

TOWNSHIP OF SOUTH LONDONDERRY
Lebanon County, Pennsylvania

ORDINANCE NO. 219

AN ORDINANCE ESTABLISHING REGULATIONS AND
RESTRICTIONS ON OPEN BURNING WITHIN THE
TOWNSHIP OF SOUTH LONDONDERRY AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF AND REPEALING
PRIOR TOWNSHIP ORDINANCE 195.

WHEREAS, the South Londonderry Township Board of Supervisors desires to repeal Ordinance No. 195 and adopt this Ordinance to clarify and better regulate open burning within South Londonderry Township;

WHEREAS, Section 66529 of the Pennsylvania Second Class Township Code permits South Londonderry Township to adopt ordinances prohibiting nuisances; and,

WHEREAS, Section 66506 of the Pennsylvania Second Class Township Code permits South Londonderry Township to adopt ordinances intended to maintain the peace, health and welfare of the township.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of South Londonderry, Lebanon County, Pennsylvania, that Ordinance No. 195 is hereby repealed; and,

NOW, THEREFORE, the South Londonderry Township Board of Supervisors, in accordance with Pennsylvania law, hereby further ENACTS and ORDAINS the following Ordinance to read as follows:

Section 1: **Purpose:** The purpose of this Ordinance is to prevent public and private nuisances caused by outdoor fires intentionally or carelessly set or maintained.

Section 2: **Definitions:** For the purposes of this Ordinance, the following words and terms shall have the meanings ascribed to them herein:

AIR CURTAIN DESTRUCTOR – a mechanical device which forcefully projects a curtain of air across a pit in which Open Burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

BONFIRE – an outdoor fire utilized for ceremonial purposes with a fuel area larger than that of a campfire, but not including a fire intended for the disposal of waste or refuse.

BURNING – the act of consuming by fire; to flame, char, scorch, or blaze.

CAMPFIRE – a small outdoor fire intended for recreation or cooking wherein only dry tree trimmings are burned (excluding leaves), no greater than three inches in diameter, as fuel and which is not contained in an approved outdoor fireplace, a commercially manufactured portable outdoor fireplace and/or fire pit, an outdoor cooking grill or barbeque pit, and constructed to have a total fuel area of three feet or less in diameter and two feet or less in height.

FIRE DEPARTMENT – the Lawn Fire Department or Campbelltown Fire Department acting through the Fire Chief or other authorized Line Officer.

LEBANON COUNTY EMERGENCY MANAGEMENT AGENCY (LEMA) – the agency designated to dispatch emergency personnel such as fire, police and ambulance.

NONCOMBUSTIBLE CONTAINER – any container specifically designed for the destruction by burning of any combustible material, including a steel barrel, a fireplace consisting of at least three (3) sides, a walled fire ring, an outside chimney, grill or other similar devices. Such device shall not exceed 50 inches in height or 36 inches in diameter.

OPEN BARBEQUE PIT – an area outdoors, excavated or constructed, for the purpose of holding an outdoor fire to cook food, having a total fuel area of three feet or less in diameter and two feet or less in height.

OPEN BURNING – to set and maintain a fire at one location where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

REFUSE – garbage, rubbish and trade waste, including but not limited to any waste material, garbage, putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food or household materials such as plastic.

UNCONTAINED FIRE – fire set on open ground on properties of five (5) acres or more. Such fire shall not exceed 5 feet in diameter.

Section 3: **Permitted Open Burning:**

A. Open Burning shall only be permitted for the following purposes and/or in the following situations, subject to compliance with all the conditions and restrictions contained in this Ordinance unless otherwise set forth herein:

- (1) Cooking of food for immediate consumption wherein the fire is entirely contained in an open barbeque pit;
- (2) Approved portable and in ground fire pits, approved outdoor fireplace, a commercially manufactured portable outdoor fireplace and/or fire pit, and/or an outdoor cooking grill;
- (3) Burning in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of a farm operation;
- (4) Fire constructed by a volunteer fire company for official training purposes;
- (5) Bonfires and campfires;
- (6) Uncontained fires on properties of five (5) acres or more provided that all the conditions of this Ordinance are complied with. On properties of 2-5 acres, adjoining property owners can combine their acreage to create a single location for an uncontained fire provided they have written authorization from each neighbor. Such consent shall be in writing and available for inspection should it be requested by the Fire Department through its Chief or Line Officer, Code Enforcement Officer or a South Londonderry Township Police Officer and submitted with the Open Burning permit application, where applicable.
- (7) Open Burning for the purpose of preventing or abating a fire hazard, provided said burning is permitted by the DEP, Township and Fire Department.

