

**SHREWSBURY BOROUGH  
YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 2004-07**

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**AN ORDINANCE OF SHREWSBURY BOROUGH, YORK COUNTY,  
PENNSYLVANIA, REGULATING OPEN BURNING.**

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**BE IT ORDAINED AND ENACTED**, and it is hereby enacted and ordained by the Council of the Borough of Shrewsbury, York County, Pennsylvania, under authority of law as follows:

**SECTION 1. Title.**

This Ordinance shall be known as and may be cited as the "Shrewsbury Borough Open Burning Ordinance."

**SECTION 2. Purpose and Policy.**

The Council of the Borough of Shrewsbury, York County, Pennsylvania has determined that open burning may cause harm to citizens and inhabitants of the Borough by endangering their health, safety, and welfare. Accordingly, this Ordinance is designed to regulate open burning, so that it may be utilized when desired, necessary, or appropriate, but only in such a fashion so as to avoid harm to those in the vicinity of such open burning.

**SECTION 3. Definitions.**

**Borough** – the Borough of Shrewsbury, York County, Pennsylvania.

**Company** – the Shrewsbury Volunteer Fire Company, Inc. or its successors or assigns.

**Open Burning** – the ignition and subsequent burning of any combustible material (including, but not limited to, wood, vegetation, paper, litter, or any sort of debris) out of doors in either a burn barrel (screened or unscreened), fire ring, on the ground, or in another receptacle that does not have a flue, duct, pipe, stack, chimney, or other conduit that restricts the emissions of such open burning. The use of a propane or gas stove, or charcoal briquette grill, for cooking purposes, is not considered Open Burning for purposes of this Ordinance. Similarly, the recreational use of a chimenea, outdoor fireplace, fire bowl or similar apparatus (which has one of the features above that restricts emissions) likewise shall not be considered Open Burning for purposes of this Ordinance.

**Person** – any individual, partnership, association, firm, company, corporation, trust, or other entity recognized by law.

**SECTION 4. Prohibited Acts.** No Person shall conduct the following:

- a. Regulation, management or control of an Open Burning, if that Person is under the age of 18 years.
- b. Open Burning between sunset and sunrise.
- c. Open Burning that is unattended by any Person.
- d. Open Burning within fifty (50) feet of any building.
- e. Open Burning within fifty (50) feet of any adjoining property line.
- f. Open Burning on any public or private street, right-of-way, alley, road, or highway.
- g. Open Burning of items and materials such as, household garbage, which may be disposed of through services provided by the Borough. Leaves, brush, tree limbs, and branches are not, however, prohibited.
- h. Open Burning of any hazardous materials, as that term is defined by the rules and regulations of the United States Environmental Protection Agency and or the Pennsylvania Department of Environmental Protection.
- i. Open Burning of rubber or plastic (or items consisting of rubber or plastic), manure, hair, or feathers.
- j. Open Burning that causes damage to vegetation or property (real or personal).
- k. Open Burning that creates emissions, which can be seen or smelled, that interfere with the reasonable enjoyment of the use of other real property in the Borough by other Persons.
- l. Open Burning without a permit.

**SECTION 5. Exemptions.** The following activities are exempt from the Open Burning prohibitions in section 4:

- a. An Open Burning necessary for the prevention of a fire hazard, which hazard cannot be abated by any other means, if the Open Burning is conducted by or approved by a duly authorized officer of the Company.
- b. An Open Burning required for the protection of public health, conducted by or at the direction of a duly authorized officer of the Company.
- c. An Open Burning utilized for the instructing personnel in firefighting, when approved by a duly authorized officer of the Company.
- d. Ceremonies and activities, such as bonfires done in conjunction with school related or civic functions, scouting and related activities, and group campfires, provided that all the other terms and conditions set forth herein are met.
- e. Open Burning in furtherance of agricultural purposes on any real property of at least ten (10) acres in size.
- f. Open Burning for the purpose of the prevention and/or control of disease or pests, when approved by the Pennsylvania Department of Environmental Protection, or its designee, and controlled authorized personnel.
- g. Open Burning pursuant to a permit issued by the Borough.

**SECTION 6. Open Burning Permits.** Open Burning may be allowed, if the following conditions are met:

- a. A Person desiring to conduct and Open Burning makes application to the Borough, on a form provided by the Borough wherein that Person indicates the following :
  1. Name
  2. Property upon which Open Burning will be conducted
  3. Proposed dates of such Open Burning
  4. The materials to be burned
  5. Dates of the Open Burning (which may be at a maximum per permit of 7 consecutive days)
- b. The Person pays the applicable Open Burning Permit Fee, which may be set by the Borough Council from time to time.
- c. The Borough will notify the Company of the name of the person receiving the Open Burning Permit and the dates of the Open Burning unless the person is directed to do so by the Borough.

#### **SECTION 7. Control and Extinguishment.**

- a. All fires whether or not in Open Burning, shall be kept under competent and continuous supervision. The Person supervising the Open Burning shall have available a garden hose connected to a water supply, or other fire extinguishing equipment or materials, which shall be readily available for use
- b. All flammable and combustible materials not used as fuel in such fire for Open Burning shall be moved a sufficient distance from such the Open Burning so as not to constitute a safety hazard.
- c. All fire, ashes and coals shall be thoroughly extinguished

#### **SECTION 8. Enforcement, Violations and Penalties.**

- a. The Shrewsbury Borough Council hereby authorizes the Southern Regional Police Department to enforce the provisions of this Ordinance in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Borough Council may authorize others to enforce this Ordinance by resolution.
- b. Any person who shall violate any of the provisions of this Ordinance shall, upon summary conviction, be subject to a penalty of not less than \$200 nor more than \$600 per violation. Should such Person refuse or neglect to pay such penalty, such Person shall be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. In addition to the penalties for said violation, the Person so convicted shall be responsible for all costs incurred, including filing and attorney's fees.
- c. A separate offense shall arise for each day or portion thereof in which a violations is found to exist or for each section of this Ordinance which is found to have been violated.

**SECTION 9. Repealer.** All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 10. Severability.** 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 11. Effective Date.** This Ordinance shall become effective five days after the date of its enactment provided by law.

**ORDAINED AND ENACTED** this 13 day of October, 2004.

Attest:

**SHREWSBURY BOROUGH COUNCIL**

*Craig Zing*  
Secretary

By: *Peter W. Schmale*  
President

**APPROVED** this 13th day of October 2004.

*James W. Needy*  
Mayor