

ORDINANCE NO. 2008 - 03

AN ORDINANCE OF LYNN TOWNSHIP, LEHIGH COUNTY, PA, REGULATING OPEN FIRES, DEFINING VIOLATIONS AND PROVIDING PENALTIES.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Lynn Township, Lehigh County, Pennsylvania, in lawful session and duly assembled as followed:

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the Lynn Township Open Burning Ordinance.

SECTION 2. DECLARATION OF PURPOSE

It is hereby declared to be the policy of Lynn Township as a matter of public health and safety to regulate fires and open burning in Lynn Township for the purposes of controlling air pollution and protecting buildings, housing, property and the well-being of its citizens.

SECTION 3. DEFINITIONS

- A. OPEN BURNING OR OPEN FIRE. Any fire which is not burning within a fully enclosed and fire resistant container.
- B. PERMANENT BURNING STRUCTURE. Any masonry structure permanently and expressly placed in or on the ground for burning and which is capable of safely isolating combustible materials to be burned from all other matter and person(s).
- C. PERSON. A business, governmental body, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.
- D. RIGHT-OF-WAY. A strip of land acquired by deed, reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied as a road, crosswalk, railroad, thoroughfare and/or the actual or potential placement of and/or ingress/ egress and use of electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, public utilities and other similar uses.
- E. VEGETATIVE MATTER. Trees, leaves, grass clippings, plant cuttings, and limbs of trees up to four inches (4") in diameter.
- F. WOOD AND WOOD PRODUCTS. Tree stumps of any size, tree trunks of any size, and limbs of trees exceeding four inches (4") in diameter and all products of or made from, wood that have not been treated with a preservative, painted, stained, or coated.

SECTION 4. OPEN FIRES ALLOWED WITHOUT A PERMIT

The following types of open fires are allowed without a permit:

- A. Wood and Wood Products, provided all of the following are met at all times:
 - 1. Except as provided in section 4.D, all open fires shall be in a permanent burning structure or metal container, such as a 55 gallon drum.

2. A screen or wire mesh shall cover all containers during fires to prevent flying burnt/burning particles from floating in the air.
 3. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 4. Wood and wood products shall not be transported into Lynn Township for the purpose of incineration, open burning, or inclusion in an open fire.
 5. The burning of wood and wood products shall comply with section 5 (relating to General Regulations) of this ordinance.
- B. Vegetative Matter, provided all of the following are met at all times:
1. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 2. The footprint of the fire shall not exceed a four hundred (400) square feet.
 3. No vegetative matter may be delivered for burning from the property of another person.
 4. The burning of vegetative matter shall comply with section 5 (relating to General Regulations) of this ordinance.
- C. Burning of Established Farm Field, provided all of the following are met at all times:
1. The burning of established farm field may occur for the limited purpose of weed or brush control.
 2. The person desiring to burn a field for weed or brush control shall first notify the Lehigh County Communications Center at (610) 437-5252, or such other number as may be designated by the county, to report the planned burning prior to ignition.
 3. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 4. The burning of fields for farm purposes shall comply with section relating to 5 (General Regulations) of this ordinance.
- D. Residual Lumber from any construction undertaken pursuant to a permit issued by Lynn Township or remaining following the demolition of any structure authorized pursuant to a permit issued by Lynn Township, provided all of the following are met at all times:

1. All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible for and capable of preventing the spread of the fire or hazardous conditions.
 2. The footprint of the fire shall not exceed four hundred (400) square feet.
 3. No residual lumber may be delivered for burning from the property of another person or transported into Lynn Township for the purpose of incineration, open burning, or inclusion in an open fire.
 4. The burning of residual lumber shall comply with section 5 (relating to General Regulations) of this ordinance.
- E. Selected Open Fires. The following types of open fires are allowed without a permit subject to section 5(b)-(f) (relating to General Regulations) of this ordinance:
1. Fires solely for cooking of food for immediate consumption.
 2. Camp fires for warmth, fellowship, food preparation, or ceremonial purposes.
 3. Indoor open fires initiated and kept entirely within approved and properly maintained fireplaces, flues, and chimneys.
 4. Fires set in the authorized performance of public duty by any fireman. Any fires set in the authorized performance of public duty by any fireman shall not be subject to the restrictions of section 5 (relating to general regulations).

