

ORDINANCE NO. 04-2018-616

AN ORDINANCE BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SALISBURY, LEHIGH COUNTY, PENNSYLVANIA, AMENDING PART 1 REGARDING OUTDOOR FIRES OF CHAPTER 7 ENTITLED "FIRE PREVENTION AND FIRE PROTECTION" OF THE SALISBURY TOWNSHIP CODE OF ORDINANCES TO PROMULGATE RULES AND REGULATIONS WITH RESPECT TO OUTDOOR BURNING WITHIN THE TOWNSHIP AND ESTABLISHING WHICH MATERIALS MAY OR MAY NOT BE BURNED

***Deletions are strikethrough**

***Insertions are bolded and double underlined**

WHEREAS, the Fire Safety Department of the Township of Salisbury made a recommendation to update the regulations concerning burning for the protection, benefit and preservation of the health, safety and welfare of the inhabitants and occupants of the Township; and

WHEREAS, after careful consideration and review, the Board of Commissioners finds that it is in the best interests of the Township community to modify the rules and regulations for burning in Salisbury Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Salisbury, Lehigh County, Pennsylvania, and it is hereby ordained and enacted by the same that Chapter 7, Part 1 of the Code of Ordinances, shall be and the same hereby is amended as follows, to wit:

ARTICLE I. Chapter 7, Part 1 of the Code of Ordinances shall be amended to read as follows:

**PART 1
OUTDOOR FIRES**

§100. Definitions

- A. Burning: As used within this Ordinance the term burning shall have the following meaning: the igniting of any material to cause flame, smoke, embers, hot ash or residue, in combination or individually.
- B. Burn Container: Any container used for the purpose of burning materials as authorized herein; constructed of masonry, metal or other non-combustible rigid material; containing a bottom, sides and a cover as herein defined. "Burn Containers" shall not be allowed to deteriorate to the point where they contain holes or missing surfaces in the structure. Outdoor fireplaces or incinerators shall be considered as Burning Containers for the purpose of this Ordinance. If metal drums are being

used, they shall not have contained toxic, flammable or other regulated materials. They shall be free from holes in the sides and/or bottom, except that they may contain drain or vent holes in the bottom of the drum no larger than two (2) square inches each and no more than two (2) drain/vent holes total per burn container. Burn Containers include UL- approved outdoor fireplaces, such as outdoor stoves, portable fire pits, and chimineas. Portable outdoor grills that are operated by propane or charcoal, designed and used for food preparation are excluded from the provisions of this Ordinance, with exceptions to the rules outlined in this Ordinance for apartment buildings.

- C. Burn Container Cover: A metal screen with spaces not more than one-half (1/2) square inch, or other comparable material, which covers the entire open area above the burn container opening. Such screen shall be maintained in good condition as to prevent large particles from escaping the burn container during operation. The cover shall not be allowed to deteriorate to any point whereby it will lose its maximum efficiency.
- D. Recreational Fires: An outdoor fire, burning materials other than rubbish and non-burnable materials, where the fuel being burned is not contained in a burn container, incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit. This area has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height. This fire will be used for pleasure, religious, ceremonial, cooking, warmth, or similar purposes, and must abide by the requirements of burning rules in this Ordinance, including a Burn Container Cover when possible.
- E. Burnable Materials: ~~Burnable materials shall include paper, including newsprint, wrapping paper, paper products or sheet paper items; cardboard and chipboard, including cardboard and chipboard boxes, sheets, packing materials, etc.; and wood, including any unpainted wood or wood product.~~ **Burnable materials shall include any untreated wood and/or unpainted wood or wood product.** ~~Excluded and not permitted to be burned are materials used to absorb all oil or other hazardous or toxic materials, cardboard or chipboard in combination with any other nonburnable materials.~~ **Excluded and not permitted to be burned are any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; wood products that have a high glue content, such as Flakeboard or Composition Board; and wood products in combination with any non-burnable materials.**
- F. Non-Burnable Materials – Any such materials that are classified as “non-burnable” under the guidelines of this Ordinance **and any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited from being burned and shall not be burned at any time, under any circumstance.** The following partial list of Non-burnable materials shall include:

- 1) Paper used to absorb oils or other hazardous or toxic materials, plastic-coated paper, paper attached to other non-burnable materials; Copy machine paper and other high-grade office paper (including shredded or otherwise), file folders, newspaper including flyers, newsprint, magazines, paper products, cardboard and chipboard boxes, sheets, etc. or any other materials that are required to be recycled as outlined in the Township Solid Waste and Recycling Ordinance, as amended and codified in Chapter 20 of the Salisbury Township Code of Ordinances;
- 2) Materials used to absorb all oil or other hazardous or toxic materials, individually or in combination with any other non-burnable materials;
- 3) Any wood that has been chemically treated to prevent rot or moisture damage, or other similar treatment; Wood products that have a high glue content, such as flakeboard or composition board, and wood products in combination with any non-burnable materials;
- 4) Materials made of or containing plastic, rubber, oils, asbestos, composition boards, shingles, felt paper, canvas, fiberglass, vinyl, or any combination of the above listed materials;
- 5) Human or animal waste, sanitary napkins, diapers, food solids, oil filters, or any other materials individually or in combination, that emit smoke, or acrid, hazardous or toxic odors;
- 6) Grasses, green twigs, plantings, shrubbery or leaves are prohibited;
- 7) Any other materials that do not comply fully with the intent of this Ordinance, or otherwise create a nuisance to people or animals are strictly prohibited. The setting of any fire not prohibited by this Ordinance shall not in any manner be deemed or construed to have been approved or authorized by the Township of Salisbury.

G. Sunrise/Sunset: A specific time of day, as determined and published by the U.S. Weather Bureau locally, at which the sun rises and sets.

§101. Burning Rules

A. Prohibited Burning at All Times: No person or corporation shall burn or cause to be burned any of the aforementioned Non-Burnable Materials, or any like or similar materials not in compliance or inconsistent with this Ordinance. It shall be illegal to burn any materials that give off any acrid, hazardous or toxic odors and/or emit heavy smoke. ~~It will be the determination of the~~ A Township-authorized party official or agency, as

noted in Section 103.A of this Ordinance, shall make a determination of whether illegal burning has occurred and the appropriate course of action.

- B. Distances: No Burning Container shall be used or stored within twenty-five (25) feet of any building or structure. No Burning Container shall be used or stored within twenty (20) feet of any property line or public sidewalk area. No Burning Container shall be used or stored without the proper cover in place. No Burning Container shall be used for any other purpose.
- C. Times: Burning, in compliance with this Ordinance, shall be permitted in approved Burning Containers and Recreational Fires that meet all other criteria in this Ordinance and approved special permits issued by the Township Office of Fire Safety/Fire Safety Inspector will be allowed to burn at any time of day or night. Under no conditions shall all other burning, as defined herein, be permitted between the hours of sunset to sunrise. Unattended fires allowed to burn or smolder after sunset shall be in violation of this Ordinance and all those persons or organizations causing such fires shall be prosecuted under the guidelines of this Ordinance.
- D. Attendance: Burning in compliance with this Ordinance shall be attended at all times by an individual fourteen (14) years or older until such time as the fire is extinguished. Unattended burning shall be in direct violation of this Ordinance, and all persons or corporations causing and allowing such unattended burning shall be prosecuted under the guidelines of this ordinance. Whenever possible, the attendant shall have on hand approved means of extinguishment such as a bucket of water, garden hose, sand, dirt or rated fire extinguisher. The means of extinguishment must be readily available for immediate utilization.
- E. Permissible Fires: Fires set in charcoal grills, gas grills and/or fireplaces solely for the purpose of preparing food shall not be in violation of this Ordinance. Fires in approved Burning Containers and Recreational Fires that meet all other criteria in this Ordinance shall not be in violation of this Ordinance. Other permissible fires that are set, monitored, guarded, and extinguished by any Fire Department of the Township of Salisbury for the purpose of instructing the fire-fighting personnel or for the removal of fire or health hazards. No fires shall be set by the Fire Department between Sunset and Sunrise. Fires set by the Fire Department that are extinguished before sunset of the same day shall not be in violation of this Ordinance.
- F. Cooking Grills in Apartment Buildings (other than one- and two-family dwellings): Hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall not be used or kindled on any balcony or under any overhanging portion or within ten (10) feet of any structure. Listed electrical ranges, grills, or similar electrical apparatus shall be permitted. Prohibited is the storage or use of L.P. (propane) gas in quantities greater than one (1) pound

above the first floor in any apartment or condominium. Therefore, ~~(propane) Gas~~ L.P. (propane) gas grills cannot be stored on a balcony or deck in an apartment building.

