

## Chapter 63. BURNING, OPEN

**[HISTORY: Adopted by the Board of Supervisors of the Township of Westtown 5-17-1993 by Ord. No. 93-4. Amendments noted where applicable.]**

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### GENERAL REFERENCES

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Fire Prevention Bureau — See Ch. 14.  
Brush, grass and weeds — See Ch. 54.  
Building Code — See Ch. 57, Art. II.  
Fire prevention — See Ch. 87.

#### **§ 63-1. Outdoor burning restricted.**

Except for recreational and ceremonial fires, it shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything outdoors anywhere within the township, except between the hours of 8:00 a.m. and 4:00 p.m. A recreational fire is an outdoor fire which is used to cook food for human consumption. A ceremonial fire is an open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization.

#### **§ 63-2. Burning of trash and domestic waste material.**

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn paper, rubbish or other domestic waste material outdoors anywhere within the township, unless the fire is confined within a completely enclosed container, incinerator, fireplace or grill, at least 10 feet from a building and unless someone remains in attendance during the burning. Incinerators, fireplaces or grills which are constructed as part of a building and meet the requirements of the Township Building Code *Editor's Note: See Ch. 57, Building Construction, Article II, Building Code.* are excluded from the ten-foot requirement. Perforations, openings or screening for venting, but prohibiting burning particles or ash from being discharged, are permitted.

#### **§ 63-3. Burning of brush, grass or wood.**

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn brush, grass, wood or other materials outdoors anywhere within the township, unless the fire is confined within an enclosure which meets the requirements of § 63-2 above or if:

- A. An open fire is at least 15 feet from a building; and
- B. There is a cleared area free of trees, shrubs and other combustible materials of at least 15 feet around it; and

C. There is someone in attendance; and

D. In large areas such as fields or woods, in addition to Subsections A through C above, adequate manpower and equipment are available to prevent its spread.

**§ 63-4. Burning of leaves or commercial/industrial waste.**

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves or commercial/industrial waste material outdoors anywhere within the township at any time.

**§ 63-5. Burning on public roads.**

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves, brush, grass, wood, paper, rubbish or other materials, or to light any fire upon or within five feet of a public road or curb, or to light any fire within five feet of a utility pole or utility equipment.

**§ 63-6. Permission required to burn on private property.**

It shall henceforth be unlawful to kindle a 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.

**§ 63-7. Fire ban due to drought.**

It shall henceforth be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire when a ban on such fires has been publicly announced by the Board of Supervisors, or their authorized representative, in a time of drought.

**§ 63-8. Authority to extinguish fires.**

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 the Westtown Township Fire Marshal or a Westtown-East Goshen police officer, such fire constitutes a danger to persons or property.

**§ 63-9. Violations and penalties.**

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.