

**AN ORDINANCE OF WINDSOR BOROUGH, YORK  
COUNTY, PENNSYLVANIA, RESTRICTING OPEN BURNING  
WITHIN WINDSOR BOROUGH SETTING FORTH THE FOLLOWING: TITLE AND  
AUTHORITY; PURPOSE; DEFINITIONS; PERMITTED BURNING OF OPEN FIRES;  
EXEMPTIONS; PROHIBITED ACTS; ENFORCEMENT AND PENALTIES;  
SEVERABILITY; REPEAL; AND EFFECTIVE DATE**

**ORDINANCE NO. 1-2025**

BE IT ENACTED AND ORDAINED by the Borough of Windsor, York County, Pennsylvania, ("Borough") and it is hereby enacted and ordained by the authority of same, an Ordinance adopted to restrict open burning within the Borough.

**SECTION 1: TITLE AND AUTHORITY.** This Ordinance shall be known as the "Windsor Borough Burn Ban" and is enacted pursuant to the Borough Code, 8 Pa.C.S.A. § 1202 (5);

**SECTION 2: PURPOSE OF ORDINANCE**

(A) The Borough wishes to ensure the health and safety of the residents of the Borough.

(B) The Borough intends to set rules and regulations concerning open burning and/or contained fires within the Borough.

**SECTION 3: DEFINITIONS**

(A) **"Applicant"** - shall mean the individual who submits an application for an Annual or Single Use Burn Permit.

(B) **"Borough"** - The Borough of Windsor, its agents, employees, officers, officials, and staff.

(C) **"Bonfire"** - An outdoor fire which is not contained in an incinerator, fixed outdoor fireplace and/or fire pit, portable outdoor fireplace and/or fire pit, cooking grill,

smoker, outdoor wood boiler, or other Open Fire not otherwise contained, and which is for the purpose of pleasure, religious, ceremonial, cooking, disposal of brush, warmth or similar purpose.

(D) **“Building”** – Any permanent structure.

(E) **“Burn Permit”** - A permit to kindle or maintain a Controlled Fire or other non-exempt fires that are otherwise prohibited by this ordinance.

(F) **“Cooking Grill”** - An outdoor, man-made appliance which uses charcoal, natural gas, wood, electricity or propane as the primary fuel source and is designed and used for the purpose to cook food outdoors.

(G) **“Controlled Fire”** – Any fire, excluding a Bonfire, which is contained in a fire retardant or otherwise flame resistance container designed for that purpose, of which the size of the fire container shall not exceed three (3) feet in diameter.

(H) **“Excessive Odor or Excessive Smoke”** - Shall mean odors or smoke that would be offensive to the typical human being and which prevails longer than momentarily.

(I) **“Fixed Outdoor Fireplace”** - An outdoor, solid-fuel-burning, charcoal-burning, propane-burning, wood-burning, or natural-gas-burning fireplace and/or fire pit that may be constructed of stone, brick, steel, concrete, clay or other noncombustible material that is fixed to the real property.

(J) **“Garbage”** - Shall mean any putrescible animal or vegetable matter resulting from the handling, preparation, cooking and consumption of food.

(K) **“Household Waste”** - Any waste generated by household activities normally associated with waste removal services including but not limited to garbage,

empty cans, plastic wraps and bags, paper products, glass jars, etc.

(L) **“Open Fire”** - A fire in which any material is burned in the open or in a receptacle. The term Open Fire shall operate as an all inclusive term for fire throughout this Ordinance, whether contained, such as a Controlled Fire, or not.

(M) **“Outdoor Wood Boilers”** - An outdoor man-made appliance or structure which uses solid fuel, charcoal or propane as the primary fuel source for the express purpose of heating a residential or commercial building.

(N) **“Resident”** - A person living permanently, or continuously for a period exceeding sixty (60) consecutive days, within the Borough.

(O) **“Revoke”** - To terminate by formal action of the municipality any privilege or permit established by the municipality.

(P) **“Person”** - Shall mean any individual, partnership, association, corporation, department, bureau, agency, or other legal entity.

(Q) **“Portable Outdoor Fireplace”** - An outdoor, solid-fuel-burning, charcoal-burning, propane-burning, wood-burning, or natural-gas-burning fireplace and/or fire pit that may be constructed of stone, brick, steel, concrete, clay or other noncombustible material that is not fixed to the real property and is designed for outdoor use.

(R) **“Shall”** - Indicates that an action is required or prohibited.

(S) **“Smoker”** - An outdoor, man-made appliance which uses charcoal, natural gas, wood, electricity or propane as the primary fuel source and is designed and used for the purpose to cook food outdoors.

(T) **“Refuse”** - Shall mean garbage, rubbish, and trade waste.

(U) **“Residential Burning”** - Shall mean fires kindled by a person or resident

of a residential property not incidental to land development.

(V) **“Responsible Adult”** - An 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 an Open Fire.

