

ORDINANCE NO. 1993 - 2

AN ORDINANCE OF THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA RESTRICTING OPEN FIRES AND BURNING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS AND DEFINITIONS, DESIGNATING AN ENFORCEMENT OFFICER AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Marion, Berks County, Pennsylvania and it is hereby enacted and ordained by the authority of the same as follows:

**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:

BOARD OF SUPERVISORS - the Board of Supervisors of the Township of Marion, Berks County, Pennsylvania.

BUILDING - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, designed for the enclosure and support of individuals, animals or property of any kind.

DAWN - the beginning of daylight in the morning.

DUSK - the beginning of darkness in the evening.

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.

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 or in a receptacle other than a furnace or incinerator.

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.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

TOWNSHIP - the Township of Marion, Berks County, Pennsylvania.

TRADE WASTE - all solid or liquid material or rubbish resulting from construction, building operations or the conducting 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.

ZONING OFFICER - Marion Township Zoning Officer.

**Section 2. Regulations.** Within the boundaries of Marion Township, no person shall:

1. ignite or feed an open fire for the destruction of refuse or in the conduct of a salvage operation in any public or private place outside any building, or
2. cause, suffer, allow, or permit the maintenance of any open fire for the destruction of refuse, or in the conduct of a salvage operation on any property under his control outside of any building.

**Section 3. Exceptions. Subject to the following exceptions:**

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

A. the prevention of a fire hazard which cannot be abated by other means; or

B. the protection of public health.

2. Open fires may be set within the A-R Agricultural Rural Zoning District of Marion Township without the need for any advance notification to the Township, and in all other zoning districts with advance notification to the Township or to the Zoning Officer, provided that all open fires are subject to the following regulations:

A. only wood, wood products, paper products, cardboard, leaves, branches and other non-putrescible vegetable matter may be burned,

B. except for open fires within the A-R Agricultural Rural Zoning District, there must be no practical available alternative method for disposal of the material to be burned,

C. no hazardous condition shall be created by such burning,

D. no such burning is allowed on any street or sidewalk within the Township of Marion,

E. no such burning shall take place within fifteen (15) feet from a property boundary line nor within fifteen (15) feet from a building,

F. all such burning shall be constantly attended by a competent person until such fire is extinguished, and

G. all such burning takes place in the daylight hours between dawn and dusk but, in any event, no such burning shall take place prior to 9:00 a.m. nor after 9:00 p.m.

**Section 4. Enforcement. The Board of Supervisors herein appoints the Zoning Officer and the Marion Township Police**

Department as enforcement officers who shall have the power to enforce the provisions of this ordinance.

**Section 5. Penalties.** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment, to imprisonment for a term not to exceed thirty (30) days.

**Section 6. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 7. 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 that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 8. Effective Date.** This ordinance shall be effective five (5) days after the date of its enactment.

Enacted and ordained as an ordinance of the Township of Marion, Berks County, Pennsylvania this 30<sup>TH</sup> day of DEC., 1993.

MARION TOWNSHIP BOARD  
OF SUPERVISORS, BERKS COUNTY,  
PENNSYLVANIA

Richard A. Wehler  
Chairman

Harold E. Zelman  
Supervisor

Kenneth L. Keppley  
Supervisor

Attest:

Dois E. Umberger  
Township Secretary