

Chapter 7. Fire Prevention and Fire Protection

Part 2. OPEN BURNING

[1] *Editor's Note: Ordinance 1-2016, 10/17/2016 provided that §§ 7-201 to 7-214 of this Part shall apply to all zoning districts in North Lebanon with the exception of the R-1 and R-2 Zoning Districts.*

A.. Regulations and Restrictions.

§ 7-201. Restrictions Concerning the Areas of Fires.

[Ord. 5/28/1973, 5/28/1973, § 1; as amended by Ord. 5-2004, 9/20/2004, § I]

No person or persons shall set or maintain any fire upon any of the streets, sidewalks, alleys, private properties or public grounds in the Township of North Lebanon, or burn or cause to be burned papers, boxes, rubbish, leaves, leaf waste, garbage, building materials, yard waste and all other recyclables as provided by ordinance or resolution of the Board of Supervisors of North Lebanon Township except as may be authorized under the provisions of this Part.

§ 7-202. Regulation of Open Fires.

[Ord. 5/28/1973, 5/28/1973, § 2; as amended by Ord. 6/4/1973, 6/4/1973; by Ord. 33.02 (620-77), 6/25/1977, by Ord. 33, 6/23/1980; by Ord. 6/3/85, 6/3/1985; by Ord. 1-1988, 8/22/1988, § 8; by Ord. 2-1993, 5/17/1993, § II; by Ord. 1-1999, 8/16/1999, § IV; by Ord. 12001, 2/19/2001, § IV; by Ord. 2-2002, 6/17/2002, § VIII; by Ord. 5-2004, 9/20/2004, § I; by Ord. 1-2007, 5/21/2007, § IX]

Out-of-door fires shall not be permitted on private property of the Township of North Lebanon unless the following regulations and restrictions are strictly adhered to:

1. Every out-of-door fire shall be built in and confined to a noncombustible container as approved by resolution of the Board of Supervisors of North Lebanon Township covered with a screen of 1/4 inch.
2. No such fire shall be closer than 30 feet from any building, combustible materials, other than those to be burned, or 10 feet from any adjoining property line.
 - A. Where a lawful non-combustible container is permanently affixed to the real property at the effective date of this Part that is not in conformity with the setback requirements above, such container may be continued in its place as long as it remains otherwise lawful unless said container shall be destroyed or has deteriorated by any means to an extent that it cannot be lawfully used in accordance with the terms of this Part, at which time it shall not be reconstructed except in conformity with the provisions of this Part.^[1]

[1] *Editor's Note: Former Subsection 2B, which provided that a person must make application to the Township Supervisors if a non-combustible container cannot be built due to setback restrictions on the premises, and which immediately followed this subsection, was repealed by Ord. 1-2016, 10/17/2016.*

3. Fires Prohibited at Certain Times.

- A. No fire shall be set, started or maintained except between the hours of 7:00 a.m. and sunset.
- B. All out-of-door fires are prohibited on Sundays, Mondays and the following legal holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas Day.

4. Notwithstanding the above, open burning upon private property in the Township of North Lebanon is permitted without having to comply with § **7-202**, Subsection **1**, above provided that the fire is attended at all times, that the fire is at least 30 feet from any building, combustible material, other than those to be burned, or structure and that the fire be made for the purposes of fence rows and the like only. There shall be no burning as provided in the North Lebanon Township Ordinance relating to the restrictions and regulations of outdoor fires on Sundays or on legal holidays within North Lebanon Township, Lebanon County, Pennsylvania. Notwithstanding, the permitted open burning as provided in this Section shall be limited to where the matter to be burned is stacked in an area no wider than 10 feet, no longer than 10 feet and no higher than five feet. If a party desires to have open burning beyond this size, the party shall first notify the North Lebanon Township Police Department or the Lebanon County EMA before burning takes place.

5. Any person or persons, upon private property in the Township of North Lebanon, shall be permitted to burn in out-of-door fires those items as are designated and approved by resolution of the Board of Supervisors of North Lebanon Township.

The term "garbage" as used in this Part shall be defined as all table refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

6. Notwithstanding the provisions of this Part, open burning shall not be permitted upon private and public property in the Township of North Lebanon on any day from April 1 to September 30 after 8:00 p.m. and before 7:00 a.m. and from October 1 to March 30 after 4:30 p.m. and before 8:00 a.m. in any year without compliance with the requirements of this Part **2** where the following conditions are met:

A. Outdoor fires may be permitted for recreational purposes within the Township as defined herein.

[Amended by Ord. 1-2016, 10/17/2016; and by Ord. No. 4-2020, 4/20/2020]

Only dry, aged wood may be burned in a recreational fire. It is prohibited to burn ordinary household waste, construction debris, lumber, leaf waste and recyclables (as defined in the North Lebanon Township Waste Reduction and Recycling Ordinance, as amended, § **20-201** et seq. of the North Lebanon Township Codified Ordinances), and any materials which produce dense smoke when burned, including but not limited to tires and roofing materials.

