

ORDINANCE NO. 584

AN ORDINANCE OF THE TOWNSHIP OF CUMRU, BERKS COUNTY, PENNSYLVANIA, REGULATING BONFIRES, OUTDOOR FIRES, OUTDOOR FIREPLACES, INCINERATORS, AND THE HANDLING OF ASHES AND RUBBISH; PROVIDING FOR THE ENFORCEMENT HEREOF; AND, DECLARING THE VARIOUS PROVISIONS OF HEREOF TO BE SEVERABLE.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Cumru as follows:

SECTION 1. The BOCA Fire Prevention Code (latest edition) as adopted by the Township is hereby incorporated herein as if fully set forth at this place.

SECTION 2. No person or persons, firm or corporation shall make or maintain or assist in making or maintaining any bonfire, or any other outdoor or open fire of any paper, boxes, rubbish, leaves or other materials or substances of any kind within the limits of the Township of Cumru, whether on public or private property, except where the fire or burning operations result from:

- a) Any fire set to prevent or abate a fire hazard, when approved by the Pennsylvania Department of Environmental Resources, and when set by or under the supervision of a public officer.
- b) Any fire set for the purpose of instructing authorized personnel in fire fighting, when approved by the Pennsylvania Department of Environmental Resources.
- c) Any fire set for the prevention and control of disease or pests, when approved by the Pennsylvania Department of Environmental Resources.
- d) Any fire set solely for recreational or ceremonial purposes.
- e) Any fire set solely for cooking food.
- f) Any fire set for the purpose of disposing of farm or agricultural waste products, provided the farm from which such waste products emanate contains an area in excess of two (2) acres of land.

SECTION 3. Outdoor fireplaces and charcoal grills shall be permitted upon private property; provided, however, that no person shall use such fireplace or charcoal grill for the burning of paper, rubbish, leaves or other forms of trash; provided further, however, that the outdoor fireplace or outdoor grill shall not be used for such purpose when, in the judgment of the appropriate Fire Chief, there is a fire hazard that is created by such use and operation.

SECTION 4. It shall be lawful to burn combustible rubbish and materials within the Township by means of an enclosed outdoor or indoor incinerator, provided that the incinerator is attached to a proper stack or chimney which is covered with a screen of at least one-half (1/2") or smaller mesh, and which incinerator has been approved by an authorized representative of the Pennsylvania Department of Health ("PaDOH") or Pennsylvania Department of Environmental

Protection ("PaDEP"). Evidence of such approval shall be given by written certification of inspection and approval of the proposed incinerator system. Notwithstanding anything to the contrary in this Section, any burning activity conducted hereunder shall comply in all respects to Section F-308.0 of the BOCA Fire Prevention Code (latest edition).

SECTION 5. Ashes, smoldering coals or embers and greasy or oily substances or other matter liable to spontaneously ignite shall not be deposited or allowed to remain within ten feet (10') of any combustible materials but shall be deposited in metal cans or other noncombustible receptacles in no case less than two feet (2') from any wall or partition. Such receptacles, unless resting on the ground outside of a building, shall be placed on noncombustible stands. Rubbish of any kind shall be deposited in suitable containers and shall not be allowed to accumulate.

SECTION 6. It shall be unlawful for any person, firm or corporation making, using, storing or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible trash or fragments to fail, neglect or refuse at the close of each day to cause all such material which is not compactly bailed or stacked in an orderly manner, to be removed from the premises or stored in a noncombustible container as set forth hereinabove; provided, however, that this Section shall not be deemed to apply to any agricultural activity which might be deemed to be farming in its ordinary sense, where compliance with this Section would make such farming impracticable.

SECTION 7. Notwithstanding the provisions of Section 1 hereof, no bonfire or any other outdoor or open fire shall be permitted except a) in the case of an emergency or b) after having received a permit from the Township Public Safety Director in accordance with rules and procedures promulgated by the Township Fire Coordinator.

SECTION 8. The BOCA Fire Prevention Code (latest edition) shall be deemed to be the generally accepted good practice for all matters of fire prevention and all matter related to the storage, handling and use of flammable liquids not covered by this Ordinance.

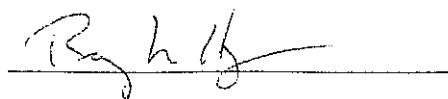
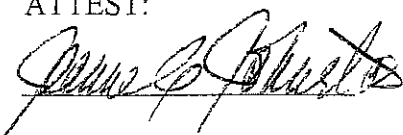
SECTION 9. Any person, firm or corporation violating any provision of this Ordinance shall be subject to suit brought before the District Magistrate for the collection of fines not exceeding \$600.

