

**TOWNSHIP OF PENN
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-01

AN ORDINANCE OF THE TOWNSHIP OF PENN, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 2003-02 ENTITLED “REGULATING AND RESTRICTING OUTDOOR FIRES IN THE TOWNSHIP”, BY AMENDING ARTICLE II ENTITLED “DEFINITIONS” TO AMEND THE DEFINITION OF FIRE, BY AMENDING ARTICLE III ENTITLED “GENERAL RESTRICTIONS”, BY ADDING A NEW SECTION 3.6 INDICATING ITEMS WHICH ARE PROHIBITED FROM BEING BURNED WITHIN THE TOWNSHIP, BY ADDING A NEW SECTION 3.7 SETTING FORTH THE ITEMS WHICH MAY BE BURNED WITHIN THE TOWNSHIP, AND BY ADDING A NEW SECTION 3.8 TO ALLOW SMALL CAMPFIRE THAT DO NOT EXCEED THIRTY-SIX INCHES (36”) IN HEIGHT.

Be it enacted and ordained by the Board of Supervisors of Penn Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same that Ordinance No. 2003-02, “Regulating and Restricting Outdoor Fires in the Township”, is hereby further amended as follows:

Section 1. Article II is hereby amended by amending the definition of fire to read as follows:

“Fire”. Fire shall be any combustion which results in a visible flame, smoldering or smoking, or any glowing embers.

Section 2. Article III is hereby amended by adding a new Section 3.6 to read as follows:

Section 3.6. The following items are prohibited from being burned within the Township of Penn: roof shingles, tires, paint or paint cans, aerosol or spray cans, plastic, rubber, fiberglass, or any other polymers,

pressure-treated wood or any wood treated with CCA, creosote or OSMOSE. No human or animal waste or any other substances which emit noxious or toxic fumes and smoke shall be burned.

Section 3. Article III is hereby amended by adding a new Section 3.7 to read as follows:

Section 3.7. The following items may be burned within the Township of Penn: grass, brush, tree trimmings, wood (other than treated wood), or paper products. Items listed in this Section may only be burned if generated by the owner on the owner's property. Items listed in this Section are prohibited from being burned on an owner's property if those items are generated from another property, whether located within or outside of the Township. For the purposes of this Section, owner is defined as any person, firm, partnership, corporation or other legal entity holding legal title to a lot or other real property within the Township, as the same is recorded in the Office of the Recorder of Deeds of Berks County, Pennsylvania.

Section 4. Article III is hereby amended by adding a new Section 3.8 to read as follows:

Section 3.8. There shall be no burning on holidays. Prohibitions on burning shall not include small campfires, charcoal grills or gas grills for the purpose of cooking food. Small campfire can be defined as a fire with flames not to exceed thirty-six inches (36") in height and properly and safely contained. If a campfire exceeds thirty-six inches (36") in height,

the campfire must be approved by the fire marshal or any other official of the fire department.

Section 5. 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 the Township of Penn that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Effective Date. This amendatory Ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED this 31ST day of MARCH, 2008.

BOARD OF SUPERVISORS OF PENN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By: KYLE P. LODER
Chairman

DAVID B. HIMMELBERGER
Member

SARAH K. MATHIAS
Member

ATTEST: SHARON D. HARRISON
Township Manager - Secretary

CERTIFICATE OF ENACTMENT

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2008-01 of Penn Township, Berks County, Pennsylvania, which was adopted by the Board of Supervisors of said Township at a regular meeting held pursuant to notice as required by law on March 31, 2008.

WITNESS my hand and seal this 31st day of March, 2008.

Sharon D. Harrison
Secretary, Penn Township