

Chapter 42

BURNING CONTROL

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[HISTORY: Adopted by the Board of Supervisors of the Township of East Manchester 7-11-1995 as Ord. No. 7-11-95C. Amendments noted where applicable.]

§ 42-1. Short title.

This chapter shall be known and may be cited as the "Burning Control Ordinance."

§ 42-2. Purpose.

It is against public policy to permit controlled and unrestricted outdoor burning. The purpose of this chapter is to prevent needless public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained.

§ 42-3. Definitions. [Amended 12-27-06 by Ord. No. 2006-4; 2-28-07 by Ord. No. 2007-1]

The following words and terms shall have the meanings set out herein:

CONTAINED FIRE - Any outdoor fire contained in an incinerator, fireplace, brazier, pit, fire ring or other similar contained or enclosed structure.

BRUSH - Bushes, shrubs, thickets, tree trimmings, hedge clippings and trees less than two inches (2") in diameter.

COOKING FIRE - Any fire for the purposes of cooking and contained in an outdoor barbecue, gas or other type of cooking grill which is freestanding and self-contained.

ENFORCEMENT OFFICER - The Township Zoning Officer, Manager, or, if none, the Township Secretary, each of whom is authorized to enforce this chapter and is designated as the Enforcement Officer for this chapter.

FIRE - Any fire set or maintained outside a building.

GRUBBING WASTE - Tree parts, tree limbs, weeds, grass and other organic material.

INCINERATOR - Equipment having a combustion chamber which is enclosed on at least three (3) sides and constructed of noncombustible material such as heavy-gauge steel, stone or firebrick, and shall include, but not be limited to, burn barrels. The top of the incinerator and any exhaust area shall be equipped with a spark arrester having openings of not more than one (1) inch square or, alternatively, screening sufficient to retard and reduce the escape of sparks.

LEAF WASTE - Leaves, garden residues, shrubbery and tree trimmings and similar materials, but not grass clippings.

PERSON - Any individual, partnership, organization, association, agency, firm, estate or corporation and any other legal or commercial entity.

RESPONSIBLE ADULT - Any 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 a fire.

UNCONTAINED FIRE - Any fire not included in the definition of a "contained fire".

§ 42-4. Compliance required.

- A. It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, of whatever nature, without complying with this chapter.
- B. Nothing herein shall be construed to prevent fire-fighting training by township-designated fire-fighting organizations.

§ 42-5. Prohibited burning. [Amended 12-27-06 by Ord. No. 2006-4; 2-28-07 by Ord. No. 2007-1]

- A. Burning of designated recyclables and leaf waste, household trash, paper, cardboard, books, magazines, rugs, sofas, chairs, beds, box springs, mattresses, curtains, drapes, aerosol cans, spray paint cans, glass bottles or containers, compressed air or gas containers, dry or wet cell batteries, tires, plastic, rubber, paint, combustible or flammable liquids, solid waste, scrap lumber, construction and/or demolition waste as defined by the Pennsylvania Solid Waste Management Act of 1980, 35 P.S. § 6018.101 *et seq.*, or any other substances that are likely to emit noxious odors or dense smoke is strictly prohibited.
- B. No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire extinguishing apparatus or equipment.

- C. No fire shall be set that results in uncontrolled burning of vegetation such as a field fire.
- D. No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds of the Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.
- E. No fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Township Enforcement Officer may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous in the judgment of the Township Enforcement Officer. In the event of such a prohibition, all fires excluding cooking fires, as defined herein, shall be prohibited. The Township Enforcement Officer shall also have the power expressly to prohibit cooking fires.

§ 42-6. Permitted fires. [Amended 12-27-06 by Ord. No. 2006-4]

- A. Cooking, recreational or ceremonial fires shall be permitted so long as they are contained fires as defined herein.
- B. Burning shall be permitted of only brush or grubbing waste, exclusively for agricultural management and conservation practices and protection, and provided burning is located twenty-five feet (25') or more from any building or structure. Brush and/or grubbing waste must originate from the same property.
- C. Burning shall be permitted exclusively for agricultural purposes. The commodities must be generated on site as a result of such activities. Acceptance of materials from outside sources is prohibited. [Amended 2-28-07 by Ord. No. 2007-1]

§ 42-7. Safe distance. [Amended 12-27-06 by Ord. No. 2006-4]

- A. It shall be unlawful to allow any fire within an unsafe distance from any building or property line.
- B. No fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes.
- C. Contained fires shall be no closer than twenty-five (25') feet from any building, property line or road line, except that cooking fires as defined herein may be less than twenty-five (25') feet from a building, provided that reasonable safeguards are maintained.

§ 42-8. Hours of burning.

- A. No person shall set or maintain any uncontained fire between sunset and sunrise.
- B. Contained fires shall not be permitted to burn or smolder between the hours of midnight and 6:00 a.m.
- C. In the event that it is necessary or desirable to have an uncontained fire of a size and/or at times other than permitted under this chapter, or in the event of a large uncontained recreational fire such as a bonfire, special permission must be obtained in advance from any East Manchester Township Fire Chief or his designee.

§ 42-9. Prohibited acts.

It is a violation of this chapter for any person to allow any fire to burn under adverse weather conditions or unsupervised, otherwise in an unsafe manner or in violation of this chapter. Any such fire may be extinguished by an official of the township-designated Fire Company or extinguished immediately upon request of such official. In the event that any Fire Company is required to respond to a fire which violates the provisions of this chapter, a service fee may be levied by the responding Fire Company

§ 42-10. Violations and penalties.

- A. Any person who violates any provisions of this Ordinance shall commit a criminal offense, and shall, upon being found guilty by a district justice, after hearing, pay a fine not to exceed \$1,000.00, together with all court costs as permitted by law. Each day of violation shall constitute a separate offense, which shall be subject to prosecution as such. For purposes of this section, the Board of Supervisors of East Manchester Township hereby appoints the Township Manager, Secretary, Zoning Officer, Permit Officer or Codes Enforcement Officer as authorized representatives, any one of whom, in addition to any police officer with jurisdiction within the Township, may commence and pursue enforcement proceedings pursuant to this section. [Amended 2-19-97 by Ord. No. 2-19-97A]
- B. No penalty contained herein shall prevent the Township from enforcing this chapter by equitable, injunctive or other legal remedies.
- C. East Manchester Township and its agents, officials and representatives shall not under any circumstances be liable or responsible for damages caused to any person or property by reason of the provisions of this chapter or by reason of the conduct of any burning activity in compliance with the terms and provisions of this chapter. The person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.