

Chapter 47

BURNING, OPEN

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[HISTORY: Adopted by the Board of Supervisors of the Township of East Franklin 5-30-2002 by Ord. No. 6-2002; amended in its entirety 10-25-2007 by Ord. No. 3-2007. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Brush, grass and weeds — See Ch. 39.
Nuisances — See Ch. 73.

Solid waste — See Ch. 89.

§ 47-1. Purpose.

The purpose of this chapter is to prevent public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained; and to avoid unnecessary calls or alarms to the local and neighboring volunteer fire departments.

§ 47-2. General burning restrictions.

- A. In Residential Zones R1, R2, and R3 (per the East Franklin Township Zoning Map¹); the C-1 area west of State Route 268 bounded by Sherwood Drive, Butler Road, and SR 268; and the C-1 area west of State Route 268 bounded by Blackthorn Drive and SR 268, no person, association, partnership, firm or corporation shall set or maintain an outdoor fire for the disposal of materials other than ordinary household Class A debris, which is wood, paper, cloth, and related materials that do not create noxious odors and heavy smoke.
- B. Prohibited materials are any materials that create noxious odors and heavy smoke, such as leaves, grass, shrubbery, and household garbage (i.e., food wastes, diapers, cans, glass, shingles, tires, etc.), or create a justified neighborhood nuisance.
- C. The burning of materials brought/hailed into East Franklin Township from areas outside of East Franklin Township is strictly prohibited.

1. Editor's Note: The East Franklin Township Zoning Map is on file in the Township offices.

- D. Exceptions. Leaves are not required to be burned in containers but may only be burned in the Residential Zones beginning October 1 and ending November 30 of each year and only during the days and hours specified. Burning leaves within or on any Township road right-of-way is prohibited.
- E. All Residential Zone fires must be in a container constructed as follows:
- (1) Burn in a metal barrel in good condition.
 - (2) Place a heavy screen mesh on top of the barrel, not less than 14-gauge wire with holes not larger than 1/2 inch. The screen should be hinged or weighted to prevent it from falling or blowing off.
 - (3) Punch holes in the side of the metal barrel and inset steel rods or pipes through the barrel to hold up the burning materials so that the materials will burn faster and cleaner.
 - (4) Punch draft holes near the bottom of the container not larger than one inch in diameter.
 - (5) Clear approximately five square feet of area/ground around the container.
- F. No fire shall be left to smolder out.
- G. No fire shall be left unattended at any time.
- H. Residential Zone fires may be set and maintained on:
- (1) Tuesdays: 1:00 p.m. to 5:00 p.m.
 - (2) Thursdays: 1:00 p.m. to 5:00 p.m. (October to March); 1:00 p.m. to 7:00 p.m. (April to September).
 - (3) Saturdays: 11:00 a.m. to 4:00 p.m.

§ 47-3. Recreational fires.

- A. Fires for recreational use (i.e., campfires, barbecues, cooking food, etc.) are permitted at any time and shall be no larger than five feet by five feet by five feet.
- B. No recreational fire shall be left unattended at any time.
- C. No recreational fire shall be left to smolder out.
- D. Household garbage and noncombustible trash (for example, food wastes, diapers, cans, glass, shingles, tires, etc.) may never be disposed of by burning.

§ 47-4. Fires in Agricultural Zones.

- A. In Agricultural Zones (per the East Franklin Township Zoning Map²), no person, association, partnership, firm or corporation shall set or maintain an outdoor fire for the disposal of materials other than ordinary household Class A debris, which is wood, paper, cloth, and related materials that do not create noxious odors and heavy smoke.
- B. Prohibited materials are any materials that create noxious odors and heavy smoke, such as leaves, grass, shrubbery, and household garbage (i.e., food wastes, diapers, cans, glass, shingles, tires, etc.), or create a justified neighborhood nuisance.
- C. The burning of materials brought/hailed into East Franklin Township from areas outside of East Franklin Township is strictly prohibited.
- D. In areas that are zoned Agricultural, outdoor fires may be set and maintained between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.
- E. All fires must be completely extinguished by 6:00 p.m. daily.
- F. No outdoor fire shall be left to smolder out.
- G. No outdoor fire shall be left unattended at any time.
- H. Fires set in the Agricultural Zone for agricultural/farming purposes shall not be located within 100 yards of any residence or structure.
- I. Household garbage and noncombustible trash (for example, food wastes, diapers, cans, glass, shingles, tires, etc.) may never be disposed of by burning.

§ 47-5. Fires in Commercial Zones.

