

**BOROUGH OF LEWISBERRY
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE BOROUGH OF LEWISBERRY, YORK COUNTY, PENNSYLVANIA REVISING CHAPTER 10, PART 3, AIR POLLUTION CONTROL, OF THE BOROUGH OF LEWISBERRY CODE OF ORDINANCES.

Chapter 10, Part 3 of the Borough of Lewisberry Code of Ordinances is hereby revised to read as follows:

Part 3

Air Pollution Control

§10-301. Title.

This Part shall be known and may be cited as the "Lewisberry Borough Air Pollution Control Ordinance of 2016."

(Ord. 1969-1, 1/6/1969, §I; as amended by Ord. 2016-§I; as amended by Ord. 2016-)

§10-302. Policy.

Whereas the Council of the Borough of Lewisberry has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of the Borough of Lewisberry, it is hereby declared to be the policy of the Borough of Lewisberry to safeguard the citizens of Lewisberry Borough from such air pollution.

(Ord. 1969-1, 1/6/1969, §II; as amended by Ord. 2016-§I; as amended by Ord. 2016-)

§10-303. General Regulation.

No person, either directly or indirectly, shall ignite, kindle or maintain any open fire or authorize or permit any such fire to be ignited, kindled or maintained on any public or private street, avenue, highway, road or alley, nor on any public or private land within the Borough of Lewisberry, York County, Pennsylvania, except as provided hereinbelow.

§10-304. Definitions.

The following words and phrases when used in this Part shall have those meanings as indicated as follows:

Clean Wood - Natural wood that has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Open Burning - The burning of Clean Wood in a Portable Outdoor Fireplace or a Recreational Fire.

Portable Outdoor Fireplace - An appliance or device used for outdoor burning approved by and listed by a recognized testing agency which is installed and used according to the listing and manufacturer's instructions. An approved portable, outdoor, solid fuel burning fireplace may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

Recreational Fire - An outdoor fire burning Clean Wood not contained in an incinerator, outdoor fireplace, approved portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Yard Waste - Tree branches, twigs, leaves from trees and shrubbery, tree and shrubbery trimmings, garden residue, chipped shrubbery and other vegetative material, Yard Waste does not include grass clippings.

§10-305. Permitted Open Burning.

Open Burning is permitted only as follows:

A. Open Burning of Clean Wood in Portable Outdoor Fireplaces provided that the minimum clearance to any dwelling and property line must be at least fifteen (15) feet.

B. Open Burning of Clean Wood in a Recreational Fire provided that the minimum clearance to any dwelling must be at least 50 feet and to a property line must be at least 15 feet.

C. Barbeque grills, charcoal grills, liquid propane grills and burners and other open-flame cooking devices in accordance with manufacturers' instructions.

D. Notwithstanding paragraphs A through C, contained or uncontained Open Burning of Clean Wood, Yard Waste and paper products is permitted on Saturdays between sunrise and sunset provided that it is conducted no closer than 50 feet from a dwelling and property line if uncontained, and no closer than 20 feet from a dwelling and property line if contained.

All Open Burning shall be constantly attended by an adult until the fire is extinguished.

§10-306. Sky Lanterns.

The use of sky lanterns, whether tethered or untethered, is prohibited.

§10-307. Burning Ban.

All Open Burning otherwise permitted in accordance with §10-305 shall be prohibited during official burning bans declared by the Commonwealth of Pennsylvania, County of York, Borough of Lewisberry or other competent governmental entity.

§10-308. Enforcement.

The Police, Fire Chief, Health Officer, or any other duly authorized agent shall have the power and duty to enforce the provisions of this Part.

(Ord. 1969-1, 1/6/1969, §IV; as amended by Ord. 2016-§I; as amended by Ord. 2016-)

§10-309. Penalties.

Any person violating any of the provisions of this Part, upon the conviction thereof by any magisterial district judge, shall be sentenced to pay a fine of not less than \$250.00 nor more than \$1,000 plus costs and attorney's fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1969-1, 1/6/1969, §IV; as amended by Ord. 2007-2, 12/17/2007; as amended by Ord. 2016-§I; as amended by Ord. 2016-)

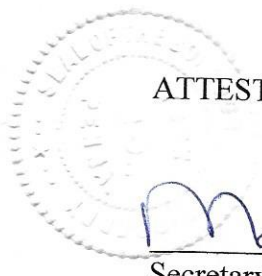
All ordinances or parts of Ordinances inconsistent herewith shall be and the same are hereby repealed.

This Ordinance shall be effective immediately upon adoption.

Enacted and Ordained this 3rd day of October, 2016.

ATTEST:

BOROUGH OF LEWISBERRY



Madeira
Secretary

Mark A. Keener
Mark A. Keener, President

Approved this 3rd day of October, 2016.

Andrew Purcell
Andrew Purcell, Mayor