

Chapter 7

Emergency Management Services

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Part 1**Emergency Response and Reimbursement Ordinance****§7-101. Title.**

This Part shall be known as the “Heidelberg Township Emergency Response and Reimbursement Ordinance of 2002.”

(*Ord. 2002-1, 1/10/2002, §I*)

§7-102. Definitions.

1. Terms used in this Part which are defined in the Pennsylvania Hazardous Material Emergency Planning and Response Act, 35 P.S. 6022.101 *et seq.*, or any amendments thereto, shall be presumed to have the same meaning as set forth in that Act, unless expressly defined differently herein.

2. Terms used in this Part which are defined in the 1992 and 1994 amendments to the Pennsylvania Insurance Company Law, Acts 1992-98 and 1994-93 respectively, 40 P.S. §63, or any subsequent amendments thereto, shall be presumed to have the same meaning as set forth in that Act, unless expressly defined differently herein.

3. *Specifically Defined Terms:*

Accidental false alarm—any false alarm which is not intentionally caused and which occurs when an actual intrusion, crime, fire, or other emergency has not taken place.

Alarm—any siren, bell, horn, or other device which is attached to the interior or exterior of a structure and emits a warning signal audible outside the structure, or transmits a prerecorded voice alarm or other signal and is designed to attract attention, or transmits a message to an emergency communication center, when activated by a criminal act or other emergency requiring emergency response agencies to respond. The term “alarm” shall include automatic protection devices and sensory devices.

Alarm device—a device designated to automatically transmit an alarm by wire, telephone, radio signal, or other means (1) to the Lehigh County Communication Center or any fire department directly or (2) to a person who is instructed to notify the Lehigh County Communication Center.

Automatic protection device—an electrically operated instrument composed of sensory apparatus and related hardware which automatically transmits a prerecorded voice alarm or other similar message over telephone line, by direct or indirect connection to an emergency communication center, upon receipt of a stimulus from sensory apparatus that has detected a physical force or other stimulus inherently characteristic of a fire intrusion.

Board—the Board of Supervisors of Heidelberg Township, Lehigh County, Pennsylvania.

Emergency communication center—a protection system or group of such systems, operated privately for customers or publicly by a person, firm, corporation, or governmental entity which maintains, supervises, or accepts recorded messages

from automatic protection devices at a central station having operators that have the duty to take appropriate action upon receipt of a signal or message.

Emergency incident—

(1) An occurrence involving a risk of harm and/or imminent threat to private or public property, life, or a potential threat to the environment or public health or safety including, but not limited to, fires, petroleum, chemical or hazardous material spills and releases; and, building, well, trench, or sinkhole collapses.

(2) Any incident in which one or more emergency response agencies are dispatched to a site in response to an official call or request by the Pennsylvania State Police, 911 emergency response unit or State or Federal emergency management units.

[Ord. 2010-1]

*Emergency response agencies—*fire companies, ambulance corps, fire police, and other emergency providers serving the residents of the Township or responding to requests for and/or assistance pursuant to any mutual aid agreement duly authorized by the Township, and Township employees responding to an emergency incident at the request of an emergency response agency.

*Emergency service costs—*all direct and indirect costs and expenses incurred or expended by the Township or any emergency response agency, or both, in connection with any emergency incident including, but not limited to, the following:

[Ord. 2003-5]

(1) The costs of labor calculated by determining the actual hourly wage rate plus the hourly cost of fringe benefits (and including overtime rates, if applicable) normally paid by the Township to the Township personnel involved in responding to any emergency incident, times the number of hours worked in response to any emergency incident, or, in the case of emergency response agencies, volunteer personnel, the reasonable hourly value of the volunteer personnel as determined by the Township Board of Supervisors from time to time, taking into account the funds expended to train and properly equip each such volunteer, times the number of hours worked by each such volunteer in response to any emergency incident.

(2) The costs of all nonreusable materials and all contaminated or consumed materials utilized in connection with any emergency incident.

(3) The costs of all equipment, calculated by estimating the number of hours of the useful life of such equipment and dividing the same into the replacement cost plus the maintenance cost of said equipment and then multiplying the result by the number of hours such equipment was “in service” in response to any emergency incident.

(4) The administrative cost of record keeping, information processing and compilation of a bill of costs.

(5) The reasonable attorney’s fees and costs (including witness fees) of pursuing any and all enforcement or collection actions for emergency service costs against responsible parties.

