

ORDINANCE NO. 273

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING AND RESTATING, IN THEIR ENTIRETY, ORDINANCE NO. 175 AND ORDINANCE NO. 259 IN ORDER TO ESTABLISH RULES AND REGULATIONS GOVERNING OUTDOOR FIRES WITHIN THE TOWNSHIP AND PERMITTING THE USE OF ORNAMENTAL FIRE PITS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of same as follows:

Section 1. Purpose. The purpose of this Ordinance is to prevent public and private nuisances caused by outdoor fires and burning that is deliberately or carelessly set and maintained within South Heidelberg Township and to avoid unnecessary calls and false alarms to fire companies serving South Heidelberg Township.

Section 2. Definitions. The following words and phrases used herein shall have the following meanings:

- (a) Contained Fire. Any fire contained in an incinerator, in a fireplace or grill used for outdoor cooking, in a fireproof container or an ornamental fire pit.
- (b) Fire. Any fire set or maintained outside of a building.
- (c) Township. The Township of South Heidelberg, Berks County, Pennsylvania.
- (d) Uncontained Fire. Any fire except a "Contained Fire".

Section 3. General Restrictions. Unless otherwise expressly permitted in Sections 4, 5 and 6 of this Ordinance:

- (a) No fire shall be set or maintained on any outdoor private property except for noncommercial cooking on appliances designed for the purpose of preparing foods (gas, electric or charcoal grills or stoves, etc.) provided that the fire shall not be permitted to burn or smolder for a period of time in excess of three (3) consecutive hours in a day measured from 12:00 AM to 11:59 PM.
- (b) No fire shall be set or maintained on any public road within the Township, except highway safety flares when used to warn the traveling public of an emergency situation on or adjacent to the road.

(c) No fire shall be set or maintained on any outdoor public property within the Township except for: (1) for noncommercial cooking on appliances designed for the purpose of preparing foods (gas, electric or charcoal grills or stoves, etc.) provided that the fire shall not be permitted to burn or smolder for a period of time in excess of three (3) consecutive hours in a day measured from 12:00 AM to 11:59 PM; or (2) a bonfire, constantly attended by at least one adult person, contained in a concrete fire ring. The South Heidelberg Township Police Department and Western Berks Fire Department must be notified in the event a bonfire is planned to be burned. The attending adult person must extinguish the bonfire and/or cooking fuel such that no ashes remain smoldering.

(d) No fire shall be set or maintained which may endanger any building or property, except where such building or property is used by the Western Berks Fire Department for training purposes.

(e) No fire shall be set for the purpose of burning or disposal of garbage, dead animals, human or animal excrement, rubber, rubber products, petroleum or petroleum products (except in building heating units or in petroleum-burning engines).

(f) No fire shall be set at any time on any legal holidays.

(g) No contained or uncontained fire shall be permitted to burn or smolder after dusk, except for a bonfire as permitted by Section 3(c) above.

(h) No fire shall cause or result in emissions, excessive smoke and/or harmful or noxious odors that unreasonably interfere with or are offensive to people at a neighboring property or properties.

(i) Anything in this Ordinance to the contrary notwithstanding, from time to time, during periods of drought, the Board of Supervisors may, by Resolution, temporarily prohibit the setting or maintenance of any contained or uncontained fire in the Township.

Section 4. Fires on Lots Less Than One (1) Acre. For a lot, tract or parcel of land that is less than one (1) acre in area within the Township:

(a) If the area is located in any zoning district that located in, contiguous to or adjacent to the R-3 and R-4 Zoning Districts, only a contained fire for the sole purpose of noncommercial cooking on appliances designed for the purpose of preparing foods (gas, electric or charcoal grills or stoves, etc.) is allowed provided that (i) the fire shall not be permitted to burn or smolder for a period of time in excess of three (3) consecutive hours in a day measured from 12:00 AM to 11:59 PM and (ii) that it otherwise complies with the restrictions set forth in Section 3 above.

