

**BOROUGH OF KENHORST  
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 554

**AN ORDINANCE OF THE BOROUGH OF KENHORST, BERKS COUNTY, PENNSYLVANIA, REPLACING ORDINANCE NO. 228, DATED SEPTEMBER 2, 1965, AND AMENDED BY ORDINANCE NO. 323, DATED APRIL 29, 1975, PROMOTING THE HEALTH, SAFETY AND GENERAL WELFARE OF KENHORST BOROUGH BY REGULATING OPEN BURNING AND, OR OUTDOOR FIRES AND REGULATING BONFIRES, OUTDOOR FIREPLACES, INDOOR FIREPLACES, INDOOR WOOD BURNING AND COAL STOVES, HANDLING OF ASHES AND COMBUSTIBLE RUBBISH AND PROVIDING THE ENFORCEMENT THEREOF.**

*BE IT AND ORDAINED* by the Council of the BOROUGH OF KENHORST, Berks County, Pennsylvania, and it is hereby *ENACTED AND ORDAINED* by the authority of the same, as follows:

**ARTICLE I. DEFINITIONS**

For the purposes of this Ordinance, the following terms shall be defined as set forth below, unless a different meaning is plainly required by the context.

- 1.01 “AUTHORITY HAVING JURISDICTION” (AHJ) shall mean Fire Code Official, Police Officer or Code Enforcement Officer.
- 1.02 “BRUSH” shall mean bushes, shrubs, thickets, tree trimmings, hedge clippings and small trees.
- 1.03 “FIRE-PIT” – shall refer to a constructed pit dug into the ground or made from stones, masonry, etc., for keeping a fire used for cooking or warmth
- 1.04 “NON-ORGANIC MATERIAL” shall mean material derived or formed from inanimate objects, other than vegetable, such as tin cans, glass crockery, metals, plastic and similar materials.
- 1.05 “OPEN BURNING” shall mean burning any material in the open atmosphere, including burning in 55-gallon drums, outdoor fireplaces or other containers.
- 1.06 “ORGANIC MATERIAL” shall mean material derived from living organisms such as wood, paper and yard scraps.
- 1.07 “PERSON” shall mean any natural person, partnership, firm, association or corporation
- 1.08 “RECYCLABLE” shall mean any material that is required to be recycled in KENHORST BOROUGH under the Pennsylvania Act 101, including scrap lumber (non-treated/painted) and brush.

## **ARTICLE II. OPEN FIRES AND OUTDOOR FIRES**

- 2.01 It shall be unlawful for any person to open burn any material, including the following at any time in any zone within Kenhorst Borough.

Household trash, books, magazines, newspapers, cardboard and/or any items that are required to be recycled in Kenhorst Borough under the Pennsylvania Act 101 and consistent with the Borough's Recycling Ordinance #543, including brush and scrap lumber or any vegetation, plywood, drywall plastic products, insulation material, upholstered furniture, garbage, dead animals, human and animal excrement, human and animal hair, rubber products including tires, hydrocarbon products or flammable liquids, asphalt or tar shingles or roofing materials, bedding, foam rubber, nylon, rayon, cotton, wool, polyester or other synthetic material, insulation from copper or other wiring, solid waste and/or construction waste as defined by the Pennsylvania Solid Waste Management Act and 25 PA Code 271.1.

EXCEPT where fire or burning operations result from:

- A. Any fire set for the purpose of training and instructing authorized personnel in fire fighting, and training of persons in the use of portable fire extinguishers. (permit required)
  - B. Any campfire or bon-fire solely for organized recreational or ceremonial purposes. (permit required)
  - C. Any fire set for the prevention and/or control of disease of pests, rats, snakes, bees, etc. (permit required)
- 2.02 The AHJ may suspend the above regulations at any time when the following conditions exist:
- A. When smoke and/or ash emission are or may be objectionable, offensive or deleterious to human or animal health or permeate or crosses neighboring properties, and/or falls on buildings, vehicles or vegetation.
  - B. When extreme dry conditions or drought warrant a ban on all burning.

## **ARTICLE III. OUTDOOR STOVES AND GRILLS**

- 3.01 Outdoor stoves and grills shall be allowed upon private property within Kenhorst Borough solely for the purpose of cooking foods. The following regulations shall apply:
- A. No person shall use such stoves or grills for burning of materials as outlined in Article II, Section 2.01 of this Ordinance.