SECTION 10. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of said Ordinance.

ENACTED AND ORDAINED this 18 th day of April, A.D. 2000.

TOWNSHIP OF CUMRU, BERKS COUNTY, PA

ATTEST:



ORDINANCE NO. 611

AN ORDINANCE OF THE TOWNSHIP OF CUMRU, BERKS COUNTY, PENNSYLVANIA, AMENDING ITS ORDINANCE REGULATING BONFIRES, OUTDOOR FIRES, OUTDOOR FIREPLACES, INCINERATORS, AND THE HANDLING OF ASHES AND RUBBISH; PROVIDING FOR THE ENFORCEMENT HEREOF; AND, DECLARING THE VARIOUS PROVISIONS OF HEREOF TO BE SEVERABLE.

WHEREAS, in March of the year 2000, the Board of Supervisors enacted an Ordinance regulating bonfires, outdoor fires, outdoor fireplaces etc.; and

WHEREAS, the Board of Commissioners of the Township desires to amend such Ordinance;

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Cumru as follows:

SECTION 1. Section 2 of the Ordinance of the Township regulating bonfires, outdoor fires, outdoor fireplaces, incinerators, and the handling of ashes and rubbish enacted in March of the year 2000 (the "Burning Ordinance") is hereby amended and supplemented by adding thereto a subsection (g), as follows:

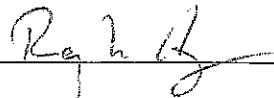
"g) Any other fire set for any other purpose, provided that such fire is approved by, and set and maintained under the conditions set by, the Fire Coordinator of the Township."

SECTION 2. Any person, firm or corporation violating any provision of this Ordinance shall be subject to suit brought before the District Magistrate for the collection of fines not exceeding \$600.

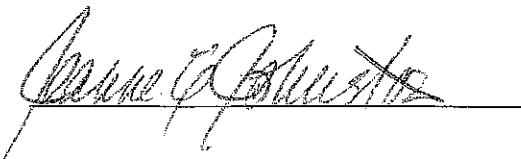
SECTION 3. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of said Ordinance. Further, except as amended hereby, the Burning Ordinance of the Township shall remain in full force and effect.

ENACTED AND ORDAINED this 15th day of January, 2002.

TOWNSHIP OF CUMRU, BERKS COUNTY, PA



ATTEST:



ORDINANCE NO. 619

AN ORDINANCE OF THE TOWNSHIP OF CUMRU, BERKS COUNTY, PENNSYLVANIA, AMENDING ITS ORDINANCE REGULATING BONFIRES, OUTDOOR FIRES, OUTDOOR FIREPLACES, INCINERATORS, AND THE HANDLING OF ASHES AND RUBBISH; PROVIDING FOR THE ENFORCEMENT HEREOF; AND, DECLARING THE VARIOUS PROVISIONS OF HEREOF TO BE SEVERABLE.

WHEREAS, in March of the year 2000, the Board of Commissioners enacted an Ordinance regulating bonfires, outdoor fires, outdoor fireplaces etc, which was subsequently amended by Ordinance in November 2001; and

WHEREAS, the Board of Commissioners of the Township desires to amend such Ordinance, as amended;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Cumru as follows:

SECTION 1. Section 2 (f) of the Ordinance of the Township regulating bonfires, outdoor fires, outdoor fireplaces, incinerators, and the handling of ashes and rubbish enacted in March of the year 2000, as amended in November 2001 (the "Ordinance") is hereby amended and supplemented by replacing the phrase "two (2) acres of land" with the phrase "ten (10) acres of land." Further, Section 2(f) of the Ordinance is amended and supplemented by adding a second sentence thereto, which states: "Acreage shall be determined as the acreage listed on the tax bill for the subject property." Further, Section 2 (f) of the Ordinance is amended and supplemented by adding third and fourth sentences thereto, which state: "Debris generated by the clearing of a lot or any part of a lot for the purpose of building a house or other building is not to be construed as farm or agricultural waste products. Accordingly, burning thereof is prohibited."

SECTION 2. Any person, firm or corporation violating any provision of this Ordinance shall be subject to suit brought before the District Magistrate for the collection of fines not exceeding \$600.

SECTION 3. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of said Ordinance. Further, except as amended hereby, the Burning Ordinance of the Township shall remain in full force and effect.

ENACTED AND ORDAINED this 20th day of August, A.D. 2002.

TOWNSHIP OF CUMRU, BERKS COUNTY, PA

ATTEST:

