

ORDINANCE 2024-02

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE TOWNSHIP OF WESTTOWN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WESTTOWN, CHAPTER 63, BURNING, OPEN, BY REDESIGNATING §63-1, OUTDOOR BURNING RESTRICTED, TO §63-3; §63-2, BURNING OF TRASH AND DOMESTIC WASTE MATERIAL, TO §63-7; §63-3, BURNING OF BRUSH, GRASS OR WOOD, TO §63-8; §63-4, BURNING OF LEAVES OR COMMERCIAL/INDUSTRIAL WASTE, TO §63-9; §63-5, BURNING ON PUBLIC ROADS, TO §63-10; §63-6, PERMISSION REQUIRED TO BURN ON PRIVATE PROPERTY, TO §63-11; §63-7, FIRE BAN DUE TO DROUGHT, TO §63-12; §63-8, AUTHORITY TO EXTINGUISH FIRES, TO §63-13; §63-9, VIOLATIONS AND PENALTIES, TO §63-14; AND ADDING NEW §63-1, DEFINITIONS; §63-2, PURPOSE; §63-4, OUTDOOR BURNING GENERAL REQUIREMENTS; §63-5, RECREATIONAL FIRES; AND §63-6, BONFIRES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 63, Burning, Open, of the Code of the Township of Westtown, as amended, be further amended as follows:

SECTION 1. Part II, General Legislation, Chapter 63, Burning, Open, §63-1, Outdoor burning restricted, shall be redesignated to §63-3 and read as follows:

§63-3 Outdoor burning restricted.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything outdoors anywhere within the Township, except as otherwise permitted in this Chapter.

SECTION 2. Part II, General Legislation, Chapter 63, Burning, Open, §63-2, Burning of trash and domestic waste material, shall be redesignated to §63-7 and read as follows:

§63-7 Burning of trash and domestic waste material.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn paper, rubbish or other domestic waste material outdoors anywhere within the Township, unless:

- A. The fire is confined within a burn barrel or incinerator placed on an even flat noncombustible surface at least ten feet from any structure, tree (including canopy), vehicle, utility pole or utility equipment, and from any property line.

SECTION 3. Part II, General Legislation, Chapter 63, Burning, Open, §63-3, Burning of brush, grass or wood, shall be redesignated to §63-8 and read as follows:

§63-8 Burning of yard waste.

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn yard waste anywhere within the Township, unless the fire is confined within a burn barrel or incinerator as defined in this Chapter and which meets the requirements of §63-7 above, or if all of the following conditions are met:

- A. The burning of yard waste shall be limited to tree trimmings.
- B. The burning area of yard waste shall not exceed five feet in diameter and three feet in height.
- C. The burning of yard waste shall occur at least 15 feet from any structure, tree (including canopy), vehicle, utility pole, utility equipment, and property line.
- D. A person shall maintain a 15-foot minimum cleared area free of trees, shrubs and other combustible materials around the burning of yard waste.

SECTION 4. Part II, General Legislation, Chapter 63, Burning, Open, §63-4, Burning of leaves or commercial/industrial waste, shall be redesignated to §63-9 and read as follows:

§63-9 Burning of commercial/industrial waste

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn commercial/industrial waste material outdoors anywhere within the Township at any time.

SECTION 5. Part II, General Legislation, Chapter 63, Burning, Open, §63-5, Burning on public roads, shall be redesignated to §63-10 and read as follows:

§63-10 Burning on public roads or in proximity to utility poles or utility equipment

It shall henceforth be unlawful to burn or authorize (or, on one's own property, to permit) another to burn leaves, brush, grass, wood, paper, rubbish or other materials, or to light any fire upon or within five feet of a public road or curb, or to light any fire within five feet of a utility pole or utility equipment.

SECTION 6. Part II, General Legislation, Chapter 63, Burning, Open, §63-6, Permission required to burn on private property, shall be redesignated to §63-11.

SECTION 7. Part II, General Legislation, Chapter 63, Burning, Open, §63-7, Fire ban due to drought, shall be redesignated §63-12 and shall read as follows:

§63-12 Fire ban due to drought

It shall henceforth be unlawful to light or authorize (or, on one's own property, to permit) another to light or attempt to light any outdoor fire when a ban on such fires has been publicly announced by the Commonwealth of Pennsylvania, Chester County, the Board of Supervisors, or their authorized representative, in a time of drought.

