

**TOWNSHIP OF ABINGTON,
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2185

**AN ORDINANCE
AMENDING CHAPTER 65 – “BURNING”**

WHEREAS, the Township of Abington is a Township of the First Class, duly organized and existing pursuant to the applicable laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to section 1502.44 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56544, the Board of Commissioners has the authority to enact and amend provisions of the Abington Township Code (“Code”) at any time it deems necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof; and

WHEREAS, in accordance with the First Class Township Code of Pennsylvania, 53 P.S. §§55101, et. seq., the Township is vested with various corporate powers, including but not limited to the adoption and enactment of such ordinances and regulations necessary for the proper care, management, and control of the Township; and

WHEREAS, the Board of Commissioners of the Township of Abington has determined that the Code of Ordinances of the Township of Abington Chapter 65 – “Burning” should be amended for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Township and the inhabitants thereof.

NOW, THEREFORE, the Board of Commissioners of the Township of Abington does hereby **ENACT** and **ORDAIN** as follows:

1. Chapter 65 – “Burning” is amended at Section 1 – “Definitions” to add the definition of “Fire Pit”, as follows:

FIRE PIT

Any receptacle for which the sole purpose is the burning of recreational fires, including but not limited to outdoor fireplaces, braziers, fire rings, fire pits, chimineas, or other similar contained or enclosed structure, not to exceed three feet in diameter or two feet in height.

2. Chapter 65 – “Burning” is amended at Section 1 – “Definitions” to amend the definition of “Open Fire/Open Burning” to read as follows:

A fire in which the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney or in which any material is burned in the open or outside or in a receptacle other than a furnace, incinerator, fire pit or a cooking appliance. For purposes of this chapter, “open burning” shall not refer to road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames.

3. Chapter 65 – “Burning,” Section 3 – “Prohibit burning; exceptions,” Subsection A is amended at Subsection (4) to read as follows:

Ignite or feed a recreational fire, except as provided in § 65-3.B(5).

4. Chapter 65 – “Burning,” Section 3 – “Prohibited burning; exceptions” is amended at Subsection B. – “Exceptions” to add Subsection (5) to read as follows:

A recreational fire may be set provided it is contained in a fire pit and follows the requirements of this section, unless such fire is noxious, hazardous, or excessive in the immediate surrounding area by reason of smoke or noxious odors or which emits sparks, embers, brands or hot ash that may pose a public safety threat. In determining whether a condition is noxious, hazardous, or excessive, the Abington Township police officer, Fire

Marshal, or other duly authorized agent of the Board of Commissioners shall utilize § 65-3.B(4)(a) and (b).

- (a) All recreational fires must be contained in a fire pit.
 - (b) No refuse (trash), recyclables, construction materials, leaves or trimmings may be burned in a recreational fire.
 - (c) Recreational fires must be three (3) feet or less in diameter and two (2) feet or less in height.
 - (d) Recreational fires shall be at least 20 ~~25~~ feet from any structure, property line, or combustible material.
 - (e) A water source or portable fire extinguisher must be available for immediate use.
 - (f) Recreational fires must be continuously attended until the fire is extinguished.
5. It shall be unlawful for any person to burn, ignite, or feed any open fire whenever drought or extreme weather conditions exist or when a ban on burning has been instituted by the Commonwealth of Pennsylvania. Notice of such restriction shall be posted at the Township fire department and the Township building. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance are hereby repealed.
6. This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 10th day of November, 2021.

TOWNSHIP OF ABINGTON
BOARD OF COMMISSIONERS

Attest:



Richard J. Manfredi,
Township Manager & Secretary

By: 

John L. Spiegelman, President
Board of Commissioners

