

SOUTH LEBANON TOWNSHIP  
ORDINANCE NO. 324

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTH LEBANON TOWNSHIP, LEBANON COUNTY, PA, PROHIBITING BURNING, WITH THE EXCEPTION OF AGRICULTURAL BURNING; ESTABLISHING CONTROL MEASURES RELATED THERETO; AND ESTABLISHING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, IN ORDER TO FURTHER AND PROTECT THE HEALTH, CLEANLINESS, COMFORT AND SAFETY OF ITS CITIZENS AND RESIDENTS.

WHEREAS, the South Lebanon Township Board of Supervisors deems it to be in the best interest and general welfare of the citizens and residents of this Township to regulate burning in order to further and promote the health, cleanliness, comfort and safety of its citizens and residents; and

WHEREAS, the Second Class Township Code authorizes townships of the second class to regulate, and in most cases prohibit, burning within the township in order to protect the health, cleanliness, comfort and safety of its citizens and residents;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained, by the Board of Supervisors of this Township as follows:

SECTION 1 – PURPOSE AND SCOPE:

- A. The residences, industrial and commercial establishments that are situated within the Township of South Lebanon are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and the storage of combustible solid fuels in adjacent or exposed exterior areas within densely populated areas.

SECTION 2 – DEFINITIONS: The following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural, and the word “shall” is always mandatory and not merely suggestive.

- A. “Township” is the Township of South Lebanon, Lebanon County, Pennsylvania
- B. “Board of Supervisors” is the Board of Supervisors of South Lebanon Township, Lebanon County, Pennsylvania
- C. “Owner” is a person owning, leasing, occupying or having charge of any property within the township
- D. “Person” is any natural person, firm, partnership, association, corporation, company or organization of any kind

- E. "Agricultural Fire" shall mean the burning of brush, tree, stumps, grass and weeds formerly growing and wholly generated upon the property upon which the fire is set provided the fire is part of the normal farming operations, as defined by DEP regulations, on property that is zoned agricultural.
- F. "Contained Fire" is any fire contained in an incinerator, fireplace, or any other contained enclosure designed for outdoor cooking or recreational purposes
- G. "Controlled Fire" is any fire not included in the definition of contained fire.
- H. "Open Fire" is a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.
- I. "Responsible Adult" is 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.
- J. "Composting" is the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.
- K. "Yard waste" consists of leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

SECTION 3 - BURNING PROHIBITED:

- A. Except as set forth herein, no person shall set or maintain any fire at any time, upon any private property, or any of the streets, sidewalks, alleys or public grounds in the Township, or burn or cause to be burned on any private or public property any leaves, paper, refuse or other material or substance of any kind, including, without limitation, any recyclable materials, as defined by the Pennsylvania Department of Environmental Protection and South Lebanon Township Ordinance and Regulations.
- B. Burning of construction debris, aerosol cans, by-products of manufacturing and processing operations and wastes from commercial operations is strictly prohibited.
- C. All permitted outdoor fires shall be at least 15 feet from any building, property line or road line, except that cooking grills may be less than 15 feet from a building providing that reasonable safeguards are maintained.
- D. The person responsible for any agricultural fires set upon private property shall:
  - 1. In cases where the agricultural fire involves an area of 1,000 square feet or more, such as a fence line or field, or where it involves a large quantity of material of more than 4 cubic yards of debris or material, the person responsible for the fire shall notify their local fire

department not less than twenty-four (24) hours prior to igniting the fire.

- E. All agricultural fires shall be subject to the following conditions:
1. All agricultural fires shall be attended at all times by a responsible adult.
  2. No garbage, refuse, food, animal substance or parts thereof, hazardous material, batteries, tires, nor any container that contains or did contain air or gas under pressure, such as aerosol type containers may be burned.
  3. No recyclable materials, as defined by the Pennsylvania Department of Environmental Protection and South Lebanon Township Ordinances and Resolutions, may be burned at any time, by any person.
  4. No rubbish or trash including rubber, synthetic products, paint products, plastic and synthetic fabrics, pre-treated scrap lumber, or any other matter or material, which may product an offensive smoke and/or odor, shall be burned. The burning of tires, tubes, tar, waste oil and motor vehicles or parts of motor vehicles in prohibited.
  5. No agricultural fire shall be set, started or maintained between the hours of 7:00 pm, prevailing time and/or sunset, whichever comes first and 7:00 am prevailing time and/or sunrise, whichever comes first.
  6. No agricultural fire shall be set, started or maintained on any Sunday or any of the following Holidays:
    - a. New Year's Day
    - b. Memorial Day
    - c. Independence Day
    - d. Labor Day
    - e. Thanksgiving Day
    - f. Christmas Day
  7. No agricultural fire shall be set, started or maintained when weather or atmospheric conditions such as fog, drizzle or dampness will make the fire or its smoke offensive or hazardous to human life or property.
  8. All fires must be at least 100 feet from structures.
  9. Any other conditions reasonable related to the protection of the life, health and safety of the citizens and residents of the Township as specified by the Board of Supervisors.
- F. Nothing in this section shall be construed to prohibit the use of outdoor barbecue equipment or stoves used for cooking purposes; wood or coal stoves for recreational purposes provided the fuel

