

RESOLUTION NO. 42 OF 2023

ESTABLISHING A BAN ON OPEN BURNING IN LANCASTER COUNTY, PENNSYLVANIA

On motion of Commissioner _____, seconded by Commissioner _____;

WHEREAS, The County Commissioners are desirous of providing for the health, safety and welfare of the citizens of Lancaster County; and

WHEREAS, Significant brush and woods fires have occurred, and the wildfire potential is currently very high throughout Lancaster County due to the combination of strong winds, low relative humidity and warm temperatures; and

WHEREAS, The District Forester, on behalf of the Department of Conservation and Natural Resources, and the fire chiefs of many Lancaster County fire companies have expressed concern that the fire potential poses a serious threat to life and property in Lancaster 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 citizens of Lancaster County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, pursuant to the provisions of Act 1995-52 and Section 7501 of the Pennsylvania Emergency Management Services Code (35 PA C.S.), as amended, do hereby establish a temporary 30-day countywide ban on any and all open outdoor burning. The 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 matter involved with land clearing or any other sort of debris) out-of-doors in either a burn barrel (screened or unscreened), fire ring, or on the ground. Exemption is given to fires for the exclusive purpose of food preparation.

Fireworks usage - while this Resolution does not specially prohibit the use of fireworks, residents should recognize the similar risks and dangers that use of fireworks in dry conditions can pose. Please contact your local municipality regarding questions and concerns related to firework usage.

Enforcement of this ban shall be the responsibility of any sworn police officer in accordance with the provisions of Act 1995-52.

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 offenses.

BE IT FURTHER RESOLVED, That the Board of Commissioners direct the Lancaster County Emergency Management Coordinator to ensure the widespread publication and distribution of this burn ban to all media; to coordinate the enforcement of this ban with all law enforcement agencies in accordance with Act 1995-52; to take all appropriate action needed to coordinate response to the dangers posed by the unusually dry conditions; and to take any emergency management action deemed necessary to respond to this imminent threat to the health, safety and welfare of the citizens of Lancaster County, Pennsylvania.

This declaration shall take effect Friday, June 9, 2023 at 10:00 a.m.

DULY ADOPTED this 7th day of June, 2023 by the Board of Commissioners of the County of Lancaster, Pennsylvania, in lawful session duly assembled.

ATTEST:

Ray D'Agostino, Chairman

Lawrence M. George
County Administrator/Chief Clerk
County of Lancaster, PA

Joshua G. Parsons, Vice Chairman

John Trescot, Commissioner

Board of Commissioners of
Lancaster County, Pennsylvania

Pennsylvania Statute, Title 16, § 13201 - 13204

16 P.S. § 13201 Authorization

(a) General Rule.--Subject to the prerequisites of subsection (b), the governing body of any county of the second class through eighth class, including home rule counties, shall have the power and may, by resolution, provide for the imposition of a temporary countywide burn ban on open fires. The resolution shall state what conditions will warrant a temporary countywide burn ban, the procedures used to notify residents of the ban, the procedures used to enforce the ban and the procedures used to remove the ban. Each resolution shall require a minimum notice of 48 hours prior to the imposition of a temporary countywide burn ban.

(b) Prerequisites.--Prior to adopting any countywide burn ban on open fires under subsection (a), the governing body of the county shall have received a written recommendation from the district forester who has received or solicited verbal requests from at least ten fire chiefs or 50% of the fire chiefs in a county, whichever is less, from various sections of the county recommending and requesting the imposition of a temporary countywide burn ban on open fires.

(c) Duration.--Any burn ban imposed under this section shall remain in effect for no more than 30 days. The county commissioners, upon the recommendation of the district forester, may extend the ban for up to an additional 30 days.

§ 13202. Construction

Any burn ban imposed under section 1 shall supersede any municipal ordinance to the contrary.

16 P.S. § 13203 Enforcement

(a) Enforcing officials.--Any sworn police officer when available, including the Pennsylvania State Police, shall be responsible for enforcing the provisions of this act.

(b) Limitation.--Whenever a violation of this act 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.

16 P.S. § 13204 Penalty

A person who violates this act commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100 for the first offense, \$200 for the second offense and \$300 for the third offense.