B. Open Burning permitted by this Ordinance shall comply with the following conditions and regulations unless otherwise provided for herein:

(1) **Burning Distances:**

- a. No Open Burning shall take place within thirty (30') feet of any principal structure, fifteen (15') feet of an accessory structure, twenty (20') feet from any property line or within thirty (30') feet of public/private roads, except as set forth in Section 3.B.(1)(b) below. However, with the approval of the neighboring property owner, the side yard setbacks can be

reduced and/or eliminated. Such approval shall be in writing and available for inspection should it be requested by the Fire Department through its Chief or Line Officer, Code Enforcement Officer, or a South Londonderry Township Police Officer and submitted with the Open Burning permit application, where applicable.

- b. The burning distance restrictions set forth in Section 3.B.(1)(a) above shall not apply to Open Burning that is entirely contained in an approved outdoor fireplace, approved portable or in ground fire pit, a commercially manufactured portable outdoor fireplace and/or fire pit, open barbeque pit, and/or an outdoor cooking grill. Open Burning that is entirely contained in an approved outdoor fireplace, approved portable or in ground fire pit, a commercially manufactured portable outdoor fireplace and/or fire pit, open barbeque pit, and/or an outdoor cooking grill shall be allowed on private property within the Township.
- c. No fire shall be set less than fifty (50) feet from any container used to store petroleum products or other flammable liquids and/or gases.

- (2) **Containers**: Except as to fires solely for the cooking of food for immediate consumption, burning essential in conjunction with agriculture, a fire constructed by a volunteer fire company for official training purposes, bonfires and campfires, all Open Burning must be confined in a noncombustible container unless otherwise permitted by the Township.
- (3) **Adult Attendance**: Any and all Open Burning shall be attended at all times by a responsible adult not less than 18 years of age until the fire is totally extinguished and not permitted to smolder. Fire-Extinguishing equipment such as a pressurized garden hose, rakes, shovels etc. shall be available for immediate use.
- (4) **Prohibited Locations**: No fire shall be set or maintained upon any of the streets, sidewalks, traffic ways, or any public grounds, or public right-of-ways owned by, or maintained by either the local, county or state governments in the Township.
- (5) **Hours**: With the exception of the Open Burning described in Sections 3.A.(1), (2), (3), (4), (5) and (7), all other Open Burning shall only be permitted between sunrise and sunset, Monday through Saturday.

- (6) **Weather Conditions:** No Open Burning shall be permitted at any time when drought, wind, or other climatic conditions would pose a hazard to persons or property.
- (7) **Conditions:** Regardless of the issuance of any permit pursuant to this Ordinance and the payment of any fees therefor, the South Londonderry Police Department, Code Enforcement Officers of the Township and/or Fire Department through its Chief or Line Officer may suspend the Open Burning and order extinguished any Open Burning at any time said representative determines, in his or her sole discretion and opinion that:
 - a. Smoke, embers and/or ash emanating from the Open Burning has caused or is likely to cause damage to property or vegetation of adjacent property.
 - b. Smoke, embers and/or ash are, or may become, offensive, objectionable, or deleterious to human or animal health and/or a public nuisance.
 - c. Dry or drought conditions require a ban on all Open Burning.
- (8) **Compliance with DEP:** Any and all permitted Open Burning shall comply with all requirements of the Pennsylvania Department of Environmental Protection.
- (9) **Permit:** Open Burning permitted under this Ordinance shall comply with all the requirements of a permit granted by DEP and/or South Londonderry Township under Section 6 herein, where applicable.
- (10) **One Location:** Open Burning shall be permitted in only one location and/or one container or pit on the property at any given time.
- (11) **Fire to be Put Out:** The owner of the property wherein the fire is located shall ensure that the fire is totally extinguished and not permitted to smolder once the Open Burning is over.

