

BOROUGH OF CHRISTIANA  
Lancaster County, Pennsylvania

Ordinance 226

**AN ORDINANCE SETTING FORTH THE RULES AND REGULATIONS GOVERNING OPEN BURNING, RECREATIONAL FIRES AND AIR POLLUTION.**

**WHEREAS**, the Christiana Borough Council has determined that air pollution from an open fire may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Christiana Borough, it is hereby declared to be the policy of Christiana Borough to safeguard the citizens of Christiana Borough from such air pollution.

**WHEREAS**, Ordinance 101 does not permit the use of or define “portable outdoor fireplace”. Ordinance 101 is inconsistent herewith, is repealed of no force and effect.

**Definitions.**

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

*Furnace* – any enclosed device specifically designed for the burning of any material for the production of heat.

*Garbage* – all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

*Incinerator* – any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

*Open fire* – a fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

*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.

*Portable outdoor fireplace* – an appliance or device no more than 3 feet in diameter manufactured out of non-combustible materials such as steel, concrete or clay, to burn solid fuel (or propane, gas or other appropriate regulated fuel), clean wood or approved alternatives out of doors for the express purpose of recreation, heating, cooking or preparing food for consumption. This term includes but is not limited to chimneas, patio heating units, heating lamps, and cast iron fire pits. The *portable outdoor fireplace* must be UL listed or approved by the Borough Fire Marshal, Borough Fire Chief and/or Borough Code Officer.

*Recreational fire* – an outdoor fire used for recreational purposes such as to cook food on an outdoor barbecue structure, or to burn non-treated, dry wood or charcoal in a commercial fire pit, fire circle or chimnea. A recreational fire is a fire that is not used for the purpose of disposing of the material being consumed.

*Rubbish* – solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

*Refuse* – garbage, rubbish and trade waste.

*Salvage operation* – any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

*Trade waste* – all solid or liquid material, or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials, provided however that trade waste shall not include any coal refuse associated with the mining or preparation of coal.

### **Enforcement.**

The Christiana Borough (Chief of Police, Fire Chief, Health Officer, or any other duly authorized agent) shall have the power and duty to enforce the provisions of this Ordinance. The aforementioned authorities shall have the power to terminate any burn activities deemed unsafe.

### **Regulations.**

1. After the effective date of this Ordinance no person shall:
  - A. Ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside of any building.
  - B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of refuse or in the conduct of a salvage operation on any property under his control outside of any building.
  - C. Cause, suffer, allow or permit any person to kindle or burn any leaves, rubbish, trash or any other materials on or in any public street, avenue, alley or side gutter thereof, within the limits of the Borough of Christiana.
2. *Exceptions:*
  - A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:
    - (1) The prevention of a fire hazard which cannot be abated by other means.
    - (2) The protection of public health.
  - B. Open fires may be set with the approval of the authorized enforcement agent of this Ordinance provided:

- (1) There is no practical available alternate method for the disposal of the material to be burned.
- (2) No hazardous or other objectionable condition will be created by such burning.
- C. It shall be lawful at any time for any person to utilize a *portable outdoor fireplace* provided such device is used according to the manufacturer's instruction (but never, even if manufactured for such purpose, for the disposal of municipal waste or recyclable materials).
- D. A *portable outdoor fireplace* shall at all times be operated at a minimum of fifteen feet from any structure or combustible material (ex. under trees) and constant adult attendance and observation is required at all times until the fire is completely extinguished. The flame height is to be limited to three feet. All fires are to be extinguished no later than 12:00 a.m. (midnight) on Friday and Saturday, and no later than 10:00 p.m. Sunday through Thursday.

Except as herein provided, within the Borough, no person shall kindle, set, start, ignite, maintain or permit the kindling, setting, starting, ignition or maintenance of any open burning for any purpose, including by way of example and not by way of limitation, any junk fire, refuse fire, open fire, a fire ignited to burn brush, grass, wood, leaves, paper, rubbish, garbage, construction materials, etc.

**Penalties.**

Any person violating any of the provisions of this Ordinance, upon conviction thereof, shall be sentenced to a fine not less than \$25.00 nor more than \$100.00, together with costs, for the first violation and not less than \$50.00 nor more than \$1,000.00 plus costs for the second and subsequent violations and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate violation.

Effective Date:            This Ordinance shall become effective immediately upon enactment.

**Adopted** this 25<sup>th</sup> day of May, 2016 by the Borough Council of the Borough of Christiana, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF CHRISTIANA

APPROVED: \_\_\_\_\_  
   Mayor

\_\_\_\_\_  
   Council President

ATTEST: \_\_\_\_\_  
   Secretary