

MANCHESTER BOROUGH
YORK COUNTY, PENNSYLVANIA
ORDINANCE NO. 07-55

AN ORDINANCE OF THE BOROUGH OF MANCHESTER,
YORK COUNTY, PENNSYLVANIA AMENDING CHAPTER 85 OF THE CODIFIED
ORDINANCE OF THE BOROUGH OF MANCHESTER
RELATED TO FIRES AND INCINERATORS.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of
Manchester Borough, York County, Pennsylvania, and **IT IS HEREBY ENACTED AND
ORDAINED**, as follows:

SECTION 1. Section 85-4 of the Chapter 85 (Fires and Incinerators) of the Codified
Ordinances of Manchester Borough shall be modified and amended as follows:

- A. Section 85-4 (B) is hereby amended to add the following terms: “and
Chimeras.”
- B. Section 85-4 (C) is hereby deleted in its entirety.
- C. Section 85-4 (D) is hereby deleted in its entirety.

SECTION 2. This Ordinance shall take effect within five (5) days of the adoption
hereof.

SECTION 3. The provisions of this Ordinance are intended to be severable, such that if
any provision hereof shall be deemed to be unconstitutional or otherwise unenforceable, such
determination shall not affect the other provisions hereof.

SECTION 4. EFFECTIVE DATE: The effective date of this Ordinance shall be five
(5) days from the date of enactment.

Chapter 85

FIRES AND INCINERATORS

- § 85-1. Title.
- § 85-2. Definitions.
- § 85-3. Open burning prohibited.
- § 85-4. Open fires permitted.
- § 85-5. Permit required.
- § 85-6. Permit application and fee.
- § 85-7. Enforcement; violations and penalties.
- § 85-8. Conflicting ordinances.

[HISTORY: Adopted by the Borough Council of the Borough of Manchester 8-8-1983 by Ord. No. 83-127 (Sections 6.131 through 6.139 of the 1981 Code of Ordinances); amended in its entirety 8-13-2001 by Ord. No. 2001-32. Amendments noted where applicable.]

§ 85-1. Title.

This chapter shall be known and may be cited as the "Burning Control Ordinance."

§ 85-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FIRE — The term "fire," as used in this chapter, shall not be construed to mean or include a fire in a furnace, stove, boiler or fireplace within a residence.

OPEN FIRE — A fire in which any material is burned in the open or in a receptacle other than in a substantially enclosed furnace or incinerator.

REFUSE — All putrescent animal and vegetable matter resulting from the handling, preparation, cooking, and consumption of food, food wastes or food by-products of any kind or amount, rags, old clothes, leather, rubber, tires, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry, other discarded materials of any kind, including but not limited to commercial or residential trash of any kind or amount.

§ 85-3. Open burning prohibited.

It shall be unlawful for any person, firm, or corporation, except the Borough of Manchester, to set, kindle, or maintain any bonfire or refuse fire within the Borough of Manchester, York County, Pennsylvania, except as provided herein.

§ 85-4. Open fires permitted.

- A. Open fires may be kindled or maintained by a public official, or a public officer, if such fire is necessary for the elimination of a fire hazard which cannot be abated by other means or for the protection of public health, safety and welfare.
- B. Open fires may be set by any adult if such fires are solely for cooking food other than the burning of refuse and are maintained in appropriate fireplaces, braziers, pits, grills, or barbecue equipment.
- C. Burning for agricultural purposes shall be permitted only during the hours between 6:00 a.m. and 6:00 p.m., provided that the said burning is continuously attended by an appropriate person or persons, having first obtained an official permit from the Borough, and further, provided that such burning is not done on a day when atmospheric conditions or local circumstances make such fire hazardous

or emit dense smoke or odor that would be unreasonably detrimental to the air quality of Manchester Borough.

- D. No agricultural burning shall occur less than 50 feet from any building or structure and 15 feet from any fence or property line.

§ 85-5. Permit required.

No person or persons shall set, kindle, or maintain any open fire without first having completed an application for and obtained a permit from the Borough for such activity.

§ 85-6. Permit application and fee.

- A. Permits may be obtained from a designated Borough official upon completing an application form provided by Borough Council. No permit shall be issued if the designated Borough official, upon review of the completed application, determines that the requested permit would allow burning that will violate this chapter. All permits shall be valid for a period not to exceed five days and shall not be renewed without permission of the Borough Council.
- B. The fee for a burning permit shall be set by resolution of the Borough Council.

§ 85-7. Enforcement; violations and penalties.

- A. Notices. Whenever an authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter the representative shall give notice of such alleged violation as hereinafter provided. Such notice shall:
- (1) Be in writing, including a statement of the reasons for its issuance.

- (2) Allow a reasonable time, not to exceed a period of 30 days, for the performance of any act it requires.
- (3) Be served upon the property owner or his agent, as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state.
- (4) Contain an outline of remedial action, which, if taken, will effect compliance with this chapter.

B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this chapter or who fails or refuses to comply with any notice, order or direction of any authorized representative of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to the Borough of not less than \$100 nor more than \$1,000 plus costs of prosecution. In default of such payment, such person shall be imprisoned in county prison for a period not to exceed 30 days. Each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time.

§ 85-8. Conflicting ordinances.

Any prior provisions of this chapter or part of any other ordinance conflicting with or not included in this chapter are hereby repealed.