used is dried wood or coal; torches used to provide illumination or repel insects; or campfires for recreational purposes provided the fuel used is dried wood and they do not exceed twenty-seven (27) cubic feet in area and are properly confined, supervised and extinguished.

1. No fire for recreational purposes shall be set, started or maintained when weather or atmospheric conditions such as fog, drizzle or dampness will make the fire or its smoke hazardous or offensive to human life or property.
  2. No fire for recreational purposes shall be set, started or maintained before 10 a.m. or after 11 p.m.
- G. Nothing in this section shall be construed to prohibit open burning for the following purposes:
1. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.
  2. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office.
  3. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office.
  4. Prescribed controlled fire for the conservation and management of unique and natural areas and/or for the reduction of fuel loads.
  5. Fire used as a management technique for preventing wildfire, scientific research or vegetation management.
  6. A fire set solely for recreational or ceremonial purposes following guidelines in this ordinance.
- H. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United State Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any persons if such burning is in violation of the Air Pollution Control Act or other legislation by the Commonwealth of Pennsylvania or the United States of America or any of their legislative agencies.

SECTION 4 – FIRE BAN EMERGENCY: The Board of Supervisors may declare a fire ban emergency in South Lebanon Township with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township during a period of drought or other periods of high fire risk to woodlands or property within the Township.

Upon the declaration of a fire ban emergency, all outdoor burning or open fires shall be prohibited until the ban is lifted by the Board of Supervisors.

- A. This does not include contained fires as defined under definitions.
- B. The Township may issue news releases to all communication media including radio, TV and newspaper

SECTION 5 – ENFORCEMENT: The Board of Supervisors shall appoint the Police Department to have the power to enforce the provisions of this ordinance.

SECTION 6 – RESPONSIBILITY FOR REMEDIATION: In all cases of a violation under this Ordinance, the owner shall be responsible for the remediation of the violation and for the fines or other penalties set forth herein.

SECTION 7– PENALTY FOR VIOLATION: If any person or owner violates this Ordinance, then for each violation, he shall, upon conviction in a summary proceeding brought before the District Judge, be required to pay a fine of not less than \$50.00 but not more than \$600.00, plus the costs of prosecution, and in default of payment, to imprisonment for a term of not more than 90 days, provided that each day's violation of any provision of this Ordinance shall constitute a separate offense.

SECTION 8 – ADDITIONAL COSTS:

- A. In the case of a fire requiring fire fighters and/or equipment and upon conviction of any violation of this Ordinance, the violator shall also pay charges in order to cover the fire fighting costs. Charges shall be assessed for use of fire fighting equipment.
- B. The Board of Supervisors may base their costs on mileage, operating costs and fire fighting equipment and man hours. These charges shall be in addition to and not in lieu of any penalties provided elsewhere in this Ordinance.

SECTION 9 – REPEALER: Ordinance No. 273 is hereby repealed, having been superseded by this Ordinance.

SECTION 10 – SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 11 – MUNICIPAL LIABILITY: The Board of Supervisors and its agents, officials, and representatives, shall not under any circumstances be liable or responsible for damages caused to any

person or property by reason of this Ordinance, or by reason of the conduct of any burning activity in compliance or noncompliance with the terms and provisions hereof. The person, persons, company or companies responsible for any such fire and shall bear sole liability for any damages caused as a result thereof.

SECTION 12 – EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption thereof.

Enacted and ordained this 28<sup>th</sup> day of June, 2011.

ATTEST:

BOARD OF SUPERVISORS  
SOUTH LEBANON TOWNSHIP

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Curtis E. Kulp, Secretary

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Robert J. Arnold, Chairman

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David M. Eggert, Vice Chairman

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Stephen T. Krause, Supervisor