

ORDINANCE NO. 214-2025

AN ORDINANCE TO REVISE AND ESTABLISH OPEN BURNING REGULATIONS

WHEREAS, from time to time, revisions to the Code of the Township of West Vincent are required so to aid the Township in its efforts to advance the overall public health, safety, and welfare of the community;

NOW, THEREFORE, the Board of Supervisors of West Vincent Township, Chester County, Pennsylvania, hereby ordains and enacts as follows:

SECTION I

A. The Code of the Township of West Vincent, Chapter 184, Fire Prevention, §184-1 Outdoor Burning, shall be deleted in its entirety, and the below shall be enacted:

§184-1 – Opening burning

- A. No person shall ignite, feed, cause, allow, permit, or maintain upon a property or properties an open fire outside of any building for any purpose, other than that allowed in §184-1.B.
- B. The following open fires are permitted, subject to all conditions noted:
 - i. An open fire set in the performance of any official duty of a public officer, if the fire is necessary for the prevention of a fire hazard that cannot be abated by other means, and/or for the protection of public health.
 - ii. An open fire or controlled burning for firefighting training by volunteer fire companies, conditioned on the volunteer fire company providing notice to the Township at least five (5) business days prior to the burn.
 - iii. An open fire contained in a barbecue, or in a masonry-constructed or similar grill or oven, for the purpose of cooking and preparing food.
 - iv. An outdoor bonfire utilized for a ceremonial purpose, conditioned on approval of the volunteer fire company that is the first due responder for the location of the event.
 - v. An open recreational fire possessing a total fuel area of three feet or less in diameter and two feet or less in height, for ceremonial, cooking, warmth, or similar purposes.
 - vi. An open fire as defined and permitted by “right-to-farm” laws, and/or similar laws, enacted by the Commonwealth of Pennsylvania.
- C. No open fires, including those permitted in §184-1.B, shall be permitted:
 - i. When a ban on such fires has been publicly announced by the Commonwealth of Pennsylvania and/or County of Chester, in a time of drought, or under similar conditions.
 - ii. Within five (5) feet of any roadway or curb or within five (5) feet of a utility pole or utility equipment.
 - iii. Upon the land of another, without the permission of the owner thereof.

- D. Open fires permitted under §148-1B iv and v shall:
- i. Be at least 50 feet from a building and from a property line; burning less than 50 feet from a property line may be permitted by the Fire Chief if notification has been provided to the adjoining property owner.
 - ii. Be in a cleared area having a radius of 15 feet around the fire.
 - iii. Require a responsible party 18 years of age or over in attendance at all times during the burning.
 - iv. Have an extinguishing agent present and readily available during the burning.
 - v. Not include the burning of tires, hazardous materials, or plastic materials which create non-toxic poisonous fumes or gases.
- E. An officer of the West Vincent Township Police Department, and the West Vincent Township Zoning Officer, shall have the power to enforce the provisions of this Chapter.
- F. Any person who violates or permits a violation of this Chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense, and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus actual costs of prosecution. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

SECTION II

- A. In the event that any section, subsection or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance. The invalidity of section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts. It is hereby declared to be the intention of the Township that this Ordinance would have been adopted had such invalid section, clause, sentence, or provision not been included therein.
- B. To the extent this Ordinance is inconsistent with the Code of the Township of West Vincent, the provisions of this Ordinance shall take precedence. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
- C. The failure of the Township to enforce any provision of this ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.
- D. This Ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED by the Supervisors of West Vincent Township, Chester County, Pennsylvania on this 19th day of May, 2025.

FOR WEST VINCENT TOWNSHIP

By: _____
Dana Alan, Chair
Board of Supervisors

Attest: _____
Christina Casey, Township Secretary

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