

**EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2012-

AN ORDINANCE AMENDING §7-301 AND §7-302 OF THE EAST FALLOWFIELD TOWNSHIP CODE OF ORDINANCES ESTABLISHING MINIMUM REGULATIONS APPLICABLE TO OPEN BURNING IN EAST FALLOWFIELD TOWNSHIP.

AND NOW, this _____ day of _____, 2012, it is hereby **ENACTED** and **ORDAINED** by the Board of Supervisors of East Fallowfield Township, Chester County, Pennsylvania that §§7-301 and 7-302 of the Code of Ordinances of East Fallowfield Township are amended to read as follows:

§7-301. Regulations. It shall be unlawful for any person to burn or cause to be burned any material upon any land in East Fallowfield Township except after applying for and receiving a permit and shall comply with the following regulations incorporated herein and attached hereto as Exhibit 7-3-A.

§7-302. Enforcement. The East Fallowfield Township Police Department, Fire Code Official and other code enforcement personnel designated by the Board of Supervisors are hereby authorized to investigate alleged violations of this Ordinance and enforce the provisions of this Ordinance. Any person who violates or commits the violation of any provision of this Ordinance shall be subject to a fine in the amount not to exceed one thousand dollars (\$1,000.00), plus all court costs. In addition, the Township, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance

Enacted and Ordained this _____ day of _____, 2012.

**BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP**

Chris Makely, Chairman

Chris Amentas, Vice Chairman

Mark Toth, Member

Ed Porter, Member

Joseph H. Pomorski, Member

ATTEST:

Denise Miller,
Township Secretary

Exhibit 7-3-A

[Being East Fallowfield Permit and Burning Regulations
Tony Sirna revisions 6/30/12; 7/16/12; office 8/7/12]

Tony Sirna revisions 6/30/12; 7/16/12; office 8/7/12

East Fallowfield Township

Permit and Burning Regulations

Please be aware that you must rent a dumpster for all materials associated with any new construction of or destruction of any structure. Construction and Demolition Waste may not be burned.

Name _____

Address: _____

Purpose/Materials: _____ **Extinguishment** _____

Regulations governing all open burning.

1. Open burning is only permitted when in compliance with all regulations governing open burning. It is the responsibility of the applicant to read and understand all rules herein,
2. Open burning is only permitted on Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday between sunrise and sunset.
3. The Chester County Fire Board shall be notified at 610-436-4705 prior to, and at the conclusion of all open burning and ceremonial fires.
4. Open burning that is offensive or objectionable because of smoke or odor emission or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited and can be ordered extinguished by the fire codes official.
5. No open burning is permitted on any property less than 1 acre in size. Exceptions may be made for ceremonial fires with prior approval from the Township Fire Code Official
6. No person shall kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with these regulations.
7. The use of petrochemicals, hydrocarbons or other man made accelerants to kindle a fire is prohibited.

8. A permit shall be obtained from the Fire Code Official prior to kindling a fire for recognized range or wildlife management practices, prevention or control of disease or pests, or a bonfire.
9. Applications for such approval shall only be presented by and permits issued to the owner of the land, or their authorized representatives, upon which the fire is kindled.
10. The permit holder is responsible for compliance with the regulations stated in this permit, maintaining control of the fire, and for any damages resulting from the fire or failure to maintain control of the fire.
11. When required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.
12. The location for open burning and bonfires shall be at least 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Open burning shall not be permitted within 100 feet from any wooded area.
13. Leaf waste" as defined by Pennsylvania Act 101, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, 1988, July 28, P.L. 556, No. 101, to include leaves, garden residues, shrubbery, and tree trimmings, and similar materials may not be burned.
14. Nothing contained herein shall prohibit open burning associated with the production of agricultural commodities on the premises of a farm operation.
15. It shall be unlawful for any person to open burn any material, including the following at any time on any land within East Fallowfield Township:
 - a. Any items or materials that are required be recycled in East Fallowfield Township under Pennsylvania Act 101 including paper, newspaper, tin and aluminum cans and containers, glass of any color, plastics, Leaf waste, and any other material as designated by the Township;
 - b. Trash, garbage, and municipal waste;
 - c. Construction or demolition debris;
 - d. Cleaners, solvents, paint, motor oil, fuels, gasoline and any other similar product;
 - e. Household appliances, debris, or any other similar items.
16. Any open burning, bonfires, or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one working fire extinguisher with an appropriate, rating or other approved on-site fire extinguishing equipment, such as

sand, garden hose, or water barrel shall be available for immediate utilization.

Bonfires

1. A bonfire is an outdoor fire utilized for ceremonial purposes.
2. Bonfires are allowed after dark.
3. A bonfire shall not be more than 5 feet by 5 feet by 5 feet in dimension.
4. A bonfire must be tended at all times and shall not burn longer than 4 hours.
5. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper.
6. The fire shall not be utilized for waste disposal purposes and fuel shall be chosen to minimize the generation of smoke and air contaminants.
7. A bonfire shall meet all other requirements stated in this ordinance and can be ordered extinguished by the Township Fire Code Official if deemed to be offensive or objectionable because of smoke or odor emissions, or when atmospheric conditions or local circumstances make such fires hazardous.

Recreational Fires

1. A recreational fire is an open, outdoor fire utilized to cook food for human consumption. Charcoal fires in barbeque grills are not considered to be recreational fires.
2. Recreational fires are allowed after dark.
3. A burning permit is not needed for a recreational fire.
4. Recreational fires do not need to meet the 1 acre minimum lot size requirement.
5. Recreational fires will be less than 3 feet by 3 feet by 3 feet in size, must be tended at all times and shall not burn for longer than 4 hours .
6. The fire shall not be utilized for waste disposal purposes and fuel shall be chosen to minimize the generation of smoke and air contaminants,
7. A recreational fire shall meet all other requirements stated in this ordinance and can be ordered extinguished by the fire codes official if deemed to be offensive or objectionable because of smoke or odor emission, or when atmospheric conditions or local circumstances make such fires hazardous.

Enforcement

1. The East Fallowfield Township Police Department, Fire Code Official and other code enforcement personnel designated by the Board of Supervisors have authority to investigate alleged violations and enforce the provisions of this Ordinance. Any person who violates or commits the violation of any provision of this Ordinance shall be subject to a fine in the amount not to exceed one thousand dollars (\$1,000.00), plus all court costs. In addition, the Township, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance

2. Open burning that is offensive or objectionable because of smoke or odor emissions, or when atmospheric conditions or local circumstances make such fires shall be prohibited.

3. Township personnel are authorized to order the extinguishment by the permit holder or the fire department of any and all open burning which in their opinion, creates or adds to a hazardous or objectionable situation, or when atmospheric conditions or local circumstances make such fires hazardous.

I have read the rules herein and agree that I understand the rules and will comply with all rules governing open burning.

Applicant

Date

Approval

Date

Paid

Acreage