

Part 3

Open Fires

Section 301. Definitions.

(a) Board of Supervisors. The Board of Supervisors of the Township of Amity.

(b) Incinerator. Any device specifically designed for the destruction by burning of refuse, sewage, sludge or any other combustible container.

(c) Open Fire. A fire in which any material is burned in the open or not in a receptacle.

(d) Person. Any individual, partnership, association, corporation, department, bureau, agency or other legal entity."

(Ordinance 114, February 20, 1989, Section 1; as amended by Ordinance 185, December 17, 2001, Section 1)

Section 302. Enforcement. The Board of Supervisors shall have the power to enforce the provisions of this Part and does specifically authorize and empower the Fire Marshal, or his designee, to enforce the same. (Ordinance 114, February 20, 1989, Section 2; as amended by Ordinance 185, December 17, 2001, Section 2)

Section 303. Open Fire Regulations.

(a) No person shall kindle or maintain an open fire or authorize any fire to be kindled or maintained on any street, avenue, alley, easement or right of way. This shall also include all Amity Township property. No open fire shall be kindled within 50' of any structure, fence, property line or combustible material. All fires must be guarded by one or more responsible persons until such fire has burned out. It is unlawful to kindle or maintain any open fire or authorize any open fire between sunset and sunrise.

(b) When any field or brushland is to be burned, which field or brushland is an acre or more in area or adjacent to or adjoining any building, notice of such burning must be given by the person intending to make the fire to the Chief of the local fire company or the Fire Marshal of the Township at least twenty-four (24) hours prior to the time such burning is to take place.

(c) No person shall burn rubbish or paper except in containers or devices which will keep such fires under safe and adequate control.

(d) No person shall burn garbage within the geographic limits of the Township of Amity except in containers constructed or manufactured for such purpose and in such manner not offensive to his neighbors.

(e) No person shall burn rubbish, garbage or refuse of any kind within those areas of the Township of Amity when the Township provides for the collection and disposal of garbage, rubbish, refuse, paper, etc.

(f) Within the Amity Township limits, no person shall ignite, feed, allow or permit the maintenance of any open fire in any public or private place outside any building or device approved and built specifically for containment of a fire, unless the fire is under the direct and constant supervision of an adult.

(g) It shall be unlawful for residents of Amity Township to burn any recyclables that are included in the Township Recycling Program.

(Ordinance 3, February 4, 1956, Sections 5-6; as amended by Ordinance 36, February 6, 1970, Sections 11 & 21; as further amended by Ordinance 114, February 20, 1989, Section 3; as further amended by Ordinance 185, December 17, 2001, Section 3)

Section 304. Limitations. On any occasion when an open fire is ignited, fed, permitted or allowed to be maintained outside a building or device constructed to contain said fire, the Fire Marshal, or his designee, may, in his judgment determine that the fire constitutes a danger to any person or property, whether public or private, and order the fire extinguished or direct such other restrictions or limitations to contain and remove the danger of loss or injury. (Ordinance 114, February 20, 1989, Section 4; as amended by Ordinance 185, December 17, 2001, Section 4)

Section 305. Penalties. Any person or persons violating any of the provisions of this Part or neglecting or failing to comply with any order or notice issued pursuant to a violation of any section hereof shall, upon conviction before any District Justice within the County of Berks, be sentenced to pay a fine not exceeding One Thousand Dollars (\$1,000.00) for each offense, with costs to be recovered in the name of the Township of Amity, Berks County, Pennsylvania, and if the amount of said judgment and costs shall not be paid, said person shall suffer imprisonment in the Berks County Prison for a period not exceeding thirty (30) days. (Ordinance 3, February 4, 1956, Section 9; as amended by Ordinance 36, February 6, 1970, Section 22)

Section 306. Severability. If any sentence, clause, section or part of this Part 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 Part. It is hereby declared as the intent of the Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ordinance 36, February 6, 1970, Section 24; as amended by Ordinance 114, February 20, 1989, Section 6)