(W) **“Rubbish”** - Shall mean solids not considered to be highly flammable or explosive, including but not limited to, rags, old clothes, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items, and/or similar other items.

#### **SECTION 4: PERMITTED BURNING OF OPEN FIRES**

All Controlled Fires shall require a Burn Permit pursuant to the following procedure:

(A) Annual Burn Permit:

1. Any Resident may apply for an Annual Burn Permit at the Borough Office;
2. An Annual Burn Permit will be valid from January 1<sup>st</sup> (or the day the Annual Burn Permit was issued whichever is later) through December 31<sup>st</sup> in the year which the Annual Burn Permit was issued.
3. Annual Burn Permits require ten (10) days from the date of an application being submitted to the Borough for a Borough designee to inspect the proposed site to verify the site's suitability for the permit.
4. The proposed Controlled Fire location must comply with the requirements of Section 4 of this Ordinance at all times.
5. Additionally, a Resident seeking an Annual Burn Permit must demonstrate:

- a. Compliance with Section 4 of this Ordinance;
- b. The use of a flame resistant or fire retardant material for the Controlled Fire;
- c. A minimum of one portable fire extinguisher with a 4A rating or other approved on-site fire-extinguishing equipment, as recommended by the International Fire Code, as updated from time to time;
- d. All flammable material not used as fuel is removed from immediate area around the Controlled Fire location;
- e. A Responsible Adult is on-site and within visual range of the Controlled Fire at all times; and
- f. Payment of an Annual Burn Permit fee as set from time to time by the duly adopted resolution of Borough Council.

(B) Single Use Burn Permit:

- 1. Residents may obtain a Single Use Burn Permit valid for a specific day and/or evening.
- 2. Single Use Burn Permits require ten (10) days from the date of an application being submitted to the Borough for a Borough designee to inspect the proposed site to verify the site's suitability for the permit.
- 3. The proposed Controlled Fire location must comply with the requirements of Section 4 of this Ordinance at all times.
- 4. Additionally, a Resident seeking a Single Use Burn Permit must demonstrate:

- a. Compliance with Section 4 of this Ordinance;
- b. The use of a flame resistant or fire retardant material for the Controlled Fire;
- c. A minimum of one portable fire extinguisher with a 4A rating or other approved on-site fire-extinguishing equipment, as recommended by the International Fire Code, as updated from time to time;
- d. All flammable material not used as fuel is removed from immediate area around the Controlled Fire location;
- e. A Responsible Adult is on-site and within visual range of the Controlled Fire at all times; and
- f. Payment of a Single Use Burn Permit fee as set from time to time by the duly adopted resolution of Borough Council.

(C) Control and Extinguishment:

- 1. All fires, whether or not a Controlled Fire, shall be kept under competent and continuous supervision by a Responsible Adult.
- 2. All flammable and combustible material not used as fuel for fire shall be removed to a safe distance.
- 3. All fires, ashes, and coals shall be thoroughly extinguished after the use thereof has been completed and shall be properly disposed.

**SECTION 5: EXEMPTIONS**

The following Open Fires are exempted from this Ordinance:

- (A) The performance of an official duty of any officer, if the Open Fire is

necessary for the prevention of a fire hazard which cannot be abated by other means;

- (B) An Open Fire is required for the protection of public health at the direction of the appropriate public officer;
- (C) Instructing personnel in firefighting when approved by a Fire Chief in their response area; and
- (D) Ceremonies and activities done under a Responsible Adult's supervision such as Open Fires done in conjunction with school related or civic functions, scouting, and related activities.
- (E) Any use of a Cooking Grill or Smoker, for the purposes of cooking food outdoors, as long as the Cooking Grill or Smoker is located at least three (3) feet from a Building or other flammable materials.

#### **SECTION 6: PROHIBITED ACTS**

- (A) It shall be unlawful for any Person to maintain an Open Fire without a permit unless the fire is an exempted Open Fire pursuant to Section 5 of this Ordinance.
- (B) It shall be unlawful for any Person under the age of eighteen (18) to regulate or manage an Open Fire.
- (C) It shall be unlawful for any Person to kindle or maintain an Open Fire within fifty (50) feet of any building.
- (D) It shall be unlawful for any Person to kindle or maintain an Open Fire within twenty-five (25) feet of any adjoining property line.
- (E) It shall be unlawful for any Person to kindle or maintain an Open Fire on any

public or private street, street right-of-way, alley, road, or highway.

