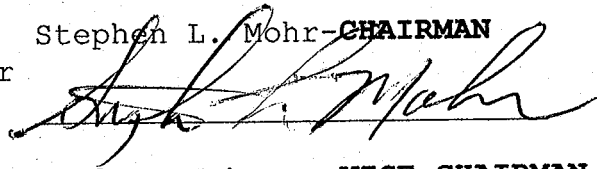
**ATTEST:**

**BOARD OF SUPERVISORS**

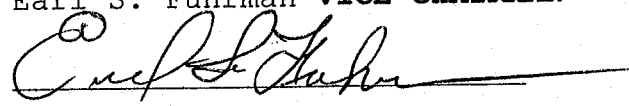
Gregory M. Good  
**TOWNSHIP MANAGER**  
Municipal Secretary/Treasurer



Stephen L. Mohr-**CHAIRMAN**



Earl S. Fuhrman-**VICE CHAIRMAN**



Robert F. Strickland-**SUPERVISOR**

