

**WEST LAMPETER TOWNSHIP**  
**Lancaster County, Pennsylvania**

**ORDINANCE NO. 264**

**AN ORDINANCE OF THE TOWNSHIP OF WEST LAMPETER, LANCASTER COUNTY,  
PENNSYLVANIA, TO AMEND THE CODE OF ORDINANCES OF THE TOWNSHIP OF WEST  
LAMPETER, CREATING CHAPTER 180 OPEN BURNING REGULATION, SETTING REGULATIONS  
REGARDING OPEN BURNING AND FIRES IN THE TOWNSHIP**

**Whereas**, the Board of Supervisors of the Township of West Lampeter has determined that air pollution from an open fire and burning may be detrimental to the health, welfare, safety, comfort, and living conditions of the citizens of the Township of West Lampeter; and

**Whereas**, it is hereby declared to be the policy of the Township of West Lampeter to safeguard its citizens from air pollution from open fires and burning; and

**Whereas**, the Board of Supervisors of the Township of West Lampeter, under and by virtue of and pursuant to the authority granted by the Second Class Township Code and the laws of the Commonwealth of Pennsylvania are authorized and enact and ordain this Ordinance.

**NOW THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of the Township of West Lampeter, Lancaster County, Pennsylvania, as follows:

**Section 1.** The Code of Ordinances of West Lampeter Township, Chapter 180 Open Burning Regulation is hereby created as set forth herein for the prevention and control of air pollution; defining certain terms used herein; providing for regulations, exceptions, enforcement orders, responsibility of owners and operators, penalties, unlaw conduct, public nuisances, repealing previous provisions, and validity. After the effective date of this Ordinance, no Person shall kindle, maintain, or authorize to be kindled or maintained any Open Burning, Open Fire, Small Open Fire or fires unless conducted, authorized and approved according to this Ordinance.

**Section 2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**PERSON**

Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau or other instrumentality of federal, state, local or regional government or other entity recognized by law as the subject of rights and duties.

**SMALL OPEN FIRE or OPEN FIRE**

A fire outside of any building in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

**Section 3. Small open fires authorized.**

Subject to rules, regulations, and limitations contained in this chapter, an adult property owner or other adult authorized by the property owner may conduct or allow a small open fire on his or her property, solely for the following purposes:

- A. Warmth; and
- B. Preparation of food for human consumption, light, ornament or recreation.

**Section 4. Rules and regulations.**

A. Permitted receptacles/containers.

(1) Open fires. All other small open fires authorized under this chapter must be contained within one of the following authorized containments: in a grill, barbecue, fireplace, chiminea, stone perimeter, noncombustible fire ring, fire pit or similar container.

B. Permitted locations.

(1) Open fires shall be located not less than 15 feet from the nearest house, structure, roadway, property line, utility, tree, or other combustible materials.

C. Prohibited materials. The use of any material(s) to start or maintain a fire other than those specifically permitted under Subsection C(1) hereof, including but not limited to any of the following materials, is strictly prohibited: no paints; painted or chemically treated woods; railroad ties; telephone poles; plastics; cardboard boxes; paper or paper products; garbage, or any other household or residential wastes or recyclable materials; construction waste or demolition/salvage debris; commercial or industrial materials or waste; oil, grease, gasoline, asphalt products, or any other petroleum products; rubber; tires; tar or tar paper; dead animals; animal or human waste; pathogenic waste; insulated wire; toxic or noxious materials, cloth, leaves, green yard waste, or other materials that tend to cause excessive or malodorous emissions or excessive smoke.

D. Maximum size. In all cases, the fire shall be of such size that the combustible material and flame are contained completely within the perimeter of the authorized containment receptacle.

E. No excessive smoke, odors or malodorous emissions. No persons shall allow or maintain a fire which creates excessive smoke, excessive odor, or malodorous emissions.

F. Adult supervision, control, and extinguishment. Only an adult property owner or other adult authorized by the property owner shall authorize or conduct a small open fire. The adult property owner or other adult authorized by the property owner to conduct such a fire shall at all times be present at and shall tend to the fire from the time it is lit through the time of total extinguishment. Adequate means to control and extinguish the open fire shall be readily available at all times during any burning. Suitable covering or means of disposal of ashes shall be provided to prevent them from becoming airborne. The adult property owner or other authorized person supervising the fire shall be responsible to assure that all aspects of the fire comply with this chapter and shall assure that the fire is completely extinguished before that person leaves the site. Immediately upon the discovery of any unauthorized or noncompliant fire or burning, the property owner or other person responsible for the property on which such burning occurs shall immediately extinguish, or cause the extinguishment of, such burning. Proof that the defendant in any enforcement action owns or controls the property on which open burning occurs shall be prima facie evidence that such person has conducted, or allowed to be conducted, such open burning.

