

Chapter 59

BURNING, OUTDOOR

[HISTORY: Adopted by the Board of Supervisors of the Township of North Londonderry as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds – See Ch. 50.

ARTICLE I

Outdoor Fires

[Adopted 12-20-2004 by Ord. No. 135 (Ch. 54, Art. I, of the 1991 Code)]

§ 59-1. Prohibited acts.

No person, either directly or indirectly, shall ignite, kindle or maintain any bonfire or other fire or authorize or permit such fire to be ignited, kindled or maintained on any public or private street, avenue, road, or public or private land within North Londonderry Township. The burning of building materials, garbage, leaf waste, yard waste, and all recyclables as listed by resolution shall be prohibited.

§ 59-2. Exceptions to burning permitted in all districts.

- A. Any fire or incineration maintained wholly within the confines of a permanent structure intended for the habitation of human beings.
- B. Recreational fires (defined as a campfire or cooking fire located at a single-family residence for the purpose of recreation and personal enjoyment). Recreational fires shall be maintained in an approved burning appliance, including, but not limited to devices such as outdoor grills, chimineas, outdoor barbecue pits, outdoor fireplaces, and portable fire pits. Recreational fires shall use wood or charcoal as a fuel; the burning of garbage or other debris is prohibited.
- C. In the R-1 Zoning District, domestic refuse, being defined as waste which is generated from normal occupancy of a structure occupied solely as a dwelling by two (2) families or fewer. 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.

§ 59-3. Exceptions to burning permitted subject to conditions.

- A. Any fire maintained on property used exclusively for agricultural purposes. (An "agricultural fire" consists of the burning of brush, tree remains, stumps, grass, weeds, and the dried remains of plants formerly growing upon the soil). The material to be burned must be wholly generated within the farm. Acceptance of material from outside sources or

other properties is expressly prohibited.

- B. Any fire maintained for the sole purpose of clearing and grubbing of land. "Grubbing and clearing of land" is defined as the removal of trees, shrubs, and other woody plants (including the roots, stems, trunks, and foliage) in order to clear the land for planting, development, or other use.
- C. Any controlled fire set by a bona fide fire company for the purpose of instructing personnel in fire fighting.
- D. Bonfires for recreational purposes on those properties clearly designated as recreational use areas (including, but not limited to, church camps, Boy or Girl Scout camps, public campgrounds, and private, seasonal recreational use areas such as summer cabins).

§ 59-4. Conditions applying to § 59-3.

- A. All fires shall be attended at all times by a competent adult person. Unattended fires shall be extinguished or burned out and not allowed to smolder whereby smoke becomes offensive or hazardous to neighboring residents.
- B. Fires shall be set, started or maintained between the hours of sunrise and sunset (except in the case of bona fide recreational campfires).
- C. No fires shall be set on Sundays or national holidays (except in the case of bona fide recreational campfires).
- D. No fires shall be set, started or maintained without prior notification to the Lebanon County Emergency Management Agency (except in the case of bona fide recreational campfires). [Amended 6-20-2011 by Ord. No. 161]
- E. Prior to conducting a controlled burn for training purposes, the fire company shall submit an application for open burning exception to the Department of Environmental Protection.
- F. Prior to burning material as a result of the grubbing/clearing of land, the property owner shall notify the Bureau of Air Quality of the Department of Environmental Protection.
- G. No fire shall be set when weather and/or atmospheric conditions, such as wind, fog, or other physical conditions, make such fires hazardous to human life and/or property.

§ 59-5. Violations and penalties.

This article shall be enforced by action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, firm, partnership or corporation who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000) or imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II

Outdoor Fuel-Burning Appliances
[Adopted 12-15-2008 by Ord. No. 150 (Ch. 54, Art. II of the 1991 Code)]

§ 59-6. Purpose.

- A. The residences, industrial and commercial establishments that are situated within North Londonderry Township are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and the storage of combustible solid fuels in adjacent or exposed exterior areas within densely populated areas.
- B. These regulations shall provide for the installation of exterior furnaces or exterior burning devices, the primary purpose of which is to convert solid combustible fuel into a heat or energy source for interior spaces.

§ 59-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OUTDOOR FUEL-BURNING APPLIANCE — Any device, including a furnace, outdoor wood boiler, stove or boiler, designed and constructed to burn solid fuels, including wood, coal or other solid fuels manufactured for placement outdoors to provide the heat or energy source of another structure. An outdoor fuel-burning appliance utilizing a heat pump or one which uses solar energy, electric, oil, propane, gas or natural gas shall not be included in this definition and the same are exempt from the prohibitions provided for in this article.

§ 59-8. Prohibitions.

- A. All outdoor fuel-burning appliances shall be located on properties containing two (2) acres (87,120 square feet) or more and not less than twenty (20) feet from the nearest adjoining property lines.
- B. No outdoor fuel-burning appliance will be permitted to burn any materials other than those fuels approved by the manufacturer of the outdoor fuel-burning appliance. Burning of tires, plastics, polyethylene and garbage is strictly prohibited.
- C. All outdoor fuel-burning appliances shall have a flue or chimney with a minimum termination height of fifteen (15) feet above the natural ground level upon which the outdoor fuel-burning appliance is located.
- D. A building permit shall be required prior to the installation of an outdoor fuel-burning appliance. Prior to issuance of a building permit, the applicant shall provide the manufacturer's installation manuals. Any permit issued may be suspended if necessary to protect the public health, safety, welfare and well-being of residents of North Londonderry Township.
- E. All outdoor fuel-burning appliances installed after the effective date of this article and prior to being placed into service for use shall be inspected by the Township's Building Code Enforcement Officer for the purpose of issuing a permit allowing operation of said outdoor fuel-burning appliance. Installation shall comply with manufacturer's specifications.

- F. Operation of said outdoor fuel-burning appliances may be suspended at any time by the Board of Supervisors or its agent if necessary to protect the public health, safety, welfare and well-being of residents of North Londonderry Township.

§ 59-9. Violations and penalties.

Any person, firm, corporation, or other entity who shall violate or shall fail to comply with any of the provisions of this article or any rules and regulations promulgated pursuant hereto shall, upon conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) together with the costs of prosecution, and, in default of payment of the fine or penalty imposed and the costs, to imprisonment in the county jail for a period not exceeding thirty (30) days, provided that each day's continuance of a violation or failure to comply with any provisions of this article or any rules or regulations promulgated pursuant hereto shall constitute a separate offense.

§ 59-10. Grandfather clause.

- A. This article shall not be construed to be retroactive and shall not require the removal of any outdoor fuel-burning appliance in existence within the North Londonderry Township as of the effective date of this article. All outdoor fuel-burning appliances in existence as of the effective date of this article shall have or must erect a flue or chimney which has a minimum termination height of fifteen (15) feet above the natural ground level upon which the appliance is located. Further, all such existing systems may be replaced and/or repaired if necessary.
- B. "Existing" or "in existence" means that the outdoor fuel-burning appliance is on the site, in place and operating, or can be operated at the time this article becomes effective.