

## **Chapter 50**

### **OPEN BURNING; OUTDOOR FIRES**

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#### **§50-13 Definitions**

For the purposes of this Chapter, the following words and phrases have the meanings given herein:

**BRUSH (YARD WASTE)** - All vegetative garden residue, shrubbery and tree trimmings, exclusive of grass clippings.

**CONTROLLED BURN** - A controlled fire in which any material is burned in the open.

**FIRE CHIEF** – the elected chief of Nashville Volunteer Fire Company or any other fire department officially recognized by Jackson Township.

**FIRE MARSHALL** – the Jackson Township Fire Marshall appointed by the Board of Supervisors from time to time.

**FURNACE** - Any enclosed device specifically designed for burning any material for the production of heat.

**PERSON** - Any individual, partnership, association, corporation, department, bureau, agency or legal entity of any nature whatsoever.

**LEAVES** - Leaves, tree trimmings of less than 1/4” in diameter and not more than 10 inches in length and similar material, put not including grass clippings and/or brush.

**OPEN BURNING** - The burning of materials wherein products of combustion are emitted, directly into the ambient air without passing through a stack or chimney from an enclosed chamber. A chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of outdoor fireplaces.

**OUTDOOR FIRE** -Any fire contained in an incinerator, fireplace or other contained

enclosure designed for outdoor cooking.

**OUTDOOR FIREPLACE** - An outdoor, solid-fuel burning fireplace that may be constructed of steel, brick, concrete, clay or other noncombustible material. It may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

**RECREATIONAL FIRE** - An outdoor fire burning materials other than brush, leaves, refuse and recyclable materials where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**RECYCLABLE MATERIALS** - Those materials designated by the Township and its contracted refuse handler as being eligible for collection under its current refuse/recycling criteria.

**REFUSE** - Garbage, rubbish and trade waste, not including recyclable materials.

**RESPONSIBLE ADULT** - An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

**§ 50-2. General Provision.**

A person shall not start or maintain or authorize to start or maintain any open burning or outdoor fire unless conducted and approved in accordance with this Chapter.

**§ 50-3. Burning on public grounds prohibited.**

No person or persons, firm, corporation, partnership, or association shall set or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in the Township of Jackson.

**§ 50-4. Permit. Fires and burns regulated.**

Outdoor fires, open burning, recreational fires and controlled burns of any kind shall be permitted only upon private property in Jackson Township provided that the following regulations and restrictions are strictly adhered to:

- A. Permit Required. At least three (3) business days prior to igniting any open burn,

controlled burn or commercial bonfire, any person who intends to ignite such fire shall apply for a permit from Jackson Township. The permit shall be submitted to Jackson Township, who shall forward the completed permit to the Fire Chief for review and approval. At a minimum, the permit application shall require the name of the person or persons igniting the fire, the address at which the fire will be ignited, the date and time the fire is to be ignited, a weather date for the fire if the fire cannot be ignited on the proposed date, the cell phone number for all adults who will supervise the fire and the name and contact information of the owner of the property on which the fire will be ignited, if different from the person who will be igniting the fire. The Fire Chief may deny the permit based on existing weather or drought condition. Jackson Township may impose a permit fee to be set by Resolution of the Board of Supervisors, from time to time.

- B. Any person who intends to ignite open burning, a controlled burn, or ceremonial bonfire shall, immediately prior to igniting and immediately following extinguishing the fire or burn, notify York County Control by calling 911 and informing the operator of the location of the supervised fire.
- C. No open burning shall be allowed to burn within 50 feet of any building or property line.
- D. No fire shall be allowed to burn across property lines.
- E. No fire, except recreational fires and ceremonial bonfires, shall be allowed to burn on any day between sunset and sunrise.
- F. No fire shall be allowed to burn unless supervised by a responsible adult, which adult shall regulate and control the burning throughout the entire time the fire is in existence or when any embers are capable of reigniting. It is the intent of this section that no fire shall be left unattended at any time,
- G. No refuse, brush, leaves, recyclable materials, wet garbage, or other matter which may smolder shall be burned in any fires. Further, no construction or building materials may be burned in any fires.
- H. Recreational fires for pleasure, religious or ceremonial purposes, cooking, warmth or similar purposes are permitted as long as the total fuel area is 3 feet or less in diameter, 2 feet or less in height and is at least 25 feet from a building or combustible material and at least 25 feet from a property line. Any controlled fire in an outdoor fireplace being burned in an approved container, that is not less than 25 feet from any building or 25 feet from any property line is also permitted. Any person igniting a fire in accordance with this Subsection G shall not be required to obtain a permit or to notify York County Control as provided in Subsections A and B above.

- I. Ceremonial bonfires shall not be conducted within 100 feet of a building or combustible materials or within 100 feet of a property line.
- J. All fires shall be properly extinguished through use of fire extinguishers, dirt, sand and/or water when their function is complete to eliminate all embers that may be capable of reigniting. Means of extinguishing shall be readily available at the fire site throughout the time of burning

**§ 50-5. Exceptions.**

With the exception of § 50-4 A, B, F, G and J which shall apply, the requirements of § 50-3 and 50-4 of this Chapter shall not apply where the open burning operations result from:

- A. Any controlled fire set to prevent or abate a fire hazard when approved by the Fire Marshal or a Fire Chief and set and supervised by the Fire Marshall or a Fire Chief or someone designated by one of them.
- B. Any controlled fire set for the purpose of instructing personnel in firefighting, when approved by the Fire Marshall or a Fire Chief and supervised by a responsible adult.
- C. Any fire set for the prevention and control of disease or pests when approved by the Pennsylvania Department of Environmental Protection or its designee.
- D. Any controlled fire associated with road flares, smudge pots and similar devices related to safety or occupational uses.
- E. Any controlled fire set by a person engaged in agricultural activities or farming for the purpose of field maintenance and perimeter integrity of existing fields only, including, but not limited to the burning of trimmings or vegetation for such purpose. This exception shall not include a controlled fire set to clear new fields, expand existing fields or to burn materials incident to agricultural or farming activities.

**§ 50-6. Extinguishment Authority.**

The Fire Marshall or Fire Chief is authorized to order the extinguishment by the property owner or person responsible for the fire of any open burning or outdoor fire that creates or adds to a hazardous or objectionable situation. In the event the property owner or person responsible for the fire fails to extinguish such open burning or outdoor fire as directed by the Fire Marshall or Fire Chief, the fire department shall be authorized to extinguish such open burning or outdoor fire.

**§ 50-7. Fire Department authorized to bill for reasonable expenses.**

If the Fire Department is called to respond to an incident involving a fire not in compliance with this Ordinance or an out of control open burn or outdoor fire, the Fire Marshall or Fire Chief shall have the authority to bill the responsible person for reasonable costs incurred in responding to and extinguishing the fire.

**§ 50-8. Consequences of violations.**

- A. The enforcement authority for this Chapter is hereby vested in the Fire Chief, Fire Marshall or the Northern York County Regional Police Department or its successor in provision of law enforcement service to Jackson Township.
- B. Any person who or which violates or permits the violation of any provision of this Chapter more than once shall, upon conviction thereof in a summary proceeding before a Magisterial District Justice be sentenced to pay a fine of not more than \$1,000 plus costs, including, but not limited to, the costs of the proceeding and attorney fees incurred by the Township to enforce this Ordinance, or, in default thereof, shall be imprisoned to the extent allowed by law for the punishment of summary offenses.
- C. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township.