

**PART 2****OPEN FIRES AND BURNING****§7-201. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**CONTAINED FIRE** - a fire which any material is burned in a receptacle other than a furnace or incinerator.

**DOMESTIC REFUSE** - any waste material normally generated in the operation of a single-family dwelling including, but not limited to, such items as paper products and not including non-combustible material.

**FURNACE** - any enclosed device specifically designed for burning any material for the production of heat.

**GARBAGE** - all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

**GOVERNING BODY** - the Board of Supervisors of Oley Township, Berks County, Pennsylvania.

**INCINERATOR** - any device specifically designed for the destruction by burning of refuse, sewage sludge or any other combustible material.

**OPEN FIRE** - a fire in which any material is burned in the open.

**PERSON** - any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

**REFUSE** - garbage, rubbish and trade waste.

**RUBBISH** - solids not considered to be highly flammable or explosive including, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

**SALVAGE OPERATION** - any business, trade or industry engaged, in whole or in part, in salvaging or reclaiming any product or material including, but not limited to, metals, chemicals, shipping containers or drums.

**TRADE WASTE** - all solid or liquid material or rubbish resulting from construction, building operations or the prosecution of any business, trade or industry including, but not limited to, plastic products, cartons, paint, grease, oil and other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials; provided, that "trade waste" shall not include any coal refuse associated with the mining or preparation of coal.

*(Ord. 290, 8/13/2001, §1)*

**§7-202. Regulations.**

With respect to outdoor burning within the confines of Oley Township, no person shall:

- A. Ignite or feed an open fire for the destruction of rubbish, domestic refuse, leaves, branches or other native vegetation within 200 feet of any structure on an adjoining property.
- B. Cause, suffer, allow or permit the maintenance of any open fire for the destruction of imported material or in the conduct of a salvage operation on any property under his control outside of any building.
- C. Cause, suffer, allow or permit any open burning operation whatsoever if said burning operation is contrary to §129.14 of Chapter 129 of Title 25, Rules and Regulations of the Department of Environmental Protection.
- D. Hinder, delay, obstruct, resist, prevent or, in any way, interfere with the fire officers or their assistants in the performance of their duty hereunder or refuse such personnel, after proper identification, entrance at reasonable hours to any premises.
- E. Cause, suffer, allow or permit burning on any street or sidewalk within Oley Township.
- F. Conduct any outdoor burning during periods of declared drought or other situations deemed hazardous by the Board of Supervisors based on the recommendation of the Fire Marshall or the Fire Chief of the Oley Fire Company. *(Ord. 315, 10/11/2004, §1; as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1)*

*(Ord. 290, 8/13/2001, §2)*

**§7-203. Exceptions.**

The provisions of §7-202 are subject to the following exceptions:

- A. Open fires may be set in the performance of an official duty of any public officer if the fire is necessary for:

- (1) The prevention of a fire hazard which cannot be abated by other means.
- (2) The protection of public health.
- B. Open burning for recreational or ceremonial purposes.
- C. Open burning for the cooking of food over a campfire.
- D. Contained fires may be set; provided, that only the following items are burned:
  - (1) Leaves, branches and other non-putrescible vegetable matter.
  - (2) Normal household rubbish, but not including cans, bottles, aerosol containers and plastics.
- E. Burning for the purpose of instructing personnel in firefighting, when approved by fire company officers.

*(Ord. 290, 8/13/2001, §3)*

**§7-204. Enforcement.**

It shall be the duty of the Chief of Police, and any Officer of the Central Berks Regional Police Department, to enforce the provisions of this Part and the rules and regulations contained therein. *(Ord. 315, 10/11/2004, §1, as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1, as amended by Ord. 381, 11/11/2019, §1)*

- A. Receive and initiate complaints or violations of this Part.
- B. Enter and inspect any building, property, premise or place for the purpose of investigating an actual or suspected source of open burning or for the purpose of ascertaining the compliance or noncompliance with any regulation of this Part.
- C. To declare a drought emergency and issue orders prohibiting open burning.
- D. Have access to and require information pertinent to any matter under investigation.
- E. Send written notice of any violation of this Part to the person responsible for the violation.
- F. Attend meetings of the Board when requested and file a written report of violation of any regulation of this Part.

- G. Institute prosecution for violation of the regulations of this Part.

*(Ord. 290, 8/13/2001, §4)*

**§7-205. Regulations Pertaining to Burning Domestic Refuse.**

The following regulations shall apply to burning domestic refuse on lots in the Residential, Residential - Mobile Home, Village, Local Business, Highway Business, Local Business and Rural Village Zoning District of Oley Township:

- A. Outdoor burning of domestic refuse shall be in an approved burning barrel or other approved incinerator. An approved burning barrel is a solid, sturdy, steel cylindrical container with a sealed steel bottom with ventilation holes and an open top which, during outdoor burning, is covered firmly and completely by a steel spark-arresting screen. Other approved incinerators are containers with a volume no greater than a 55 gallon drum with containment, ventilation and spark-arresting features similar to those of an approved burning barrel. *(Ord. 315, 10/11/2004, §1, as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1, as amended by Ord. 381, 11/11/2019, §2)*
- B. Outdoor burning of domestic refuse shall be attended at all times by a competent adult. Outdoor burning of domestic refuse shall not be conducted within 25 feet of any building or other structure or on any road, alley or public walkway or in any area specifically disapproved by the officers.
- C. The area within 5 feet of any burning barrel or other incinerator shall be completely clear of any combustible material during outdoor burning.
- D. Fire extinguishing equipment shall be readily available for use during any outdoor burning.
- E. Every outdoor fire shall be started 1 hour after sunrise and completely extinguished 1 hour before sunset. No outdoor fire shall be started within an hour of sunset. The officers shall have the right to inspect outdoor burning.
- F. No petroleum products may be used to start or aid outdoor burning.

*(Ord. 290, 8/13/2002, §5)*

**§7-206. Penalties.**

1. Any person, firm or corporation who shall violate any provision of this Part, including any drought emergency order, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine

and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

2. The Board of Supervisors of Oley Township may institute an action in equity for an injunction to restrain continuous violations of this Part in the event the Chief of Police or any Officer of the Central Berks Regional Police Department has issued an abatement notice which is being violated and which is not then the subject of judicial review. (*Ord. 315, 10/11/2004, §1, as amended by Ord. 334, 10/23/2008, §1, as amended by Ord. 341, 11/19/2009, §1, as amended by Ord. 381, 11/11/2019, §3*)

*(Ord. 290, 8/13/2001, §6; as amended by Ord. 311, 6/14/2004, §1)*

