

TOWNSHIP OF TILDEN

ORDINANCE NO. 125, 1999

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, 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

WHEREAS, severe shortage of rainfall during recent months has resulted in a drought condition in the Commonwealth of Pennsylvania, in the County of Berks and in the Township of Tilden; and

WHEREAS, on July 20, 1999 the Governor of the Commonwealth of Pennsylvania declared a drought emergency in fifty-five (55) Pennsylvania counties, including Berks County and called on Pennsylvanians to conserve water as drought conditions statewide continue to deteriorate; and

WHEREAS, the abundance of wooded areas and other areas susceptible to wildfire in the Township of Tilden presents serious potential for wildfire in the event of intentional or inadvertent ignition; and

WHEREAS, time is of the essence and the Township Supervisors desire to take immediate action to the fullest extent of their authority pursuant to the Township Code to protect the health, safety and welfare of the citizens of the Township.

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

Section 1. Prohibition Against Burning During the Drought. No person within or in the vicinity of the corporate limits of Tilden Township shall ignite or feed an open fire or cause, suffer, allow or permit the ignition or maintenance of any open fire, whether directly or indirectly, in person or by an agent. An open fire shall mean a fire in which any material is burned in the open or in a receptacle other than an enclosed furnace or incinerator. Prohibition against burning as aforesaid shall remain in full force and effect until such time as the effect of this Ordinance may be terminated by resolution of the Township Board of Supervisors upon receipt by the Board of competent, reliable information that the existing drought conditions have improved and the potential for wildfire has been lessened to an extent as deemed satisfactory by the Board of Supervisors, or upon written withdrawal of the drought proclamation by the Commonwealth, whichever occurs first.

Section 2. Enforcement Officer. The Township Police Department and Code Enforcement Officer are hereby authorized and empowered to enforce the terms of this Ordinance.

Section 3. Penalties for Violation. Any person or entity who violates any provision of this Ordinance shall be guilty of an offense and, upon conviction, shall pay a fine to the Township in an amount not to exceed One Thousand Dollars (\$1,000.00) plus costs of prosecution and shall be subject to such other legal sanctions as authorized by law. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue.

Section 4. Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 5. Severability. If any sentence, clause, section or part of this Ordinance shall be any reason declared unconstitutional, illegal or invalid for any reason whatsoever, such unconstitutionality, illegality or invalidity shall not effect or impair the remaining provisions, sentences, clauses, sections or parts of this Ordinance, which shall remain in full force and effect. It is hereby declared as the intent of the Township 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 6. Effective Date. This Ordinance shall become effective in accordance with law.

ENACTED and ORDAINED this 16th day of August, 1999.

TOWNSHIP OF TILDEN

By: Ray W. Berk
Supervisor

By: James W. Hely
Supervisor

By: _____
Supervisor

Attest: Anna M. Shallenburger
Secretary

CERTIFICATION

I hereby certify that the foregoing ordinance was advertised on August 6, 1999 in the Reading-Eagle Times, a newspaper of general circulation in the Township of Tilden, Berks County, Pennsylvania, and was duly enacted and approved as set forth at a special scheduled meeting of the Township of Tilden on August 16, 1999 at 7:00 P.M., prevailing time, in the Township Municipal Building, Berks County, PA.

ATTEST:



Anna M. Shollenberger, CGS, CMC
Secretary