(b) If the area is located in any zoning district that is not the R-3 and R-4 Zoning Districts or the property is contiguous to or adjacent thereto, a contained fire is permitted provided that it otherwise complies with the restrictions set forth in Section 3 above.

(c) An uncontained fire shall not be permitted under any circumstance regardless of zoning district.

Section 5. Fires on Lots Greater Than One (1) Acre. For a lot, tract or parcel of land that is equal to or greater than one (1) acre in area within the Township:

(a) A contained fire is permitted provided that it otherwise complies with the restrictions set forth in Section 3 above.

(b) An uncontained fire shall be allowed to burn subject, however, at all times to the following restrictions:

(i) No uncontained fire shall be allowed to burn whenever drought or extreme weather conditions exist or when a ban on burning has been put into effect by the County of Berks, Commonwealth of Pennsylvania or the Township Supervisors. Notice of such restriction shall be given by notice in a newspaper of general circulation and by posting a notice at the Township office or by giving such other notice as the Township shall deem appropriate.

(ii) The South Heidelberg Police Department or the Western Berks Fire Department must be notified in the event a fire continues to burn after dusk.

(iii) It is constantly attended by at least one adult person and the fire shall not be permitted to burn or smolder for a period of time in excess of three (3) consecutive hours in a day measured from 12:00 AM to 11:59 PM.

(iv) Any uncontained fire which is permitted to burn in an unsafe manner under adverse weather conditions or which is unsupervised or which is determined to be unsafe by an official of the Western Berks Fire Department or an officer of the South Heidelberg Police Department shall be extinguished immediately upon demand by such official or officer.

Section 6. Ornamental Fire Pits Permitted. Notwithstanding anything to the contrary contained in this Ordinance, an ornamental fire pit shall be permitted anywhere within the Township provided that the ornamental fire pit: (i) is used, at all times, in accordance with the manufacturer's instructions; (ii) is not located and/or operated within 5 feet (3048 mm) of a structure or other combustible material except for a deck or patio affixed to the structure; (iii) is supervised by a competent adult (at least 18 years of age) at all times; (iv) is used solely for recreational or ceremonial purposes; (v) any conditions which could cause fire to spread to a structure or combustible material shall be eliminated prior to ignition; (vi) once ignited, only propane or natural gas shall be burned; and (vii) shall be immediately shut off or diffused upon order of any police, fire or emergency personnel with jurisdiction and authority to act within the Township.

Section 7. Compliance with State and Federal Laws and Regulations. Any person desiring to set a fire shall, in addition to this Ordinance, be in compliance with any applicable State and Federal Law or Regulation, which may exist, governing outdoor fires.

Section 8. Penalties. A person who violates any provision of this Ordinance shall be guilty of a summary offense and, upon conviction in a summary proceeding, shall be sentenced to pay a fine of not exceeding One Thousand Dollars (\$1,000.00) and costs. If the violation requires the attendance of the Western Berks Fire Company or the Township Police Department, the District Justice shall take account of the costs incurred by the fire company or police department in responding to the violation in determining the amount of fine to be levied.

Section 9. Severability. If any sentence, clause, section or part of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared, as the intent of the Board of Supervisors of South Heidelberg Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 11. Effective Date. This Ordinance shall become effective five (5) days after enactment.

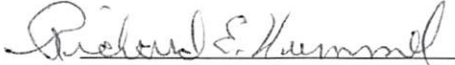
DULY ENACTED AND ORDAINED this 14 day of December, 2017.

TOWNSHIP OF SOUTH HEIDELBERG


Attest:



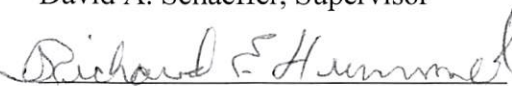
Tom Byrne, Chairman

 (SEAL)

Secretary



David A. Schaeffer, Supervisor



Richard E. Hummel, Supervisor