

Upper Makefield *Township*

1076 Eagle Road | Newtown, PA 18940 | p 215.968.3340 | f 215.968.9228 | www.uppermakefield.org

OFFICE OF THE FIRE MARSHAL

Open Burning Request

Today's Date: _____

Applicant's Name: _____

Farm Name: _____

Address: _____

Cell Phone : _____ Business or House Phone: _____

Type/Description of Items to be Burned. Farm Residue Only! _____

Approximate Duration of Burn Time (Hours/Minutes): _____

Ignition Source: _____

Will this burning be a health hazard or inconvenience to any of the surrounding neighbors: _____

Approved: _____

Declined: _____

Fee \$15 – Cash/Check

Paid _____ Not Paid _____

John C. Kernan, Fire Marshal

projection room complying with Section 409 of the *International Building Code*.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with this section.

307.1.1 Prohibited open burning. *Open burning* that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

307.2 Permit required. A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. The *fire code official* is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of *open burning* that creates or adds to a hazardous or objectionable situation.

307.4 Location. The location for *open burning* shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires. *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family *dwellings*.

307.5 Attendance. *Open burning*, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION 308 OPEN FLAMES

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar *approved* device.

308.1.2 Throwing or placing sources of ignition. No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. *Persons* utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The *person* doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family *dwellings*.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by a permit in accordance with Section 105.6 secured from the *fire code official*.

Exception: Use within inhabited premises or designated campsites which are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

308.1.6.1 Signals and markers. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon wildfire risk areas.

Exception: The proper use of fusees at the scenes of emergencies or as required by standard railroad operating procedures.

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

Exceptions:

1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 38.
2. Cutting and welding operations in accordance with Chapter 26.
3. Torches or flame-producing devices in accordance with Section 308.4.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

308.1.7 Religious ceremonies. When, in the opinion of the *fire code official*, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one *person* to another while lighted.

308.1.7.1 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an *aisle* or *exit*.

308.1.8 Flaming food and beverage preparation. The preparation of flaming foods or beverages in places of assembly and drinking or dining establishments shall be in accordance with Sections 308.1.8.1 through 308.1.8.5.

308.1.8.1 Dispensing. Flammable or *combustible liquids* used in the preparation of flaming foods or beverages shall be dispensed from one of the following:

1. A 1-ounce (29.6 ml) container, or
2. A container not exceeding 1-quart (946.5 ml) capacity with a controlled pouring device that will limit the flow to a 1-ounce (29.6 ml) serving.

308.1.8.2 Containers not in use. Containers shall be secured to prevent spillage when not in use.

308.1.8.3 Serving of flaming food. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or

spooning of liquids is restricted to a maximum height of 8 inches (203 mm) above the receiving receptacle.

308.1.8.4 Location. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being serviced. They shall not be transported or carried while burning.

308.1.8.5 Fire protection. The *person* preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in smothering the flames in the event of an emergency.

308.2 Permits required. Permits shall be obtained from the *fire code official* in accordance with Section 105.6 prior to engaging in the following activities involving open flame, fire and burning:

1. Use of a torch or flame-producing device to remove paint from a structure.
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire in or upon wildfire risk areas.

308.3 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:

- 1.1. Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
- 1.2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
- 1.3. Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.

2. Heat-producing equipment complying with Chapter 6 and the *International Mechanical Code*.

3. Gas lights are allowed to be used provided adequate precautions satisfactory to the *fire code official* are taken to prevent ignition of combustible materials.

