

Chapter 85

FIRES AND INCINERATORS

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[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. [Amended 11-12-2024 by Ord. No. 2024-3]

The following terms shall have the meanings as indicated:

BUILDING — Any structure (hereinafter defined) used or intended to be used as a dwelling (hereinafter defined) or place of business or industry.

BURN CONTAINER — A container constructed of masonry, metal or other noncombustible ridged material that consists of a bottom, sides and burn container cover (hereinafter defined), that otherwise complies with the requirement herein and is used for the purpose of burning materials as authorized herein. A burn container may include commercially produced fire pits and/or portable camp stoves that can be purchased for recreational burning, so long as the burn container meets all requirements of this chapter.

BURN CONTAINER COVER — A metal screen with spaces not more than 1/2 square inch, or other comparable material, which covers the entire open area above the burn container opening. Such screen shall be maintained in good order as to prevent large particles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point whereby it loses its maximum efficiency.

BURNING — The igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually. The terms "burn" and "burned" shall have the same meaning as burning.

DWELLING — A building or part thereof, designed or used as a living quarters for one or more families including mobile homes, which are supported by a permanent foundation.

EXTINGUISHED — Taking action to smother or otherwise cause burning to stop completely including stopping any flame or fire from smoldering, having embers or emitting smoke.

PERSON — Any natural person, firm, partnership, corporation, association or similar entity.

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.

STRUCTURE — A dwelling, other building, or fence.

§ 85-3. Open burning prohibited. [Amended 8-14-2017 by Ord. No. 2017-2]

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

§ 85-4. Regulations for permitted recreational burning. [Amended 10-8-2007 by Ord. No. 07-55; 10-14-2013 by Ord. No. 2013-6; 8-14-2017 by Ord. No. 2017-2; 11-12-2024 by Ord. No. 2024-3]

- A. Outdoor burning that does not otherwise comply with this chapter shall be permitted only by a public official, or a public officer, when acting in their official capacity, if such burning 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 of the Borough.
- B. Burn container requirements. Outdoor burning of permitted materials shall only take place within a burn container which meets the following requirements:
- (1) Be no larger than 36" in diameter and can be no larger than 24" in height;
 - (2) Have a burn container cover which shall be used at all times while burning in a burn container;
 - (3) Be placed in or on a level crushed stone, limestone, cement, or cement dust bed, or otherwise be on a raised base or legs of at least 10 inches in height, which does not permit grass or other potentially flammable materials to be next to or underneath approved container;
 - (4) Be a minimum of 15 feet from any building, dwelling, structure, property line, tree, shrubbery, or hedge; and
 - (5) Burn container cannot be in a dilapidated state. Burn barrels or other containers and devices not meeting the requirements in this section and shall not considered an acceptable burn container.
- C. Permitted burnable materials. Seasoned, dry firewood, propane gas, or natural gas shall be the only materials allowed to be burned in a burn container. The burning of all other items shall be prohibited within the Borough.
- (1) Prohibited burning materials include, but are not limited to refuse; trash; yard waste; animal waste; wet fire wood; painted lumber; cardboard; residential/industrial refuse; chemically treated wood; newspaper; human waste; chipboard; plywood; oils; gasoline; diesel fuel; industrial chemicals; grass; twigs; shingles; construction waste; rubber; tires; diapers; napkins; rags; clothes; automotive grease/oil; or any other item that may produce excessive smoke, obnoxious heavy smoke, be a public danger, or create environmental issues.
- D. Permissible times. Outdoor burning shall only be permitted in a burn container from the hours of 10:00 a.m. until 11:59 p.m. All burning must be extinguished on or before 11:59 p.m.
- E. Permissible conditions. Outdoor burning shall only be permitted during fair weather conditions. Outdoor burning shall be prohibited:
- (1) When the wind is unsuitable or unsafe for burning, as determined by any member of the fire

and/or police agencies;

- (2) Anytime the Borough declares a burn ban to be in effect due to public safety concerns; or
 - (3) During periods of drought, when authorities such as county or state agencies request a ban on outdoor burning.
- F. Attendance of burning. All outdoor burning shall be attended and supervised by a person of at least 18 years of age. Such supervision shall take place at all times during outdoor burning, and until the burning is extinguished.
- G. Required safety measures. There shall be a portable fire extinguisher, fire prevention device, or hose charged with water within immediate reach of, and no more than five feet away from a burn container during outdoor burning.

§ 85-5. Exceptions. [Amended 11-12-2024 by Ord. No. 2024-3]

Outdoor burning taking place with the use of special burning permits, the use of portable outdoor grills or smokers, fired by propane or charcoal, and designed for food preparation, are all excluded from the provisions of this section.

§ 85-6. Enforcement. [Amended 11-12-2024 by Ord. No. 2024-3]

- A. The Borough Council hereby authorizes any member of the fire and/or police agencies appointed by the Borough to provide such services within the Borough, as well as any other Borough representative specially designated by the Borough Council with the authority to enforce the provisions of this chapter.
- B. These enforcement officers shall have authority to investigate complaints of violations and to issue orders to persons that outdoor burning shall be extinguished, to impose conditions on maintenance of outdoor burning to prevent nuisances or violations of this chapter, or to take other appropriate corrective actions. Any order issued by an enforcement officer shall take effect immediately upon notice to the property owner or person in charge of the outdoor burning.
- C. These enforcement officers shall have authority to inspect burn containers and burn container covers for compliance with this chapter.

§ 85-7. Violations and penalties. [Amended 11-12-2024 by Ord. No. 2024-3]

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 per violation and the costs of prosecution for each and every offense and, in default of payments of such fine and costs, to imprisonment to the extent allowed by law for the punishment of a summary offense. A separate violation shall arise for each day the violation occurs.
- B. In addition to the foregoing penalties, in the event that a fire agency must take action to extinguish burning that is in violation of any of the provisions of this chapter, then the fire agency shall be permitted to charge the property owner for the services of the fire agency to extinguish the burning.

§ 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 appealed.