

RESOLUTION NO. 156-2023

BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Berks County Board of Commissioners hereby authorizes

RATIFYING, CONFIRMING, AND APPROVING RESOLUTION 151-2023 AND
EXCEPTING OPEN OUTDOOR BURNING RELATED TO NORMAL AGRICULTURAL
OPERATION

WHEREAS, on April 14, 2023, the Berks County Chief Operations Officer executed Resolution No. 151-2023 imposing an emergency temporary ban on outdoor burning in the County of Berks and establishing penalties for violation of the ban per the written recommendation from the District Forester on behalf of the Department of Conservation and Natural Resources (DCNR) who solicited or received verbal requests from 19 Fire Chiefs and Fire Wardens of Berks County; and WHEREAS, the Berks County Board of Commissioners are in support of the temporary burn ban as outlined within Resolution 151-2023, subject to the exception that the burn ban shall not apply to open outdoor burning that is directly related to normal agricultural operations within Berks County;

NOW THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED BY THE BERKS COUNTY BOARD OF COMMISSIONERS:

1. Resolution 151-2023 and the actions taken by the Berks County Chief Operations Officer imposing an emergency temporary ban on outdoor burning in the County of Berks are hereby RATIFIED, CONFIRMED, and APPROVED, with the exception that the burn ban shall not apply to open outdoor burning that is directly related to normal agricultural operations within Berks County.
2. The term “normal agricultural operation” shall have the definition as provided within Section 952 of Pennsylvania’s “Right-To-Farm” Law (Act 133 of 1982), specifically:

The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

- a. not less than ten contiguous acres in area; or
- b. less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry.
See 3 P.S. § 952.

3. All other provisions of Resolution 151-2023 shall remain unchanged and in full force and effect as set forth therein.

ADOPTED THIS 20TH DAY OF APRIL, 2023.

COUNTY OF BERKS



Christian Y. Leinbach, Chair



Michael S. Rivera, Commissioner

Attest:



Carmen Torres, Chief Clerk



Lucine E. Sihelnik, Commissioner