

I, Michael G. Crotty of Siana Law, LLP, Solicitor of East Fallowfield Township hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the East Fallowfield Township Board of Supervisors at the regular Township meeting on December 27, 2022.

/s/ Michael G. Crotty
Michael G. Crotty, Esquire
Siana Law, LLP
Township Solicitor

**TOWNSHIP OF EAST FALLOWFIELD
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE TOWNSHIP OF EAST FALLOWFIELD AMENDING EXHIBIT 7-3-A OF SECTION 7-301 OF THE CODE OF ORDINANCES, OPEN BURNING REGULATIONS.

AND NOW, this 13th day of December 2022, be it ordained and enacted by the Board of Supervisors of East Fallowfield Township as follows:

Section 1. Part 3, Exhibit 7-3-A, Permit and Burning Regulations, of Chapter 7 of the East Fallowfield Township Code is hereby replaced with Exhibit A to this Ordinance, Recreational Open Burning Permit and Regulations.

Section 2. 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.

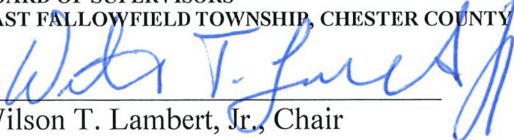
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Section 3. Effective Date

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

ORDAINED AND ENACTED this 13th day of December 2022.

BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP, CHESTER COUNTY



Wilson T. Lambert, Jr., Chair



Joe Heffern, Vice-Chair



Katja Dirado, Member




John Nielsen, Member



Al Wright, Member

Attest:



Township Manager/Secretary

**East Fallowfield Township
Recreational Open Burning Permit &
Regulations (Rev 11/2022)**

Open burning is only permitted for recreational purposes under the regulations specified in this permit. No one shall kindle or maintain any recreational fire unless a burning permit is obtained from the Township Secretary during normal working hours.

By signing this permit the applicant acknowledges they have read, understood and agree to all conditions herein.

Recreational Fires

1. A recreational fire is an outdoor fire utilized for recreational purposes, such as a campfire. It must be contained in a fire pit, fire ring, chimenea, outdoor fireplace or similar device designed or constructed to contain the fire.
2. The permit holder must at least 18 years of age and own the property where the fire will be maintained.
3. The permit holder is responsible for the fire from ignition to extinguishment, including any damage caused by the fire.
4. Natural gas or propane heating devices, fire rings and grills, as well as charcoal barbeque grilles, smokers and similar devices designed for the purpose of preparing or cooking food do not require a permit.
5. No fire is permitted within 10 feet of the property line, 50 feet from any structure or within 15 feet of any combustible material. Provisions shall be made to prevent the fire from spreading to within 50 feet of any structure or 15 feet of any combustible material.
6. The fire shall not be more than 3 feet by 3 feet by 3 feet in dimension.
7. The fire must be tended at all times and shall not burn longer than 4 hours.
8. Fuel shall be seasoned wood ignited with a small quantity of paper or kindling. Accelerants such as gasoline may not be used.
9. A garden hose, water supply or means of extinguishment must be available.
10. The fire shall not be used for waste disposal purposes as outlined in the provisions of Pennsylvania Act 101.

Complaints

1. Any fire that is deemed hazardous, offensive or objectionable due to smoke, odor, weather or local conditions by the fire code official can be ordered extinguished.

Pennsylvania Act 101

It shall be unlawful for any person to open burn any material, including the following, at any time on any land within East Fallowfield Township:

- Any items or materials that are required to be recycled in East Fallowfield Township under Pennsylvania Act 101, including paper, newspaper, tin and aluminum cans and containers, glass of any color, plastics, leaf waste and any other material designated by the Township;
- Trash, garbage, and municipal waste;
- Construction or demolition debris;
- Cleaners, solvents, paints, motor oil, fuels, gasoline and any other similar product;
- Household appliances, debris or any other similar items;
- Leaf waste, and any other material as defined by Pennsylvania Act 101, the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, 1988, July 28, P.L. 556, No. 101, to include leaves, garden residues, shrubbery and tree trimmings, and similar materials may not be burned.

Enforcement

1. The East Fallowfield Township Police Department, Fire Marshal or other code enforcement personnel designated by the Board of Supervisors have authority to investigate alleged violations and enforce the provisions of this Ordinance.
2. Any person who violates or commits the violation of any provision of this Ordinance shall be subject to a fine in the amount not to exceed one thousand dollars (\$1,000.00), plus all court costs. In addition, the Township, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance.
3. Township personnel are authorized to order the extinguishment by the permit holder or the fire department of any and all open burning which in their opinion creates or adds to a hazardous or objectionable situation, or when atmospheric conditions or local circumstances make such fires hazardous.

IMPORTANT – READ BEFORE SIGNING

My signature below indicates that I have read, understand and agree to comply with all the regulations of this permit.

I agree that this permit is being obtained for the purpose specified and not to dispose of trash, waste, debris or other prohibited items.

This permit is valid for the calendar year of the date of issue. A new burn permit must be obtained each calendar year.

Applicant Name

Applicant Address – Location Requesting Permit

Applicant Signature

Date

Township Issuing Official

Date Issued

Permit Fee