*False alarms—*any alarm or signal activated by an automatic protection device,

or any other kind of direct or indirect signal given to an emergency communication center, or any signal given from a sensory device, to which fire or emergency personnel respond, which is not the result of weather extremes, burglary, robbery, fire, or similar emergency.

Fire loss—any loss occurring after the effective date of this Part and covered under a policy of fire insurance, including all endorsements or riders to the policy.

Insuring agent—any fire or casualty insurer which provides reimbursement for emergency response agency costs or expenses in the event of an emergency incident.

Remote station protective signaling system—an installation using supervised dedicated circuits, installed to transmit alarm, supervisory and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.

Responsible party/parties—the following person(s) or legal entity(s) shall, for the purposes of this Part, be deemed responsible parties:

(1) The owner of any petroleum, petroleum distillate or by-product, hazardous material or chemical, and any carrier, including pipeline owner, of any such material, which is spilled, released, dumped, deposited or stored and to which there is a response by an emergency response agency.

(2) The owner of the real property on which any petroleum, petroleum distillate or by-product, hazardous material or chemical is spilled, released, dumped, deposited, or stored and to which there is a response by an emergency response agency.

(3) The owner of real or personal property on or in which there occurs an unfriendly fire; a building, well, trench, or sinkhole collapse requiring rescue efforts or otherwise threatening life, property, or the environment, or vehicular accidents involving fire, personal injury or loss of life, to which there is a response by an emergency response agency.

(4) All person(s) and legal entity or entities found to be legally responsible in any court of competent jurisdiction for causing of any emergency incident.

(5) Any person or persons indicated to be at fault in an official report prepared by a law enforcement officer (normally the Pennsylvania State Police), a fire marshal or similar individual or office, or the supervisor of a hazardous material unit. If multiple parties are designated as responsible parties then each party shall be jointly and severally liable to pay the emergency service costs in full. [Ord. 2010-1]

Silent alarm—a protective system that does not emit an audible signal or tone when activated at a protected site and is monitored by an intermediary or an emergency communication center.

Township—the Township of Heidelberg, Lehigh County, Pennsylvania.

Unfriendly fire—a fire which is undesirable, out of control, threatening to persons or property, deemed to be a nuisance by the Township, or any one of the foregoing or combination thereof.

(Ord. 2002-1, 1/10/2002, §II; as amended by Ord. 2003-5, 8/14/2003; as amended by Ord. 2010-1, 4/8/2010)

§7-103. Insured Emergency Incidents.1. *Payment of Municipal Claims and Lienable Amounts.*

A. *Certificates of Municipal Claim.* The Township's designated officer shall, upon the written request of the named insured specifying the tax description of the property, name, and address of the insuring agent and the date agreed upon by the insuring agent and the named insured as the date of the receipt of a loss report of the claim, furnish the insuring agent with either of the following within 14 days of the request:

(1) A certificate to the effect that, as of the date specified in the request, the Township has not certified any amount as total costs incurred by the Township for the removal, repair, or securing of a building or other structure on the property.

(2) A certificate and bill showing the amount of the total costs, if any, certified by the Township Treasurer that have been incurred for the removal, repair, or securing of a building or other structure on the property. For the purpose of this clause, the emergency response agency shall provide to the Township Treasurer the total amount, if any, of such costs, if available, or the amount of costs known to the emergency response agency at the time of the Township Treasurer's certificate.

(3) A cost or charge becomes delinquent at the time and on the date a lien could otherwise have been filed against the property by the Township under applicable law.

B. *Fire Losses.*

(1) Upon receipt of a certificate and bill pursuant to subsection .1.A(2) of this Section, the insuring agent shall return the bill to the Township Treasurer and transfer to the Township Treasurer an amount from insurance proceeds necessary to pay the charges and costs as shown on the bill, or the full amount of the insurance proceeds, whichever is the lesser amount. The Township shall receive the amount and apply or credit it to payment of the items shown in the bill. Further, the terms of subsection .1.B.3 shall be followed, if applicable. Nothing in this Section shall be construed to limit the ability of the Township to recover any deficiency.