- G. Burn Ban: All burning including otherwise permissible fires will be prohibited during the declaration of a Burn Ban issued by the Salisbury Township Board of Commissioners, the Township Office of Fire Safety/Public Safety, the Salisbury Township Emergency Management Coordinator, and/or Lehigh County Emergency Management. Under these circumstances, usually due to cumulative weather conditions, all burning of any materials would constitute a general danger or threat to property or persons in the Township of Salisbury. A burn ban may be enacted to prohibit any burning until such danger is no longer present. The Township and/or authorized Township officials shall notify the public of the burn ban through various means including but not limited to newspapers, public postings at municipal and fire stations, Township websites and other publications. A ban on burning may also be declared by the County of Lehigh, the Commonwealth of Pennsylvania and/or the United States Government. To the extent that such a fire/burn ban emergency is declared by the aforementioned entities, such declaration shall supersede the provisions of this Ordinance. Any person who burns during a declared burn ban shall be in violation of this Ordinance.

§102. Special Permits/ Inspections

- A. The Township of Salisbury authorizes the Office of Fire Safety and the Fire Inspectors to issue special permits for designated events that will include burning. These events generally do not comply with the Ordinance and require special attention and inspection by the Township Fire Inspector.
- B. Not less than fifteen (15) days prior to an event where burning shall occur, an individual must acquire and complete a permit application from the Township and submit the permit application to the Fire Inspector. The Fire Inspector shall review the application and inspect the area to ensure the highest degree of safety. After the permit has been issued, the applicant shall carry the permit during the event and must exhibit same, upon request, to any Township official designated in Section 103.A and/or any other appointed or elected Township official.
- C. Ceremonial Burning: As defined under Recreational Fires, ceremonial burning must be conducted by the rules set forth in this Ordinance. The Salisbury Township Fire Safety Inspector must be contacted prior to a Ceremonial Burning if it does not meet the requirements of this Ordinance in order to determine if permits and inspections will apply.

§103. Violations

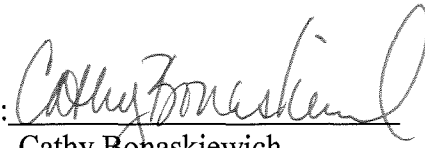
- A. Enforcement: The Township of Salisbury authorizes the following agencies and officials to enforce this Ordinance: Township of Salisbury Building Code Official, **Salisbury Township Code Enforcement Officer**, Salisbury Township Fire Marshal, Salisbury Township Fire **Safety** Inspector, Salisbury Township Volunteer Fire Department Chief Officers (Western and Eastern Districts), and Salisbury Township Police Officers. The agencies and officials identified herewith are authorized to work solely or collectively in order to enforce this Ordinance.
- B. Extinguishing authority: At such time it is deemed necessary when burning is in violation of this Ordinance, the agencies and officials identified in Section 103.A are authorized to extinguish such fires.
- C. Penalties: Any person or corporation who violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than **one thousand dollars (\$1,000)**, plus costs of prosecution, and in default of payment thereof, shall undergo imprisonment for a period not to exceed ninety (90) days. Fines shall be issued by Salisbury Township Police Officers and/or Salisbury Township Fire Safety Inspectors.

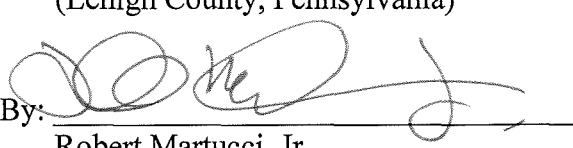
ARTICLE II. ENACTMENT

It is declared that the enactment of the Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township. All Ordinances or parts of Ordinances inconsistent herewith shall be and the same expressly are repealed. This Ordinance shall be effective immediately upon adoption by the Board of Commissioners. 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. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Duly adopted this 26th day of April, 2018 by the Board of Commissioners of Salisbury Township, in lawful session duly assembled..

TOWNSHIP OF SALISBURY
(Lehigh County, Pennsylvania)

Attest: 
Cathy Bonaskiewich
Township Secretary

By: 
Robert Martucci, Jr.
President, Board of Commissioners