

Chapter 67

BURNING, OUTDOOR

[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl 9-6-1988 by Ord. No. 72. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances –See Ch. 124.

Solid waste –See Ch. 146.

§ 67-1. Definitions.

When used in this chapter, the following words shall have the meanings ascribed to them below:

COOKING FIRE — Any fire contained in a fireplace, cooking grill, or similar equipment or appliance designed for outdoor cooking or grilling. **[Added 10-25-2004 by Ord. No. 181]**

ENCLOSED FIRE — A fire which is enclosed in and confined to a noncombustible container covered with a screen of 1/4 inch or smaller mesh with adequate ventilation and raised noncombustible supports to provide bottom ventilation, located a minimum of 35 feet from buildings, structures and combustible or flammable substances or material, and which is under the constant supervision of a responsible person at least 16 years of age or older during the period of incineration amid until the fire is completely extinguished. A cooking fire shall not be considered to be an enclosed fire. **[Amended 10-25-2004 by Ord. No. 181]**

OPEN BURNING — Any fire outside of a building other than fires fitting within the definitions of the terms “cooking fire” and “enclosed fire.” **[Amended 10-25-2004 by Ord. No. 181]**

RESIDENTIAL LOT — Any lot located within the R- 1 Low-Density Residential District or the R-2 Medium-Density Residential District as shown on the Official Zoning Map’ of the Township or any lot which is 1.5 acres or smaller which is improved with a residential dwelling, regardless of the zoning district in which such lot is located. **[Added 10-25-2004 by Ord. No. 181]**

SALVAGE OPERATION — Any business, trade or industry involving, in whole or in part, the salvaging or reclaiming of any product or material, including but not limited to metals, chemicals, shipping containers or drums.

- 1. Editor’s Note: The Zoning Map is included at the end of Ch. 184, Zoning.**

§ 67-2. Unlawful acts.

No fire shall be set or maintained:

- A. Within 35 feet of any building.
- B. On any public road or on public property except as otherwise permitted under § 67-4C of this chapter.
- C. That may endanger any building or property.
- D. Which affects neighboring property by discharging obnoxious odors, dense smoke or fly ash.

§ 67-3. Enclosed fires. [Amended 10-25-2004 by Ord. No. 181]

An enclosed fire shall be permitted only on lands which are located within the Agricultural District as established on the Official Zoning Map of the Township. Within the Agricultural District, an enclosed fire shall be permitted to burn or smolder only between sunrise and one hour before sunset. No enclosed fire shall be permitted to burn or smolder on a Sunday or on any of the following holidays:

New Years' Day
 Memorial Day
 Fourth of July
 Labor Day
 Christmas Day

§ 67-4. Open burning.

- A. Unlawful acts. No person shall:
 - (1) Cause, suffer, allow or permit the open burning of refuse.
 - (2) Conduct or cause or permit the conduct of a salvage operation by open burning.
 - (3) Cause, suffer, allow or permit any open burning on a residential lot. **[Added 10-25-2004 by Ord. No. 181]**
 - (4) Cause, suffer, allow or permit any open burning on any land within 500 feet of a property line of a residential lot. **[Added 10-25-2004 by Ord. No. 181]**
 - (5) Cause, suffer, allow or permit any open burning on any land located outside of the Agricultural District as shown on the Official Zoning Map of the Township.² **[Added 10-25-2004 by Ord. No. 181]**
- B. It shall be the responsibility of the person who owns or controls property located in the Township to comply with the provisions of this chapter which regulate open burning.

2. **Editor's Note: The Zoning Map is included at the end of Ch. 184, Zoning.**

- C. The requirements of this section shall not apply when open burning results from:
- (1) A fire set by or under the supervision of a public officer to prevent or abate a fire hazard.
 - (2) A fire set for the purpose of instructing persons in fire fighting.
 - (3) A fire set solely for cooking food.
- D. No person shall cause, suffer, allow or permit open burning unless notice is given to the Fire Chiefs or Assistant Fire Chiefs of the volunteer fire companies serving the Township at least one hour before the fire is ignited.
- E. Open burning shall be permitted only between sunrise and one hour before sunset; provided, further, that the fire shall be completely extinguished one hour before sunset. In addition, no unenclosed fire shall be permitted to burn or smolder on Sunday or on any of the following holidays:
- New Year's Day
Fourth of July
Christmas Day
- F. No person shall cause, suffer, allow or permit open burning when the Board of Supervisors at a public meeting has adopted a resolution declaring a burn ban or when, after a drought watch or drought warning or drought emergency has been declared by the Pennsylvania Department of Environmental Protection or by the Governor, the Chairman of the Board of Supervisors has issued a ban on open burning. If the Chairman of the Board of Supervisors issues a ban on open burning after the declaration of a drought watch or drought warning or drought emergency, at its next meeting the Board of Supervisors shall determine whether to continue the ban on open burning. If the Board of Supervisors does not adopt a resolution to ban open burning at such meeting, the ban on open burning the Chairman of the Board of Supervisors issued shall be terminated. The Board of Supervisors may terminate a ban on open burning by resolution. **[Amended 5-13-2002 by Ord. No. 158]**
- G. No open burning shall be maintained unless it is constantly supervised by at least one responsible person at least 16 years of age or older during the period of incineration and until the fire is completely extinguished.

§ 67-5. Violations and penalties. [Amended 8-9-1993 by Ord. No. 101; 4-28-1997 by Ord. No. 129]

For each violation of the provisions of this chapter, any person who commits, takes part in or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than \$100 nor more than \$1,000 for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this chapter, and each section of this chapter which is violated shall be considered a separate violation. In default of payment of such fine, such

person shall be liable to imprisonment for a period not exceeding 30 days. The Township may also institute proceedings in equity to enforce this chapter.