

NORTH CORNWALL TOWNSHIP

Lebanon County, PA

ORDINANCE NO. 320

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, ADOPTING RULES AND REGULATIONS FOR THE TOWNSHIP OF NORTH CORNWALL WHICH PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE TOWNSHIP BY REGULATING AGRICULTURAL BURNING, OUTDOOR RECREATIONAL FIRES, OUTDOOR FIREPLACES, AND ALL OTHER INCIDENCES OF OPEN BURNING IN THE TOWNSHIP; PROVIDING FOR THE ENFORCEMENT THEREOF; ESTABLISHING CONTROL MEASURES RELATED THERETO; AND ESTABLISHING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Second-Class Township Code authorizes Townships of the Second Class to regulate, and in most cases prohibit, burning within the Township in order to protect the health, welfare, cleanliness, comfort, and safety of its citizens and residents; and

WHEREAS, the North Cornwall Township Board of Supervisors deems it to be in the best interest and general welfare of the citizens and residents of this Township to regulate burning in order to further and promote the health, welfare, cleanliness, comfort, and safety of its citizens and residents.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained, by the Board of Supervisors of North Cornwall Township as follows:

SECTION 1 – PURPOSE: The residences and industrial and commercial establishments that are situated within the Township of North Cornwall are entitled to clean air and environmental circumstances free of unreasonable dust, noxious odors, fumes, and smells, as well as an environment free of stored debris and combustible solid fuels in adjacent or exposed exterior areas within densely populated areas.

SECTION 2 – DEFINITIONS: The following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, words in the

singular include the plural, and the word “shall” is always mandatory and not merely suggestive.

- A. “Township” is the Township of North Cornwall, Lebanon County, Pennsylvania.
- B. “Board of Supervisors” is the Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania.
- C. “Owner” is a person owning, leasing, occupying, or having charge of any property within the Township.
- D. “Person” is any natural person, firm, partnership, association, corporation, company, or organization of any kind.
- E. “Agricultural Fire” shall mean the burning of brush, trees, stumps, grass, and weeds formerly growing and wholly generated upon the property upon which the fire is set, provided that the property is at least twenty-five (25) or more acres in single contiguous area, the fire is part of the normal farming operations (as defined by DEP regulations), and the property is zoned agricultural.
- F. “Contained Fire” is any fire contained in an incinerator, fireplace, or any other contained enclosure designed for outdoor cooking or recreational purposes.
- G. “Open Fire” is a fire in which any material is burned in the open or in a receptacle other than a fireplace, incinerator, or other contained enclosure designed for outdoor cooking or recreational purposes.
- H. “Recreational Fire” is an open fire or a fire in a manufactured fire container or constructed fireplace, in which only wood is burned for the sole purpose of cooking food or for leisure time activity.
- I. “Responsible Adult” is 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.
- J. “Composting” is the process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

K. The definitions of Leaf Waste, Recyclables/Recyclable Materials, and Yard Waste as set forth in Ordinance 318 shall be incorporated herein by reference as though set forth in full.

L. The definitions of Garbage and Refuse as set forth in Ordinance 319 shall be incorporated herein by reference as though forth in full.

SECTION 3 – REGULATION OF OUTDOOR BURNING: Except as set forth herein, no person shall set or maintain any fire at any time, upon any private property, or on any streets, sidewalks, alleys or public grounds in the Township, or burn or cause to be burned on any private or public property any yard waste, leaf waste, grass clippings, paper, refuse, or other material or substance of any kind, including without limitation, any recyclable materials, as defined by the Pennsylvania Department of Environmental Protection and North Cornwall Township Ordinances and Regulations.

SECTION 4 – BURNING PROHIBITED: It shall be unlawful for any person to open burn any material, including the following, at any time in any zoning district within the Municipality:

A. Household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in North Cornwall Township under Pennsylvania Act 101, including yard waste, leaves, scrap lumber, vegetation, plywood, drywall, plastic products, insulation materials, upholstered furniture, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 PA Code 271.1, garbage, dead animals, human and animal excrements, human and animal hair, rubber products, including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring.

B. Burning of construction debris, aerosol cans, by-products of manufacturing and processing operations and wastes from commercial operations is strictly prohibited.