- B. Outdoor stoves or grills shall not be used for such purposes other than cooking food.
- C. Outdoor stoves or grills shall not be used indoors or in any enclosed areas that are not properly ventilated, i.e. garages, etc.

**ARTICLE IV. FIRE PITS, CHIMINEAS, FACTORY BUILT METAL NOVELTY STOVES.**

4.01 Fire pits, Chimineas, or Factory built metal novelty stoves shall require a permit for outdoor use on residential private property within all zoning districts of Kenhorst Borough, provided that the following regulations apply.

- A. No persons shall use such Fire pits, Chimineas or Factory built novelty stoves, for the burning of any material outlined in Article II, Section 2.01 of this Ordinance.
- B. If smoke, ash, or smell omitting from such Fire pits, Chimineas, or Factory built novelty stoves, become objectionable or offensive to neighboring properties, the AHJ may suspend the operation of same.

**ARTICLE V. INDOOR FIREPLACES, WOOD BURNING, COAL STOVES OR SOLID FUEL HEATERS**

5.01 Fireplaces, wood burning and coal stoves shall be permitted inside residential private property within all zones of Kenhorst Borough solely for the purpose of heating the dwelling unit. The following regulations shall apply:

- A. Only seasoned fire wood, coal or solid fuels recommended by the manufacturer may be burned in such fireplaces, wood burning, coal stoves or solid fuel heaters.
- B. No person may use such fireplaces, wood burning, coal stoves or solid fuel heaters for the burning of any material as outlined in Article II, Section 2.01 of this Ordinance.
- C. Such fireplaces, wood burning, coal stoves or solid fuel heaters shall not be used for such purpose when, in the judgment of AHJ, a fire hazard is created by such use and operation and/or any danger is posed to the occupants therein or the neighboring buildings and/or occupants.
- D. If the smoke, ashes and/or smell emitting to the outside atmosphere from the chimney, stove pipe or flue are, objectionable or offensive to the general public, the operation of such fireplace, wood burning, coal stove or solid fuel heater shall be suspended by the AHJ.

## **ARTICLE VI. HANDLING OF ASHES AND COMBUSTIBLE RUBBISH**

6.01 Ashes, smoldering coals, wood and embers or other material liable to spontaneous ignite, shall not be deposited or allowed to remain within ten (10) feet of any combustible materials, but shall be deposited in non-combustible containers. Rubbish of any kind shall not be allowed to accumulate.

## **ARTICLE VII. PERMITS**

7.01 All permits required under any provisions of this Ordinance, shall be issued in accordance with Section 105 - Permits of the 2009 *International Fire Code* or versions as amended from time to time and adopted by Kenhorst Borough with the following provisions.

- A. A Fire Prevention "Special" Permit as outlined in Section 2.01 shall be obtained from the BOROUGH Office a minimum of 48 hours prior to burning. The applicant shall provide name, address, phone number, the purpose for the permit and attach a drawing of the proposed burning site.
- B. An annual permit is required for Fire pits, Chimineas, or Factory built novelty stoves. Permits must be renewed annually and expire on December 31st of the permit year.
- C. Before the permit is issued, an inspection may be made by the AHJ to assure that the use of the permit complies with the provisions of the Ordinance and the International Fire Code.
- D. Any permit issued may be revoked for the protection of life or property or to prevent or abate the nuisances caused by such burning. (A nuisance would be defined as ash fallout or smoke accumulation in the area of residential occupancies.)
- E. If a person starts a fire without a permit or if a permit holder fails to comply with any term or condition of the permit, and as a result of that failure the fire department is required to suppress a fire, the person or permit holder is liable for the cost of fire suppression and subject to fines in District Court
- F. Permit Fees will be set from time to time by a duly adopted resolution of the Kenhorst Borough Council.

## **ARTICLE VIII. PENALTIES**

8.01 Any person violating any of the provisions of this Ordinance or neglecting to comply with any order or notice issued pursuant hereto for violation of any section hereto, shall upon conviction before any District Justice, be subject to the payment of a fine of not less than three hundred dollars (\$300.00) or more than one thousand dollars (\$1,000.00) and the payment of costs of prosecution for each offense, or shall be

subject to imprisonment for a period not exceeding thirty days (30) days. Each day's continuance of any violation of this Ordinance shall constitute a separate offense, punishable by a like fine and imprisonment in default of payment thereof.