(2) Upon receipt of a certificate pursuant to subsection .1.A of this Section, the insuring agent shall pay the claim of the named insured in accordance with policy terms, except that if the fire loss agreed upon by the named insured and the insuring agent equals or exceeds 60 percent of the aggregate limits of liability on all fire insurance policies covering the building or other structure, the following procedures shall be followed:

(a) The insuring agent shall transfer from any insurance proceeds to the Township Treasurer the sum of \$2,000 for each \$15,000 of the policyholder's claim and for each fraction of that amount of a claim. If the total claim is \$15,000 or less, the amount transferred to the Township shall be \$2,000.

(b) If, at the time of a fire loss report, the named insured has submitted a contractor's signed statement of the costs of removing,

repairing or securing the building or other structure in an amount less than the amount calculated under subsection .1.B(2)(a) above, the insuring agent shall transfer to the Township from the insurance proceeds the amount specified in the estimate.

(c) The transfer of proceeds to the Township shall be on a pro rata basis by all companies, associations or exchanges insuring the building or other structure. Policy proceeds remaining after the transfer to the Township shall be disbursed in accordance with the policy terms.

(d) After the transfer, the named insured may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, and the Township Treasurer shall return the amount of the funds transferred to the Township in excess of the estimate to the named insured, if the Township has not commenced to remove, repair or secure the building or other structure.

(e) Upon receipt of proceeds under this Section, the Township shall do the following:

a) The Township Treasurer shall place the proceeds in a separate fund to be used solely as security against the total costs of removing, repairing or securing the building or structure which are incurred by the Township. Such costs shall include, without limitation, any engineering, legal or administrative costs incurred by the Township in connection with such removal, repair or securing of the building or any proceedings related thereto.

b) It is the obligation of the insuring agent when transferring the proceeds to provide the Township with the name and address of the insured. Upon receipt of the transferred funds and the name and address of the named insured, the Township Treasurer shall contact the named insured, certify that the proceeds have been received by the Township, and notify the named insured that the procedures under this subsection shall be followed.

c) When repairs, removal, or securing of the building or other structure have been completed in accordance with all applicable regulations and orders of the Township and the required proof of such completion received by the Township Treasurer, and if the Township has not incurred any costs for repairs, removal or securing, the fund shall be returned to the named insured. If the Township has incurred costs for repairs, removal, or securing of the building or other structure, the costs shall be paid from the fund and if excess funds remain, the Township shall transfer the remaining funds to the named insured.

d) To the extent that interest is earned on proceeds held by the Township pursuant to this Section, and such proceeds are not returned to the named insured, such interest shall belong to the Township. To the extent that proceeds are returned to the named insured, interest earned on such proceeds shall be distributed to the named insured at the time that the proceeds are returned.

C. *Claim Payment Limitations and Fire Losses.* No insuring agent doing business in the Commonwealth of Pennsylvania shall pay a claim of a named insured for fire damage to a structure located within the Township where the amount recoverable for the fire loss to the structure under all policies is in excess of \$7,500, unless the insuring agent is furnished by the Township Treasurer with a municipal certificate pursuant to §638(a) of the Insurance Law and subsection .1 of this Section, and unless there is compliance with §638(c) and §638(d) of the Insurance Law, 40 P.S. §638, and with the provisions of this Part.

2. *Emergency Service Cost Reimbursement.*

A. *Invoicing Procedure.* The Township Treasurer shall, upon the written request of any emergency response agencies, remit invoices to the responsible party/parties involved in any emergency incident which specify the emergency incident, and the request for reimbursement for emergency service costs within 60 days of the invoice date.

B. The responsible party/parties shall promptly remit the invoice referenced in subsection .2.A above to his/her/its/their insuring agent, if any, which evidences the 60-day response date.

C. If the responsible party/parties' insuring agent shall not have paid the invoice remitted to it within the said 60-day period, the responsible party/parties shall be deemed responsible for immediate payment of the emergency service costs evidenced thereby.

3. *Designated Officer.* The Treasurer of Heidelberg Township or the Treasurer's designee is hereby appointed as the designated officer authorized to carry out the duties and responsibilities set forth in this Section.

4. *Limitation of Actions.* Nothing in this Section will be construed to limit the ability of the Township to recover any deficiency by lien, fine, or action in law or in equity. Furthermore, nothing in this subsection shall be construed to prohibit the Township and the named insured from entering into an agreement that permits the transfer of funds to the named insured if some other reasonable disposition of the damaged property has been negotiated.

