

## Chapter 67

### BURNING, OUTDOOR

- |                             |  |
|-----------------------------|--|
| § 67-1. Short title.        | § 67-7. Outdoor furnaces.                        |
| § 67-2. Definitions.        | § 67-8. Burning of certain materials prohibited. |
| § 67-3. Unlawful acts.      | § 67-9. Bans on burning.                         |
| § 67-4. Enclosed fires.     | § 67-10. Violations and penalties.               |
| § 67-5. Open burning.       |  |
| § 67-6. Recreational fires. |  |

[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl 6-8-2015 by Ord. No.229<sup>1</sup>. Amendments noted where applicable.]

#### GENERAL REFERENCES

Nuisances-See Ch. 164.

Solid waste-See Ch. 146.

---

#### § 67-1. Short title.

This chapter shall be known and may be cited as the "West Earl Township Outdoor Burning Ordinance."

#### § 67-2. Definitions.

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

ACT 97- The Solid Waste Management Act, Act of July 7, 1980, P.L. 380, No. 97, as now or hereafter amended.

ACT 101 — The Municipal Waste Planning, Recycling and Waste Reduction Act, Act of July 28, 1988, P.L. 556, No. 101, as now or hereafter amended. BOARD OF

SUPERVISORS- The governing body of the Township.

COOKING FIRE — Any fire contained in a fireplace, cooking grill, or similar equipment or appliance designed for outdoor cooking or grilling and being used for its intended purpose.

ENCLOSED FIRE — A fire which is enclosed in and confined to a noncombustible container covered with a screen of 1/4 inch or small 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

---

1. Editor's Note: This ordinance also repealed former Ch. 67, Burning, Outdoor, adopted 9-6-1988 by Ord. No.72, as amended.

the period of incineration and until the fire is completely extinguished. A cooking fire or a recreational fire shall not be considered to be an enclosed fire.

**OUTDOOR FURNACE** — Any equipment, device, apparatus or structure, or part thereof, located outside living space ordinarily used for human habitation, and designed to provide heat, via water or other means, to spaces or appliances in any structure.

**OPEN BURNING** — Any fire outside of a building other than fires fitting within the definitions of the terms "cooking fire," "enclosed fire," and "recreational fire."

**RECREATIONAL FIRE** — Burning for the purpose of entertainment, pleasure, or cooking.

**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<sup>2</sup> 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.

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

**TOWNSHIP**- The Township of West Earl, Lancaster County, Pennsylvania.

### § 67-3.Unlawful acts.

No fire shall be set or maintained:

- A. On any public road or on public property except as otherwise permitted under § 675C(1) and (2) of this chapter.
- B. In any manner that may endanger any building or property.
- C. Which affects neighboring property by discharging obnoxious odors, dense smoke or fly ash.

### § 67-4.Enclosed fires.

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.<sup>3</sup> 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:

- A. New Year's Day.
- B. Memorial Day.

---

2. Editor's Note: The Zoning Map is included as an attachment to Ch. 184, Zoning.

3. Editor's Note: The Zoning Map is included as an attachment to Ch. 184, Zoning.

- C. Fourth of July.
- D. Labor Day.
- E. Christmas Day.

**§ 67-5. 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.
  - (4) Cause, suffer, allow or permit any open burning on any land within 500 feet of a property line of a residential lot.
  - (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.<sup>4</sup>
- 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.
- 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 purpose of instructing persons in firefighting.
  - (3) A cooking fire or recreational fire.
- 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:
  - (1) New Year's Day.
  - (2) Memorial Day.
  - (3) Fourth of July.
  - (4) Labor Day.

---

4. Editor's Note: The Zoning Map is included as an attachment to Ch. 184, Zoning.

(5) Christmas Day.

- F. 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.

**§ 67-6. Recreational fires.**

Regulations governing recreational fires shall be as follows:

- A. Only charcoal, LP gas or untreated wood may be used to fuel recreational fires.
- B. A recreational fire must be tended by a responsible person at least age 16 or older at all times until the fire is out.
- C. A recreational fire must be no larger than three feet wide.
- D. A recreational fire shall not be kindled or maintained within 10 feet of any building, 20 feet of any property line or street right-of-way, or within 25 feet of any propane tanks, fuel oil tanks, or any similar vessel used for storing or transporting flammable substances.

**§ 67-7. Outdoor furnaces.**

- A. Outdoor furnaces shall not be placed less than 150 feet from the nearest point of intersection of any adjacent property owner's structure.
- B. Outdoor furnaces shall not be placed less than 100 feet from the nearest point of intersection of the property line of another property owner.
- C. All outdoor furnaces are required to meet emission standards currently required by the United States Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modification made to them in the future.
- D. Outdoor furnaces shall be located in the rear yard only. Outdoor furnaces shall not be located in a front or side yard.
- E. All outdoor furnaces shall have a minimum flue height of 20 feet.
- F. No person shall burn any of the following fuels or materials in any outdoor furnace under any circumstances:
- (1) Household or commercial garbage or waste, tires, paint or paint thinners, construction and demolition debris, plywood, particle board, or other composite wood products, manure, asphalt products, rubber products, petroleum products, animal carcasses and leaves.
  - (2) Wood that is wet and/or has been painted, varnished or coated with similar materials, pressure treated lumber, wood containing preservations, resins or glue, railroad ties.

- (3) Recyclables materials such as plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers, newspaper, cardboard or any paper containing ink or dye.
- G. During the period of October 1 through April 30, all outdoor furnaces may only be utilized for the sole purpose of furnishing heat to a structure and hot water; and only if the outdoor furnace meets the requirements of this chapter.
- H. All storage of firewood or other fuel sources that are to be burned in any an outdoor furnace shall be neatly stacked and stored under a cover.
- I. Ashes or other waste from an outdoor furnace shall be stored in a sealed container.
- J. No person shall install or operate a new outdoor furnace in the Township without first obtaining a permit from the Zoning Officer.

**§ 67-8. Burning of certain materials prohibited.**

It shall be unlawful for any person to cause, suffer, allow or permit the burning of household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in the Township under Act 101 and Chapter 146, Solid Waste, including brush and scrap lumber or any vegetation, plywood, drywall, plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wirings, solid waste and or construction waste as defined by Act 97 and 25 Pa. Code§ 271.1.

**§ 67-9. Bans on burning.**

No person shall cause, suffer, allow or permit open burning or recreational fires when the Board of Supervisors at a public meeting has adopted a resolution declaring a bum 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 of burning. If the Chairman of the Board of Supervisors issues a ban on open burning after the declaration of a 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.

**§ 67-10. Violations and penalties.**

Any person who commits takes part in, or assists in a violation of the chapter shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than \$100 or 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.