

EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. -2010

AN AMENDMENT TO AN ORDINANCE OF EAST WHITELAND TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA, AS CODIFIED IN CHAPTER 90 OF THE
CODE OF THE TOWNSHIP OF EAST WHITELAND, FOR THE PURPOSE OF
ADDING A NEW SECTION 90-4 TO REGULATE OUTDOOR AND OPEN
BURNING.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, BY THE BOARD
OF SUPERVISORS OF EAST WHITELAND TOWNSHIP, THAT CHAPTER
90 OF THE CODE OF EAST WHITELAND IS HEREBY AMENDED AS
FOLLOWS:

Section 1. Chapter 90 of the Code of East Whiteland shall be amended by inserting a
new subsection 90-4 as follows:

90-4 OUTDOOR AND OPEN BURNING

A. Purpose

It is the purpose of this Ordinance to regulate the types of outdoor and open
burning within the Township and to promote the public health, safety and general welfare
of the citizens of the Township.

B. Definitions:

Bonfire: An outdoor fire used for ceremonial purposes.

Campfire: A small outdoor fire, that has a total fuel area of three (3) feet or less
in diameter and two (2) feet or less in height, intended for recreation or cooking
but not intended for disposal of waste wood or refuse.

Clean Wood: Natural wood which has not been painted, varnished or coated with
a similar material; has not been pressure treated with preservatives; and does not
contain resins or glues as in plywood or other composite wood products.

Construction and Demolition Waste: Building waste materials, including but
not limited to waste shingles, insulation, lumber, treated wood, painted wood,
wiring, plastics, packaging and rubble from construction, remodeling, repair and
demolition operations on a house, commercial or industrial building, or other
structure.

Natural Materials: Trees, logs, brush, stumps, leaves and grass clippings.

Nuisance: Any foul or offensive odor or smoke emission that is reasonably offensive to occupants of surrounding property.

Outdoor Burning: Open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.

Outdoor Wood-Fired Boiler: A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

Patio Wood-Burning Unit: A chimnea, patio warmer or other portable wood-burning device used for outdoor recreation and/or heating.

Refuse: Any waste material except trees, logs, brush, stumps, leaves and grass clippings.

C. Applicability

This Ordinance applies to all outdoor burning and open burning within the Township with the following exceptions:

1. This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
2. This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
3. This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
4. This Ordinance does not apply to field fires to clear land when approved by the Fire Code Official. An operational permit shall be obtained from the Fire Marshall in accordance with the International Fire Code.
5. This Ordinance does not apply to demolition of the residue of a structure partially destroyed by accidental fire when approved by the Fire Marshall. An operational permit shall be obtained from the Fire Marshall in accordance with the International Fire Code.
6. This Ordinance does not apply to fires for training purposes for the demolition of a fire hazard under the supervision of the Fire Marshall. An operational permit

shall be obtained from the Fire Marshall in accordance with the International Fire Code.

D. General Prohibition on Outdoor Burning and Open Burning

Open burning and outdoor burning are prohibited in the Township unless the burning is specifically permitted by this Ordinance.

E. Open Burning of Refuse, Construction and Demolition Waste

Open burning of refuse, construction and demolition waste is prohibited.

F. Patio Wood-Burning Units

Patio wood-burning units may be installed and used in all Districts with all of the following provisions:

1. Patio wood-burning units shall not be used to burn refuse.
2. Patio wood-burning units shall burn only clean wood.
3. Patio wood-burning units shall be located at least fifty (50) feet from the nearest structure which is not on the same property as the patio wood-burning unit.
4. The patio wood-burning unit shall not cause a nuisance to neighbors.

G. Campfires

Campfires are permitted with all of the following provisions:

1. Campfires shall be located at least twenty-five (25) feet from any structure or combustible material.
2. Campfires shall be located at least two hundred (200) feet from any property line.

H. Burning of Natural Materials

The open burning of natural materials is prohibited.

I. Bonfires

Bonfires are permitted with all of the following provisions:

1. Bonfires shall be located at least fifty (50) feet from any structure or combustible material.
2. Bonfires shall be located at least two hundred feet from any property line.

J. Attendance

Campfires, bonfires and use of patio wood-burning units shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher

complying with Section 906 of the International Fire Code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

K. Penalties and Enforcement

1. The Township Fire Marshall or his designee shall be charged with enforcement of this Ordinance and shall have the power to order the extinguishment of any fire found to be in violation of this Ordinance.

2. This Ordinance shall be enforced by an action brought before a Magisterial District Justice, and any person found in violation shall for each and every violation, upon conviction thereof be sentenced to pay a fine of not more than \$1,000 per violation, with the costs of prosecution, and in default of payment of the fine and costs shall be sentenced to a term of imprisonment in the county prison for not more than the period permitted for the punishment of summary offenses.

Section 3. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of East Whiteland Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. Effective Date. This Ordinance shall become effective five (5) days after its enactment, as law provides.

ENACTED and ORDAINED this ____ day of _____, 2010 by the East Whiteland Township Board of Supervisors.

William Holmes

Attest

Virginia McMichael

Township Secretary

John Mott