**Section 5. Order to extinguish, abate or correct.**

A police officer, or code official may, upon investigation, order that any fire be immediately extinguished, abated, diminished, or corrected if, in the officer's sole judgment, the fire:

- A. Is emitting excessive smoke, excessive odor, or malodorous emissions;
- B. Contains prohibited materials or is using a prohibited or inadequate containment device or mechanism;
- C. Is in a prohibited location.
- D. Is emitting sparks or hot ashes that may pose a threat to nearby structures, trees, other combustible materials, or to the safety of persons or property;
- E. Where its size, materials, containment, location, emissions, proximity to structures, trees, other combustible materials, conduct of participants, weather conditions (including but not limited to wind, drought, dry or other conditions) or air quality, or other circumstances, are such that continuation of the fire poses a risk of harm to persons or property;

### **Section 6. Exceptions**

The following activities are exempt from the Open Burning restrictions as set forth above provided notification is made to the West Lampeter Township Police Department 24 hours in advance and set no closer than 100' from adjoining property lines:

1. Open burning in performance of any official duty of any public officer if the fire is necessary for firefighter training, the prevention of a hazard which cannot be abated by other means, or for the protection of public health.
2. Open burning during the course of seasonal farming practices within the Ag district shall be permitted provided the burning is conducted no closer than 100' from any property line for the purposes of agricultural and land conservation maintenance and management. Such practices include, but are not limited to, forestry maintenance, pest/insect control, land clearing or grubbing.
3. A bonfire solely for ceremonial purposes.

### **Section 7. Prohibited acts and Enforcement**

1. No person, firm or corporation shall permit, authorize, conduct, or participate in the burning of any open fire except in compliance with this chapter.
2. The Township Code Official or any West Lampeter Township Police Officer shall have the authority to enforce the provisions of this chapter.

### **Section 8. Violations and penalties**

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge, be guilty of a summary offense and shall be punishable by a fine of not more than \$500 plus costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this chapter, and each section of this chapter which is violated shall be considered a separate violation.

### **Section 9. Public Nuisances**

A violation of this Ordinance or of any order issued by the Township of West Lampeter under this Ordinance shall constitute a public nuisance. The Township of West Lampeter shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the Township of West Lampeter may recover the expenses of abatement following the process for assessment and collection of a civil penalty. Wherever the nuisance is maintained or continued contrary to this Ordinance or any order issued pursuant to this Ordinance, the nuisance may be abatable by

Township officials or agents. Any person who causes the public nuisance shall be liable for the cost of abatement.

**Section 10. Validity**

The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part or provision had not been included herein.

**Section 11.** This Ordinance shall take effect and be in force from five (5) days after its enactment by the Board of Supervisors as provided by law.

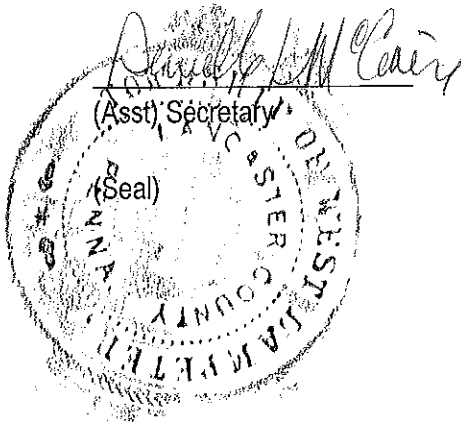
**DULY ORDAINED AND ENACTED** this 13<sup>th</sup> day of September, 2021 by the Board of Supervisors of the Township of West Lampeter, Lancaster County, Pennsylvania, in lawful session duly assembled.

**TOWNSHIP OF WEST LAMPETER**

Lancaster County, Pennsylvania

By: \_\_\_\_\_

(Vice) Chair, Board of Supervisors

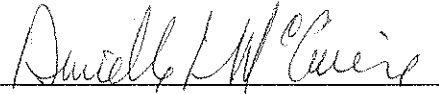


## CERTIFICATE

I, the undersigned, Secretary of the Township of West Lampeter, Lancaster County, Pennsylvania (the "Township"), certify: that the foregoing is a true and correct copy of an Ordinance which duly was adopted by affirmative vote of a majority of all members of the Board of the Township at a meeting of said Board duly convened and held according to law on September 13, 2021, at which meeting a quorum was present; that said Ordinance duly has been recorded in the minutes of the Board of the Township; and that said Ordinance is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 13<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
(Asst) Secretary