**ARTICLE IX. SEVERANCE CLAUSE**

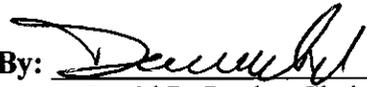
9.01 Should a court of competent jurisdiction declare any section, paragraph, clause or phrase of this Ordinance unconstitutional or invalid, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

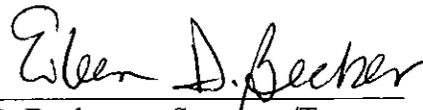
**ARTICLE X. REPEALER CLAUSE**

10.01 All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

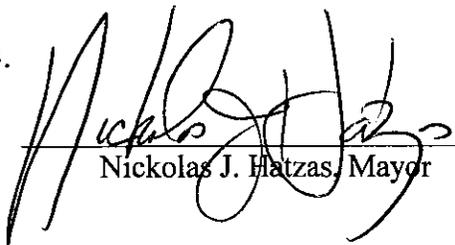
**ENACTED AND ORDAINED** into an Ordinance this 4<sup>th</sup> day of April 2013.

**KENHORST BOROUGH**

By:   
David R. Roche, Chairman

Attest:   
Eileen D. Becker, Secretary/Treasurer

Adopted this 4<sup>th</sup> day of April, 2013.

  
Nickolas J. Hatzas, Mayor

(see Application Form attached)



**BOROUGH OF KENHORST**

339 South Kenhorst Blvd  
Kenhorst, Pennsylvania 19607  
(610) 777-7327 – Office  
(610) 777-8980 – Fax

www.co.berks.pa.us/muni/kenhorst - Website  
info@kenhorstborough.com - Email

**BURNING APPLICATION/PERMIT**

Burning Permit Valid for the Calendar Year \_\_\_\_\_

Permit Must be Obtained Annually Prior to Use – permit expires December 31<sup>st</sup> – Fee: \$10.00/year

Date of Application \_\_\_\_\_ Payment: Cash \_\_\_\_\_ Check \_\_\_\_\_ **PERMIT #** \_\_\_\_\_

Burning Permit Address \_\_\_\_\_

Applicant Name \_\_\_\_\_

Applicant Address \_\_\_\_\_

Applicant Phone No. (home) \_\_\_\_\_ (cell) \_\_\_\_\_

Property Owner's Name (if different than applicant) \_\_\_\_\_

Owner's Address (if different than applicant) \_\_\_\_\_

Owner's Phone No. (home) \_\_\_\_\_ (cell) \_\_\_\_\_

**Purpose of Fire/Burning Operations – (Check One)**

Private/Residential  Training  Recreational/Ceremonial  Other \_\_\_\_\_

**Type of Burning Device to be Used - (Check One)**

Fire Pit  Chimineas  Factory Built Metal Novelty Stove

*A detailed drawing of the property indicating the exact location of the burning device must accompany the completed application. A manufacturer's specifications sheet may be required. Exact property dimensions and exact measurements of the location of the device from ANY structure(s) must be included.*

Attachments: Manufacturer Specifications -  Detailed Drawing of Property and Device -  N/A-

**Fires in Approved Containers Shall Not be Located Less than 10 feet from structures or as per manufacturers specifications.**

Extinguishment Authority: Based upon an investigation or complaint of any open burning that creates or adds to a hazardous or objectionable situation, a Fire Code Official is authorized to order the extinguishment of the fire by the permit holder, another person responsible for the device, or the Borough of Kenhorst Fire Department.

The applicant certifies that he/she is aware that any violation of any related ordinance or adopted Borough Code(s) may result in the revocation of this burning permit and possibly a fine issued by the Borough of Kenhorst or the local District Justice.

The applicant certifies that all information submitted on this application is true and correct and that the burning device shall never be located less than 10 feet from any structure. The applicant also certifies that he/she as read and understands all of the above noted information.

Signature of Applicant \_\_\_\_\_ Date: \_\_\_\_\_

**Official Use Only**

Burning Permit: **Denied** - Reason for Denial: \_\_\_\_\_

Approved  Date: \_\_\_\_\_ Fire Marshall/Kenhorst Fire Chief: \_\_\_\_\_