

**HOPEWELL TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 5-2003**

**AN ORDINANCE OF HOPWELL TOWNSHIP, YORK COUNTY,  
PENNSYLVANIA, CONTROLLING BURNING WITHIN THE TOWNSHIP,  
AND SETTING PENALTIES FOR VIOLATIONS**

**WHEREAS**, Hopewell Township (Township) is a second class township, governed by the Second Class Township Code (Code); and

**WHEREAS**, the Township is authorized to protect the health, safety, and welfare of Township residents; and

**WHEREAS**, the Township desires to control certain burning within the Township:

**NOW THEREFORE**, be it ordained and enacted and it is hereby **ORDAINED AND ENACTED** as follows:

**SECTION 1: Short Title.** This Ordinance shall be known and may be cited as the "Hopewell Township Burning Control Ordinance".

**SECTION 2: Definitions.** The following words and terms shall have the meanings set out herein:

- A. **CONTAINED FIRE** – Any outdoor fire contained in an incinerator, fireplace, brazier, pit, fire ring or other similar contained or enclosed structure.
- B. **COOKING FIRE** – Any fire for the purpose of cooking and contained in an outdoor barbecue, gas or other type of cooking grill which is freestanding and self-contained.
- C. **ENFORCEMENT OFFICER** – The Township Codes Enforcement Officer or such other persons designated from time to time by the Board of Supervisors, including the provider of police services for the Township, any of whom are authorized to enforce this chapter and are designated as the Enforcement Officer for this chapter.

- D. FIRE – Any fire set or maintained outside a building.
- E. GRUBBING WASTE – Tree parts, tree limbs, weeds, grass and other organic material.
- F. INCINERATOR – Equipment having a combustion chamber which is enclosed on at least three (3) sides and constructed of noncombustible material such as heavy-gauge steel, stone or firebrick, and shall include, but not be limited to burn barrels. The top of the incinerator and any exhaust area shall be equipped with a spark arrester having openings of not more than one (1) inch square or, alternatively, screening sufficient to retard and reduce the escape of sparks.
- G. PERSON – Any individual, partnership, organization, association, agency, firm, estate or corporation and any other legal or commercial entity.
- H. RESPONSIBLE ADULT – Any individual eighteen (18) years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.
- I. TOWNSHIP-DESIGNATED FIRE COMPANY – The Eureka Volunteer Fire Company, or its successor, or any other fire company authorized, or designated by the Township’s Board of Supervisors, to fight fires within the Township.
- J. UNCONTAINED FIRE – Any fire not included in the definition of “contained fire.”

**SECTION 3: Prohibited Burning.** The following are prohibited:

- A. Burning of construction debris, plastics, by-products of manufacturing and processing operations, tires, waste from commercial operations and any other substances which are likely to emit noxious odors or dense smoke is strictly prohibited.
- B. No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire extinguishing apparatus or equipment.
- C. No fire shall be allowed to burn within fifty (50) feet of any building, property line, or street right-of-way line, except that cooking fires as defined herein may be less than fifty (50) feet from a building, provided that reasonable safeguards are maintained.
- D. No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds of the Township, except where a

designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

- E. Any fires restricted by Sections 2 or 3 of Ordinance No. 10-2002 of Hopewell Township, which Ordinance shall be construed as consistent, and not in conflict, with this Ordinance. Whenever a burning ban pursuant to that Ordinance is placed into effect, the terms of that Ordinance, or any ban on burning pursuant to that Ordinance, including penalties for such burning, shall supersede the burning authorizations of this Ordinance for the duration of such burning ban; provided, however, that, unless specifically prohibited, no burning ban imposed under that Ordinance 10-2002 shall prohibit cooking fires, as defined in Section 2 of this Ordinance.
- F. Notwithstanding the provisions of Section 4, it shall be a violation of this Ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner.
- G. No person shall set or maintain any uncontained fire between sunset and sunrise.
- H. Contained fires shall not be permitted to burn or smolder between the hours of midnight and 6:00 a.m.
- I. Notwithstanding any of the provisions of Section 4 of this Ordinance, no fire of any kind shall be permitted which results in smoke, fire, ash, cinders, or partly burned materials being carried onto or deposited on adjoining properties or at buildings on adjoining properties.

**SECTION 4: Permitted Fires.** The following are permitted:

- A. Cooking, recreation or ceremonial fires, so long as they are contained fires as defined herein.
- B. Uncontained fires for the purposes of burning leaves and grubbing waste, subject to all other terms of this Ordinance.
- C. Fires shall be used only to burn readily combustible material.
- D. Uncontained fires for agricultural and horticultural purposes, subject to all other terms of this Ordinance.
- E. Fires set for the purpose of providing fire fighting training by township-designated fire-fighting organizations.

- F. Fires set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection or its designee, and tended and controlled by authorized personnel.
- G. Any fire set for the purpose of burning domestic refuse, when the fire is on the property of any structure occupied solely as a dwelling by two families or fewer, and when such refuse results from the normal occupancy of said structure; provided, however, that the fire shall be enclosed in an incinerator as defined in this Ordinance, and shall burn only readily combustible material.
- H. In the event it is necessary or desirable to have an uncontained fire of a size and/or at times other than permitted under this Ordinance, such as a large uncontained recreational fire such as a bonfire, or to burn agricultural debris or waste, special permission shall be obtained in advance from the chief of the township-designated fire company or his designee.

**SECTION 5: Extinguishing Fires; Costs.**

- A. Any fire set in violation of this Ordinance may be extinguished by the township-designated fire company, either at the request of the fire chief of such company, or the Township's Enforcement Officer, as defined in Section 2. The Township Board of Supervisors expressly authorizes the fire chief and the Township's Enforcement Officer to make such decisions, and authorizes the extinguishment of fires on the basis of that authority.
- B. In the event that any fire company is required to respond to a fire which violates the provisions of this Ordinance, a service fee which reflects the reasonable costs incurred in fighting the fire may be levied by the responding fire company against any and all violators. Such fee is expressly authorized by this Ordinance.

**SECTION 6: Penalties; Liability.**

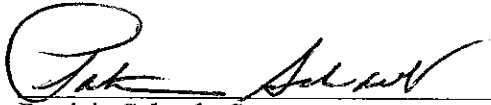
- A. Any person as defined in this Ordinance who, upon the issuance of a summary citation or the commencement of a summary proceeding by the Township's Enforcement Officer, shall be found to have violated any of the provisions of this Ordinance in a summary proceeding before a District Justice of competent jurisdiction, shall be subject to a fine not to exceed \$1,000.00, together with costs, for each violation, and/or imprisonment to the extent permitted by law for the punishment of summary offenses. Each day of violation and each separate fire violating this Ordinance shall constitute a separate violation.
- B. No penalty contained herein shall prevent the Township from enforcing this Ordinance by equitable, injunctive or other legal remedies.
- C. Neither Hopewell Township nor its agents, officials and representatives, including the township-designated fire company, shall be under any circumstances liable or

responsible for damages caused to any person or property by reason of the provisions of this Ordinance or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance, or as a result of extinguishing or fighting any fire, whether such fire was started in violation of, or in compliance with, this Ordinance. The person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

**SECTION 7:** This Ordinance shall be effective five (5) days after its enactment.


ORDAINED AND ENACTED this 3rd day of July, 2003.

ATTEST:

  
Patricia Schaub, Secretary

HOPEWELL TOWNSHIP  
BOARD OF SUPERVISORS

By:   
William T. Streett, Chairman

By:   
David T. Wisnom, Supervisor

By:   
Peryl McDonald, Supervisor

(SEAL)