

CHAPTER 7
FIRE PREVENTION AND FIRE PROTECTION

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PART 1
AIR POLLUTION CONTROL

§ 7-101. Title. [Ord. 5-2001, 8/6/2001, § 1]

This Part 1 shall be known and may be cited as the "Earl Township Air Pollution Control Ordinance of 2001."

§ 7-102. Authority. [Ord. 5-2001, 8/6/2001, § 2]

The Board of Supervisors of Earl Township, under and by virtue of and pursuant to the authority granted by the Second Class Township Code, does hereby enact and ordain this Part 1.

§ 7-103. Policy. [Ord. 5-2001, 8/6/2001, § 3]

Whereas the Board of Supervisors of Earl Township has determined that air pollution from open burning may be detrimental to the health, comfort, living conditions, welfare and safety of the citizens of Earl Township, it is hereby declared to be the policy of Earl Township to safeguard the citizens of Earl Township from such air pollution.

§ 7-104. Definitions. [Ord. 5-2001, 8/6/2001, § 4]

The following words, terms and phrases, when used in this Part 1, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

BOARD — The Earl Township Board of Supervisors.

BURNING — The act of consuming by fire; to flame, char, scorch or blaze. As used in this Part, "smoldering" shall have the same meaning as "burning," and any smoldering shall be deemed a burning.

CLEARING AND GRUBBING WASTES — Trees, shrubs and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt-laden roots.

COMPOSTING — The process by which organic solid waste is biologically decomposed under the controlled anaerobic or aerobic conditions to yield a humus-like product.

DOMESTIC REFUSE — Waste which is generated from the normal occupancy of a structure occupied solely as a dwelling by two families or less. The term does not include appliances, carpets, demolition waste (insulation, shingles, siding, etc.), furniture, mattresses or box springs, paint, putrescible waste, solvents, tires or treated wood.

OPEN BURNING — A fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed thereto through a flue.

PERSON — Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth or the federal government, political subdivision, municipality, district, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

YARD WASTE — Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

§ 7-105. Regulations. [Ord. 5-2001, 8/6/2001, § 5; as amended by Ord. 2013-03, 3/4/2013]

No person may permit the open burning of material, with the exception of the following:

- A. A fire set to prevent or abate a fire hazard, when approved by the Department of Environmental Protection's Regional Air Quality Program Office and set by or under the supervision of a public officer.
- B. Any fire set for the purpose of instructing personnel in firefighting, when approved by the Department of Environmental Protection's Regional Air Quality Program Office.
- C. A fire set for the prevention and control of disease or pests, when approved by the Department of Environmental Protection's Regional Air Quality Program Office.
- D. A fire set for the purpose of burning, clearing and grubbing waste, provided that such fire shall be permitted only upon private property and shall take place at least 100 feet from any building, property line or road line.
- 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 set solely for cooking food.
- G. A fire set solely for recreational or ceremonial purposes.

§ 7-106. Drought Conditions or Excessive Wind. [Ord. 5-2001, 8/6/2001, § 6; as amended by Ord. 4-2002, 6/3/2002]

Open burning is prohibited when a ban on burning has been placed into effect by the Commonwealth of Pennsylvania, the County of Lancaster or Earl Township. Open burning is also prohibited under conditions of excessive winds or during fire hazard periods such as dryness. If a drought emergency has been declared by the state or county, open burning may be allowed by Township-issued permits only. No permits will be issued during a state or county declared open burn ban.

§ 7-107. Sundays and Holidays. [Ord. 5-2001, 8/6/2001, § 7]

Open burning may only take place between sunrise and sunset Monday through Saturday. Open burning is prohibited on Sundays and holidays.

§ 7-108. Penalties. [Ord. 5-2001, 8/6/2001, § 8]

Any person who violates any provision of this Part 1 or any order of Earl Township issued pursuant to this Part 1 commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each separate offense, and in default of the payment of such fine, may be sentenced to imprisonment for 30 days for each separate offense. For purposes of this section, a summary offense may be prosecuted before any District Justice in Earl Township.