SECTION 5 – AGRICULTURAL BURNING: The person responsible for any agricultural fires set upon private property for the purpose of burning, clearing, and grubbing waste or in the conjunction with the production of agricultural commodities in their unmanufactured state on the

premises of the farm operations shall:

- A. Submit a Township Burn Permit Application signed by the Property Owner / Applicant to North Cornwall Township for approval by the Township Office Permit Administrator or Code Enforcement Officer.
- B. If the application is approved, upon the receipt of a permit from the Township, the Property Owner / Applicant receiving the permit shall be responsible for notifying the Lebanon Emergency Management Agency, North Cornwall Township Police Department, and the Township's Fire company and providing the information contained in the application not less than twenty-four (24) hours prior to igniting the agricultural fire.
- C. In cases where the agricultural fire involves an area of 1,000 square feet or more, such as a fence line or field, or where it involves a large quantity of material of more than 4 cubic yards of debris or material, the person responsible for the fire shall notify their local fire department not less than forty-eight (48) hours prior to igniting the fire.
- D. All agricultural fires under a burn permit must comply with the following conditions:
 1. All yard waste materials permitted to be burned on agricultural land must originate from the same parcel of land on which it is burned, and the parcel of land shall be at least twenty-five (25) or more acres in single contiguous area.
 2. All agricultural fires shall be attended at all times by a responsible adult.
 3. No garbage, refuse, food, animal substance or parts thereof, hazardous material, batteries, tires, nor any container that contains or did contain air or gas under pressure (such as aerosol-type containers) may be burned.
 4. No recyclable materials, as defined by the Pennsylvania Department of Environmental Protection and North Cornwall Township Ordinances and Resolutions, may be burned at any time, by any person.
 5. No rubbish or trash including rubber, synthetic products, paint products, plastic and synthetic fabrics, pre-treated scrap lumber, or any other matter or material which may product an offensive smoke and/or odor, shall be burned. The burning of tires, tubes, tar, waste oil, and motor vehicles or parts of motor vehicles is prohibited.
 6. No agricultural fire shall be set, started or maintained between the hours of 7:00 p.m., prevailing time and/or sunset, whichever comes first, and 7:00 a.m. prevailing

time and/or sunrise, whichever comes first.

7. No agricultural fire shall be set, started or maintained on any Sunday or any of the following Holidays:
 - a. New Year's Day
 - b. Memorial Day
 - c. Independence Day
 - d. Labor Day
 - e. Thanksgiving Day
 - f. Christmas Day
8. No agricultural fire shall be set, started, or maintained when weather or atmospheric conditions such as fog, drizzle, or dampness will make the fire or its smoke offensive or hazardous to human life or property.
9. All fires must be at least 100 feet from structures.
10. Any other conditions reasonably related to the protection of the life, health, and safety of the citizens and residents of the North Cornwall Township as specified by the Board of Supervisors.

SECTION 6 – OUTDOOR GRILLS AND OUTDOOR COOKING STOVES:

All outdoor grills and outdoor stoves shall be permitted upon private property within all zoning districts of North Cornwall Township solely for the purpose of cooking foods. The following regulations shall apply:

- A. Outdoor factory-manufactured cooking grills or stoves used for cooking purposes only shall be used in accordance with the manufacturer's operating instructions and shall be located in an area that meets required safe distance clearances from surrounding buildings or other combustible materials.
- B. No person shall use outdoor factory-manufactured cooking grills or stoves for the burning of prohibited materials as outlined in Section 4 of this Ordinance.
- C. Outdoor factory-manufactured cooking grills or stoves shall not be used indoors or in any enclosed areas that are not properly ventilated.

SECTION 7 – OUTDOOR PATIO STOVES; CHIMINEAS; FACTORY-BUILT METAL

OR CUSTOM-BUILT RECREATIONAL FIREPLACES: Outdoor patio stoves, chimineas, factory-built metal fireplaces, custom-built recreational masonry fireplaces, and torches for recreational purposes to provide illumination or repel insects shall be permitted outside of residential private property within all zoning districts of North Cornwall Township, provided the following regulations shall apply:

- A. Outdoor patio stoves, chimineas, factory-built metal or custom-built masonry recreational fireplaces or fire pits must be located at least fifteen (15) feet from any building, structure, or property line. Exemption: Outdoor fireplaces that are custom-built as part of the building's exterior structure construction are exempt.
- B. No fire for recreational purpose shall be set, started, or maintained before 10 a.m. or after 11 p.m., and all fires shall be properly supervised and extinguished.
- C. No fire for recreational purposes shall be set, started, or maintained when the weather or atmospheric conditions such as fog, drizzle, or dampness will make the fire or its smoke hazardous or offensive to human life or property.
- D. No person shall use outdoor patio stoves, chimineas, or factory-built metal or custom-built recreational fireplaces for the burning of prohibited materials as outlined in Section 4 of this Ordinance.
- E. If smoke, ash, or smells emitting from such outdoor patio stoves, chimineas, or factory-built metal or custom-built recreational fireplaces become objectionable or offensive to neighboring properties, a North Cornwall Township Police Officer or Township Code Enforcement Officer may suspend the burning operation.

SECTION 8 – OUTDOOR RECREATION - OPEN CAMPFIRE OR RECREATIONAL

FIREPIT FIRES: Outdoor backyard recreation campfires or recreational firepit fires shall be permitted outside on a residential private property within all zoning districts of North Cornwall Township, provided the following regulations apply:

- A. Outdoor backyard recreational campfires or recreational firepit fires shall use only dried wood as fuel. The fire pile size shall not exceed a three (3) foot diameter or a maximum height of three (3) feet, and shall be properly confined, supervised, and extinguished.

