

CHAPTER 7
FIRE PREVENTION & FIRE PROTECTION
Part 1
OPEN BURNING

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Part 1

Open Burning

§101. TITLE This Part shall be known and may be cited as the “Caernarvon Township Open Burning Ordinance”.

§102. AUTHORITY This Part is enacted pursuant to §702, clause XXIX, XXXII, XLVII, and LXII of the Second Class Township Code, 53 P.S. §§66729, 65732, 65747, and 65762.

§103. DECLARATION It is hereby declared to be a matter of public health and safety to regulate fires and open burning in the Township of Caernarvon for the purposes of:

- A. Protecting the air resources of the Township
- B. Prevention of injury to plant and animal life and to property
- C. Protection of the comfort and convenience of the public

§104. DEFINITIONS In the construction of this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

DOMESTIC REFUSE – waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. “Domestic Refuse” does not include such items as demolition waste, insulation, shingles, treated wood, paint, painted or stained objects or furniture, tires, mattresses, box springs, metal, insulating coating on wire, television sets and appliances, automobiles, automotive parts, batteries, PVC products, waste oil and other petroleum products, diapers, animal feces, and plastic of any kind.

OPEN BURNING OR OPEN FIRE – any fire which is burned outside of an enclosed building

PERSON – any individual, partnership, estate, trust, firm, association, corporation, municipality, authority, school district, or any other group or legally recognized entity

STRUCTURE – shall include any structure or appendage to a structure, whether principal, or accessory, constructed or used for a residence, business establishment, institutional establishment or industrial or other private or public purpose or which is designed for the housing, shelter, enclosure or support of person, animals, or property of any kind

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WOOD & WOOD PRODUCTS – shall include brush and leaves. Wood and wood products also shall include only those substances so defined by the regulations of the United States environmental Resources and shall exclude all pressure treated or treated wood or wood products which would emit toxic smoke or fumes when ignited

§105. PROHIBITED ACTS It shall be unlawful for any person, firm or corporation to kindle or maintain any bonfire or other fire, or to authorize any such fire to be kindled or maintained within the Township of Caernarvon under the following circumstances:

- A. When said fire is burning between sunset and sunrise
- B. In the case of open bonfires or open rubbish fires, within one hundred (100) feet from any structure of any kind or character whatsoever, whether said location to be the original location of the fire or the same has spread to such a location which violates this provision
- C. In all other cases than those provided in subsection (B), above, when such fire is not confined or contained in a waste burning approved by the National Board of Fire Underwriters or other similar agency for an outdoor fire or a fire the smoke of which shall pass outside the house; however, barrels covered with a one-half (1/2) inch mesh shall be permitted
- D. When any fire is not kept under the personal supervision of a responsible person
- E. When said fire is located sufficiently close to any structure so that such structure might catch fire, taking into account the quantity of the material being burned, the nature of the material being burned and the velocity of the wind on the day in question (this shall not be intended to limit any of the other provisions of this Section). When any person, firm or corporation desiring to light any fire is in doubt as to the application of the standards set forth in this subsection, any fire chief of a fire company in the Township of Caernarvon, Lancaster County whose designation in such capacity has been approved by the Township Supervisors, shall be contacted and his decision shall be final.
- F. The following items are not considered "domestic waste" and are prohibited from burning: demolition waste, insulation, shingles, treated wood, paint, painted or stained objects or furniture, rubber, including tires and synthetic rubber-like products, mattresses, box springs, metal, insulating coating on wire, television sets and appliances, automobiles, automotive parts, batteries, PVC products, waste oil and other petroleum products, diapers, animal feces, and plastic of any kind.

§106. LIMITED EXCEPTIONS Nothing in this Part shall be construed to prevent the burning between sunrise and sunset of normal domestic refuse by the occupiers of a residence in the household incinerator or other approved safety device above defined, or a small, well-controlled fire in an outdoor fireplace or contained for outdoor cooking. In each of said events, the fire shall be kept constantly under personal supervision during the period of incineration.

§107. COMBUSTIBLE It shall be unlawful for any person, firm or corporation to deposit hot ashes, smoldering coals or embers, grease, oily substances or other material liable to spontaneous combustion within ten (10) feet of any wall, partition, fence, structure or combustible material unless contained in a metallic or other noncombustible container, which container, unless resting on ground, must be placed on a noncombustible stand and must be located at least two (2) feet away from any such wall, partition, fence, structure or combustible material

§108. BURNING OF WOOD AND WOOD PRODUCTS REGULATED Persons may burn wood and wood products (specifically excluding all treated wood and treated wood products) outside of an enclosed building only upon the following conditions and subject to the following regulations:

- A. A responsible person controls and supervises any open burning at all times

- B. Open burning is not permitted under conditions of excessive winds or dryness.
Open burning is expressly prohibited during a drought emergency declared by the Pennsylvania Emergency Management Council or other agency of the Commonwealth of Pennsylvania
- C. No materials other than natural wood and natural wood products may be burned in an open fire
- D. Smoke shall be so controlled as not to be offensive to others
- E. Leaves and brush fires shall only be burned in an area cleared in a radius of fifty (50) feet from the open fire
- F. No open fire shall be maintained closer than seventy-five (75) feet from any structure

§109. PERMISSION It shall be unlawful for any person, firm or corporation to kindle or maintain any bonfire or other fire on premise owned by another for which specific permission has not been given by the owner of the premises.

§110. REMEDIAL STEPS Any person, firm, or corporation violating the provisions of the Part shall be notified of the violation by a fire chief, assistant fire chief of any company serving the Township of Caernarvon whose designation in such capacity has been approved by the Township Supervisors, or Township Supervisor and shall immediately take such steps, including the extinguishment of the fire and a written warning as may be ordered by such official. The second incident shall include costs associated with the fire company which can exceed \$800.00.

§111. EXCEPTIONS TO REGULATIONS The following types of fires, provided that such fires are of natural wood or natural wood products only, are excepted from the regulations set forth in §106, above:

- A. Fires solely for the cooking of food for immediate consumption
- B. Camp fires for warmth, fellowship, food preparation or ceremonial purposes by families of groups of individuals such as hunting camps or organizations such as Boy Scouts or Girl Scouts
- C. Fires set in the performance of public duty by any firefighter or public official for official purposes

§112. PENALTIES FOR VIOLATION Any person, firm, partnership, corporation, trust or estate violating any of the provisions of this Part shall, upon conviction thereof, be sentenced to a fine of not more than one thousand dollars (\$1,000.00) plus costs of the fire company which can exceed \$800.00 and, in default of payment of said fine and costs, to a term of imprisonment to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

ENACTED AND ORDAINED this 10th day of July, 2017, at a duly advertised public meeting of the Board of Supervisors of the Township of Caernarvon, Lancaster County, Pennsylvania at which a quorum of the members of the Board was present and voted in favor thereof.

Attest:

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF CAERNARVON

Kathryn Travis
(Asst.) Secretary

By: [Signature]
(Vice) Chairman

I, Kathryn M. Norris, Secretary of the Board of Supervisors of Caernarvon Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Caernarvon Township held on July 10th, 2017, at which meeting a quorum was present and voted in favor thereof.

Kathryn M. Norris
Kathryn M. Norris, Secretary