

ORDINANCE NO. 4-95

AN ORDINANCE OF THE TOWNSHIP OF COLEBROOKDALE, COUNTY OF BERKS, PROHIBITING THE OUTDOOR BURNING OF MOST MATERIALS, AND PERMITTING, UNDER CERTAIN CONDITIONS, THE OUTDOOR BURNING OF DRY TWIGS, DRY BRANCHES, AND DRY PAPER AT ONE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, RECREATIONAL, RETAIL AND CONSUMER, AND INDUSTRIAL USES, AND FARMS

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Colebrookdale Township, Berks County, Pennsylvania:

SECTION 1. DEFINITIONS. As used in this ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context. In addition, all terms shall have their generally approved and accepted meanings.

APPROVED BURNING BARREL - A solid, sturdy, steel cylindrical barrel with a diameter of 20 to 24 inches; a height of 30 to 36 inches; a sealed steel bottom; at least eight ventilation holes one-half (.5) to one (1) inch in diameter and four (4) to six (6) inches above the bottom of the barrel; each hole spaced evenly around the circumference of the barrel; horizontal rods or pipes to support the burning material one (1) inch above the ventilation holes; and an open top which, during burning, is covered firmly and completely by a steel, spark-arresting screen mesh of not lighter than 14-gauge wire with openings no wider than a quarter inch (.25 inches).

ONE-FAMILY OR TWO-FAMILY DWELLINGS (as defined in Zoning Ordinance) - Single Family Detached Dwelling
Twin
Duplex
Modular Home
Manufactured Home (Trailer)
Single Family Attached or Detached Dwelling,
converted to two (2) dwelling units.

OTHER APPROVED INCINERATOR - An outdoor burning device, specifically approved in writing by a Township Fire Marshal after the Fire Marshal's inspection and review, with a volume no greater than 13,000 cubic inches, and with containment, ventilation and spark-arresting features similar to those of an approved burning barrel.

OUTDOOR BURNING - Any burning, fire, or conflagration of combustible matter conducted outside of a building.

PAPER - Any common paper or cardboard product, except those specifically excluded by a Township Fire Marshal for reasons of health and safety.

PERSON - Any individual, partnership, association, syndicate, company, firm, trust, corporation, or other entity recognized by law as the subject of rights and duties including any governmental agency.

SECTION 2. Outdoor burning shall be prohibited in Colebrookdale Township except in the following situations:

- A. As part of the regular operations of a farm;
- B. As a limited part of regular domestic property maintenance at a one-family or two-family dwelling;
- C. As part of the regular operation of a Recreational, Retail and Consumer, and Industrial Use, as those uses are identified and defined in the Colebrookdale Township Zoning Ordinance.

SECTION 3. Restrictions on burning.

A. Nothing other than dry twigs, dry branches, and dry paper may be burned outdoors at a one-family or two-family dwelling in Colebrookdale Township. BURNING OF LEAVES IS NOT PERMITTED.

B. There shall be no outdoor burning in Colebrookdale Township on lots occupied by more than a two-family dwelling(s).

C. No owner or occupant of a lot upon which a Recreational, Retail and Consumer, or Industrial Use is located shall conduct or permit any outdoor burning unless the lot on which the burning is proposed is more than 1 acre in size, the burning barrel or incinerator is located more than 50 feet from any occupied building on the lot and more than 50 feet from the nearest lot line, and the burning barrel or incinerator is located more than 200 feet from the nearest occupied residential dwelling. In all cases, nothing other than dry twigs, dry branches, and dry paper may be burned outdoors on any lot upon which a Recreational, Retail and Consumer, or Industrial Use(s) is located. BURNING OF LEAVES IS NOT PERMITTED.

SECTION 4. Sections 2 and 3 of this Ordinance shall not apply to outdoor fires set for urgent reasons of public health and safety or to outdoor fires set solely for cooking food. Nor shall Sections 2 and 3 of this Ordinance apply to outdoor fires approved specifically by the Pennsylvania Department of Environmental Resources for firefighting instruction, or to outdoor fires for

the burning of native vegetation cleared from land during or prior to the process of construction.