Section 4: **Prohibited Open Burning:**

- A. The following Open Burning shall be prohibited:
 - (1) Industrial or commercial burning of any kind;
 - (2) Burning of the following materials:

- a. Grass clippings;
- b. Cardboard or paper products;
- c. Chemicals;
- d. Synthetic fibers;
- e. Food wastes;
- f. Animal wastes;
- g. Tires and any rubber products;
- h. Building supplies which shall include, but are not limited to shingles; Styrofoam; plastics; or insulation;
- i. Refuse; and,
- j. Leaves.

(3) Open Burning shall be prohibited, subject to the exceptions listed below, in the area of the Township commonly referred to as Mount Gretna and as depicted on the attached Appendix 1. The Board of Supervisors has determined that due to the topography, lack of a public water supply, the proximity of the homes to one another and the surrounding State Game Lands with its heavy under brush and tree canopy, Open Burning shall be prohibited within the Mount Gretna Area of the Township, as identified on Appendix 1, subject to the exceptions set forth in Sections 4.A(3)(a)-(b) below. A property owner within the Mount Gretna Area may engage in Open Burning only in the following situations and subject to compliance with the provisions of this Ordinance:

- a. One small outdoor fire intended for recreation or cooking in a portable or in-ground fire pit, approved outdoor fireplace, a commercially manufactured portable outdoor fireplace and/or fire pit, open barbeque pit, and/or an outdoor cooking grill or campfire, which shall be attended at all times by a responsible adult not less than 18 years of age until the fire is totally extinguished and not permitted to smolder. Fire extinguishing equipment such as a pressurized garden hose, rakes, shovels etc. shall be available for immediate use.

- b. A property owner within the Mount Gretna Area may burn tree and shrub clippings a maximum of two (2) times per year in a noncombustible container provided that all conditions of this Ordinance are met and a permit is secured and the Lebanon County Dispatch is notified pursuant to Section 6 herein. The Board of Supervisors may also authorize additional burning if severe storms cause excessive debris to be deposited within the Mount Gretna Area.

Section 5: **Moratorium:** The Chairman of the Board of Supervisors or his/her designee may establish a moratorium on outdoor Open Burning at any time due to severe drought, or other hazardous climatic conditions. Said moratorium shall remain in effect until the next regularly scheduled meeting of the Board of Supervisors at which time the Board of Supervisors may extend the moratorium on burning.

Section 6: **Permit Required:** For properties of less than five (5) acres, an annual permit from the Township will be required for Open Burning consisting of a bonfire, the burning of tree clippings greater than three (3) inches in diameter and/or where the fuel area is greater than three feet in diameter and two feet in height, the burning of shrub clippings, or where the Open Burning involves the use of an air curtain destructor. Each time a permit holder proceeds with a type of Open Burning listed under this Section 6, Lebanon County Dispatch (717.272.2025) shall be notified both prior to the start of the fire and once the fire is put out.

Section 7: **Permit Fees:** Fees for Open Burning permits shall be established by the Board of Supervisors on an annual basis and included in the Township's Fee Schedule Resolution. The permit fee shall accompany all such applications for Open Burning permits.

Section 8: **Penalties:** Any person, individual, partnership, co-partnership, association or corporation violating any provision of this Ordinance shall be guilty of a summary offense, and upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment not exceeding ninety (90) days for each separate offense, or by both such fine and imprisonment.

Section 9: **Severability:** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

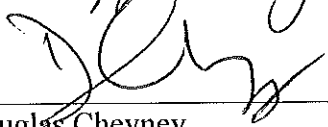
Section 10: **Repealer:** All ordinances, parts of ordinances, and amendments thereof which are inconsistent with this Ordinance are hereby repealed.

Duly ordained and enacted this 5 day of November 2016, by the Board of Supervisors of the Township of South Londonderry, Lebanon County, Pennsylvania in lawful session duly assembled.

**BOARD OF SUPERVISORS
SOUTH LONDONDERRY TOWNSHIP**

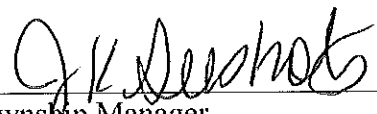


Cliff F. Orley, Chairman



Douglas Cheyney

ATTEST:



Township Manager

Faith Bucks

GRAPHIC SCALE



(IN FEET)
1 inch = 600 ft.

 **Mount Gretna Area**

Appendix 1