5. *Rules and Regulations.* The Board of Supervisors may by Resolution adopt procedures and regulations to implement §508 of the Insurance Law and this Part and may by Resolution fix reasonable fees to be charged for municipal activities or services provided pursuant to the Insurance Law and this Part including, but not limited to, issuance of certificates and bills, performance of inspections, and opening separate fund accounts.

6. *Penalties for Violations.* Any owner of property, any named insured or any insuring agent who or which violates any provision of §7-103 of this Part shall, upon a judicial determination thereof, be assessed a civil penalty for each such violation of not more than \$1,000 plus costs of suit. All such claims shall be paid to the Township.

(Ord. 2002-1, 1/10/2002, §III)

§7-104. All Other Emergency Incidents.

1. *Designation of Nuisances.* The occurrence of unfriendly fires; hazardous material, petroleum, and chemical-type spills and releases; vehicular accidents

involving fire, personal injury or loss of life; and unexpected collapse of wells, trenches, structures, and sinkholes requiring rescues or otherwise threatening life, property or the environment, are each declared to be public nuisances and are hereby declared to be emergency incidents.

2. *Liability of Responsible Party/Parties.* The responsible party/parties shall be liable for and shall reimburse the emergency response agency for all or part of the direct or indirect emergency service costs incurred or expended by any emergency response agency, for labor, materials, and equipment including, but not limited to, the removal of any vehicle carcass, or part thereof, used in connection with the emergency incident. (Ord. 2002-1, 1/10/2002, §IV)

§7-105. False Alarms.

1. *Accidental False Alarms.* Any person or legal entity causing accidental false alarms for any reason shall pay to the fire company a charge for each and every accidental false alarm to which the fire service responds which is caused by said person or legal entity, in each calendar year, as follows:

A. First alarm each year shall be followed by a warning.

B. Second alarm each year shall be followed by a warning, which specifically includes the warning that subsequent false alarms will result in a charge.

C. Third to fifth alarms each year will be charged as determined from time to time by resolution.

D. Six to tenth alarm each year as determined from time to time by resolution.

E. Ten or more alarms each year as determined from time to time by resolution.

2. The charges imposed by this Part shall not apply to false alarms due to weather conditions or the first two false alarms which shall occur during the first 3 months from initial installation of the system due to system malfunction.

3. When an accidental false alarm occurs, the fire company shall notify the person responsible for the alarm device from which the false alarm emanated that a false alarm charge is due and the amount thereof.

4. An accidental false alarm charge shall be due and payable to the fire company 30 days from the date of this notice of the charge, and otherwise comply with the incident fee schedules and provisions as expressed herein.

(Ord. 2002-1, 1/10/2002, §V)

§7-106. Establishment of Incident Fee Schedule.

1. The chiefs of all fire companies within the Township shall prepare a joint proposed written fee schedule, within 30 days after the effective date of this Part, to establish and propose a written schedule of fees for the various classes and items of manpower, equipment, tools, supplies, and consumables which are customarily or likely to be utilized at automobile accidents and other incidents, including false alarms responses, by the fire companies.

2. The schedule may be expressed in terms of hours, gallons, or any other

convenient or regularly used unit of measurement.

3. The schedule shall be based upon and reflect either the actual experienced or likely projected costs and expenses as incurred by the fire company for such operations and responses to automobile accidents and other incidents, as best as the fire company is able to compute and establish those amounts.

4. The schedule may include a “minimum” fee for any one or more classes or items, and may also include a percentage “add-on” for overhead and handling.

5. All such schedules shall specifically include the general statement as follows:

“All costs of collection of these fees, including court costs and reasonable attorneys and witness fees and expenses, will be additional if further collection actions are necessary because of delinquent payment.”

(Ord. 2002-1, 1/10/2002, §VI)

§7-107. Review, Revision, and Approval by the Supervisors.

All such proposed incident fee schedules shall be subject to review and approval by the Board of Supervisors, which may in its discretion, add to, alter, amend, change, or revise any item or class of fees. The proposed incident fee schedule, as it may be amended, shall become effective 5 days after approval by the Board of Supervisors by a duly authorized resolution.

(Ord. 2002-1, 1/10/2002, §VII)

§7-108. Updates and Amendments to Schedules.

Thereafter, the incident fee schedules may be updated and amended in like manner from time to time, upon either a written request by the Board of Supervisors, or receipt of a written joint submission from the fire companies of the Township.