SECTION 5. The Township Board of Commissioners may through the Township Manager's Office, the Township Fire Marshal, the Township Code Enforcement Officer or other designated Township officials periodically inspect outdoor burning sites for compliance with this Ordinance. No person shall in any manner hinder, delay, obstruct, resist, prevent, or interfere with Township officials in the performance of their duty hereunder, or refuse such officials, after proper identification, entrance at reasonable hours, to any premises.

SECTION 6. No person shall fail, neglect, or refuse to comply with any written abatement notice served on such person, either personally or by registered or certified mail, issued by an aforementioned officer of Colebrookdale Township.

SECTION 7. No family at any one-family or two-family dwelling shall be permitted the use of more than one approved burning barrel or other approved incinerator.

SECTION 8. Each person shall agree to comply with all applicable Township ordinances and all applicable laws of Pennsylvania and of the United States of America. Each person shall agree that if the outdoor fire or smoke is not controlled safely and properly, the person shall assume full liability for any fire fighting costs and/or damage caused by the fire, smoke and/or ash emissions and its related effects.

SECTION 9. During outdoor burning each person shall meet the following conditions:

A. Every outdoor fire shall be attended at all times by a competent adult.

B. Fire extinguishing equipment shall be readily available for use during any outdoor burning.

C. No burning or smoldering shall occur between sunset and sunrise. IN ADDITION, NO BARREL OR OPEN BURNING IS ALLOWED ON HOLIDAYS.

D. Each person shall permit any Township Fire Marshal, Township Code Enforcement Officer or other designated Township official to inspect and sift through any articles being burned outdoors, and to inspect any outdoor burning barrel or other outdoor incinerator.

E. No outdoor burning shall be conducted when wind, humidity, or other conditions exist that would cause smoke to be blown or transported into neighboring properties at height levels under thirty-five feet.

F. For open burning:

i. Fires on Saturdays and Sundays may only be initiated between 6:00 a.m. and 9:00 a.m.

ii. Except in an approved burning barrel or other approved incinerator, no open outdoor burning shall be conducted within fifty (50) feet of any building or other structure, or on any road, alley or public walkway, or in any area specifically disapproved by a Township Fire Marshal or other designated Township official.

iii. No one shall burn more than two open piles of any materials at the same time without specific approval of the Township Fire Marshal. Nor shall anyone burn any open pile greater than 12 feet wide at any point or greater than 6 feet tall at any point without the specific approval of the Township Fire Marshal.

iv. Notice of an open burn shall be given to the Boyertown Communications Center by calling 367-2688 with the date, time, location, purpose, and nature of proposed burn.

G. For burning in an approved barrel or other approved incinerator:

i. No outdoor burning shall be conducted within fifteen (15) feet of any building or other structure, any property line, or on any road, alley or public walkway, or in any area specifically disapproved by a Township Fire Marshal or other designated Township official. The area within five (5) feet of any burning barrel or other incinerator shall be completely clear of any combustible materials during outdoor burning.

ii. Each person having an approved burning barrel or other approved incinerator shall be responsible for keeping all ventilation holes in the burning barrel or other incinerator open and free of clogging material. Each person shall also be responsible for using hinges or weights to keep the spark-arresting screen mesh firmly in place during outdoor burning.

SECTION 10. The Township Fire Marshal and the Township Code Enforcement Officer are authorized to issue citations and seek penalties for violations of this Ordinance.

SECTION 11. Any person, firm, association or corporation violating any of the provisions of this Ordinance shall upon conviction be sentenced to a fine of not less than \$25.00 and not more than \$600.00, together with the cost of prosecution, and in default of payment thereof, the person, or in the case of a firm, association, or corporation, the responsible officers or decision-makers or both, shall be sentenced to suffer imprisonment in Berks County Prison for a period not exceeding thirty (30) days.

SECTION 13. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, the remaining provisions of this Ordinance are intended to and shall remain in full force and effect.

SECTION 14. All other Township ordinances or parts of Township ordinances in conflict with this Ordinance are hereby repealed.

SECTION 15. This Ordinance shall become effective July 18 , 1995.

Approved and ordained by the Board of Commissioners of Colebrookdale Township into an Ordinance this 17th day of July , 1995.

Attest:

James L. Herb

Bob Eids

Marie E. Kauffman

Richard H. Keen

Linwood Bartman

Barry L. Stauffer