

ORDINANCE NO. 259

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 175, WHICH REGULATES OUTDOOR FIRES, IN ORDER TO PERMIT 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. Exception to allow for Ornamental Fire Pits.

A new Section 3(h) is hereby added to Ordinance No. 175 to read as follows:

“3(g) Notwithstanding anything to the contrary contained in this Ordinance, an ornamental fire pit shall be permitted 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 2. 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 3. Repealer.

All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date.

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

DULY ENACTED AND ORDAINED this 8TH day of SEPTEMBER, 2016.

TOWNSHIP OF SOUTH HEIDELBERG



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Attest:

Richard E. Hummel  
Secretary

David A. Schauff

Richard E. Hummel

**CERTIFICATION**

The undersigned, Solicitors for the Township of South Heidelberg, hereby certify that attached hereto is a true and correct copy of a proposed Ordinance of the Township of South Heidelberg.

MASANO BRADLEY, LLP

Dated: August 15, 2016

By: 

Michael J. Gombar, Jr., Esquire  
Masano ♦ Bradley, LLP