Recreational fires must not be larger than three feet in diameter, create a nuisance condition, or produce dense smoke.

(1) The designated place for the fire shall be at least 30 feet from any building or structure.

(2) The fire shall be attended at all times by a responsible adult.

7. Notwithstanding the provisions of this Part, outdoor fires for individual household barbecues shall be exempt from the regulation provisions of this Part providing that they are in proper containers or equipment, as defined by resolution of the Board of Supervisors of North Lebanon Township and provided that they are a safe distance from the adjoining property line and buildings.

8. Fire companies shall be permitted to have controlled burning within North Lebanon Township for training purposes provided that the fire company submits an "Application for Open Burning Exception" to the Department of Environmental Protection.

9. Prior to burning material as a result of grubbing-clearing of land, the property owner shall notify the Bureau of Air Quality of the Department of Environmental Protection.

§ 7-203. Special Order of Supervisors of No Burning.

[Ord. 5/28/1973; as added by Ord. 1-1999, 8/16/1999, § IV; and as amended by Ord. 1-2011, 6/20/2011, § II]

1. Whenever the Board of Supervisors deem it is necessary for the protection and welfare of the residents and the property of North Lebanon Township, the Board of Supervisors may adopt a resolution banning burning within North Lebanon Township. When the Supervisors determine that the ban is no longer necessary, the ban on burning shall be eliminated by the adoption of a resolution by the Board of Supervisors.
2. Whenever the Lebanon County Officials have taken action to ban burning in the County of Lebanon, Pennsylvania, the Police Department of North Lebanon Township shall be authorized to enforce the burning ban in the Township under of the provisions of § **7-204**, "Penalty."

§ 7-204. Penalty.

[Ord. 5/28/1973, 5/28/1973, § 3; as amended by Ord. 33.03(8-22-77), 8/28/1977; by Ord. 6/3/85, 6/3/1985; by Ord. 1-1997, 1/20/1997, § V; and by Ord. 1-1999, 8/16/1999, § IV]

Any person who violates or permits a violation of this provision of the Code of Ordinances of North Lebanon Township shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 nor more than \$1,000, and/or to be imprisoned for a period not to exceed 90 days. A separate offense shall arise for each day or portion thereof in which a violation is found to exist.

B.. Additional Regulations.

§ 7-211. Open Burning of Scrap Paper.

[Res. 18-1999, 8/16/1999, § 2; as amended by Ord. 5-2005, 12/19/2005, § III]

When burning is permitted by the Code of Ordinances of North Lebanon Township, it shall permit the burning of scrap paper, such as paper towels, plates, napkins, tissues and paperboard such as soda cartons, cereal and pasta boxes. On farms within the Township, burning shall be permitted that is customary with the normal and usual operation of the farms.

§ 7-212. Residential Grilling.

[Res. 18-1999, 8/16/1999, § 3]

Where grilling for residential cooking is permitted under the Ordinances of North Lebanon Township, the grills permitted shall include the standard and customary types of household charcoal grills, gas grills and outdoor cooking grills constructed for household use by standard and customary construction practices. Any other containers, equipment or grills that are utilized for outdoor household cooking and barbecuing shall be approved by the Township.

§ 7-213. Prohibiting the Burning of Leaf Waste.

[Res. 4-2001, 2/5/2001; as amended by Ord. No. 4-2020, 4/20/2020]

The burning of leaf waste is prohibited in North Lebanon Township. Leaf waste shall be recycled as provided in the North Lebanon Township Waste Reduction and Recycling Ordinance, as amended, § 20-201 et seq. of the North Lebanon Township Codified Ordinances.

§ 7-214. Noncombustible Containers.

[Res. 5-2001, 2/19/2001]

Under Chapter 7, Part 2, § 7-202, of the Code of Ordinances of North Lebanon Township dealing with regulations of outdoor fires, proposed noncombustible containers shall be presented for review and approval to the Township, and if approved by the Township, the same may be utilized.

C.. R-1 and R-2 Zoning Districts.

§ 7-215. Applicability; purpose.

[Ord. 1-2016, 10/17/2016]

1. This Subpart shall be applicable to the R-1 Zoning District and the R-2 Zoning District in North Lebanon Township under the provisions of the North Lebanon Township Zoning Ordinance. Whereas the Board of Supervisors of North Lebanon Township has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of North Lebanon Township, it is hereby declared to be the policy of North Lebanon Township to safeguard the citizens of North Lebanon Township from such air pollution.

§ 7-216. Definitions.

[Ord. 1-2016, 10/17/2016]

The following words, terms, and phrases, when used in this Subpart, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

AIR BASIN

A geographic area of the commonwealth.

BURNING

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

CLEARING AND GRUBBING WASTES

Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include solid waste and dirt-laden roots.