- (F) It shall be unlawful for any Person to kindle or maintain an Open Fire of any items, at any time, for the purpose of disposal, that may be disposed through services provided by the Borough or a Borough designee, including but not limited to leaves, brush, tree limbs and branches, household waste, garbage, refuse, and rubbish.
- (G) It shall be unlawful for any Person to kindle or maintain an Open Fire consisting of construction residue and waste.
- (H) It shall be unlawful for any Person to kindle or maintain an Open Fire in the Borough that causes excessive odor or excessive smoke.
- (I) It shall be unlawful for any Person to maintain an Open Fire in the Borough during the hours of 11:00 P.M. and 6:00 A.M., therefore, all Open Fires must be extinguished no later than 11:00 P.M.
- (J) It shall be unlawful for any Person to kindle or maintain an Open Fire when there exists an active fire ban emergency within the Borough that has been issued by any federal, state, county, Borough or emergency management official.
- (K) It shall be unlawful for any Person to kindle or maintain an Open Fire in the Borough in violation of this Ordinance.

#### **SECTION 7: ENFORCEMENT, VIOLATIONS, AND PENALTIES**

- (A) Borough Council may authorize designees to enforce this Ordinance by resolution in the same manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

- (B) Any Person who shall violate any of the provisions of this Ordinance shall, upon summary conviction, be subject to a penalty of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars per violations. Should such Person refuse or neglect to pay such penalty, such Person shall be subject to imprisonment to the extent allowed by law for the punishment of summary offenses.
- (C) A separate offense shall arise for each day or portion thereof in which a violation is found to exist for each section of this Ordinance which is found to have been violated.

#### **SECTION 8: SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the Ordinance in its entirety or any part thereof other than that part declared to be invalid or unenforceable.

#### **SECTION 9: REPEAL**

All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

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**SECTION 10: EFFECTIVE DATE**

This Ordinance shall be and become effective immediately upon its adoption.

ENACTED AND ORDAINED by the Borough of Windsor, York County,  
Pennsylvania, this 7<sup>th</sup> day of April, 2025.

Attest:

WINDSOR BOROUGH COUNCIL

Donna Martin

BY: Matthew L. Dietz  
Matthew L. Dietz, President

Approved this 7<sup>th</sup> day of April, 2025

BY: Larry Markel  
Larry Markel, Mayor

WINDSOR BOROUGH

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RESOLUTION NO. 1-2025

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A RESOLUTION ADOPTING CERTAIN  
PERMITTING FEES FOR ORDINANCE NO.  
1-2025 OF WINDSOR BOROUGH, YORK  
COUNTY

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**WHEREAS**, Windsor Borough ("Borough") is a borough organized and existing under the Borough Code, as amended, 8 Pa.C.S. §§ 101-3501 (the "Act"); and

**WHEREAS**, Article IX, Section 901 of the Act of 1968, P.L. 805, No 247 and reenacted and amended December 21, 1988, Act No. 170, known as the Pennsylvania Municipalities Planning Code, as amended, permits the adoption of a Zoning Ordinance and Subdivision Ordinance by the Borough Council; and

**WHEREAS**, the Borough Code, Act of February 1, (1966), (1965), P.L. 1656, No. 581 CL, 08, reenacted and amended May 17, 2012, P.L. 262, No. 43 (Act 43 of 2012), authorizes the adoption of Borough Ordinances and Resolutions via powers of Council (Section 1005), duties of Council (Section 1006), general powers (Section 1201), and specific powers (Section 1202) to carry out the applicable duties; and

**WHEREAS**, the Borough, among other Ordinances, has Ordinance No. 1-2025 which authorizes the establishment of permitting fees as well as penalties and costs for the enforcement of said Ordinance; and

**WHEREAS**, the Borough Council desires to establish such permitting fees for Ordinance 1-2025;

**NOW, THEREFORE, BE IT RESOLVED** and it is hereby resolved as follows:

**SECTION 1.** The Borough hereby adopts and approves the following permitting fees until such time as the Borough amends or otherwise supersedes this Resolution:

A. Annual Burn Permit Fee: \$ 100

B. Single Use Permit Fee: \$ 25

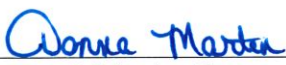
**SECTION 2.** The provisions of this resolution and attached fees shall be severable, and if any of its provisions or the application of any of its provisions shall for any reason be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair the validity of any of the remaining provisions of the resolution and above permitting fees, and it is hereby declared as the intent of the Township that this resolution would have been enacted as if such unconstitutional, illegal or valid provision was not included.

**SECTION 3.** This Resolution shall be effective immediately.

**RESOLVED** this 7<sup>th</sup> day of April, 2025.

ATTEST:

WINDSOR BOROUGH COUNCIL

  
\_\_\_\_\_  
Donna J. Martin, Secretary

  
\_\_\_\_\_  
Matthew Dietz, President


(SEAL)



**CERTIFICATE**

I, the undersigned, Secretary of Windsor Borough, York County, Pennsylvania (the "Borough"), certify that the foregoing is a true and correct copy of a Resolution of the Borough Council which was duly enacted by affirmative majority vote of the members of the Borough Council at an open public meeting held on April 7, 2025, after notice required by law.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough on this 7th day of April, 2025.

  
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Donna J. Martin, Secretary