

**CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 /
PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN**

Chapter 60, BURNING, OPEN

[HISTORY: Adopted by the Board of Supervisors of the Township of Lehigh 5-23-2000 by Ord. No. 2000-1. Amendments noted where applicable.]

GENERAL REFERENCES

Explosives -- See Ch. 72.
Fire prevention -- See Ch. 76.

**CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 /
PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-1.
Purpose.**

§ 60-1. Purpose.

It is against public policy to permit uncontrolled and unrestricted outdoor burning. The purpose of this chapter is to prevent needless public damage to life and property because of public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained.

**CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 /
PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-2.
Definitions.**

§ 60-2. Definitions.

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

CONTAINED FIRE -- Any fire contained in an incinerator, burn barrel, fireplace or cooking grill or other contained enclosure designed for outdoor cooking, or a fireproof container.

ENFORCEMENT OFFICER -- The Fire Chief of the Lehigh Township Volunteer Fire Company No. 1, any member of the Lehigh Township Police Department, and the Lehigh Township Code Enforcement Officer shall be designated enforcement officers under this chapter. Any citation must be issued by a police officer.

FIRE -- Any fire set or maintained outside of a building at any stage, including, but not limited to, smoldering or open flame.

PERSON -- Any individual, partnership, organization, association, agency, firm, estate, or corporation and any other legal or commercial entity.

RECREATIONAL FIRE (CAMP FIRE) -- Any fire using natural, untreated wood and containing a fuel source of not more than 27 cubic feet.

RESPONSIBLE ADULT -- 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.

UNCONTAINED FIRE -- Any fire not included in the definition of a "contained fire" or a "recreational fire."

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PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-3.
Compliance required; fire-fighter training exempt.**

§ 60-3. Compliance required; fire-fighter training exempt.

- A. It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any materials whatsoever, of whatever nature, without complying with this chapter.
- B. Nothing herein shall be construed to prevent fire-fighting training by Township-designated fire-fighting organizations.

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PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-4. Fires on
public roads and properties.**

§ 60-4. Fires on public roads and properties.

No person shall set, start, feed, permit to burn or maintain any fire upon any of the streets, sidewalks, alleys or public grounds in Lehigh Township, except where a designated area has been set aside or reserved for this purpose and an appropriate container has been provided to contain such fire.

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PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-5. Safe distances.

§ 60-5. Safe distances.

- A. It shall be unlawful to allow any fire, including cooking, within an unsafe distance from any building.
- B. No fire shall be set, started, fed, permitted to burn or maintained where such fire may endanger any building or property, except where such building or property is used by the Fire Department for training purposes.
- C. Out-of-door fires shall be permitted only upon private property and shall take place at least 20 feet from any building or road line.
- D. Nothing herein shall be deemed to prohibit indoor cooking activities providing that reasonable safeguards are maintained.
- E. Cooking grills may be less than 20 feet from a building providing that reasonable safeguards are maintained.

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§ 60-6. Control of burning and unattended fires.

- A. No fire shall be allowed to burn unattended without a responsible adult being present at all times and without readily available fire-extinguishing apparatus, such as rakes, shovels, fire extinguishers, and readily available on-site water.
- B. No fire shall be permitted to burn whenever drought, high winds, or extreme weather conditions exist or when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania or other competent governmental body. The Board of Supervisors may prohibit any and all outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- C. No fire shall be set that results in uncontrolled burning of vegetation, grass, brush or forest.
- D. Out-of-door fires shall be confined in a noncombustible container, covered with a wire screen of 1/2 inch or smaller mesh, except for fires of leaves, brush, and/or natural, untreated wood which need not be confined to or covered by a noncombustible container. However, a

reasonable area must be cleared around the burn site of any fire which need not be confined to or covered by a noncombustible container. "Reasonable area" is defined as a three-foot area around the burn site, excluding actual burn pile.

