

**JEFFERSON TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO 2017- 2**

**AN ORDINANCE OF THE TOWNSHIP OF JEFFERSON, BERKS COUNTY, PENNSYLVANIA, REGULATING AND RESTRICTING OUTDOOR FIRES IN THE TOWNSHIP**

**WHEREAS**, the Township of Jefferson is a second class township in the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Jefferson is governed by the Second Class Township Code of the Commonwealth of Pennsylvania; and

**WHEREAS**, under Section 1506 of the Second Class Township Code, 53 P.S. §66506, the Board of Supervisors may enact ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens; and

**WHEREAS**, per Section 1527 of the Second Class Township Code, 53 P.S. §66527, the Board of Supervisors may enact ordinances to secure the safety or persons within the Township; and

**WHEREAS**, pursuant to Section 1529 of the Second Class Township Code, 53 P.S. §66529, the Board of Supervisors may enact ordinances prohibiting nuisances; and

**WHEREAS**, pursuant to the authority granted it under the Second Class Township Code, the Board of Supervisors of Jefferson Township desires to enact an Ordinance to restrict and regulate open fires and burning in the Township.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Jefferson, Berks County, Pennsylvania pursuant to the authority conferred by the Second Class Township Code, that the following be and is hereby adopted:

**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 Jefferson Township and to avoid unnecessary calls and false alarms to the Fire Company.

**SECTION 2. Title.** This Ordinance shall be known and may be referred to and cited as the “Jefferson Township Open Fire and Burning Ordinance”.

**SECTION 3. Definitions.** Certain 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. **GARBAGE** - All animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.
- C. **FIRE** – Any fire set or maintained outside of a building.
- D. **LEAF WASTE** - Leaves, garden residues, shrubbery and tree trimmings and similar materials, but not including grass clippings.
- E. **PERSON** – Any individual, partnership or corporation.
- F. **REFUSE** - Garbage, rubbish and trade waste.
- G. **RUBBISH** - Solids not considered to be highly flammable or explosive, including but not limited to rags, old clothes, leather, rubber, carpets, wood, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.
- H. **TOWNSHIP** – Jefferson Township, Berks County, Pennsylvania.
- I. **UNCONTAINED FIRE** – Any fire except a “Contained Fire”.

**SECTION 4. General Restrictions.**

- A. No fire shall be set or maintained within twenty feet (20') of any building or property line within the Township, except for cooking or 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 or public property, within the Township, except where a designated area has been set aside for this purpose and an appropriate container has been provided to contain such fire.
- C. No fire shall be set or maintained that may endanger any building or property, except where such building or property is used by the Fire Department for training purposes.
- D. No fire shall be set or maintained at any time on a Sunday, a legal holiday or between dusk and dawn on any other day.
- E. No pressurized can or other pressurized container shall be burned.
- F. No rubber, synthetic rubber, plastic, synthetic fabric, of any other material which produces offensive smoke and/or odor when burned shall be burned.
- G. No fire shall be set, ignited, fed, allowed or permitted for the destruction of refuse, rubbish or garbage.

**SECTION 5. Exceptions**

- A. A fire may be set for burning leaf waste in an approved container or barrel on lots of one (1) acre or more.
- B. A fire may be set for burning leaf waste uncontained on lots of three (3) acres or more.
- C. Fires within a fire pit, outdoor brick oven, outdoor fireplace or smoke may set for the express purpose of outdoor cooking, smoking and curing of food for residential purposes only.
- D. Open fires for burning for agricultural purposes may be set for controlled burning on primarily agricultural lots.
- E. This Ordinance shall not apply to gas or charcoal fires used for cooking purposes.

**SECTION 6. Uncontained Fires.**

- A. No uncontained fire shall be permitted to burn whenever drought or extreme weather conditions exist or when a ban on burning has been put into effect by the Commonwealth of Pennsylvania, County or Berks 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. The Fire Company must be notified in the event a fire continues to burn after sunset.
- C. In the event it is necessary to have an uncontained fire at other than the times permitted under this Ordinance, special permission must be secured from the Township, and the Fire Company shall be notified of such fires.
- D. No uncontained fire shall be maintained unless constantly attended by at least one (1) adult person.
- E. 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 Fire Company, shall be extinguished immediately upon demand by such official.

**SECTION 7. Violations and Penalties.**

- A. A person who violates any provisions 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 more than One Thousand Dollars (\$1,000.00) and costs. If the violation requires the

attendance of the 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 fine to be levied.

B. Any fire set, maintained or permitted to smolder in violation of this Ordinance is hereby declared to be a nuisance and shall be abatable as such by an appropriate legal action.

**SECTION 8. Severability.** If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

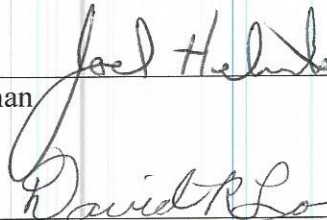
**SECTION 9. Repealer.** All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 10. Effective Date.** This Ordinance shall become effective five (5) days after enactment, as provided by law.

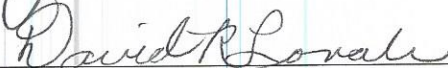
ENACTED AND ORDAINED as an Ordinance of Jefferson Township, Berks County, Pennsylvania, this 3rd day of January, 2017.

**BOARD OF SUPERVISORS OF  
JEFFERSON TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA**

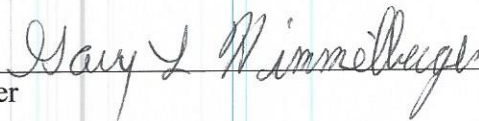
Chairman



Vice Chairman



Member



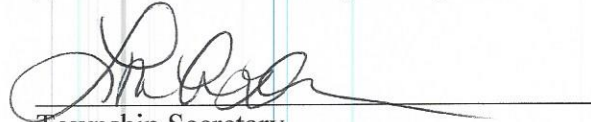
ATTEST:

  
Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2017-2 adopted by the Board of Supervisors of Jefferson Township, Berks County, Pennsylvania at a public meeting held on Jan. 3<sup>rd</sup>, 2017, pursuant to notice as required by law.

Dated: 1/3/2017

  
Township Secretary