

ORDINANCE NO. 151

**AN ORDINANCE REGULATING OPEN BURNING AND
OTHER FIRES WITHIN EAST LAMPETER TOWNSHIP,
LANCASTER COUNTY, PENNSYLVANIA**

WHEREAS, it is the opinion of the Supervisors of East Lampeter Township that open burning and other fires is generally detrimental to the welfare and safety of the residents of East Lampeter Township.

IT IS HEREBY ORDAINED AND ENACTED by the Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, as follows:

Section I. Short Title.

This Ordinance shall be known and may be cited as the "East Lampeter Burning Ordinance."

Section II. General Prohibition of Open Burning.

Except as otherwise provided in this Ordinance, no person or entity shall cause or allow open burning.

Section III. Definitions.

1. Bonfire. An outdoor fire used for ceremonial purposes.
2. Open Burning. The burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be regarded as enclosed, when, during the time combustion takes place, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and to permit the escape of exhaust gas

are open, and where such enclosed chamber is part of a structure which is at least fifteen (15) feet high and which has a surface area at ground level of at least four hundred (400) square feet.

3. Recreational Fire. An outdoor fire which is used to cook food for human consumption.

Section IV. Permitted Open Burning.

Open burning shall be permitted upon residentially and agriculturally used property between sunrise and sunset on each day of the week other than Sunday or any nationally recognized legal holiday, provided that the following regulations and restrictions are strictly adhered to:

1. In these areas of the Township where land is zoned residential, commercial, mixed use or industrial, no person or persons either directly or indirectly shall conduct open burning except in an appropriate receptacle or incinerator located at least fifty (50) feet from any structure or building and at least twenty-five (25) feet from any property line. Any such open burning shall be kept under constant supervision during incineration and at the end of said period shall be completely extinguished.

2. In those areas of the Township where land is zoned Rural, no person or persons either directly or indirectly shall conduct any open burning, with the exception of the type of fire as hereinafter provided, except in an appropriate receptacle or

incinerator at least fifty (50) feet from any structure or building, and at least twenty-five (25) feet from any property line. In those instances where it is impractical or impossible to confine open burning to a receptacle or incinerator in the Rural district, open burning may be conducted only if it is kindled or maintained at a distance of two hundred and fifty (250) feet from any structure or building and five hundred (500) feet from any other zoning district boundary. All open burning whether maintained in a receptacle or incinerator or in the open shall be kept under constant supervision during incineration and at the end of said period shall be completely extinguished.

3. No open burning of any kind whatsoever shall be permitted in the areas zoned as the conservation district.

4. It shall be unlawful to burn materials related to the demolition or construction of structures or buildings.

5. It shall be unlawful to burn any materials defined as hazardous wastes under the Solid Waste Management Act without a permit from the Department of Environmental Resources.

6. No person shall cause, suffer or permit the burning of any material in a manner that:

(a) The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the burning is being conducted;

(b) Malodorous air contaminants from the burning

are detectable outside the property of the person in whose land the open burning is being conducted;

(c) The emissions interfere with the reasonable enjoyment of life or property;

(d) The emissions cause damage to vegetation or property or;

(e) The emissions are or may be deleterious to human or animal health.

7. The requirements of Paragraph 6 of Section IV shall not apply where burning operations result from:

(a) Any fire set in conjunction with normal agricultural operations on the premises of the operation;

(b) Any bonfire set solely for ceremonial purposes;

Section V. General Exception to Regulations.

The regulations set forth in Section IV shall not be applicable to recreational fires except that such fires shall be kept under constant supervision during incineration and at the end of such period shall be completely extinguished.

Section VI. Penalties.

Any person who shall violate any provision of this Ordinance or who shall fail to comply with any requirement thereof, upon conviction thereof, shall be sentenced to pay a fine of not more

than \$600.00 and in default of payment, to imprisonment for not more than thirty (30) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

Section VII. Provisions to be Continuation of Existing Regulations:

The provisions of this ordinance, except to the extent they contradict the provisions of ordinances and/or codes in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

Section VIII. 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 of this ordinance. It is hereby declared as the intent of the Governing Body that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not have been included herein.

Section IX. Effective Date.

This Ordinance shall be effective five (5) days after its adoption.

ENACTED AND ORDAINED this 20th day of October, 1992 by the Board of Supervisors of the Township of East Lampeter, Lancaster County, Pennsylvania at a public meeting duly called and advertised.

BOARD OF SUPERVISORS OF
EAST LAMPETER TOWNSHIP

By: James E. Melo
~~XXXXXX~~ Chairman

ATTEST:

[Signature]
~~XXXXXXXXXX~~ Secretary

I, Ralph M. Hutchison, Secretary of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of East Lampeter Township held on October 20, 1992, at which meeting a quorum was present and voted in favor thereof.



Ralph M. Hutchison, Secretary