

ORDINANCE NO. 2013- 1

**AN ORDINANCE OF LOWHILL TOWNSHIP, LEHIGH COUNTY,
PENNSYLVANIA REGULATING OPEN BURNING AND/OR OUTDOOR FIRES
IN ORDER TO PROMOTE THE HEALTH, SAFETY AND GENERAL
WELFARE OF THE RESIDENTS OF THE TOWNSHIP.**

WHEREAS, Lowhill Township wishes to enact an ordinance regulating open burning and outdoor fires within the Township and providing penalties for violations thereof; and

WHEREAS, the Lowhill Township Board of Supervisors has determined that regulating open burning and outdoor fires within the Township will promote the public health, safety, cleanliness, comfort and general welfare of the residents of the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Lowhill, Lehigh County, Pennsylvania, in lawful fashion duly assembled, as follows:

SECTION 1. Title.

This Ordinance shall be known and may be cited as the Lowhill Township Burn Ordinance.

SECTION 2. Purpose.

It is against public policy to permit irresponsible, careless, uncontrolled and restricted outdoor burning. The purpose of this Ordinance is to prevent damage to life and property, which occur as a result of irresponsible, careless, uncontrolled and unrestricted outdoor burning.

SECTION 3. Definitions.

Contained Fire. Any fire that is contained in an incinerator, burn barrel, fireplace, fire ring, cooking grill or other contained enclosure designed for outdoor cooking or heating purposes, or a fireplace container.

Enforcement Officer. Any fire department officer responding to an incident in Lowhill Township or any senior responding member of that fire department shall be designated an enforcement officer for the purposes of this Ordinance. The Lowhill Township Board of Supervisors may designate additional enforcement officers by further resolution.

Open Fire. Any fire other than a fire inside a building or structure and a contained fire.

Person. Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency or other entity recognized by law as the subject of rights and duties.

Right-of-Way. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

SECTION 4. Open Fire Restrictions. Open fires are generally permitted subject to the following restrictions:

A. The open fire must be attended at all times by a person over the age of eighteen (18), the site of the fire shall be controlled as to prevent endangerment to property or person, and the site of the fire shall not exceed four hundred (400) square feet.

B. It shall be unlawful for any person to burn, ignite or feed any open fire without providing Lehigh County Communications (610.437.5252)¹ with notice prior to igniting said fire.

C. It shall be unlawful for any person to burn, ignite or feed any open fire on lots that are less than one (1) acre in size.

D. It shall be unlawful for any person to burn, ignite or feed any open fire between the hours of 11:00 p.m. and 6:00 a.m.

E. It shall be unlawful for any person to burn, ignite or feed any open fire less than twenty feet (20') from any building, structure, dwelling and/or above-ground utility line.

F. It shall be unlawful for any person to burn, ignite or feed any open fire less than one hundred (100') feet from any right-of-way or property boundary line.

G. It shall be unlawful for any person to burn, ignite or feed any open fire whenever draught or extreme weather conditions exist as declared by Lowhill Township or when a ban on burning has been instituted by the Commonwealth of Pennsylvania. Notice of such restriction shall be posted at the Lowhill Township Building.

H. It shall be unlawful for any person to burn, ignite or feed any open fire any materials which create noxious or objectionable emissions, or any materials that are prohibited by state and/or federal regulations, including, but not limited to:

¹¹ This is the telephone number for Lehigh County Communications as of the date that this Ordinance was enacted.

- (1) tires or other rubber products;
- (2) roof shingles or other roofing materials;
- (3) treated wood;
- (4) electrical wire insulations;
- (5) fiberglass and home insulation;
- (6) plastic and vinyl products;
- (7) asbestos containing materials;
- (8) paint, oil and petroleum products;
- (9) painted or stained wood furniture;
- (10) mattresses, box spring and/or other home furnishings;
- (11) any metal objects;
- (12) television sets or appliances;
- (13) automobiles, automobile parts, including batteries;
- (14) diapers;
- (15) human and animal wastes;
- (16) animal hides, furs or skins;
- (17) dirt laden roots or tree stumps;
- (18) rubbish or garbage, and/or
- (19) recyclable material.

SECTION 5. Compliance with Ordinance.

It shall be unlawful to burn, ignite, incinerate, maintain or permit to burn any open fire, of whatever nature, without complying with this Ordinance.

SECTION 6. Extinguishing Unsafe Fires.

The enforcement officer may extinguish or direct any property owner or person in charge of an open fire to immediately extinguish said open fire if the open fire is in violation of this Ordinance and is deemed a threat to the safety of persons and property by the enforcement officer.

SECTION 7. Penalties.

Any person who violates this Ordinance shall, upon conviction therefor before any Magisterial District Justice, in a summary proceeding, be sentenced to pay a fine or penalty, which shall not be less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for each offense, plus costs. If the defendant in any such action fails to pay any fine or penalties that are imposed, the defendant may be sentenced to county jail for a period not to exceed thirty (30) days. The Lowhill Township administrator or such other person(s) as designated by resolution of the Board of Supervisors of Lowhill Township shall be authorized to prosecute any violations of this Ordinance.

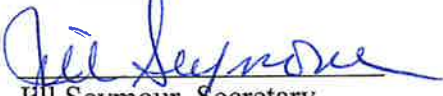
SECTION 8. Liability.

Lowhill Township 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 Ordinance, or by reason of any burning activity in compliance with this Ordinance. The person responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

1. The invalidity or unenforceability of any provision of this Ordinance shall not affect the validity or enforceability of any other provision, which shall continue in full force and effect.
2. The Article, Section, Subsection, Paragraph and other headings contained in this Ordinance are included for convenience only and shall not be utilized in interpreting any provision of this Ordinance.
3. All ordinances inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of the inconsistency.
4. The provisions of this Ordinance shall become effective on the fifth (5th) day following the enactment of this Ordinance.


DULY ENACTED AND ORDAINED on this 11 day of July, 2013, by the Township of Lowhill in lawful session duly assembled.

ATTEST:


Jill Seymour, Secretary

TOWNSHIP OF LOWHILL


Richard B. Hughes, Chairman


George Wessner, Jr., Vice-Chairperson


Frank Dengler, Member

I, Charles A. Waters, Esquire, of the firm of Steckel and Stopp, Solicitors for the Board of Supervisors of Lowhill Township, do hereby certify this to be a true and correct copy of the Ordinance enacted by the same at their meeting on July 11, 2013.

STECKEL AND STOPP

By: 
Charles A. Waters, Esquire