In C1 and C2 Zones (per the East Franklin Township Zoning Map³), and excluding the C-1 Zones specifically identified in § 47-2A of this chapter:

- A. Commercial establishments or enterprises may set and maintain such outdoor fires only in noncombustible covered containers, either of the incinerator type or brick or of concrete construction or the trash container type made of tin, wire or steel material, with a lid or other spark arrester.
- B. Commercial establishments or enterprises may set and maintain fires in noncombustible containers between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.
- C. All fires started and maintained by a commercial establishment or enterprise must be completely extinguished by 5:00 p.m.
- D. Fires set by commercial entities shall not be located within 100 feet of any structure.

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- E. Garbage and noncombustible trash (for example, food wastes, diapers, cans, glass, shingles, tires, etc.) may never be disposed of by burning.
- F. Provisions as provided in § 47-2A through G shall apply to all fires started and maintained by a residential Township occupant for residential burning of wastes as located in a Commercial Zone.

§ 47-6. Fires in Manufacturing Zones.

In M1 and M2 (per the East Franklin Township Zoning Map)⁴ and excluding the C-1 Zones specifically identified in § 47-2A of this chapter:

- A. Manufacturing establishments and/or commercial establishments as located in a Manufacturing District may set and maintain such outdoor fires only in noncombustible covered containers, either of the incinerator type or brick or of concrete construction or the trash container type made of tin, wire or steel material, with a lid or other spark arrester.
- B. Manufacturing establishments and/or commercial establishments as located in a Manufacturing District may set and maintain fires in noncombustible containers between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.
- C. All fires started and maintained by a manufacturing and/or commercial establishment as located in a Manufacturing District must be completely extinguished by 5:00 p.m.
- D. Fires set by manufacturing or commercial entities shall not be located within 100 feet of any structure.
- E. Garbage and noncombustible trash (for example, food wastes, diapers, cans, glass, shingles, tires, etc.) may never be disposed of by burning.
- F. Provisions as provided in § 47-2A through G shall apply to all fires started and maintained by a residential Township occupant for residential burning of wastes as located in a Commercial Zone.

§ 47-7. Controlled burn for demolition fires.

- A. Such fires shall be for the purpose of disposing of building structures.
- B. The Board of Supervisors shall have the right to grant special and limited permits upon written request. The Board of Supervisors shall have the right to grant the permit on a case-by-case basis upon safety considerations.
- C. No outdoor fire shall be left unattended at any time.
- D. Fires may be set and maintained at controlled burn sites between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

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- E. Garbage and noncombustible trash (for example, food wastes, diapers, cans, glass, shingles, tires, etc.) may never be disposed of by burning.
- F. Controlled burn fires must be completely extinguished at 5:00 p.m.
- G. No controlled burn fire shall be left smoldering.
- H. Prior to the setting of any controlled burn each day, the person or persons to whom the permit is issued shall contact the Township and shall state the time for which the fire shall be set and the time for which the fire shall be extinguished. The Township will then notify 911 on a daily basis.
- I. A copy of the approved controlled burn application shall be submitted by the Township to the Department of Environmental Protection (DEP). DEP Air Quality shall also have the right to state specific concerns and require the application of certain procedures as deemed detrimental to public health and safety.

§ 47-8. Controlled burn for development fires.

- A. Persons setting fires for the purpose of clearing and grubbing of waste such as shrubs, trees, and stumps shall be required to obtain a controlled burn permit from the Township.
- B. The Board of Supervisors shall have the right to grant the permit on a case-by-case basis upon safety considerations and may specify conditions as necessary.
- C. No outdoor fire shall be left unattended at any time.
- D. Fires may be set and maintained at controlled burn sites between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
- E. Garbage and noncombustible trash (for example, food wastes, diapers, cans, glass, shingles, tires, etc.) may never be disposed of by burning.
- F. Controlled burn fires must be completely extinguished at 5:00 p.m.
- G. No controlled burn fire shall be left smoldering.
- H. Prior to the setting of any controlled burn each day, the person or persons to whom the permit was issued shall contact the Township and shall state the time for which the fire shall be set and the time for which the fire shall be extinguished. The Township will then notify 911 on a daily basis.
- I. A copy of the approved controlled burn application shall be submitted by the Township to the Department of Environmental Protection (DEP). DEP Air Quality shall also have the right to state specific concerns and require the application of certain procedures as deemed detrimental to public health and safety.

§ 47-9. Additional regulations for recreation areas.

Any recreation area within East Franklin Township may develop further rules and regulations relating to picnic grounds, campgrounds, and related activities that are not in contradiction with these provisions.

§ 47-10. 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. Any copartner of any partnership or any officer of any firm or corporation convicted of violation of this chapter may be imprisoned on behalf of said partnership, firm or corporation in accordance herewith. This provision is exclusive of any and all insurance damages issues.