- B. No person shall use outdoor recreational campfires or recreational firepits for the burning of prohibited materials as outlined in Section 4 of this Ordinance.
- C. Outdoor recreational campfires and recreational firepit fires must be located a minimum distance of twenty-five (25) feet from any building, structure, property line, or roadway right-of way line and may not be located in any front yard.
- D. No fire for recreational purposes shall be set, started, or maintained before 10 a.m. or after 11 p.m.
- E. No fire for recreational purposes shall be set, started, or maintained when the weather or atmospheric conditions such as fog, drizzle or dampness will make the fire or its smoke hazardous or offensive to human life or property.
- F. If smoke, ash, or smells emitting from such outdoor recreational open campfires or recreational firepits become objectionable or offensive to neighboring properties, a North Cornwall Township Police Officer or Township Code Enforcement Officer may suspend the burning operation.

SECTION 9 – ADDITIONAL LIMITATIONS: 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 if such burning is in violation of the Air Pollution Control Act or other legislation by the Commonwealth of Pennsylvania or the United States of America or any of their legislative agencies.

SECTION 10 – FIRE BAN EMERGENCY: The Board of Supervisors may declare a fire ban emergency in North Cornwall Township, with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township, during a period of drought or other periods of high fire risk to woodlands or property within the Township. Upon the declaration of a fire ban emergency, all outdoor burning and open fires shall be prohibited until the ban is lifted by the Board of Supervisors.

- A. This does not include contained fires as defined in Section 2 of this Ordinance.
- B. The Township may issue news releases to all communication media including, but not limited to radio, TV, newspaper, and the Township website.

SECTION 11 – ENFORCEMENT: The North Cornwall Police Department shall have the power to enforce the provisions of this ordinance.

SECTION 12 – RESPONSIBILITY FOR REMEDIATION: In all cases of a violation under this Ordinance, the owner shall be responsible for the remediation of the violation and for the fines or other penalties set forth herein.

SECTION 13 – PENALTY FOR VIOLATION: If any person or owner violates this Ordinance, then for each violation, he shall, upon conviction in a summary proceeding brought before the District Judge, be required to pay a fine of not less than \$50.00 but not more than \$600.00, plus the costs of prosecution, and in default of payment, to imprisonment for a term of not more than 90 days, provided that each day's violation of any provision of this Ordinance shall constitute a separate offense.

SECTION 14 – ADDITIONAL COSTS:

- A. In the case of a fire requiring firefighters and/or equipment, and upon conviction of any violation of this Ordinance, the violator shall also pay fees in an amount sufficient to cover the firefighting costs. Charges shall be assessed for use of firefighting equipment.
- B. The Board of Supervisors may base their costs on mileage, operating costs, firefighting equipment, and man hours. These charges shall be in addition to and not in lieu of any penalties provided elsewhere in this Ordinance.

SECTION 15 – REPEALER: Ordinance No. 232 is hereby repealed in its entirety. All other Ordinances or parts of Ordinances, and resolutions or parts thereof, which are inconsistent herewith shall be and are hereby expressly repealed.

SECTION 16 – SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been

adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

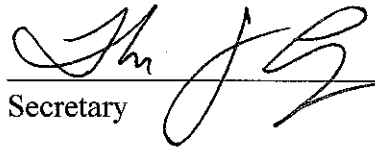
SECTION 17 – MUNICIPAL LIABILITY: The Board of Supervisors and its agents, officials, and representatives, shall not under any circumstances be liable or responsible for damages caused to any person or property by reason of this Ordinance, or by reason of the conduct of any burning activity in compliance or noncompliance with the terms and provisions hereof. The person, persons, company or companies responsible for any such fire and shall bear sole liability for any damages caused as a result thereof.

SECTION 18 – EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption thereof.

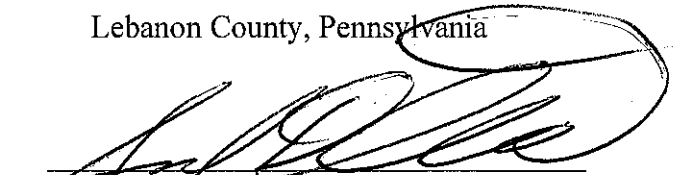

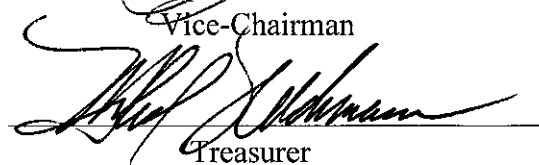
BE IT ENACTED, this 15th day of September, 2020, by the Board of Supervisors of North Cornwall Township.

**NORTH CORNWALL TOWNSHIP
BOARD OF SUPERVISORS**
Lebanon County, Pennsylvania

ATTEST:


Secretary

Date: Sept. 15, 2020


Chairman

Vice-Chairman

Treasurer

[TOWNSHIP SEAL]

