

**BERWICK TOWNSHIP  
ADAMS COUNTY, PENNSYLVANIA**

**AN ORDINANCE REGULATING OPEN BURNING**

**ORDINANCE NO. 43**

BE IT ENACTED AND ORDAINED, AND IT IS HEREBY ENACTED OF AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF BERWICK AS FOLLOWS:

Section 1. **Title.** This Ordinance shall be known and may be cited as the Berwick Township Open Burning Ordinance.

Section 2. **Authority.** This Ordinance is enacted pursuant to Section 702, clauses XXIX (Health), XXXII (Fire Prevention), XLI (Ordinances), XLVII (Public Safety), and LXII (General Powers) of the Second class Township Code, 53 P.S. 65729, 65732, 65741, 65747, and 65762.

Section 3. **Declaration of Policy.** It is hereby declared to be the policy of Berwick Township as a matter of public health and safety to regulate fires and open burning in Berwick Township for the purposes of controlling air pollution and protecting buildings, housing, property and the well-being of its citizens.

Section 4. **Definitions.** The following words, terms, and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the following meanings described to them:

(a) **OPEN BURNING OR OPEN FIRE:** Any fire which is burned outside of a building.

(b) **PERSON:** Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by law as the subject of rights and duties.

(c) **RIGHT OF WAY:** The total width of any land reserved or dedicated for the public use of vehicular or pedestrian traffic, including streets, avenues, boulevards, roads, highways, interstates, freeways, parkways, lanes, alley viaducts, sidewalks, marginal access ways and any other ways used for vehicular and pedestrian traffic which are dedicated to public use or to the use of residents in a land development or subdivision.

(d) **TRADE WASTE:** All solid or liquid material or rubbish resulting from construction, building operations, or the operation of any business, trade or industry including, but not limited to, plastic products, paint, grease, oil or other petroleum products, chemical, cinders or other forms of solid or liquid waste material.

**Section 5. Burning of Trade Waste.** It shall be unlawful for any person to ignite or feed the burning of trade waste in Berwick Township.

**Section 6. Open Fires Prohibited.** It shall be unlawful for any person to ignite or feed any open fire whatsoever in Berwick Township except for fires permitted subject to regulation **under Section 7 or exempted under Section 8.**

**Section 7. Open Fires Permitted Subject to Regulations.** Open fires are permitted subject to the specific and general regulations contained herein:

a. Open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible to prevent the spread of the fire or the creation of hazardous conditions.

b. All open fires shall be conducted only on the premises owned by the person responsible for such fire provided, however, that the term premises shall not include the area within the right-of-way.

c. Except as provided herein no open fires shall be conducted closer than fifty (50) feet from a building located on the property of the person conducting the fire and no closer than fifty (50) feet from the building or the land of another. However, if the fire is contained in a noncombustible container covered with a screen of one-half (1/2") inch or smaller mesh, no open fires shall be conducted closer than thirty (30) feet from a building located on the property of the person conducting the fire and no closer than thirty (30) feet from the building or the land of another.

d. The site of the fire shall be controlled so as to prevent endangerment to property or person.

e. Open fires shall only be permitted between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday. During daylight savings time, open fires are permitted between the hours of 8:00 a.m. and 7:00 p.m. Monday through Saturday.

f. No open fires shall be permitted in a right-of-way.

**Section 8. Open fires exempted.** The following fires are exempted from the regulations set forth in this Ordinance:

- a. Open fires set in the performance of the official duty of any public officer or official for official purposes.
- b. Fire solely for the cooking of food for immediate consumption.

**Section 9. Declaration against fire bans.** In the event that County Fire Marshall declares a ban on burning, the Township of Berwick will adhere to the ban, the Board of Supervisors shall issue any exemptions in writing at their discretion.

**Section 10. Penalties and Violations.** Any person who suffers or permits on the property controlled by such person, or who conducts any open fire in violation of this Ordinance shall, for each offense, be subject to a fine not to exceed \$1,000 together with court costs, including reasonable attorney's fees incurred by the Township. Each day upon which a violation continues or occurs shall constitute a separate offense.

**Section 11. Enforcement.** This Ordinance shall be enforced by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

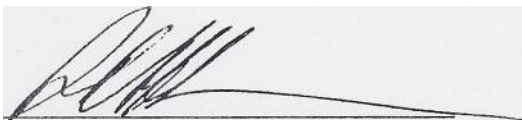
**Section 12. Severability.** The provisions of this Ordinance are severable and, if any of its provisions shall be held invalid or unconstitutional, the decision of the court shall not affect or invalidate any of the remaining provisions. It is hereby declared to be the legislative intent that this Ordinance would not have been adopted if such a legal, invalid or unconstitutional provision had not been included herein.

**Section 13. Effective date.** This Ordinance shall be effective five (5) days after its adoption.

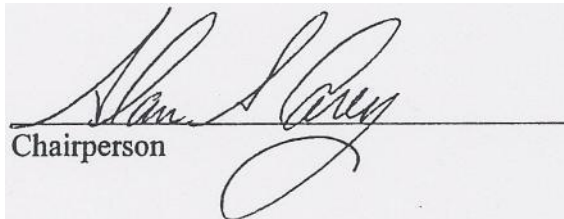
ENACTED AND ORDAINED by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, on the 28th day of September 1998.

ATTEST:

TOWNSHIP OF BERWICK, ADAMS COUNTY



Secretary



Chairperson