

ORDINANCE NO. 2018-5-2
RED LION BOROUGH
YORK COUNTY, PENNSYLVANIA

AN ORDINANCE OF RED LION BOROUGH, YORK COUNTY, PENNSYLVANIA, AMENDING PART 5 OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE BOROUGH OF RED LION TO PROVIDE DEFINITIONS; REGULATING AND PROHIBITING OUTDOOR BURNING; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

BE IT ENACTED AND ORDAINED by the Council of the Borough of Red Lion, and it is hereby enacted and ordained, that the Code of Ordinances of the Borough of Red Lion, adopted on September 14, 2009 by Ordinance 2009-09-02 is amended as follows:

SECTION 1: Part 5 of Chapter 10 of the Code of Ordinances is hereby amended to add a new Section 10-501A, and also amended to replace Section 10-502 to read as follows:

s. 10-501A. Definitions.

1. As used in this chapter, the following words and phrases shall have the following meanings:

BOROUGH - The Borough of Red Lion, York County, Pennsylvania

CONFINED BURNING- Any fire confined or contained in a fireproof receptacle constructed of metal, masonry or other nonflammable material capable of fully containing the fire and sparks from the material being burned therein, and equipped with a chimney style outlet or flue or top or cover so constructed as to prevent fly ash from escaping into the atmosphere.

GARBAGE- All table refuse, animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

NATURAL FIREWOOD-Wood that has been produced naturally from a tree and not chemically treated with dye, paint or any other form of artificial treatment or modification beyond cutting and drying. Construction lumber is not natural firewood.

OPEN BURNING-Any fire not confined or contained in a fireproof receptacle constructed of metal, masonry or other nonflammable material capable of fully containing the fire and sparks from the material being burned therein, and equipped with a top or cover so constructed as to prevent fly ash from escaping into the atmosphere.

PERSON-Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

RUBBISH AND TRASH-Solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood (except natural firewood in a confined burning), excelsior, paper (except paper used to ignite a confined burning), ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SMOKELESS BURNING-Any fire which produces no visible smoke either through the use of natural gas, propane gas or charcoal for cooking or recreational use in a container or grill designed and approved for such use. Setbacks do not apply to smokeless burning.

s. 10-502. Regulation of Confined Burning and Prohibiting Open Burning.

1. Confined burning.

Confined burning shall be permitted within the Borough of Red Lion so long as it is kept under competent and continuous supervision, and all fires and coals there from shall be thoroughly extinguished after the use of the confined burning has been completed; except that the following are prohibited:

- A. No person, either directly or indirectly, shall ignite, kindle or maintain any confined burning on any public street, highway, road or alley.
- B. No person shall conduct a confined burning of any items, at any time, for the purpose of disposal, that may be accommodated through services provided by the Borough or a designee including, but not limited to, household garbage, rubbish and trash and, large item pickup and recyclables.
- C. No person shall conduct a confined burning consisting of construction residue, demolition waste, plastics, by-products of manufacturing and processing operations, tires, tubes, tar, waste oil, roofing materials, batteries, automobile parts, hazardous materials (pesticides, propane tanks, etc.), waste from commercial operations and any other substances which may emit noxious odors.
- D. No person, either directly or indirectly, shall ignite, kindle or maintain a confined fire which does not use natural firewood as the only material to be burned.
- E. No person, either directly or indirectly, shall ignite, kindle or maintain a confined fire which is not set back at least 20 feet from any structure and 10 feet from any property line.

- F. No person, either directly or indirectly, shall ignite, kindle or maintain a confined fire between the hours of 11:00 P.M. and 7:00 A.M.

2. Open Burning

Open burning is hereby strictly prohibited in the Borough of Red Lion. No person, either directly or indirectly, shall ignite, kindle or maintain any open burning or permit any open burning to be ignited, kindled or maintained anywhere within the Borough of Red Lion except as may be allowed by obtaining permission from the Red Lion Borough council.

3. Authority to have any burning extinguished.

The Mayor, Code Enforcement Officer and The Red Lion Leo Fire Company No. 1, or its successor, and the fire company dispatched from York County Control pursuant to its dispatch protocol are hereby authorized to have any burning within the Borough of Red Lion extinguished if public safety warrants such action.

4. Authority to proclaim a ban on any outdoor burning.

The mayor and/or the Red Lion Borough council shall have the authority to proclaim a ban on outdoor burning when conditions warrant such action.

5. Enforcement.

The Mayor of Red Lion and the Red Lion Code Enforcement Officer(s), each of whom shall have the power to act on his or her own, are hereby authorized to enforce the provisions of this Part.

SECTION 2. Existing Section 10-503 is deleted in its entirety.

SECTION 3. Existing Section 10-504 is re-numbered as Section 10-503

SECTION 4. The provisions of this Ordinance are severable and if any section, sentence, clause or 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 the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 5. Nothing contained in this ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired or liability incurred, or any cause or action existing prior to the enactment of this Ordinance.

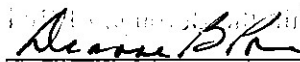
SECTION 6. This Ordinance shall become effective immediately upon enactment and approval.

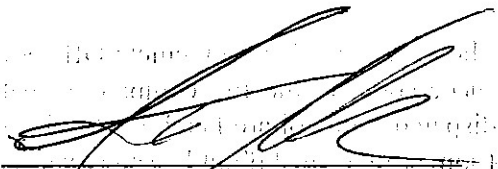
Enacted and Ordained by the Council of the Borough of Red Lion, County of York, Pennsylvania, this 14th day of May, 2018.

RED LION BOROUGH

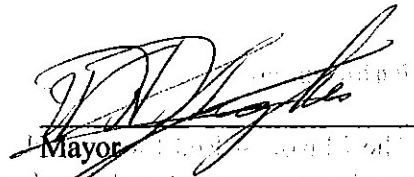
COUNCIL

Attest:


Secretary

BY: 
Council President

APPROVED/DISAPPROVED this 14th day of May, 2018.


Mayor