§ 7-109. Unlawful Conduct. [Ord. 5-2001, 8/6/2001, § 9]

It shall be unlawful to fail to comply with or to cause or assist in the violation of any of the provisions of this Part 1 or to fail to comply with any order or other requirement of the Township; or to cause a public nuisance; or to cause air, soil or water pollution resulting from an open burning incident; or to hinder, obstruct, prevent or interfere with the Township or its personnel in their performance of any duty hereunder, including denying access to the source or facility; or to violate the provisions of 18 Pa.C.S.A. § 4903 (relating to false swearing) or 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities) in regard to papers required to be submitted under this Part 1. The owner or operator of an open burning source shall not allow pollution of the air, water or other natural resources of the Township to result from the source.



PART 2**TRUSS CONSTRUCTION SIGN REQUIREMENTS****§ 7-201. Definitions. [Ord. 2009-02, 1/5/2009]**

As used in this Part 2, the following terms shall have the meanings indicated:

COMBUSTIBLE TRUSS CONSTRUCTION — A combination of combustible members, including, without limitation, wood-frame and engineered lumber products, usually arranged in triangular units or I-beam units to form a rigid framework for supporting floor and roof loads over a span of structural members that connect together to span the space between the walls of a building or other structure to support a vertical load.

DUPLEX DWELLING UNIT — A freestanding building containing two dwelling units for two families, arranged in a side-by-side or over-and-under configuration.

SINGLE-FAMILY DETACHED DWELLING UNIT — A freestanding building containing one dwelling unit for one family and typically having two side yards, one front yard and one rear yard.

TRUSS EMBLEM — A sign consisting of an isosceles triangle not less than 12 inches horizontally by six inches vertically and made of reflective material with red as the background and white lettering, containing the following: "F" to signify a building or structure having a floor with truss construction; "R" to signify a building or structure having a roof with truss construction; or "FR" to signify a building or structure having both a floor and roof with truss construction. An example of the truss emblem is attached hereto as a reference.¹

§ 7-202. Identification of Truss Construction. [Ord. 2009-02, 1/5/2009]

1. Building permittees and land developers. Except as provided in § 7-203 below, every person seeking a building permit or land development approval for any structure or building containing combustible truss construction in any form or manner shall install and maintain a visible truss emblem to the left of the main entrance and at a height of not less than five feet above the finish grade or at such other place as the Fire Chief or his/her designee may determine.
2. Residual owners, developers and homeowners' associations. Every owner, developer and/or homeowners' association of a residential subdivision, residential condominium, or apartment complex in which combustible truss construction was used in the dwellings or buildings or other structures within said subdivision, condominium or complex shall install and maintain

¹Editor's Note: The example emblem is on file in the Township offices.

a truss emblem within the public right-of-way or upon the common element/area (in the case of a private street or condominium) at each entrance to such subdivision, condominium or apartment complex, or at such other locations as the Fire Chief or his/her designee may determine.

§ 7-203. Exempt Buildings. [Ord. 2009-02, 1/5/2009]

The owner of any single-family detached dwelling unit or duplex dwelling unit shall be exempt from installing and maintaining a truss emblem.

§ 7-204. Fire Chief Approval. [Ord. 2009-02, 1/5/2009]

The owner or developer of any building or structure required to have a truss emblem under this Part 2 shall include (without limitation) in his, her or its land development plan, which is submitted pursuant to Chapter 22, Subdivision and Land Development, the design and location for each truss emblem, which must be approved in writing by the Fire Chief or his/her designee.

§ 7-205. Maintenance of Sign. [Ord. 2009-02, 1/5/2009]

Every owner of any structure or building containing combustible truss construction and every owner, developer and/or homeowners' association of a residential subdivision, residential condominium, or apartment complex in which combustible truss construction was used in the dwellings or buildings or other structures within said subdivision, condominium or complex shall be responsible for maintenance of the truss emblems which must be installed pursuant to this Part 2. The truss emblems shall be permanently affixed to the structure or building; and if the reflective material or lettering becomes worn over time, such that it is not clearly visible from at least 25 feet, such truss emblem shall be replaced.