

ORDINANCE NO. 186

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 175 REGULATING OUTDOOR FIRES AND PROVIDING FOR PENALTIES FOR VIOLATIONS.

WHEREAS, on October 12, 2000, the Board of Supervisors of the Township enacted Ordinance No. 175 regulating outdoor fires and providing penalties for violations; and

WHEREAS, the Board of Supervisors of the Township desires to amend Ordinance 175.

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 the same as follows:

Section 1. Prohibition-Burning Recyclable Materials in Uncontained Fires

Section 3 of the Ordinance of the Township regulating outdoor fires and providing for penalties for violation enacted in October 2000 is hereby amended and supplemented by adding thereto a subsection (h), as follows:

“(h) No fire shall be set for the purpose of burning or disposal of recyclable materials, as that term is used in Act 101 of 1998, including, but not limited to leaf waste, which includes leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.”

Section 2. Increasing Lot Size for Contained and Uncontained Burning

Sections 4 and 5 of the Ordinance are hereby amended by replacing the phrase “one (1) acre” with the phrase “two (2) acres.”

Section 3. Prohibition-Burning Recyclable Materials in Contained Fires

Section 6 of the Ordinance is hereby amended and supplemented by adding the following sentence to the end of said section: “No contained fire shall be set for the purpose of burning or disposal of recyclable materials, as that term is used in Act 101 of 1998, including, but not limited to leaf waste, which includes leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.”

Section 4. 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 5. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 6. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 23rd day of October, 2003.

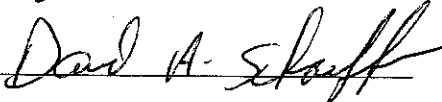
TOWNSHIP OF SOUTH HEIDELBERG

Attest:


Secretary







ORDINANCE NO. 175

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, REGULATING OUTDOOR FIRES AND PROVIDING FOR PENALTIES FOR VIOLATION; REPEALING ORDINANCE NO. 164 ENACTED SEPTEMBER 9, 1999; REPEALING ORDINANCE NO. 144 ENACTED JUNE 8, 1995.

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 the same as follows:

Section 1. Purpose. The purpose of this Ordinance is to prevent public and private nuisances caused by outdoor fires 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 used for outdoor cooking or in a fireproof container.
- (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 specifically waived in writing by the Board of Supervisors or its designee:

- (a) No uncontained fire shall be set or maintained within fifty feet (50') of any building or property line within the Township, except for noncommercial cooking on appliances designed for the purpose of preparing foods (gas, electric or charcoal grills or stoves, etc.)
- (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 public property within the Township except for (1) cooking on appliances designed for the purpose of preparing foods (gas, electric, charcoal grills or stoves, etc.); (2) a campfire contained in a fire ring. The campfire and/or cooking fuel must be extinguished 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 a fire company serving the Township 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 contained or uncontained fire shall be permitted to burn or smolder after dusk, except for (1) cooking on appliances designed for the purpose of preparing foods (gas, electric, charcoal grills or stoves, etc.); (2) campfires contained in a fire ring.

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

Section 4. Uncontained Fires on Lots Less Than One (1) Acre. No uncontained fire shall be allowed to burn at any time on any lot, tract or parcel of land which is less than one (1) acre in area.

Section 5. Uncontained Fires on Lots Greater Than One (1) Acre. Uncontained fires shall be allowed to burn on any lot, tract or parcel of land which is one (1) acre in area or larger, subject, however, at all times to the following restrictions, unless specifically waived in writing by the Board of Supervisors or its designee:

(a) 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.

(b) No uncontained fire shall be maintained unless constantly attended by at least one adult person.

(c) 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 a fire company serving the Township or an officer of the South Heidelberg Police Department shall be extinguished immediately upon demand by such official or officer.

Section 6. Contained Fires on Lots Less Than One (1) Acre in. Contiguous or Adjacent to R-3 and R-4 Zoning Districts. Unless otherwise waived in writing by the Board of Supervisors or its designee, no contained fire, except for contained burning units commonly referred to as Chimeneas and noncommercial cooking on appliances designed for the purpose of preparing foods (gas, electric or charcoal grills or stoves, etc.) shall be allowed to burn on any lot, tract or parcel less than one (1) acre located in, contiguous or adjacent to an R-3 or R-4 Zoning District.

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 not to exceed One Thousand Dollars (\$1,000.00), plus costs. If the violation requires the attendance of a fire company, the District Justice shall take account of the costs incurred by the fire company in responding to the violation in determining the amount of the 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 insofar as they are inconsistent with this Ordinance, including but not limited to Ordinance No. 164 enacted September 9, 1999 and Ordinance No. 144 enacted June 8, 1995.

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

DULY ENACTED AND ORDAINED this 12th day of October, 2000.

TOWNSHIP OF SOUTH HEIDELBERG

Attest:

Richard E. Hummel
Secretary

[Signature]

[Signature]

Richard E. Hummel