

ORDINANCE NO. 200

**AN ORDINANCE AMENDING CHAPTER 45 OF THE
CODE OF ORDINANCES OF BRECKNOCK TOWNSHIP,
ALSO KNOWN AS THE BRECKNOCK TOWNSHIP OPEN
BURNING ORDINANCE, TO AMEND BURNING
RESTRICTIONS**

WHEREAS, the Board of Supervisors of Brecknock Township, Lancaster County, Pennsylvania, finds that it is desirable to amend the Open Burning Ordinance;

NOW, THEREFORE, the Board of Supervisors hereby enacts the following amendment to the Brecknock Township Open Burning Ordinance:

Section 1. Chapter 45 shall be amended to read as follows:

§45-1. Title.

This chapter shall be known and may be cited as the "Brecknock Township Open Burning Ordinance."

§45-2. Legislative authority.

This chapter is enacted pursuant to Section 702, Clauses XXIX, XXXII, XLVII and LXII, of the Second Class Township Code, 53 P.S. §§ 65729, 65732, 65747 and 65762.

§45-3. Purpose.

It is hereby declared to be a matter of public health and safety to regulate fires and open burning in the Township of Brecknock for the purposes of:

- A. Protecting the air resources of the Township.
- B. Preventing injury to plant and animal life and to property.
- C. Protecting the comfort and convenience of the public.

§45-4. Definitions.

In the construction of this chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ENFORCEMENT OFFICER

Any person appointed by the Board of Supervisors to administer and enforce the provisions of this chapter.

OPEN BURNING or OPEN FIRE

Any fire which is burned outside of an enclosed building where the products of combustion are emitted directly into the ambient air.

PERSON

Any individual, partnership, estate, trust, firm, association, corporation, municipality, municipal authority, school district or any other group or legally recognized entity.

STRUCTURE

Includes any structure or appendage to a structure, whether principal or accessory, constructed or used for a residence, business establishment, institutional establishment or industrial establishment or other private or public purpose of which is designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.

Editor's Note: The former definition of "Township," which immediately followed this definition, was deleted 4-13-1993 by Ord. No. 88.

WOODY YARD WASTE

Means tree limbs, tree trimmings, branches, brush and leaves.

§45-5. Open fires.

It shall be unlawful for any person to ignite, feed, maintain or permit the ignition, feeding or maintenance on his property of any open fire for the burning of any materials whatsoever, except for the burning of woody yard waste as regulated herein.

§45-6. Open burning of woody yard waste.

Persons may burn woody yard waste outside of an enclosed building only upon the following conditions and subject to the following regulations:

- A. A responsible person shall control and supervise any open burning at all times.
- B. Open burning of woody yard waste is not permitted under conditions of excessive winds or dryness. Open burning of woody yard waste is expressly prohibited during a drought emergency declared by the Pennsylvania Emergency Management Council or other agency of the Commonwealth of Pennsylvania.
- C. No materials other than woody yard waste may be burned in an open fire.
- D. Smoke shall be so controlled so as not to be offensive to others.
- E. All containers for open fires shall be covered by a screen or wire mesh to prevent sparks from flying while burning.
- F. Leaves and brush fires shall only be burned in an area cleared in a radius of 50 feet from the open fire.
- G. No fire shall be maintained closer than 75 feet to any structure.
- H. Open burning of woody yard waste shall only be permitted between sunrise and sunset. **[Added 6-10-2003 by Ord. No. 136]**

§45-7. Cooking and campfires.

- A. Subject to the regulations in Section B the following types of fires, provided that such fires are of dry natural wood only, are permitted:
 - (1) Fires solely for the cooking of food for immediate consumption. Outside barbecues, charcoal/gas cooking grill or any fire maintained in a commercially-constructed grill or masonry-constructed grill for purposes of cooking and preparing food are permitted.
 - (2) Campfires for warmth, fellowship, food preparation or ceremonial purposes.
- B. Regulations:
 - (1) A responsible person shall control and supervise any open burning at all times.

- (2) Campfires and fires for cooking are not permitted under conditions of excessive wind or dryness. Campfires and fires for cooking are expressly prohibited during a drought emergency declared by the Pennsylvania Emergency Management Council or other agency of the Commonwealth of Pennsylvania.
- (3) No materials other than dry natural wood may be burned.
- (4) Smoke shall be so controlled so as not to interfere with the reasonable enjoyment of life or property.

[Amended 5-11-2004 by Ord. No. 142]

§45-8. Fire fighter/public officials.

Fires set in the performance of public duty by any fire fighter or public official, including but not limited to the instruction of personnel in fire fighting, shall be permitted when approved by the Department of Environmental Protection's Regional Air Quality Program.

[Amended 5-11-2004 by Ord. No. 142]

§45-9. Enforcement; Violations and penalties.

This chapter may be enforced by the Enforcement Officer or by any police officer. Any person, firm, partnership, corporation, trust or estate violating any of the provisions of this chapter regulating the open burning of woody yard waste shall, for each offense, upon conviction thereof before a District Justice, be subject to a fine of not less than \$50 nor more than \$1,000, plus costs of prosecution, or, in default thereof, be sentenced and convicted to the county jail for a term not to exceed 30 days.

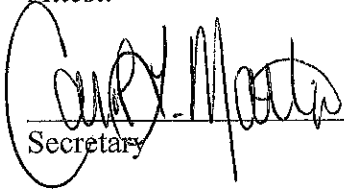
[Added 5-11-2004 by Ord. No. 142]

Section 2. 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 of Brecknock Township 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 3. This Ordinance shall take effect and be enforced as provided by law.

DULY ORDAINED AND ENACTED the 9th day of September, 2014
by the Board of Supervisors of Brecknock Township, Lancaster County, Pennsylvania, in lawful
session duly assembled.

Attest:


Secretary

BRECKNOCK TOWNSHIP

By: 

By: 

By: 
