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BOROUGH OF NEW HOLLAND

LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 588

11 **AN ORDINANCE TO AMEND THE NEW HOLLAND**
12 **BOROUGH CODE CHAPTER 7 (FIRE PREVENTION &**
13 **FIRE PROTECTION) TO PROHIBIT CERTAIN**
14 **BURNING**
15

16 NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by New Holland
17 Borough, Lancaster County, Pennsylvania (herein “**Borough**”), that the *Code of Ordinances of*
18 *the Borough of New Holland* (herein “**Code**”) is amended as follows:

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20 **Section 1. Amendments.**

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22 A. Code Chapter 7 (*Fire Prevention & Fire Protection*), Part 1 (*Regulating Fires &*
23 *Burning*), §102 (*Definitions*) is amended by deleting the definition of “COOK STOVE
24 OR GRILL” in its entirety and replacing it with the following new definition:

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26 **COOK STOVE, CHIMINEA, OR BUILT-IN GRILL** – Any device providing a
27 small enclosed area designed for cooking or providing heat, where the fuel for a fire
28 contained therein is wood, charcoal, coal, liquid propane gas, or natural gas.

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30 B. Code Chapter 7 (*Fire Prevention & Fire Protection*), Part 1 (*Regulating Fires &*
31 *Burning*), §103 (*Prohibition on Burning*) is amended by deleting §103 in its entirety and
32 replacing same with the following new §103:

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34 §103. Prohibition on Burning. After the effective date of this Part, with the
35 exception of (a) a fire cook stove, outdoor cooking smoker, chiminea, outdoor patio
36 fixture, or corn roaster designed to burn wood or coal, which also shall have a
37 cover, dome or wire mesh to keep embers from escaping, and (b) propane or natural
38 gas grill fires that do not require a cover when in use, no person shall kindle nor
39 maintain, nor authorize another person to kindle nor maintain, any open fire within
40 the Borough of New Holland for the purpose of disposal or elimination of any waste,
41 or any excess or unwanted material, regardless of whether such open fire is in a pit,
42 incinerator, barrel, device, or other or no container. This Section, however, shall
43 not be deemed to prohibit the burning of any material in any furnace, or as a
44 necessary part of any industrial or manufacturing process, so long as such burning
45 is not solely for the purpose of elimination of waste, or excess or unwanted material.
46 All such containers, when used as permitted by this Section, shall be located a
47 minimum distance from every property line of not less than the side yard

48 requirement for that zoning district in which the container is located.
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51 **Section 2. Repealer Clause.**
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53 All provisions of the Code that are inconsistent herewith are hereby repealed to the extent of,
54 but only with respect to, the subject matter of this Ordinance. All other provisions of the Code
55 shall remain in full force and effect as heretofore adopted.
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57 **Section 3. Severability Clause.**
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59 If any word, sentence, clause, section, part, or other provision of this Ordinance is for any
60 reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or
61 invalidity shall not affect or impair any of the remaining words, sentences, clauses, sections,
62 parts, or other provisions of this Ordinance. It is hereby declared as the intent of the Borough
63 that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid words,
64 sentences, clauses, sections, parts, or other provisions thereof not been included herein.
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66 **Section 4. Effective Date.**
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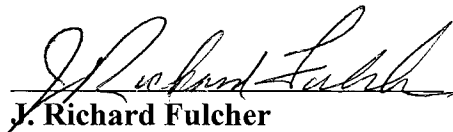
68 This Ordinance shall become effective five (5) days after the passage thereof.
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70 **DULY ORDAINED AND ENACTED** on March 5, 2019 by the New Holland Borough
71 Council in lawful session duly assembled.
72

73
74 **ATTEST:**

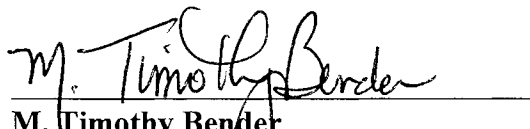
BOROUGH OF NEW HOLLAND

Lancaster County, Pennsylvania

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78 **J. Richard Fulcher**
79 *Borough Secretary*
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By: 
Donald J. Herrington,
Council President

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86 APPROVED March 5, 2019 by the undersigned Mayor of New Holland Borough.
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90 **M. Timothy Bender**
Mayor

91 [Borough Seal]