(Ord. 2002-1, 1/10/2002, §VIII)

§7-109. Collection Required.

For all automobile accidents or other incidents to which any fire company or other emergency response agency responds, including both those within Heidelberg Township, and those which occur on or outside of the several boundary roads of the Township to which a fire company or other emergency response agency responds pursuant to a “mutual aid” agreement or otherwise, the officers of each fire company or other emergency response agency are hereby authorized, empowered and directed to collect fees for the response to those accidents and incidents by that fire company or other emergency response agency, in accordance with the currently approved incident fee schedule, from either any person or persons who are involved in such accident or incident, or any insurance company or other person who is or may be financially responsible or legally liable therefore.

(Ord. 2002-1, 1/10/2002, §IX)

§7-110. Waiver and Discharge.

The fire chief or his/her designated representative or other designated representative of an emergency response agency of each fire company or emergency response agency are also hereby authorized, empowered, and directed to compromise, settle,

waive, modify, reduce, and discharge such incident fees, when, in their opinion, such action is justifiable or reasonable under the circumstances, which may include, but are not limited to, cases where or when:

- A. The likely cost of collection will exceed the amount of the incident fees.
- B. Liability or responsibility for the incident fees is not clear.
- C. More than one person is or may be responsible for the fees.
- D. When the actual costs or the amounts of the fees are minimal.
- E. Upon other good cause shown.
- F. Provided, however, that a brief written explanation of any such action, including the amount, shall be included in the annual report of the fire company or emergency response agency, if required.
- G. The fire company or emergency response agency may engage counsel to assist in its collection efforts, which may but need not be the Township Solicitor; provided, that any legal fees so incurred shall be the sole responsibility of the fire company and not the Township.

(Ord. 2002-1, 1/10/2002, §X)

§7-111. Annual Report.

A report of the amounts and collections of all such incident fees shall be included within the annual report which is required to be made to the Township Supervisors for each completed fiscal year of the Township by the Fire Companies by §1803 of the Second Class Township Code, 53 P.S. §66803, as amended, including any waivers or reductions as aforesaid.

(Ord. 2002-1, 1/10/2002, §XI)

§7-112. Emergency Telephone Number Posting

All commercial structures located within the Township shall have displayed and maintained at all times, in at least one prominent location, on the front side of the structure, the name and telephone number of at least one party designated as the party to contact for emergency incidents related to that particular structure. The contact name and telephone number shall be displayed in characters no less than 2 inches in height and constructed of a reflective material or illuminated by a continuous light source.

(Ord. 2002-1, 1/10/2002, §XII)

§7-113. Certified Copies.

The Township Secretary is hereby authorized and empowered to issue certified copies of this Part, together with any applicable resolutions approving the incident fee schedules for each fire company or emergency response agency and copies of those incident fee schedules. All such copies shall be accepted and treated the same as the original of this Part or such resolution incident and fee schedule, as the case may be, when bearing or accompanied by the signature of the Township Secretary or a facsimile thereof, and the raised, embossed impression of the Township's seal.

(Ord. 2002-1, 1/10/2002, §XIII)

Part 2**Open Burning****§7-201. Title.**

This Part shall be known and may be cited as the “Heidelberg Township Open Burning Ordinance.”

(Ord. 2002-2, 4/11/2002, §1)

§7-202. Declaration of Purpose.

It is hereby declared to be the policy of Heidelberg Township as a matter of public health and safety to regulate fires and open burning in Heidelberg Township for the purposes of controlling air pollution and protecting buildings, housing, property, and the well-being of its citizens.

(Ord. 2002-2, 4/11/2002, §2)

§7-203. Definitions.

Open burning or open fire—any fire which is burned outside of an enclosed structure or building.

Permanent burning structure—any structure of masonry permanently placed in or on the ground expressly placed for burning.

Person—any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by law as the subject of rights and duties.

Right-of-way—a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Vegetative matter—trees leaves, grass clippings, cuttings of plants, and limbs of trees up to 4 inches in diameter except for wood and wood products.

Wood and wood products—trunks of trees and limbs of trees exceeding 4 inches in diameter and all products of, or made from, wood.

(Ord. 2002-2, 4/11/2002, §3)

§7-204. Open Fire Prohibited.