COMPOSTING

The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

DOMESTIC REFUSE

Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or fewer. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires, or treated wood.

MUNICIPALITY

North Lebanon Township is a municipality created under state law having jurisdiction over the disposal of sewage, industrial wastes, or other wastes.

OPEN BURNING

A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PERSON

Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth or the federal government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

RECREATIONAL BURN

[Amended by Ord. No. 4-2020, 4/20/2020]

- A. Only dry, aged wood may be burned in a recreational fire. It is prohibited to burn household waste, construction debris, lumber, leaf waste and recyclables, and any materials which produce dense smoke when burned, including but not limited to tires and roofing materials.
- B. Recreational fires must not be larger than three feet in diameter, create a nuisance condition, or produce dense smoke.

RECREATIONAL BURN

What can be burned in a recreational fire?

- A. Only dry, aged wood and brush may be burned in a recreational fire. It is prohibited to burn ordinary household waste, construction debris, lumber, leaves, recyclables and materials which produce dense smoke when burned, including but not limited to tires and roofing materials.
- B. What conditions must be met for recreational fires?
 - (1) Recreational fires must not be larger than three feet in diameter or create a nuisance condition or produce dense smoke.

TOWNSHIP BOARD OF SUPERVISORS

The Board of Supervisors of North Lebanon Township, Lebanon County, Pennsylvania.

YARD WASTE

Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery, and other vegetative material.

§ 7-217. Exemptions.

[Ord. 1-2016, 10/17/2016]

1. After October 17, 2016, no person may permit the open burning of materials in the Zoning Districts provided herein (R-1 District and R-2 District), with the exception of the following:
 - A. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program office and set by or under the supervision of a public officer.
 - B. Any fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's Regional Air Quality Program office.
 - C. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program office.
 - D. A fire set solely for cooking food, ceremonial purposes and recreational burns.

§ 7-218. Enforcement Orders.

[Ord. 1-2016, 10/17/2016]

1. The North Lebanon Township Police Department or any other duly authorized agent shall have the power and duty to enforce the provisions of this Subpart.
2. North Lebanon Township may issue such orders as are necessary to aid in the enforcement of the provisions of this Subpart. These orders shall include, but shall not be limited to: orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this Subpart; orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information. Such an order may be issued if the North Lebanon Township Police Department or other duly authorized agent finds that any condition existing in or on the facility or source involved is causing or contributing to open burning or if the North Lebanon Township Police Department or duly authorized agent finds that any person is in violation of any provision of this Subpart.
3. North Lebanon Township may, in its order, require compliance with such conditions as are necessary to prevent or abate open burning or effect the purposes of this Subpart.
4. An order issued under this section shall take effect upon notice, unless the order specifies otherwise.
5. The authority of the North Lebanon Township Board of Supervisors to issue an order under this section is in addition to any remedy or penalty which may be imposed pursuant to this Subpart. The failure to comply with any such order is hereby declared to be a public nuisance.

§ 7-219. Responsibility of Owners and Operators.

[Ord. 1-2016, 10/17/2016]

1. Whenever a police officer or authorized agent finds that open burning is occurring in those zoning districts set forth herein for North Lebanon Township, other than those exceptions noted in § 7-217 above, the police officer or authorized agent may order the owner or operator to take corrective action in a manner satisfactory to the Township, or the enforcing officer may order the owner or operator to allow access to the land by the enforcing officer or third party to take such action.
2. For purposes of collecting or recovering the costs involved in taking corrective action or pursuing a cost recovery action pursuant to an order or recovering the cost of litigation, oversight, monitoring, sampling, testing, and investigation related to a corrective action, the Township may collect the amount in the same manner as civil penalties are assessed and collected following the process for assessment and collection of a civil penalty contained in this Subpart.

§ 7-220. Penalties.

[Ord. 1-2016, 10/17/2016]

1. Any person who violates any provision of this Subpart or any order of North Lebanon Township issued pursuant to this Subpart commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$600 for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment for up to 90 days for each separate offense. Employees of the Township authorized to conduct inspections or investigations are hereby declared to be law enforcement officers authorized to issue or file citations for summary violations under this Subpart, and the Township Solicitor is hereby authorized to prosecute these offenses. For purposes of this section, a summary offense may be prosecuted before any District Judge in North Lebanon Township.

§ 7-221. Public Nuisances.

[Ord. 1-2016, 10/17/2016]

1. A violation of this Subpart or of any order issued by the Township under this Subpart shall constitute a public nuisance. The Township shall have the authority to order any person causing a public nuisance to abate the public nuisance. In addition, when abating a public nuisance, the Township may recover the expenses of abatement following the process for assessment and collection of a civil penalty contained in § **7-220**. Whenever the nuisance is maintained or continued contrary to this Subpart or any order issued pursuant to this Subpart, the nuisance may be abatable in the manner provided by this Subpart. Any person who causes the public nuisance shall be liable for the cost of abatement.