

TOWNSHIP OF DARBY  
DELAWARE COUNTY, PENNSYLVANIA  
ORDINANCE NO. 741 AMENDING ORDINANCE NO. 572

**WHEREAS**, the existing Township Ordinances regulating the acceptable and prohibited uses of open fires and burning within the Township of Darby;

**WHEREAS**, after consideration of the Fire Marshal's investigation and recommendations relating to recreational fires and in an attempt to balance the safety of its residents and the recreational fire usage, the Township has determined to accept the recommendation of the Fire Marshal:

**WHEREAS**, the Township of Darby does hereby **ORDAIN** as follows:

**WHEREAS**, open burning of leaves, wood and refuse is prohibited in Darby Township. The only exception to the open burning ban allowed without a PA DEP permit is a fire set solely for recreational or define purposes under the PA State Fire Code. A recreational fire is an outdoor open fire that is no larger than three feet in diameter and no more than two feet in height, built for pleasure, cooking, warmth, or religious or ceremonial purposes. The use of fireplaces, portable outdoor fireplaces, barbeque grills and barbeque pits is also permitted under the current regulations.

Section 7, Part 3 - Recreation Fires:

Recreation Fires are permitted only under the terms and conditions as set forth in this Section and only between the hours of 10:00 A.M. and 11:00 P.M.:

A. Permitted Devices:

1. A portable, above ground commercially manufactures wood burning or propane or natural gas fire pit lined with a non-combustible material.
2. A wood-burning chiminea made of a non-combustible material.
3. A permanently constructed fireplace or fire pit lined with a non-combustible material such as brick, rock, concrete, or heavy gauge metal.
4. No recreational fire may have a burning area that exceeds seven square feet or a three foot diameter circle.
5. Manufacturer's recommendations for installation and operation must be followed at all times.
6. Any spark arrester screens required by the device manufacturer need to be in place when in use. The use of a fire screen is required to prevent hot sparks from flying into the air.

B. Location and Safety:

1. Recreational burning must not take place within twenty five feet of any combustible materials, residence, shed, fence, other structure, trash, wood storage, trees and/or brush or tall grass.
2. An extinguisher source must be readily available and close by while fire is burning; garden hose, fire extinguisher, water bucket.
3. A responsible adult, over the age of 18, must be present at all times while fire is burning;
4. No fire shall exceed approximately two feet in height

5. Portable outdoor fireplace must only be placed on stable ground and on a non-combustible surface;
6. Recreational burning must not be conducted underneath any branches, roofing, porches, awning or any similar overhead covering;
7. No burning is allowed on any streets or sidewalks within the Township.
8. The fire and/or police department shall have the authority that burning be extinguished immediately if such usage is not compliant with this resolution or any other applicable ordinance, law or code or found to be dangerous and/or a nuisance.

C. Regulations for Burning Material:

1. Permitted burning materials shall be limited to branches, wood and other non-putrescible vegetable matter;
2. Prohibited burning materials shall include trash, plastic, glass, leaves and any similar materials;
3. No hazardous or otherwise objectionable condition to surrounding properties shall be created by such burning;
4. No flammable fluids, such as gasoline, alcohol, diesel fuel and kerosene should be used to light or relight fires;
5. No flammable fluids, such as gasoline, alcohol, diesel fuel and kerosene shall be stored near any fire.

Any fire on public or private property may be extinguished by any local fire company or police officer having jurisdiction, with or without the consent of the landowner, his agent or workmen, if within the opinion of a Darby Township Police Officer or Fire Marshal, such fire constitutes a danger to persons or property.

D. Penalties:

Any person, firm, or corporation who shall violate any provision of the ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000.00 plus the costs of prosecution and, in default of payments of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of the ordinance continues shall constitute a separate offense.

**ENACTED AND ORDAINED** by the Board of Commissioners of the Township of Darby this 9<sup>th</sup> day of September 2020.

TOWNSHIP OF DARBY

BY: Robert Gougler  
Robert Gougler,  
President

ATTEST:

Beatrice Poe  
Beatrice Poe,  
Secretary