

Chapter 76. OPEN BURNING

[HISTORY: Adopted by the Board of Supervisors of the Township of East Bradford 12-13-2006 by Ord. No. 8-2006. *Editor's Note: This ordinance also repealed former Ch. 76, Open Burning, adopted 1-7-1985 by Ord. No. 78-1985, as amended. Amendments noted where applicable.*]

GENERAL REFERENCES

Nuisances — See Ch. 73.
Solid waste — See Ch. 91.

§ 76-1. Definitions.

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

BONFIRE

A recreational fire greater than three feet in diameter and two feet in height.

CONTROL FIRE

A fire kindled for the purpose of recognized silviculture, range or wildlife management, or control of disease or pests.

PERSON

Any natural person, corporation, partnership, joint venture, sole proprietorship, firm, association and any other entity of whatever type.

§ 76-2. Prohibited burning.

- A. It shall be unlawful for any person to intentionally, maliciously or negligently burn, or cause, permit or authorize to be burned, garbage, paper, rubbish, plastics, rubber, oil-based materials, noncombustible materials or any material which when burned emits noxious, offensive or harmful smoke, odor or fumes.
- B. It shall be unlawful for any person to intentionally, maliciously or negligently burn, or cause, permit or authorize to be burned, leaves, brush, grass or wood out of doors in open fires anywhere within the Township, unless such burning is performed in compliance with the terms of this chapter.

§ 76-3. Conditions.

All outdoor burning, except ceremonial or recreational fires, in open fires, of leaves, brush, grass or wood shall be performed only in compliance with the following conditions:

- A. The burning shall be located at least 50 feet from any and all boundary lines, buildings, structures of any kind, public roads, curbs, sidewalks, utility poles, trees, shrubs and other combustible materials.
- B. The burning shall be performed only between the hours of sunrise and sunset.
- C. A responsible adult, 18 years of age or older, shall be in attendance during the entire duration of the burning.
- D. A connected hose or other ample water supply capable of extinguishing the fire is present.
- E. There is an area cleared of all combustible material of a radius of 15 feet.
- F. The Chester County Fire Board is notified prior to ignition.

§ 76-4. Ceremonial or recreational fires.

- A. Ceremonial or recreational fires shall not be greater than three feet in diameter or two feet in height.
- B. Ceremonial or recreational fires shall not be conducted within 25 feet of a structure, property boundary or combustible material.

§ 76-5. Permission of property owner required.

It shall henceforth be unlawful to light or otherwise kindle fire upon the land of another without the permission of the owner thereof, which permission, except in the case of a family member or employee, shall be in writing.

§ 76-6. Fires during drought.

It shall henceforth be unlawful for any person to light or attempt to light or to cause, permit or authorize another to light or attempt to light or otherwise kindle any outdoor fire when a ban on such fires has been publicly announced by the Township Supervisors or their authorized representatives in a time of drought.

§ 76-7. Extinguishment of dangerous or nuisance fires.

- A. Any fire on public or private property may be extinguished by the local fire company having jurisdiction, either with or without the consent of the landowner or person in charge, if, in the opinion of a Township Supervisor, police officer, fire personnel, or the Codes Enforcement Officer or his designee, such fire constitutes a danger to persons or property.
- B. Any fire generating sufficient complaints from the public may be declared a nuisance fire by an authorized Township official, the police or the Fire Chief and be extinguished by the homeowner or the Fire Department having jurisdiction.

§ 76-8. Permit required.

- A. A burning permit shall be required for the ignition of a bonfire or control fire.

B. Application for a burning permit shall be according to the rules and procedures set forth by the Township.

§ 76-9. Violations and penalties.

Any person violating or permitting the violation of this chapter shall, upon being found liable therefore in a criminal enforcement proceeding, pay a fine of not more than \$1,000 nor less than \$25, together with court costs and reasonable attorneys fees, and may be incarcerated for a period not exceeding 90 days. Such fine, costs, attorney fees and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the Township pursuant to the applicable rules of criminal procedure. Each day of violation shall constitute a separate violation.