SECTION 5. GENERAL REGULATIONS

Any open burning shall be subject to the following General Regulations:

- A. No open fire shall be permitted between dusk and dawn.
- B. All open fires shall be conducted only on premises, exclusive of all rights of way, owned by the person responsible for such fire.
- C. No open fire shall be conducted closer than twenty (20) feet from any building, structure, shrubbery, tree, property line or combustible material.
- D. No open fire shall be allowed whenever drought or extreme weather conditions exist or when a ban on burning has been put into effect by the Commonwealth of Pennsylvania or Township. Notices of such restriction or weather conditions shall be given by notice in a newspaper or by posting a notice at the Township office or at the fire companies.
- E. No open fire shall violate the provisions of any federal or state law or regulation.
- F. The person attending the fire and responsible for controlling the fire must be eighteen (18) years of age or older.
- G. No material to be burned in an open fire shall be stacked or accumulated in such a way to exceed 6 feet in height, or 10 feet in height when burning matter on an established farm field from such field, at the time of or subsequent to ignition.

SECTION 6. GENERAL PROHIBITION

Except as provided above, no other open fires or open burning shall be permitted within Lynn Township. This shall include igniting, burning, and or feeding any indoor open fire (except in approved fireplaces) or outdoor open fire which creates noxious or objectionable emissions, or is prohibited by prevailing state and/or federal laws and regulations, or includes the burning in any manner whatsoever of the following:

- A. Tires or other rubber products
- B. Roof shingles or other roofing materials

- C. Treated wood/lumber
- D. Electrical wire insulation
- E. Fiberglass or home insulation
- F. Plastic and vinyl products
- G. Asbestos containing materials
- H. Paint, oil or petroleum products
- I. Painted or stained wood
- J. Mattresses, box spring or other home furnishings
- K. Any metal objects
- L. Television sets, electronic devices, light bulbs of all types, or appliances
- M. Automobiles, automobile parts including batteries
- N. Diapers
- O. Human and animal waste
- P. Animal hides, furs or skins
- Q. Recyclable material currently accepted by the Township at the Township=s Recycling/Transfer Center
- R. Clothing attire, shoes or accessories
- S. Drywall, carpet and carpet padding

SECTION 7. PENALTIES

Any person who violates this Ordinance shall, upon conviction thereof before any District Judge in a summary proceeding be sentenced to pay a fine or penalty. The fine or penalty shall be not less than Three Hundred (\$300.00) nor more than One Thousand dollar (\$1,000.00) plus costs, and in default of the payment of the fines and costs, the defendant may be sentenced to the county jail for a period not exceeding thirty (30) days. This penalty section is enacted pursuant to 53 P.S. Section 66601(c.1)(2), for health, fire, public safety, and for air and water pollution purposes.

SECTION 8. SEVERABILITY

The provisions of this Ordinance are severable and if any of its provisions shall be held invalid or unconstitutional, the decision of the Court shall not affect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision had not been included herein.

SECTION 9. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 10. EFFECTIVE DATE

This Ordinance shall become effective five (5) days from the date of enactment.

APPROVED BY the Board of Supervisors of Lynn Township, Lehigh County, Pennsylvania, and ENACTED this 12th day of June 2008.

ATTEST:

LYNN TOWNSHIP

Jimmy M. White
Secretary

By: [Signature]
Kermit E. DeLong Jr., Chairman

By: [Signature]
Thomas C. Creighton, Vice Chairman

By: [Signature]
David C. Najarian Esq., Member