- E. Prior to the start of an outdoor fire which need not be confined to or covered by a noncombustible container, in excess of 10 feet by 10 feet by six feet in nature, the property owner upon whose land the fire will be located shall notify the Lehigh Township Fire Company Dispatcher of the burn, the name and address of the property owner, and the materials to be burned. The dispatcher shall also be notified by the property owner when the burn is completed.
- F. Recreational fires, in excess of a 10 feet by 10 feet by six feet high in nature, must be maintained in a noncombustible fire ring or have a three-foot area cleared around the burn site, excluding actual burn pile.

CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 / PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-7. Extinguishing unsafe fires.

§ 60-7. Extinguishing unsafe fires.

It is a violation of this chapter for any person to allow any fire to burn under adverse weather conditions or unsupervised, or otherwise in an unsafe manner. Any such fire may be extinguished by an official of the Township-designated Fire Company or the Township Police Department or the Township Code Enforcement Officer or shall be extinguished immediately upon request of such official by the property owner or his or her authorized representative.

CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 / PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-8. Hours for burning.

§ 60-8. Hours for burning.

- A. No person shall burn or cause to be burned any paper, boxes, rubbish, leaves or any other kind of substance, nor shall any person or persons set or maintain any uncontained fire, or burn or cause to be burned an uncontained fire of any substance or material of any kind, out-of-doors, anywhere in the Township of Lehigh between 11:00 p.m. and 6:00 a.m.
- B. Contained fires shall not be permitted to burn or smolder between the hours of 11:00 p.m.

and 6:00 a.m.

- C. Recreational fires using natural, untreated wood and containing a fuel source of no more than 27 cubic feet are permitted at any time so long as they comply with all other provisions of this chapter.

**CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 /
PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-9.**

Unlawful substances.

§ 60-9. Unlawful substances.

- A. Burning of construction debris, pressure-treated wood or wood products, plastics, by-products of manufacturing and processing operations, and wastes from commercial operations is strictly prohibited.
- B. Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania or the United States Environmental Protection Agency to be a hazardous substance; nor shall any fire be permitted to burn by any person if such burning is in violation of the Air Pollution Control Act^{EN(1)} or other legislation of the Commonwealth of Pennsylvania or the United States of America or any other competent public agency.
- C. No garbage or offal may be burned at any time either indoors or out-of-doors.
- D. Fires shall be used only to burn readily combustible materials.

**CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 /
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Special circumstances.

§ 60-10. Special circumstances.

- A. In the event that it is necessary to have an uncontained fire of a size and/or at times other than permitted under this chapter, special permission must be obtained in advance from the Fire Chief of the Lehigh Township Volunteer Fire Company No. 1 or his designee. In the event any Fire Company is required to respond to a fire which violates the provisions of this chapter, a service fee may be levied by the responding Fire Company.
- B. Any recreational fire exceeding 27 cubic feet must be given special permission by calling the

Fire Department in advance.

- C. Any commercial entity having a state permit must still comply with this chapter in regards to weather conditions and announced burning ban.

**CODE OF THE TOWNSHIP OF LEHIGH, PENNSYLVANIA, v3 Updated: 08-01-2009 /
PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-11.
Violations and penalties; issuance of citations.**

§ 60-11. Violations and penalties; issuance of citations.

- A. Penalties for violation of this chapter shall be as provided in Chapter 1, General Provisions, Article II.^{EN(2)}
- B. All citations shall be issued by the Lehigh Township Police Department.

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PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-12.
Equitable and other remedies.**

§ 60-12. Equitable and other remedies.

No penalty herein shall prevent the Township from enforcing this chapter by equitable, injunctive and other remedies.

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PART II GENERAL LEGISLATION / Chapter 60, BURNING, OPEN / § 60-13.
Liability.**

§ 60-13. Liability.

The Township of Lehigh 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 the provisions of this chapter, or by reason of conduct of any burning activity in compliance with the terms and provisions of this chapter. The individual person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

Endnotes

1 (Popup - Popup)

Editor's Note: See 35 P.S. § 4001 et seq.

2 (Popup - Popup)

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).