SECTION 8. Part II, General Legislation, Chapter 63, Burning, Open, §63-8, Authority to extinguish fires, shall be redesignated to §63-13.

SECTION 9. Part II, General Legislation, Chapter 63, Burning, Open, §63-9, Violations and penalties, shall be redesignated to §63-14.

SECTION 10. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-1, Definitions, which shall read as follows:

§63-1 Definitions

For the purposes of this Chapter, the following terms shall have the meanings ascribed to them herein:

BONFIRE

An outdoor open fire used in conjunction with a recognized ceremony of a community, educational, service or scouting organization. A bonfire does not include family gatherings or celebrations.

BURNING

The act of consuming by fire; to flame, char, scorch, or blaze. As used in this ordinance, smoldering shall have the same meaning as burning and any smoldering shall be deemed a burning.

BURN BARREL

An enclosed freestanding container with a screen cover designed to prevent flying debris, equipped with a spark- or amber-arresting device, which has a total fuel area of two feet or less in diameter and three feet or less in height with a maximum capacity of 55 gallons.

CHIMINEA

An outdoor device that has a single-mouth opening to fuel the fire with fresh air and a chimney.

CLEAN WOOD

Natural wood material which has not been treated with preservative chemicals, has not been painted or stained, and does not contain resins or glues as in plywood or other composite wood products.

COMMERCIAL/INDUSTRIAL WASTE

Dry waste generated by commercial or industrial establishments, including stores, offices, restaurants, warehouses and nonmanufacturing activities at industrial facilities.

DOMESTIC WASTE

Customary wastes from kitchens, baths, showers, sinks, water closets, lavatories and laundries.

FIRE PIT or FIRE RING

An aboveground or below-ground freestanding open structure constructed of stone, masonry, brick, metal or other noncombustible material or combination thereof designed to contain and control fire and prevent it from spreading. A fire pit does not include charcoal- or gas-powered grills that are only intended to be used for cooking purposes.

INCINERATOR

Any device, apparatus, equipment or structure constructed of nonflammable materials used for burning of domestic waste and yard waste or other materials as permitted by this Chapter at high temperatures for destruction.

OPEN FIRE

A controlled burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

OUTDOOR FIREPLACE

An outdoor freestanding structure constructed of stone, masonry, brick, metal or other noncombustible material or combination thereof with an enclosed burn chamber, solid or screened opening and chimney with spark arrestor.

PORTABLE BURNING UNIT

An outdoor portable aboveground commercially manufactured wood-burning or propane or natural gas device equipped with a spark- or ember-arresting device used for entertainment purposes or heating.

RECREATIONAL FIRE

An outdoor fire used to cook food for human consumption, entertainment purposes, or providing warmth contained in a stationary structure or portable device, including outdoor fireplace, fire pit, fire ring, chiminea and portable burning unit with or without a removable cover.

STRUCTURE

Any form or arrangement of building materials involving the necessity of providing proper support, bracing, anchorage or other protection. Such arrangement shall have a permanently fixed location in or on the ground. Structures include, but are not limited to, primary and accessory buildings, open sheds and similar enclosures with less than four walls and/or a roof, signs, fences or walls over six feet in height, detached aerials and antennas, decks, porches, platforms, recreational courts, swimming pools, tents, tanks, and towers.

YARD WASTE

Plant material that comes from yard and lawn maintenance and other landscaping and gardening activities, and includes leaves, wood branches, grass clippings, garden residue, tree trimmings, shrubbery and other vegetative material.

SECTION 11. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-2, Purpose, which shall read as follows:

§63-2 Purpose

The purpose of this Chapter is to:

1. Provide for the public health, safety and welfare of the citizens of Westtown Township.
2. Prevent nuisances caused by outdoor burning.
3. Clarify the requirement for the burning of trash, domestic waste, and yard waste.
4. Provide criteria and standards for recreational fires and bonfires.
5. Encourage the use of recreational fires by Westtown Residents for their enjoyment.
6. Avoid erroneous calls to the Fire Department.

