

RESOLUTION 2023-12

**RESOLUTION OF THE BOARD OF COMMISSIONERS
YORK COUNTY, PENNSYLVANIA,
DO HEREBY ESTABLISH A TEMPORARY 30-DAY COUNTY-WIDE
BAN ON ANY AND ALL OPEN BURNING. THIS BURN BAN SHALL
SUPERSEDE ANY MUNICIPAL ORDINANCE TO THE CONTRARY.**

WHEREAS, the County Commissioners are responsible for providing for the health, safety and welfare of the people of York County; and

WHEREAS, because of record low stream levels, very low ground water levels, drier than normal temperatures, with no significant rain fall being forecast, low nominal rain fall over recent weeks, thereby keeping the wildfire potential very high throughout York County; and

WHEREAS, the Forest Fire Warden #4381 of the Department of Conservation and Natural Resources and the fire chiefs of York County's fire departments have expressed concern that this fire potential poses a serious and imminent threat to the life and property within York County; and

WHEREAS, emergency measures are required to reduce the severity of this danger in order to protect the health, safety, welfare and property of the residents of York County.

NOW, THEREFORE, we the undersigned Commissioners of York County, pursuant to the provisions of Act 1995-52 and Section 7501 of the Pennsylvania Emergency Management Services Code, as amended, do hereby establish a temporary 30-day county-wide ban on any and all open burning. This burn ban shall supersede any municipal ordinance to the contrary.

Open burning is hereby defined as the ignition and subsequent burning of any combustible material (garbage, leaves, grass, twigs, litter, paper, vegetative material involved with land clearing or any sort of debris) out-of-doors either in a burn barrel (screened or unscreened) or on the ground. The use of propane or gas stoves, charcoal briquette grills, or the use of tobacco in any form is not prohibited under this resolution. Campfires, in designated state, federal, or Department of Environmental Protection licensed campgrounds, are allowed in fire rings that confine and contain the campfire.

Enforcement of this ban shall be the responsibility of any sworn police officer, in accordance with the provisions of Act 1995-52. Specifically, any sworn police officer, when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of this resolution. Also, whenever a violation of this resolution occurs in a city, borough, incorporated town or township, which has in effect an ordinance prohibiting open burning, the police officer may cite the violation under either the municipal ordinance or the county resolution. Under no circumstances shall any person be cited for violations of both the county resolution and the municipal ordinance for the same violation.

PENALTY, A person who violates this resolution commits a summary offense and shall, upon conviction, be sentenced to a fine of not more than \$100.00 for the first offense, \$200.00 for the second offense and \$300.00 for the third and subsequent offense.

DURATION, the ban shall continue for 30 days from the effective date set forth unless terminated earlier. This ban will be reviewed periodically during the 30-day effective period to determine whether weather conditions are such that it can be terminated prior to the date set forth herein. The York County Commissioners hereby grant authority to the Chief Clerk to rescind this resolution upon recommendation of the York County Office of Emergency Management and the Fire Chief's Association.

FURTHER, we direct the York County Office of Emergency Management:

1. To ensure the widespread publication and distribution of this burn ban resolution.
2. To distribute notice thereof to all local radio, TV, and newspapers.
3. To maintain proof of distribution and of the manner and frequency of publication.
4. To coordinate the enforcement of this ban with all law enforcement agencies in accordance with Act 1995-52, i.e., to encourage filing or issuance of a citation where appropriate.
5. To take all appropriate action needed to coordinate response to the dangers posed by the unusually dry conditions.
6. To take any other emergency management actions deemed necessary to respond to this imminent threat to the health, safety, and welfare of the people of York County.

EFFECTIVE, this 5th day of June, 2023, by the York County Board of Commissioners

ATTEST:



Gregory E. Monskie
Chief Clerk


BOARD OF COMMISSIONERS:



Julie Wheeler
President Commissioner



Doug Hoke
Vice-President Commissioner



Ron Smith
Commissioner