

PART 1
OUTDOOR BURNING

§101. Definitions.

As used in this Part, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

BOROUGH — the Borough of Elizabethtown, Lancaster County, Pennsylvania.

FIRE PIT — a completely open or semi-open containment constructed as below-ground pits, freestanding fireplaces and portable devices that are built with steel, brick, masonry and/or metal for the purposes of building and maintaining an open fire of no larger than two feet in height.

NATURAL WOOD — wood that has been produced naturally from a tree and not chemically treated with dye, paint or another form of artificial modification beyond cutting and drying.

OPEN FIRE — a fire outside of any building in which any material is burned in the open or in a receptacle other than in a grill used for the purposes of outside barbecues.

OUTSIDE BARBECUES — any fire maintained in a commercially constructed grill or masonry constructed grill for the purposes of heating, cooking and preparing food for the purpose of consumption.

PERSON — any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

(Ord. 819, 11/16/2000, §1; as amended by Ord. 945, 2/21/2013)

§102. Regulations.

Within the Borough limits, no person shall:

- A. Ignite, feed, cause, allow, permit or maintain on any property any open fire outside of any building for any purpose other than that specifically allowed herein.

(Ord. 819, 11/16/2000, §2)

FIRE PREVENTION AND FIRE PROTECTION

§103. Exceptions.

The activities prohibited in this Part are subject to the following 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 shall be permitted at any time when the same is conducted during an official act or exercise preapproved by the duly designated Borough enforcement officer by a volunteer fire department or a paid fire department recognized by the Commonwealth of Pennsylvania.
- C. Open fires may be set with written approval of the enforcement officer of the Borough provided:
 - (1) No hazardous or other objectionable condition will be created by such burning.
 - (2) No such burning is allowed on any street or sidewalk within the Borough.
 - (3) Said open fire is related to a public function including, but not limited to, fire works or a bonfire in support of a local organization.
- D. It shall be lawful at any time to burn charcoal or wood fires kindled for the purpose of outside barbecues, provided that the fire is confined for the purposes of outside barbecue, as defined in this Part, and used solely for the heating, cooking and preparing of food. Grills must be located 10 feet from any principal, combustible and/or accessory structures. It shall be unlawful at any time to burn and/or incinerate anything other than charcoal and natural wood as defined in this Part.
- E. Fire pits are lawfully permitted. A fire pit shall include belowground pits, freestanding fireplaces, and portable devices intended to control and contain outdoor fires. Only natural firewood may be burned. All fire pits must be located 10 feet away from any principal, combustible and/or accessory structure. The pit shall be built with steel, brick, masonry, and/or metal. The flames shall not be higher than two feet in height. A portable fire extinguisher or garden hose shall be readily available.
- F. All regulations of the International Fire Code shall be applicable, except provisions concerning distances of open burning, recreational fires and portable outdoor fireplaces.

(Ord. 819, 11/16/2000, §3; as amended by Ord. 945, 2/21/2013)

§104. Authority to Extinguish.

Authority is hereby granted to the Elizabethtown Volunteer Fire Company to extinguish any fire within the Borough of Elizabethtown when the Fire Chief of said Company deems that conditions warrant such action.

(Ord. 819, 11/16/2000, §4)

§105. Prohibited Burning.

All other burning is strictly prohibited.

(Ord. 819, 11/16/2000, §5)

§106. Appeals.

Upon the denial of written approval as described in §103B or C, an appeal may be taken to the Borough Council at a regularly scheduled meeting and such denial may be reversed upon a majority vote of the Borough Council. Borough Council reserves the right to limit this approval to a specific time, place and/or manner, and issue restrictions that may be placed on said open fire.

(Ord. 819, 11/16/2000, §6)

§107. Enforcement.

The Borough Council of the Borough of Elizabethtown shall designate the enforcement officer, in addition to the Elizabethtown Borough police officers, who shall have the power to enforce the provisions of this Part.

(Ord. 819, 11/16/2000, §6)

§108. (Reserved)¹

¹ Editor's Note: Former §108, Penalties (Ord. 819, 11/16/2000, as amended by Ord. 829, 11/15/2001), was repealed by Ord. 945, 2/21/2013.