SECTION 12. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-4, Outdoor burning general requirements, which shall read as follows:

§63-4 Outdoor burning general requirements

In addition to the more specific criteria for the specific type of burning, the following general criteria shall apply to all outdoor burning within the Township:

- A. A person shall maintain a minimum of a single five-pound ABC portable fire extinguisher or a garden hose connected to a water source and a shovel in proximity to the outdoor burning for immediate utilization.
- B. A person, who is over 18 years old, shall continuously attend the burning until the burning is fully extinguished.
- C. No burning shall be conducted under any roofing, awning, or

- similar overhead covering, or indoors.
- D. No combustible or flammable liquid fuels shall be used to light or relight a fire.
 - E. Outdoor burning shall only occur between the hours of 8:00 a.m. and 4:00 p.m., except as otherwise permitted in this Chapter.

SECTION 13. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include new §63-5, Recreational fires, which shall read as follows:

§63-5 Recreational fires

In addition to the standards contained in §63-4, recreational fires are permitted if all of the following criteria are met:

- A. The burning area of a recreational fire shall not exceed forty-four (44) inches in circumference and two (2) feet in height, except for a chiminea and outdoor fireplace.
- B. Portable burning units utilized for recreational fires shall be used strictly in adherence with all manufacturer's guidelines and specifications and shall only be placed on a flat noncombustible surface, such as brick, concrete, rock, or heavy-gauge metal.
- C. A recreational fire shall be located a minimum of ten (10) feet from any structure, tree (including canopy), vehicle, utility pole, utility equipment, and property line.
- D. The burning materials of a recreational fire shall be clean wood, charcoal or wood chips products, except for those utilizing propane or natural gas devices as described in this chapter.
- E. A person shall obtain a permit for a recreational fire structure that is constructed as a part of a building or an accessory structure, and the recreational fire structure shall meet the requirements of Township Building Code and any other applicable code.
- F. All recreational fires shall be extinguished before midnight.

SECTION 14. Part II, General Legislation, Chapter 63, Burning, Open, shall be amended to include §63-6, Bonfires, which shall read as follows:

§63-6 Bonfires

In addition to the standards contained in §63-4, bonfires are permitted if all of the following criteria are met:

- A. The burning area of a bonfire shall not exceed five feet in diameter and ten feet in height.
- B. A bonfire shall be located a minimum of fifty (50) feet from the nearest structure, tree (including canopy), vehicle, or utility pole, utility equipment, and twenty (20) feet from any property line.

- C. A person shall maintain a fifteen-foot cleared area free of trees, shrubs and other combustible materials immediately around a bonfire.
- D. The burning materials of a bonfire shall be clean wood, charcoal or wood chips products.
- E. A person shall notify the Westtown Township Fire Marshal by calling the non-emergency Chester County telephone line at 610-436-4700 at least 24 hours prior to setting a bonfire.
- F. There shall be no more than three bonfires on three consecutive days on a single parcel. A bonfire shall be extinguished daily no later than 10:00 p.m.

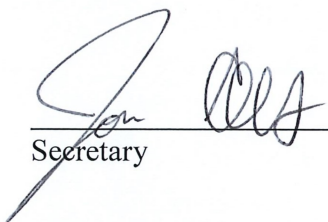
SECTION 15. If any sentence, clause or section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 16. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

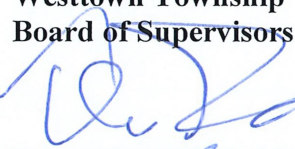
SECTION 17. This ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, this 20th day of FEBRUARY, 2024.

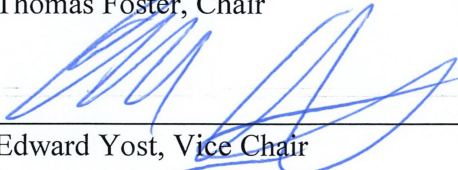
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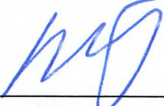
 Secretary

**Westtown Township
 Board of Supervisors**


 Thomas Foster, Chair



 Edward Yost, Vice Chair



 Richard Pomerantz, Police Commissioner

