

**HEIDELBERG TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 175

AN ORDINANCE OF THE TOWNSHIP OF HEIDELBERG, LEBANON COUNTY, PENNSYLVANIA RESTRICTING OPEN FIRES AND BURNING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS; ESTABLISHING EXCEPTIONS AND DEFINITIONS; AND PRESCRIBING PENALTIES FOR VIOLATION.

WHEREAS, the Second Class Township Code authorizes Townships of the Second Class to regulate burning within the Township to protect the health, welfare, cleanliness, comfort, and safety of its residents; and

WHEREAS, the Board of Supervisors of Heidelberg Township deems it to be in the best interest and general welfare of the citizens and the residents of Heidelberg Township, Lebanon County, to regulate burning within the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Heidelberg Township, Lebanon County, Pennsylvania, as follows:

Section 1. Purpose.

This Ordinance is enacted in the interest of the health, safety, and welfare of the residents of the Township of Heidelberg, in compliance with the laws of the Commonwealth of Pennsylvania and the regulations of the Department of Environmental Protection.

Section 2. Definitions.

As used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

AGRICULTURAL FIRE - The burning of brush, trees, stumps, grass, and weeds formerly growing and wholly generated upon the property upon which the fire is set, the fire is part of the normal farming operations (as defined by DEP regulations), and the property is zoned agricultural.

BONFIRE – Any outdoor fire with a base between 3 feet by 3 feet and 6 feet by 6 feet and a flame height up to 6 feet with a fuel of untreated wood and brush.

BURNING – The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

BURNING PIT or INCINERATOR -A pit with masonry walls and earth or masonry floor or a block or masonry structure with a block, masonry or earth floor which is covered by a one quarter (1/4) inch mesh or which is enclosed by a door when in use. A ten-foot clear area shall be maintained around any burning pit or incinerator, free of any brush, tree or other combustible material.

COMMERCIAL/INSTITUTIONAL WASTE – A portion of Regulated Municipal Waste from stores, office buildings, colleges, schools, churches, banks, hospitals, reformatories, etc.

CONTAINED FIRE - Any fire contained in an incinerator, fireplace or cooking grill, or other contained enclosure designed for outdoor cooking, or a fireproof container.

CONTROLLED FIRE - A fire with Responsible Adult supervision and surrounded by a noncombustible barrier.

DAWN – The first appearance of light in the sky before sunrise.

DOMESTIC REFUSE – Waste which is generated from the normal occupancy of a structure in Heidelberg Township occupied solely as a dwelling by two (2) families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

DUSK – The end of daylight in any given day.

OUTDOOR FIRE - Any fire set or maintained outside of a building.

PERSON - Any individual, partnership, organization, association, agency, firm, estate, corporation or any other legally recognized entity.

RECREATIONAL FIRE - A fire contained within a pit or other noncombustible enclosure for the purpose of pleasure, religious, ceremonial, or other similar purposes using only untreated wood and not exceeding eight cubic feet of fuel.

RESPONSIBLE ADULT - An individual 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.

SALVAGE OPERATION - Any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any products or materials, including but not limited to, metals, chemicals, shipping containers, or drums.

TOWNSHIP - The Township of Heidelberg, Lebanon County, Pennsylvania.

TRADE WASTE - All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry inside or outside of Heidelberg Township, including but not limited to, plastic products, cartons, paint, grease, oil, and other petroleum products, chemicals, cinders and other forms of solid liquid materials provided that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

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

Section 3. Fires on public property unlawful.

It shall be unlawful for any person or persons either directly or indirectly to kindle or maintain any fire or authorize or permit any fire to be kindled or maintained on any public road, street, alley, sidewalk, or other public property within the Township.

Section 4. General regulations on outdoor fires.

Outdoor fires shall be permitted upon private property in accordance with the following regulations:

- A. No person, either directly or indirectly, shall kindle or maintain an outdoor fire except in an appropriate receptacle or burning pit at least 20 feet from any structure, building or property line. Any such contained fire shall be kept under constant supervision during incineration and at the end of said period shall be completely extinguished.
- B. In those instances where it is impractical or impossible to confine an outdoor fire to a receptacle or burning pit, an outdoor fire may be kindled or maintained only if such outdoor fire is a controlled fire and is maintained at a distance of 50 feet from any structure, building or property line.
- C. All outdoor fires, whether maintained in a receptacle or burning pit or in the open as controlled fires, shall be kept under constant supervision by a Responsible Adult during incineration and at the end of said period shall be completely extinguished.
- D. No outdoor fire shall be allowed to burn without a Responsible Adult being present at all times and without a readily available fire-extinguishing

apparatus, such as a water hose. Sand or dirt may also be considered, provided that an ample supply is available, or shovels and rakes are on hand.

- E. All outdoor fires must be contained and/or controlled, as defined in this Ordinance.
- F. No outdoor fire shall be set that results in uncontrolled burning of vegetation or property.
- G. Nothing herein shall be construed to prevent fire-fighting training by township-designated fire-fighting organizations.

Section 5. Agricultural Burning.

The person responsible for any agricultural fires set upon private property for the purpose of burning, clearing, and grubbing waste, or in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operations shall:

- A. Notify the Lebanon Emergency Management Agency and the Township's Fire Company not less than twenty-four (24) hours prior to igniting the agricultural fire.
- B. In cases where the agricultural fire involves an area of 1,000 square feet or more, such as a fence line or field, or where it involves a large quantity of material of more than 4 cubic yards of debris or material, the person responsible for the fire shall notify the Township's Fire Company not less than forty-eight (48) hours prior to igniting the fire.
- C. All agricultural fires must comply with the following conditions:
 - 1. All yard waste materials permitted to be burned on agricultural land must originate from the same parcel of land on which it is burned.
 - 2. All agricultural fires shall be attended at all times by a responsible adult.
 - 3. No garbage, refuse, food, animal substance or parts thereof, hazardous material, batteries, tires, nor any container that contains or did contain air or gas under pressure (such as aerosol-type containers) may be burned.

