

**ORDINANCE NO. 2018-03**

**AN ORDINANCE OF WASHINGTON TOWNSHIP, LEHIGH COUNTY,  
PENNSYLVANIA, DETAILING REGULATIONS WITH REGARD TO OUTDOOR  
BURNING WITHIN THE TOWNSHIP, DEFINING VIOLATIONS THEREOF, AND  
PROVIDING FOR PENALTIES THEREFORE AND REPEALING ANY ORDINANCES  
INCONSISTENT HERewith**

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.
- (c) 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.
- (d) VEGETATIVE MATTER. Tree leaves, grass clippings, cuttings of plants and limbs of trees up to four inches (4") in diameter except for wood and wood products.
- (e) 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.
- (f) CAMPFIRE. An outdoor fire at a campsite that provides light and warmth. It may also serve as an insect and predator deterrent.

SECTION 4. FIRES PROHIBITED

It shall be unlawful for any person to burn, ignite or feed any 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. Asbestos 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.
- s. Leaves
- t. Garbage
- u. Refuse
- v. Yard Waste of any type

**SECTION 5. FIRES PERMITTED**

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

**A. Fires for Purposes of Food Cooking or Fellowship**

- a. These fires shall be in a container such as a masonry fireplace or metal container.
- b. The container shall not exceed four feet diameter by two feet deep (4'x2') in size.
- c. The only items that can constitute the fuel for said fires shall be untreated wood.

**B. Fires approved by the local (Township approved) fire company for educational or training purposes.**

**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.

## SECTION 6. GENERAL REGULATIONS

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

- a. No fire shall be permitted before sunrise or after sunset.
- b. No fires shall be permitted in a right-of-way.
- c. No campfire shall be conducted closer than twenty (20) feet from any building located on the property of the person conducting the fire or no closer than twenty (20) feet from a property line.
- d. No 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 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. No burning shall be permitted in the front yard of any property.

## SECTION 7. 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.
- e. The township is aware that organizations may wish to conduct bonfires within the township. Any organization or citizen wishing to conduct a bonfire shall first apply to the township for a bonfire permit and receive said permit before conducting the bonfire.
- f. Bonfire permits shall be limited to one (1) permit per year per property. The township reserves the right to deny a bonfire permit if required conditions are not met.

- g. Burning of leaves is permitted during the month of November only. No leaf burning shall be conducted within twenty (20) feet of any structure or within one hundred (100) feet of a property line. There shall be no leaf burning conducted in a village center.

#### 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 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 burning; or orders requiring production of information. Such an order may be issued if the Township finds that any condition, in the Township's sole discretion, 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 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 supersede as, provided, however, that, upon application and for cause shown, the Board of Supervisors may issue such a supersedes under rules established by the Board of Supervisors.

An Order issued by 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 3<sup>rd</sup> day of July, 2018.

IN WITNESS WHEREOF, THE BOARD OF SUPERVISORS HAVE SET FORTH THEIR HANDS AND SEALS THIS 3<sup>rd</sup> DAY OF July, 2018.

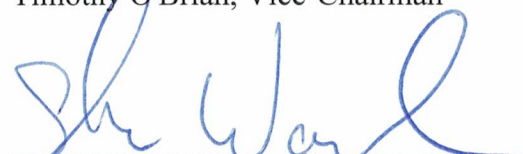
ATTEST:

WASHINGTON TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Erin Stenger - Guth, Secretary

  
\_\_\_\_\_  
Josh B. Friebolin, Chairman of  
Board of Supervisors

  
\_\_\_\_\_  
Timothy O'Brian, Vice-Chairman

  
\_\_\_\_\_  
Shawn Wanamaker, Member