



ESTABLISHED 1683

Chuck Dennie, PE
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Stephanie DerOhannessian, MB
VICE-CHAIR

Michael Davey, Esq.
SUPERVISOR

Michael D'Agostino, Esq.
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Giovanna Iacono, PE, MBA
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BETHEL TOWNSHIP
Delaware County, Pennsylvania

Ordinance No. 243

Open Burning

AN ORDINANCE OF BETHEL TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA PROHIBITING THE BURNING OF CERTAIN MATERIALS; ESTABLISHING EXCEPTIONS FOR OPEN BURNING; REQUIRING A PERMIT FOR AND REGULATING ANY BURNING PURSUANT TO SUCH EXCEPTIONS; EXCEPTING CERTAIN MINIMALLY IMPACTFUL RESIDENTIAL USES OF OPEN FLAME; REGULATING THE HANDLING OF ASH AND RUBBISH RESULTING FROM OPEN BURNING; ESTABLISHING PENALTIES FOR VIOLATIONS; AND REPEALING ALL INCONSISTENCIES.

1. Prohibited acts.

In accordance with Pennsylvania Act 101, as amended, and 25 Pa. Code § 129.14, it shall be unlawful for any person to openly burn any material, including the following, at any time in any area within the Township: household trash, books, magazines, newspapers, cardboard and/ or any items that are required to be recycled in Bethel Township 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.

2. Exceptions.

The prohibition of open burning shall be in effect except when the burning results from the following and is conducted in such a manner as to comply with 25 Pa. Code § 129.14:

- A. An open burning set to prevent or abate a fire hazard when approved by the Department of Environmental Protection regional office and set by or under the supervision of a public officer.

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- B. A fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection 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; should Bethel Township become included in the inner zone of Southeast Pennsylvania air basin, or any other air basin defined in 25 Pa. Code § 121.1, an air curtain destructor must be used and must be approved by the Department of Environmental Protection regional office.
- E. A fire set in conjunction with the production of agricultural commodities in their unmanufactured state on the premises of the farm operation.
- F. A fire fueled by charcoal or untreated wood set solely for cooking food except as set forth in Section 4 below.
- G. A fire fueled by untreated wood set solely for recreational or ceremonial purposes.

3. Regulations and requirements.

- A. Any open burning as permitted in Section 2(A)-2(E) above shall be located at least 50 feet or more from any building, structure or combustible materials and at least 25 feet from any property line, public street or right-of-way.
- B. Any open burning as permitted in Section 2(A)-2(E) above shall require a permit from the Township. The Township is authorized to charge a fee for said permit in an amount established by resolution of the Board of Supervisors, as may be modified from time to time. However, no open burning is permitted on any day on which the National Weather Service (www.nws.noaa.gov) has issued a red flag warning for areas encompassing the Township. The Township Fire Marshal may suspend open burning at any time and from time to time when he determines, in his sole discretion any of the following conditions exist:
 - (1) The National Weather Service has issued a red flag warning for any area of the Township.
 - (2) Smoke, embers and/or ash emission cause damage to property or vegetation of adjacent properties.
 - (3) Smoke, embers and/or ash emission are, or may be, offensive, objectionable or deleterious to human or animal health.

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- (4) In the opinion of the Township Fire Marshall dry conditions or drought warrant a ban on all open burning, and such ban is posted on the Township website, and shall automatically expire after 15 days unless otherwise repealed or renewed for another 15-day period in the opinion of the Township Fire Marshall.
- (5) The open burn is being conducted in such a manner as to be violative of or result in a violation of the provisions of 25 Pa. Code § 129.14
- C. All fires in open burning must be guarded or attended to by one or more responsible adult persons, being individuals 18 or over, at all times until such fire and open burning has been extinguished.
- D. Yard waste that is permitted to be burned on agricultural land must originate from the same parcel of land on which it is burned.
- E. Nonorganic or recyclable materials, or any other combustibles which may create large amounts of smoke, may not be openly burned.
- F. Any open burning as permitted in Section 2(A)-2(E) above shall be allowed only 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.

4. Outdoor fireplaces, cooking grills and patio stoves; chimineas; factory-built metal novelty stoves.

- A. Outdoor fireplaces, outdoor cooking grills, outdoor patio stoves, chimineas and factory-built metal novelty stoves shall be allowed upon private property within all zones of the Township solely for their intended purpose without a permit.
- B. 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.
- C. Outdoor fireplaces, outdoor cooking grills, outdoor patio stoves, chimineas and factory-built metal novelty stoves may not be used indoors or in any enclosed areas that are not properly ventilated.

5. Indoor fireplaces; wood-burning and coal stoves; solid-fuel heaters.

- A. Fireplaces or wood-burning or coal stoves shall be allowed inside residential private property within all zones of the Township solely for the purpose of heating the dwelling unit without a permit.

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- B. Only seasoned firewood, coal or solid fuels recommended by the manufacturer may be burned in such fireplaces, wood-burning or coal stoves or solid-fuel heaters.
- C. 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.
- D. Such fireplaces, wood-burning or coal stoves or solid-fuel heaters shall not be used for such purpose when, in the judgment of a 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.
- E. If the smoke, ashes and/or smell emitting to the outside atmosphere from the chimney, stovepipe 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.

6. 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.

7. Compliance with state regulations.

All open burning permitted under this Ordinance shall comply with the provisions of 25 Pa. Code § 129.14, or any successor regulation governing open burning within the Township.

8. Violations.

Any person violating any provision of this Ordinance or failing to comply with any direction of the fire marshal issued pursuant hereto shall, upon conviction, be sentenced to pay a fine not exceeding \$600 for each offense, with each fire on a given day and each day constituting a separate offense. Any burning in violation of this Ordinance shall be considered a public nuisance, and the Township shall have the power to abate such nuisance and charge the violator and/or the owner of the property upon which the violations occurs with the cost of abatement. This Ordinance shall constitute a municipal air pollution ordinance for the purpose of Section 12(g) of the Pennsylvania Air Pollution Control Act and the enforcement provisions thereunder.



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9. Repealer.

All ordinances, resolutions and parts of ordinances and resolutions inconsistent herewith are hereby repealed to the extent of such inconsistencies only.

ENACTED and ORDAINED this 18th day of November 2025.

Bethel Township Board of Supervisors

Attest:

Chuck Dennie
Chair

William Addison
Township Manager