

WARWICK TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE No. 1 of 1994
“THE BURNING ORDINANCE”

AN ORDINANCE OF THE TOWNSHIP OF WARWICK, CHESTER COUNTY,
PENNSYLVANIA ADOPTING REGULATIONS AND RESTRICTIONS PERTAINING
TO OUTDOOR BURNING AND ESTABLISHING PENALTIES FOR VIOLATION OF
THE ORDINANCE.

BE IT ENACTED AND ORDAINED that the Board of Supervisors of Warwick Township, Chester County, Pennsylvania hereby adopts regulations and restrictions governing burning out-of-doors, (outdoors) which shall be applicable within the jurisdictional limits of Warwick Township, and as enacted shall provide as follows:

Section 1. Outdoor burning hours restricted. Except for recreational fires, it is unlawful to burn or authorize (or, on one's own property, to permit) another to burn anything out-of-doors anywhere within Warwick Township except between the hours of 8:00 a.m. and 4:00 p.m., prevailing time. A recreational fire is an outdoor fire which is used to cook food for human consumption.

Section 2. Burning restricted.

A. It is unlawful to burn or to authorize (or, on one's own property to permit) another to burn paper, wood, brush or other waste material out-of-doors anywhere within Warwick Township unless the fire is confined within an enclosed container, incinerator, fireplace or grill located at least ten (10) feet from a building or structure, and unless someone remains in attendance during the burning. Incinerators, fireplaces or grills which are constructed as a part of a building or structure are excluded from this ten (10) foot separation requirement. Perforations, openings and/or screening for venting the container, incinerator, fireplace or grill are permitted if designated to prohibit burning particles or ash from being discharged therefrom.

B. It is unlawful to burn any paper, wood, brush, trash, lumber or other building or waste material on any construction site without obtaining a permit from the Pennsylvania Department of Environmental Resources specifically authorizing such activity on the site.

C. It is unlawful to burn any tires, plastics, or like material which could produce noxious fumes.

Section 3. Conditions and requirements. It is unlawful to burn or to authorize (or on one's own property, to permit) another to burn paper, wood brush or other waste material out-of-doors anywhere within Warwick Township unless the fire is contained within an enclosure meeting the requirements of Section 2, or if an open fire, meeting the following requirements:

- A. The closest point of the fire must be at least fifteen feet from a building or structure; and
- B. There exists a cleared area free of trees, shrubs and other combustible materials of at least fifteen (15) feet around the perimeter of the burn area; and
- C. A responsible individual is in attendance at all times during the burn; and
- D. In large areas, such as fields or woods, in addition to the requirements of subsection A through C of this section, adequate additional manpower and equipment is available to prevent the spread of fire outside the burn area.

Section 4. Restrictions of leaf burning. It is unlawful to burn or to authorize (or, on one's own property, to permit) another to burn leaves out-of-doors anywhere within Warwick Township except during the months of April and November, and then only if the fire is confined within an enclosure meeting the requirements of Section 2.A., or if an open fire, meeting the requirements of Section 3.A, B, C, and D.

Section 5. Proximity to roads and utility equipment. It is unlawful to burn or to authorize (or, on one's own property, to permit) another to burn leaves, paper, wood, brush or other waste material, or to light any fire upon or within five (5) feet of a public road or curb, whether state or township owned, or to light any fire within five (5) feet of a utility pole or utility equipment.

Section 6. Permission of property owner required. It is unlawful to kindle a fire upon the land of another without permission of the owner thereof, which permission, except in the case of a family member or employee of such land owner, shall be in writing and signed and dated by the property owner.

Section 7. Ban on fires during drought. It is unlawful to light or to 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 Warwick Township Board of Supervisors or their authorized representative during the period of a drought. Such announcement may be by oral notification during a public meeting of the Board of Supervisors or in writing, published in a newspaper of general circulation within Warwick Township, or in any other manner which fairly communicates such notice to Township property owners.

Section 8. Extinguishment of fires. The following shall apply to the extinguishment of fires.

A. Any fire on public or private property may be extinguished by the local fire company having jurisdiction, either with or without consent of the property owner or person in charge thereof, if in the opinion of the Warwick Township Fire Marshal, such fire constitutes a danger to persons or property.

B. The property owner shall take all necessary precautions for any fire which is permitted or otherwise regulated by this Ordinance, by having a water source or water supply sufficient to extinguish the fire.

Section 9. Violations and Penalties. Any person who violates any section, subsection, subparagraph or provision of this Ordinance shall be liable, upon judgment of conviction thereof, to a fine not exceeding One Thousand (\$1,000) Dollars for each and every separate offense, together with the costs of prosecution, which fine and costs may be collected by suit or summary proceeding brought in the name of Warwick Township before any district justice having jurisdiction. Proceedings for such violation and for the collection of fines and penalties imposed hereby may be commenced by warrant, or by summons, at the discretion of the district justice before whom the proceeding is begun. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine imposed and the costs, such person may be sentenced and committed to the county prison for a period not exceeding thirty (30) days for each and every separate offense. For the purposes of this section, the term "person" shall include any individual, firm, association, partnership, corporation or other legal entity.

Section 10. Severability. 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 hereof. 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 hereof not been included herein.

Section 11. Effective Date. This Ordinance shall take effect five (5) days after its enactment.

ENACTED AND ORDAINED this 28th day of December, 1994