308.3.1 Open-flame decorative devices. Open-flame decorative devices shall comply with all of the following restrictions:

1. Class I and Class II liquids and LP-gas shall not be used.
2. Liquid- or solid-fueled lighting devices containing more than 8 ounces (237 ml) of fuel must self-extinguish and not leak fuel at a rate of more than 0.25 teaspoon per minute (1.26 ml per minute) if tipped over.
3. The device or holder shall be constructed to prevent the spillage of liquid fuel or wax at the rate of more

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ORDINANCE NO. 239

AN ORDINANCE OF THE TOWNSHIP OF UPPER
MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA,
RESTRICTING OPEN BURNING IN UPPER MAKEFIELD
TOWNSHIP

WHEREAS, the Board of Supervisors of Upper Makefield Township, Bucks County, Pennsylvania, has enacted the Code of Ordinances of Upper Makefield Township which contains, inter alia, provisions governing fire prevention and fire protection; and

WHEREAS, the Board of Supervisors desires to restrict the open burning of materials in Upper Makefield Township for the benefit of the health, safety and welfare of the residents of Upper Makefield Township;

NOW, THEREFORE, be it, and it is hereby ORDAINED, by the Board of Supervisors of Upper Makefield Township, Bucks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of same as follows:

I. Chapter 7 of the Code of Ordinances of Upper Makefield Township, Bucks County, Pennsylvania is hereby amended to add Part 1 as follows:

Part 1

Open Burning

§101. Title. This Part shall be known as the "Upper Makefield Township Open Burning Ordinance."

§102. Definitions. When used in this Part, the following words and terms shall have the following meanings, except where the context indicates a different meaning:

GARBAGE - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

NATURAL VEGETATION - tree branches, tree leaves, and yard trimmings.

OPEN FIRE - any fire not in a building, incinerator or furnace.

RUBBISH - solids not considered to be highly flammable or explosive including, but not limited to, tires, rages, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, furniture, tin cans, glass, crockery, masonry and other materials.

SALVAGE OPERATION - any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers or drums.

TRADE WASTES - 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, tar paper, grease, oil and other forms of solid or liquid waste materials.

§103. Prohibition on the Burning by Open Fire of Garbage, Rubbish, Trade Wastes, Natural Vegetation and for Salvage Operations. The burning by open fire of garbage, rubbish, trade wastes, natural vegetation or for salvage operations shall not be permitted in Upper Makefield Township.

§104. Exceptions. Burning by open fire is permitted without regard to the provisions of §103 hereof, only in the following circumstances and with the approval of the Fire Marshal via the issuance of a "Burning Permit". Any burning approved by the Pennsylvania Department of Environmental Protection or the Township Fire Marshal requires compliance with all guidelines set forth in the BOCA National Fire Prevention Code, as adopted by Upper Makefield Township.

A. Any fire set for the purpose of instructing personnel in fire fighting, when approved by the Pennsylvania Department of Environmental Protection.

B. Any fire set for the prevention and control of disease of pests, when approved by the Pennsylvania Department of Environmental Protection.

C. Any fire set solely for recreational or ceremonial purposes approved by the Upper Makefield Township Fire Marshal.

D. Any fire set solely for cooking food.

E. Burning incidental to normal farming operations, e.g. burning of seed bags.

F. Burning by open fire is prohibited on Sundays and on Thanksgiving Day.

§105. Enforcement. The Chief of Police, Police Officers, Licenses and Inspections Code Officials and the Township Fire Marshal or his Assistant Fire Marshal, are charged with the duty of enforcing the provisions of this Part.

§106. Penalties. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an

action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

II. All provisions of the Code of Ordinances of Upper Makefield Township, Bucks County, Pennsylvania, unaffected by this Ordinance are declared to be in full force and effect. Any provisions of the Code of Ordinances of Upper Makefield Township, Bucks County, Pennsylvania inconsistent herewith are hereby declared to be repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Upper Makefield Township, Bucks County, Pennsylvania.

ENACTED and ORDAINED this 5th day of September, 2001.

ATTEST:

UPPER MAKEFIELD TOWNSHIP
BOARD OF SUPERVISORS

Richard Gestrich, mg
RICHARD GESTRICH, MANAGER

Elizabeth P. Falconi
ELIZABETH P. FALCONI, CHAIRMAN

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