

WINDSOR BOROUGH COUNCIL AGENDA
January 6, 2025
6:00 PM

Minutes from Previous Meeting

Citizens & Inquiries

Reports:

Codes Enforcement Officer

EMA

Mayor

Engineer – see agenda

Solicitor:

- Discuss Burn Ordinance

Council Members:

Secretary-Treasurer:

- Discuss 2 residents who have outstanding trash bill

Maintenance:

- Discuss quote for repairs to chimney on office building - \$2,200 (Keith Pennell)

Approve General Funds Bills



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MEMORANDUM

Attorney-Client Privileged and Confidential

TO: Windsor Borough Council

FROM: Dean E. Reynosa

DATE: December 31, 2024

RE: January 2, 2025, Solicitor's Report

Solicitor Report Agenda Items:

- None.

Old Business

- A second revised draft copy of a proposed Burn Ban Ordinance is attached for Council's review and comments. The previous revised draft ordinance was discussed at the December Council Meeting. The revised draft makes the following changes:
 - Adds "Controlled Fire" as a term. Controlled Fire is now used as the baseline instead of Bonfire to clear up any issue between the Open Fire/Bonfire language. This also includes a size restriction of three (3) feet in diameter for fire receptacles. Please advise if this should be decreased in the diameter permitted.
 - Altered the term "Open Fire" to include all fires, controlled, bonfire, etc. as a catch all.
 - Altered the Exemptions to include a Cooking Grill and a Smoker. Added a safe distance requirement of three (3) feet that the Grill or Smoker must be from flammable material. Please advise if this is acceptable.

- Council updated the dates for attendance by the solicitor at the monthly Borough Council meetings and requested that MPL attend on March 3, 2025, June 2, 2025, September 8, 2025, and December 1, 2025.

Pending Plan Agenda Items:

- None

Miscellaneous Items

- We spoke with Robert Huska regarding 38 Water Street and the carport. We commented on a draft letter to owner re: revoking his conditional building permit.

**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, portable outdoor fireplace, 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 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 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 1st (or the day the Annual Burn Permit was issued whichever is later) through December 31st 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.

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 ____ day of _____, 2025.

Attest:

WINDSOR BOROUGH COUNCIL

BY: _____
Matthew L. Dietz, President

Approved this _____ day of _____, 2025

BY: _____
Larry Markel, Mayor

DRAFT

WINDSOR BOROUGH COUNCIL MEETING
Monday January 6, 2025
ENGINEER'S PROJECT UPDATE

YCPC – MS 4 Program

- Continue monitoring & improving implemented programs.
- Sch. Training/review/update meeting with Donna (Jan.)
- Review & update files with required monitoring forms (Jan.)

Walnut Creek Development

- Phase I & II Final plan:
 - Processing building permit applications.
 - Certificate of use and occupancy – being issued.
 - Storm piping to the new stormwater basin needs to be completed. (by York Ex. Co.)
- Phase III Final Plan
 - Contractor is continuing with final utility improvements.

Phase IV Final Plan:

- Will probably be submitted in first Quarter of 2025.

Phase V and VI Final Plans:

- Sent Keystone Custom Homes list of Borough concerns and items to be addressed as they consider increasing density in Phase 6.

2021-2023 CDBG funded project (High Street)

- Completed walk through with Steve & Contractor to review punch list items.
- Complete final walk through with YCPC.
- Working on completing final completion report to be submitted to YCPC.
- Coordinate with Contractor when temperatures allow concrete sidewalk and paving on Heindel to be completed.

Penn Street / Main Street signalized intersection geometric realignment

- Next Steps:
 - Meet with Property owners (in January/February)
 - Review and approve Traffic Consultant (TRG) updated proposal.
 - Proceed with permitting & grant applications- (Winter/Spring 2025)

Grant Opportunities:

- Continue to research and gather opportunity information.
- Green Light Go Grant (Penn & Main Streets – 2025)

Fishing Creek- Borough/Resident wall permitting:

- Coordinate including wall at 72 W. Main in permit (Matt has coordinated with Owner)
- GLB&A to follow up with Owner.
- Update permit application.
- Schedule another pre-application meeting with DEP
- Electronic filing of GP-11

YCCD Dirt, Gravel, Low volume road grant:

- Final walkthrough with YCCD has been completed.
- Time extension was approved by YCCD to complete close out report.
- Coordinate with Donna & YCCD on issuing final payment to Contractor.

Statewide Local Share Grant for Bridges (Herman & Heindel):

- Statewide local share grant assistance grant – submitted.

2024 – 2026 CDBG Applications:

- Waiting on funding notice and contract

GLB&A Project Cost Tracking:

- Will be provided.

FEMA Flood Plain Virtual Meeting:

- Scheduled for 1/17/2025 1-3 pm

General Discussion Items: