



ORDINANCE NO. 2008-09

**AN ORDINANCE OF WASHINGTON TOWNSHIP, LEHIGH COUNTY,
PENNSYLVANIA, PROVIDING FOR THE REGULATION OF OUTDOOR
BURNING WITHIN THE TOWNSHIP, DEFINING VIOLATIONS THEREOF
AND PROVIDING FOR PENALTIES THEREFORE.**

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the Washington Township Burn Ordinance.

SECTION 2. DECLARATION OF PURPOSE

It is hereby declared that to the policy of Washington Township, Lehigh County, as a matter of public health, safety, and welfare, to regulate fires and open burning within Washington Township for the purposes of control air pollution, and protecting buildings, housing, property and the well-being of its citizens.

SECTION 3. DEFINITIONS

- (a) OPEN BURNING OR OPEN FIRE. Any fire which is burned outside of an enclosed structure.
- (b) PERMANENT BURNING STRUCTURE. Any structure of masonry permanently placed on the ground expressly placed for burning.
- (c) PERSON. Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by law as the subject of rights and duties.
- (d) RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.
- (e) VEGETATIVE MATTER. Trees leaves, grass clippings, cuttings of plants and limbs of trees up to four inches (4") in diameter except for wood and wood products.
- (f) WOOD AND WOOD PRODUCTS. Trunks of trees and limbs of trees exceeding four inches (4") in diameter and all products of or made from wood.

SECTION 4. OPEN FIRES PROHIBITED

There shall be no burning of any kind in the Village Center District of Washington Township, Lehigh County, Pennsylvania.

It shall be unlawful for any person to burn, ignite or feed any open fire with materials which create noxious or objectionable emissions, or are prohibited by current state and/or federal regulations, including but not limited to the following:

- a. Tires or other rubber products.
- b. Roof shingles or other roofing materials.
- c. Treated wood.
- d. Electrical wire insulation.
- e. Fiberglass or home insulation.
- f. Plastic and vinyl products.
- g. Abestos containing materials.
- h. Paint, oil or petroleum products.
- i. Painted or stained wood furniture.
- j. Mattresses, box spring or other home furnishings.
- k. Any metal objects.
- l. Television sets or appliances.
- m. Automobiles, automobile parts including batteries.
- n. Diapers.
- o. Human and animal waste.
- p. Animal hides, furs or skins.
- q. Dirt laden roots or tree stumps.
- r. Recyclable material currently not accepted by the Township at the Township's Recycling Center.

SECTION 5. OPEN FIRES PERMITTED

The following types of fires are permitted subject to the specific and general regulations contained herein:

A. Wood and Wood Products

Burning of wood and wood products is permitted subject to the following regulation:

1. Permit Required for Open Burning to Clear Land:

A landowner shall obtain a permit for open burning of wood and wood products and vegetation on a lot for the purposed of clearing land for agriculture or construction. The application for a permit shall be made to Washington Township, and shall include, but not limited to, the following:

- a. A plan showing the location of the clearing project.
- b. A plan showing the size, including dimensions and square footage, of the area to be cleared.
- c. Description of the type and amount of waste to be burned.
- d. The expected duration of the burning.

- e. The anticipated method of residue disposal.
- f. The name of the person who will attend the fire.
- g. The name of the person who will be responsible to prevent the spread of the fire or hazardous conditions.

The permit shall be accompanied by a permit fee as established from time to time by the Board of Supervisors of Washington Township. Washington Township may impose such further conditions, as it deems appropriate for the control of air pollution and the protection of buildings, housing, property and well being of its citizens.

2. No Permit Required

All other burning of wood and wood products is permitted without a permit subject to the following regulations:

- a. All open fires shall be in a container such as a masonry fireplace or metal container.
- b. A screen or wire mesh shall cover all containers for fires to prevent sparks from flying while burning.
- c. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible to prevent the spread of the fire or hazardous conditions.
- d. All open fires shall be conducted only on premises owned by the persons responsible for such fire, provided, however, that the term "premises" should not include the area within the right-of-way of any street.

B. Vegetative Matter

Open burning of vegetative matter is permitted without a permit subject to the following regulations:

- a. The fire must be attended at all times.
- b. The site of the fire shall be controlled so as to prevent endangerment to the property or person.
- c. The site of the fire shall not exceed a 20' x 20' (four hundred (400) square feet).
- d. No vegetative matter from another site may be burned.

C. Burning of Fields for Weed or Brush Control or for Farm Purposes

The burning of fields for weed or brush control or for farm purposes is permitted without a permit subject to the following regulations:

- a. The person desiring to burn a field for weed or brush control shall first notify, in writing, the fire company that serves the area in which the fire shall occur.
- b. The fire shall be attended at all times.
- c. The person burning shall have sufficient fire suppression equipment on the site, as determined in writing, by the fire company that serves the area in which the fire shall occur.
- d. Personnel shall be present at all times to maintain control of the fire.

SECTION 6. GENERAL REGULATIONS

Any open burning requiring a permit or not requiring a permit shall be subject to the following General Regulations:

- a. No open fire shall be permitted before sunrise or after sunset.
- b. No open fires shall be permitted in a right-of-way.
- c. No open fire shall be conducted closer than twenty (20) feet from any building located on the property of the person conducting the fire or on the property of another person and no closer than one hundred fifty (150) feet from a property line.
- d. No open fire shall be allowed whenever drought or extreme weather conditions exist or when a ban on burning has been put into effect by the Commonwealth of Pennsylvania or the Township. Notice of such restriction or weather conditions shall be given by notice in a newspaper or by posting a notice at the Township office or at the fire company.
- e. No open fire shall violate the provisions of the Air Pollution Control Act.
- f. The person attending the fire and responsible for controlling the fire must be sixteen (16) years or older.
- g. Any permanent burning structure that exist as of the effective date of this ordinance shall be allowed to remain at its present location. These structures cannot be extended or enlarged in any way, except with the approval of Washington Township and compliance with the Washington Township Zoning Ordinance. If the structure is damaged and a new one must be built, it must conform to the distances from structures and property lines stated in this Ordinance.
- h. Open fires are hereby prohibited in the Village Center (VC) of Washington Township.
- i. No open burning shall be permitted in the front yard of any property.

SECTION 7. OPEN FIRES EXEMPTED

The following types of fires, provided that such fires are wood and wood products only, are exempted only from Section 6.a and 6.b of the General Regulations, set forth in the Ordinance:

- a. Fires solely for the cooking of food for immediate consumption.
- b. Camp fires for warmth and fellowship and food preparation.
- c. Ceremonial purposes by bona fide groups of individuals such as hunting camps or public organizations such as Boy Scouts or Girl Scouts.
- d. Fires set in the performance of public duty by any fireman or public official for official purposes.

SECTION 8. PENALTIES

Any person in violation of the Ordinance shall, upon conviction thereof before any District Justice, in a summary proceeding, be sentenced to pay a fine or penalty. The fine or penalty shall be not less than Three Hundred (\$300.00) nor more than One Thousand dollars (\$1,000.00) plus costs, and in default of the payment of the fines and costs, the defendant may be sentenced to the county jail for a period not exceeding thirty (30) days. This penalty section is enacted pursuant to Section 702, clause XLI, of the Second Class Township Code, 53 P.S. Section 65741, for health, fire and safety and for air and water pollution purposes.

SECTION 9. ENFORCEMENT ORDERS

The Township Zoning Office and/or the appointed Fire Chiefs, and/or any other duly authorized agent assigned by the Board of Supervisors shall have the power and duty to enforce the provisions of this Ordinance.

The Township may issue such orders as are necessary to aid in the enforcement of the provisions of this Ordinance. The orders shall include, but shall not be limited to: orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this Ordinance; orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information. Such an order may be issued if the Township finds that any condition, in the Township's belief, is, in its present condition, involved and/or causing or contributing to a violation of any provision of this Ordinance.

The Township may, in its order, require compliance with such conditions as are necessary to prevent or abate open burning or affect the purposes of this ordinance.

An order issued under this section shall take effect upon notice, unless the Order specifies otherwise. An appeal to the Board of Supervisors shall not act as a supercede as, provided, however, that, upon application and for cause shown, the Board of Supervisors may issue such a supercedeas under rules established by the Board of Supervisors.

An Order issued by the the Board of Supervisors under this Section is in addition to any remedy or penalty which may be imposed pursuant to this Ordinance. Failure to comply with any such order is hereby declared to be a public nuisance.

SECTION 10. SEVERABILITY

The provisions of this Ordinance are severable and, if any of its provisions shall be held invalid or unconstitutional, the decision of the Court shall not affect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision had not been included herein.

SECTION 11. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

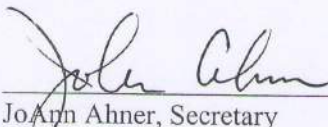
SECTION 12. EFFECTIVE DATE

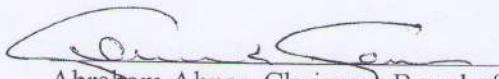
This Ordinance shall become effective five (5) days from the date of enactment.

APPROVED BY the Board of Supervisors of Washington Township, Lehigh County, Pennsylvania, and ENACTED this 21st day of September, 2008.

ATTEST:

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS


JoAnn Ahner, Secretary


Abraham Ahner, Chairman Board of
Commissioners


Josh Friebohn, Member


Roy Dengler, Member