



TOWNSHIP of UPPER PROVIDENCE OFFICE of the FIRE MARSHAL

PROHIBITION OF BURNING AND REGULATIONS FOR PERMITTED INSTANCES

307.1. PROHIBITION OF BURNING FOR DISPOSAL PURPOSES

In accordance with the Municipal Waste Planning, Recycling, and Waste Reduction Act of July 28, 1988, (P.L. 528, No. 101) ("Pennsylvania Act 101") and as amended by Act 140 of 2006, it shall be unlawful for any person to openly burn any material, including the following, at any time in any zone within the Municipality:

Household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in the Municipality under Pennsylvania Act 101, including yard waste, leaves and scrap lumber or any 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 excrement, 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.

307.1.1 EXCLUSIONS:

- A. An open burning set to prevent or abate a fire hazard when approved by the Department of Environmental Protection's Regional office and set by or under the supervision of a public officer.
- B. A fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's Regional office.
- C. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection Regional office
- D. A fire set for the purpose of burning, clearing and grubbing waste; if within an air basin, an air curtain destructor must be used and must be approved by the Department of Environmental Protection's Regional office.
- E. A fire set in conjunction with the production of agricultural commodities in their un-manufactured state on the premises of the farm operation.
- F. A fire set solely for cooking food.
- G. A fire set solely for recreational or ceremonial purposes.

307.1.2 REGULATIONS PERTAINING TO PERMITTED INSTANCES OF OPEN BURNING:

- 1. Any such open burning as permitted in Section 307.1.1 shall be located at least fifty feet or more from any building, structure or combustible materials, and at least 50 feet from any public street or right-of-way.
- 2. A permit from the **Township** is required for any instances of open burning as permitted in 307.1.1 items A) through G). A fee may be charged for said permit by Resolution of the Board of Supervisors, as may be modified from time to time. However, any Township or Fire Official may suspend Open Burning at any time when it is determined by any of them that, in their opinion, any of the following conditions exist:
 - a. Smoke, embers and/or ash emission cause damage to property or vegetation of adjacent properties.
 - b. Smoke, embers and/or ash emission are, or may be, offensive, objectionable, a public nuisance or deleterious to human or animal health.
 - c. Dry conditions or drought warrant a ban on all open burning, in which case the Board of Supervisors of the Municipality shall be so advised in writing.

3. All fires in open burning must be guarded or attended to by one or more responsible adult persons, being individuals eighteen or over, at all times until such fire and open burning has been extinguished.
4. Yard waste that is permitted to be burned on agricultural land must originate from the same parcel of land on which it is burned.
5. Non-organic or recyclable materials, or any other combustibles which may create large amounts of smoke, may not be openly burned.
6. Any such open burning shall be permitted between the hours of 8:00 a.m. and 5:00 p.m. No burning or smoldering shall occur outside the above time period, unless prior permission is requested of and expressly granted by the Township.

307.1.3 OUTDOOR FIREPLACES; OUTDOOR COOKING GRILLS; OUTDOOR PATIO STOVES; CHIMINEAS AND FACTORY-BUILT NOVELTY STOVES

1. Outdoor fireplaces, outdoor cooking grills, outdoor patio stoves, chimineas and factory-built metal novelty stoves shall be permitted upon private property within all zones of the Township solely for their intended purpose.
2. No person shall use outdoor fireplaces, outdoor cooking grills, outdoor patio stoves, chimineas and factory-built metal novelty stoves for the burning of material as outlined in Section 1.
3. Outdoor fireplaces, outdoor cooking grills, outdoor patio stoves, chimineas and factory-built metal novelty stoves shall not be used indoors or in any enclosed areas that are not properly ventilated.
4. Fires in approved containers shall be not less than 15 feet from a structure.
5. Fire shall be constantly attended until the fire is extinguished, a portable fire extinguisher or garden hose connected to a water supply shall be available for immediate utilization.

307.1.4 INDOOR FIREPLACES; WOOD BURNING AND COAL STOVES; SOLID FUEL HEATERS

1. Fireplaces or wood burning or coal stoves shall be permitted inside residential private property within all zones of the Township solely for the purpose of heating the dwelling unit.
2. Only seasoned fire-wood, coal or solid fuels recommended by the manufacturer may be burned in such fireplaces, wood burning or coal stoves or solid fuel heaters.
3. No person may use such fireplaces, wood burning or coal stoves or solid fuel heaters for the burning of any material as outlined in Section 1.
4. Such fireplaces, wood burning or coal stoves or solid fuel heaters shall not be used for such purpose when, in the judgment of any Township or Fire Official, a fire hazard is created by such use and operation and/or any danger is posed to the occupants therein or the neighboring buildings and/or occupants.
5. If the smoke, ashes and/or smell emitting to the outside atmosphere from the chimney, stove pipe or flue are objectionable or offensive to the general public, the operation of such fireplace, wood burning or coal stove or solid fuel heater shall be suspended by any Township or Fire Official.

307.5.1 HANDLING OF ASHES AND RUBBISH

Ashes, smoldering coals, wood and embers or other material liable to spontaneously ignite shall not be deposited or allowed to remain within 10 feet of any combustible materials but shall be deposited in noncombustible containers. Rubbish of any kind shall not be allowed to accumulate.