

TOWNSHIP OF EAST GOSHEN  
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 129-D-14

**AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF  
THE TOWNSHIP OF EAST GOSHEN, TITLED, "BURNING  
OUTDOOR".**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township as follows:

**SECTION 1.** Chapter 106 of the Code of the Township of East Goshen titled, "Burning, Outdoor", shall be amended as follows:

**"Chapter 106.**

**Burning, Outdoor**

**§ 106-1. Purpose.**

It is the purpose of this Chapter to regulate the types of outdoor and open burning within the Township and to promote the public health, safety and general welfare of the citizens of the Township.

**§ 106-2. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated in this section:

**RECREATIONAL FIRE-**A small fire, contained within a fire pit or fire ring, which has a total fuel area of two (2) feet or less in diameter and one (1) foot or less in height, intended for recreation or cooking.

**CLEAN WOOD-** Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products. The term includes branches, sticks and firewood.

**CONSTRUCTION WASTE-** Building waste materials, including but not limited to, waste shingles, insulation, plywood, oriented strand board, particle board, laminates, insulation, treated wood, painted wood, wiring, plastics, packaging and rubble from construction, remodeling, repair and demolition operations on a

house, commercial or industrial building, or other structure. The term does not include clean wood.

**FUEL AREA-** The space where materials are being burned.

**INCINERATOR-** A burn barrel or other similar enclosed wood-burning container equipped with a spark- or ember-arresting device, which has a total fuel area of two (2) feet or less in diameter and three (3) feet or less in height (maximum capacity of 55 gallons).

**LEAVES-**The flattened structure of a vascular plant, characteristically consisting of a blade-like expansion attached to a stem and functioning as the principal organ of photosynthesis and transpiration. This includes the leaves of both deciduous and coniferous trees, regardless of whether said leaves are attached to branches or have fallen naturally to the ground following their growing season.

**MUNICIPAL WASTE-**Any garbage, refuse, trash or other material resulting from the operation of residence or a municipal, commercial, business or institutional establishment.

**OPEN FIRE-** A fire that is not contained within a fire pit, fire ring or other container, which has a total fuel area of six (6) feet or less in diameter and three (3) feet or less in height, wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

**PATIO WOOD-BURNING UNIT-** A chimera or other similar portable wood-burning device equipped with a spark- or ember-arresting device used for outdoor recreation and/or heating.

**RECYCLABLES-** Those materials specified by the Township for collection in conjunction with the refuse and recycling program.

**STRUCTURE-** A dwelling unit, garage, shed or barn.

**TOWNSHIP-** East Goshen Township.

### **§ 106-3. Applicability.**

This Chapter applies to all outdoor burning within the Township with the following exceptions:

- A. This Chapter does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

- B. This Chapter does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a structure used for human or animal habitation or an outdoor wood fired boiler.
- C. This Chapter does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- D. This Chapter does not apply to field fires to clear land when approved by the Fire Marshal.
- E. This Chapter does not apply to demolition of the residue of a structure partially destroyed by accidental fire when approved by the Fire Marshal.
- F. This Chapter does not apply to fires set for training purposes under the supervision of the Fire Marshal.

**§ 106-4. General prohibitions.**

- A. No person shall burn or light any fire except to the extent specifically permitted by this Chapter.
- B. No person shall burn construction waste, leaves, municipal waste or recyclables.
- C. No person shall burn or light any fire when a ban on burning has been enacted by any Township, County or State official.
- D. No person shall burn or light a fire within 20 feet of a public or private road, utility pole or utility equipment.
- E. No person shall burn or light a fire upon the land of another, without the permission of the owner. This permission shall be in writing, except in the case of a family member or employee.

**§ 106-5. Specific Requirements for the Outdoor Burning of Clean Wood.**

- A. Patio Wood-Burning Units may be installed and used subject to the following restrictions:
  - 1. The Patio Wood-Burning Unit shall be located at least 40 feet from any property line.
  - 2. Patio Wood-Burning Units shall burn only clean wood.
  - 3. There shall be no restrictions on hours.

- B. Recreational Fires are permitted subject to the following restrictions:
1. Recreational Fires shall be located at least 20 feet from any structure or combustible material.
  2. Recreational Fires shall be located at least 40 feet from any property line.
  3. Recreational Fire shall only be used to burn clean wood.
  4. Recreational Fires are prohibited between 2:00 a.m. and 6:00 a.m.
- C. Incinerators may be installed and used subject to the following restrictions:
1. The Incinerator shall be located at least 20 feet from any structure or combustible material.
  2. The Incinerator shall be located at least 40 feet from any property line.
  3. The Incinerator shall only be used to burn clean wood.
  4. The use of an Incinerator is prohibited between 6:00 p.m. and 8:00 a.m.
- D. Open Fires are permitted subject to the following restrictions:
1. An Open Fire is permitted on a property of 5 acres or more in area.
  2. An Open Fire is permitted on property comprised of one or more adjacent tax parcels owned by the same owner with a collective acreage of 5 acres or more in area.
  3. Two property owners who collectively own 5 acres or more shall jointly be permitted to have an Open Fire.
  4. The Open Fire shall be located at least 50 feet from any structure or combustible material.
  5. The Open Fire shall be located at least 50 feet from any property line.
  6. The Open Fire shall only be used to burn clean wood.

7. At least four hours prior to lighting the Open Fire, the property owner shall call 911 and notify the Chester County Fire Board of the time and place of the Open Fire.

8. Open fires are prohibited between 6:00 p.m. and 8:00 a.m.

**§ 106-6. Other Requirements Applicable to Burning.**

- A. Patio wood-burning units, recreational fires, incinerators and open fires shall be constantly attended by a responsible adult (age 18 or older) until the fire is extinguished.
- B. A minimum of one (1) five pound (5lb) ABC portable fire extinguisher or a garden hose connected to a water source shall be available for immediate utilization for patio wood-burning units, recreational fires and incinerators.
- C. A garden hose connected to a water source and shovel shall be available for immediate utilization for open fires.

**§ 106-7. Extinguishment of Fires.**

Any fire on private property shall be promptly extinguished by the property owner or if necessary the Fire Company having jurisdiction, either with or without the consent of the property owner, if, in the opinion of the East Goshen Township Fire Marshal or a Westtown-East Goshen Police Officer, such fire constitutes a danger or a nuisance to persons or property.

**§ 106-8. Penalties and Enforcement.**

Any person who violates or permits the violation of any provision of this Chapter shall, upon conviction thereof in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be subject to the payment of a fine of not less than \$100 and not more than \$1,000, plus the costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. Each section of this Chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the District Justice of not less than \$100 and not more than \$1,000, plus the costs of prosecution, or upon default of payment thereof, the defendant may be sentenced to imprisonment in the county prison for a term of not more than 30 days. All fines and penalties collected for the violation of this Chapter shall be paid to the Township Treasurer.”

**SECTION 2. 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 thereof not been included herein.

**SECTION 3. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Effective Date.** This Ordinance shall become effective in five days from the date of adoption.

**ENACTED AND ORDAINED** this 16<sup>th</sup> day of September, 2014.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Louis F. Smith, Secretary

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E. Martin Shane, Chairman

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Senya D. Isayeff, Vice-Chairman

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Carmen Battavio, Member

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Charles W. Proctor, III, Esquire, Member

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Janet L. Emanuel, Member