4. No rubbish or trash including rubber, synthetic products, paint products, plastic and synthetic fabrics, pre-treated scrap lumber, or any other matter or material which may product an offensive smoke and/or odor, shall be burned. The burning of tires, tubes, tar, waste oil, and motor vehicles or parts of motor vehicles is prohibited.
5. No agricultural fire shall be set, started, or maintained between dusk and dawn.
6. No agricultural fire shall be set, started, or maintained on any Sunday or any of the following Holidays:
 - a. New Year's Day
 - b. Memorial Day
 - c. Independence Day
 - d. Labor Day
 - e. Thanksgiving Day
 - f. Christmas Day
7. No agricultural fire shall be set, started, or maintained when weather or atmospheric conditions such as fog, drizzle, wind, or dampness will make the fire or its smoke offensive or hazardous to human life or property.
8. All fires must be at least 100 feet from structures.
9. Any other conditions reasonably related to the protection of the life, health, and safety of the citizens and residents of Heidelberg Township as specified by the Board of Supervisors.

Section 6. Burning Prohibited.

- A. No garbage or refuse shall be burned except domestic waste consisting of paper, cardboard, and untreated wood.
- B. No food, animal substance or parts thereof, hazardous material, batteries, tires, nor any container that contains or did contain air or gas under pressure, such as aerosol cans, may be burned
- C. No rubbish or trash including rubber, synthetic products, paint products,

plastic and synthetic fabrics, pre-treated scrap lumber, or any other matter or material, which may produce an offensive smoke and/or odor, shall be burned. The burning of tires, tubes, tar, waste oil and motor vehicles is prohibited.

- D. No fires shall be set, started, or maintained when weather or atmospheric conditions such as fog, drizzle, wind, or dampness will make the fire or its smoke offensive or hazardous to human life or property.
- E. Burning of any commercial/institutional waste or trade waste from businesses operating inside or outside of the township is strictly prohibited.
- F. Igniting or feeding an open fire for the destruction of refuse or in the conduct of a salvage operation in any private or public place shall be strictly prohibited.
- G. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any outdoor fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent body.
- H. No fire shall be set, started or maintained on any Sunday or any of the following Holidays, with the exception of bonfires and recreational fires:
 - New Year's Day
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving Day
 - Christmas Day

Section 7. Safe distances.

- A. It shall be unlawful to allow any outdoor fire, including cooking fires, within an unsafe distance from any structure, building, or property line.
- B. No outdoor fire shall be set, started, fed, permitted to burn, or maintained where such outdoor fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes or for any other purpose to further public health, safety and welfare.
- C. Outdoor fires shall be permitted only upon private property and shall take place at least 20 feet from any building, structure, property line, or road right-of-way line.
- D. Bonfires shall be permitted upon private property and shall take place at least 50 feet from any building, structure, property line, or road right-of-way line.
- E. Nothing herein shall be deemed to prohibit indoor cooking activities, provided that reasonable safeguards are maintained.
- F. Cooking grills may be less than 20 feet from a building, provided that reasonable safeguards are maintained.
- G. No outdoor fire shall be set, started, fed, permitted to burn or maintained within 20 feet of any pond, lake, stream, river, or waterway, with the exception of recreational fires as defined in this ordinance.

Section 8. Extinguishing unsafe fires.

- A. It is a violation of this Ordinance for any person to allow any fire to burn under adverse weather conditions or unsupervised or otherwise in an unsafe manner or as an uncontrolled fire. Any such outdoor fire may be extinguished by an official of the Township-designated fire company or extinguished immediately upon request of such official.
- B. Contained and uncontained fires shall not be permitted to burn or smolder while unsupervised.

Section 9. Hours.

No outdoor fire shall be set, started, or maintained between Dusk and Dawn with the exception of recreational fires and bonfires.

Section 10. Fire Ban Emergencies.

- A. No outdoor 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 the County of Lebanon or other governmental body having jurisdiction.
- B. The Board of Supervisors may declare a fire ban emergency in the Township of Heidelberg, with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township, during a period of drought or other periods of high risk to woodlands or property with the Township. Upon the declaration of a fire ban emergency, all outdoor burning and open fires shall be prohibited until the ban is lifted by the Board of Supervisors.

Section 11. Violations and penalties.

Any person who violates any provisions of this chapter as charged by the enforcement officer shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred Fifty Dollars (\$150.00) and not more than Six Hundred Dollars (\$600.00), plus costs of prosecution.

Section 12. Liability.

The 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 individual person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

Section 13. Repealer.

All ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed, including but not limited to Ordinance No. 83.

Section 14. Severability.

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, such declaration or decision shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been enacted had any such unconstitutional, illegal or invalid provision not been included therein.

Section 15. Effective Date.

This ordinance shall become effective the ____ day of _____ 20__.

ENACTED AND ORDAINED this ____ day of _____ 20__ at a regular public meeting of the Board of Supervisors of the Township of Heidelberg, Lebanon County, Pennsylvania.

ATTEST:

Township Secretary

Chairman

Vice-Chairman

Treasurer