It shall be unlawful for any person to burn, ignite, or feed any open fire or materials which create noxious or objectionable emissions, or are prohibited by current State and/or Federal regulations including, but not limited to, the following:

- A. Tires or other rubber products.
- B. Roof shingles or other roofing materials.
- C. Treated wood.
- D. Electrical wire insulation.

- E. Fiberglass or home insulation.
- F. Plastic and vinyl products.
- G. Asbestos containing materials.
- H. Paint, oil, or petroleum products.
- I. Painted or stained wood furniture.
- J. Mattresses, box springs, or other home furnishings.
- K. Any metal objects.
- L. Television sets or appliances.
- M. Automobiles, automobile parts including batteries.
- N. Diapers.
- O. Human and animal waste.
- P. Animal hides, furs, or skins.
- Q. Dirt laden roots or tree stumps.
- R. Recyclable materials currently accepted by the Township at the Township's recycling center or acceptable by local recycling businesses. [Ord. 2010-1]

(Ord. 2002-2, 4/11/2002, §4; as amended by Ord. 2010-1, 4/8/2010)

§7-205. Open Fires Permitted.

The following types of fires are permitted subject to the specific and general regulations contained herein:

A. *Wood and Wood Products.* Burning of wood and wood products is permitted subject to the following regulation:

(1) *Permit Required for Open Burning to Clear Land.*

(a) A landowner shall obtain a permit for open burning of wood and wood products and vegetation on a lot for the purpose of clearing land for agriculture or construction. The application for a permit shall be made to Heidelberg Township, and shall include, but not be limited to, the following:

- 1) A plan showing the location of the clearing project.
- 2) A plan showing the size, including dimensions and square footage, of the area to be cleared.
- 3) Description of the type and amount of waste to be burned.
- 4) The expected duration of the burning.
- 5) The anticipated method of residue disposal.
- 6) The name of the person who will attend the fire.
- 7) The name of the person who will be responsible to prevent the spread of the fire or hazardous conditions.

(b) The permit shall be accompanied by a permit fee as established from time to time by the Board of Supervisors of Heidelberg Township. Heidelberg Township may impose such further conditions, as it deems appropriate, for the control of air pollution and the protection of buildings,

housing, property and well being of its citizens.

(2) *No Permit Required.* All other burning of wood and wood products is permitted without a permit, subject to the following regulations:

(a) All open fires shall be in a container such as a masonry fireplace or metal container.

(b) A screen or wire mesh shall cover all containers for fires to prevent sparks from flying while burning.

(c) All open fires must be attended at all times by the person igniting the fire or such other persons who shall be responsible to prevent the spread of the fire or hazardous conditions.

(d) All open fires shall be conducted only on premises owned by the person responsible for such fire; provided, however, that the term "premises" should not include the area within the right-of-way of any street.

B. *Vegetative Matter.* Open burning of vegetative matter is permitted without a permit subject to the following regulation:

(1) The fire must be attended at all times.

(2) The site of the fire shall be controlled so as to prevent endangerment to property or person.

(3) (a) Agricultural District. The size of the fire shall not exceed 20 feet by 20 feet or 400 square feet.

(b) Blue Mountain District. The size of the fire shall not exceed 30 feet by 30 feet or 900 square feet.

(c) Rural District. The size of the fire shall not exceed 10 feet by 10 feet or 100 square feet.

(d) Rural Village District. The size of the fire shall not exceed 10 feet by 10 feet or 100 square feet.

[*Ord. 2010-1*]

(4) No vegetative matter from another site may be burned.

C. *Burning of Fields for Weed or Brush Control or for Farm Purposes.* The burning of fields for weed or brush control or for farm purposes is permitted without a permit subject to the following regulations:

(1) The person desiring to burn a field for weed or brush control shall first notify, in writing, the fire company that serves the area in which the fire shall occur.

(2) The fire shall be attended at all times.

(3) The person burning shall have sufficient fire suppression equipment, as determined in writing, from the fire company that serves the area in which the fire shall occur.

(4) Personnel shall be present at all times to maintain control of the fire.

(*Ord. 2002-2, 4/11/2002, §5; as amended by Ord. 2010-1, 4/8/2010*)

§7-206. General Regulations.

Any open burning requiring a permit or not requiring a permit shall be subject to the following general regulations:

A. No open fire shall be permitted before sunrise or after sunset.

B. No open fires shall be permitted in a right-of-way.

C. No open fire shall be conducted closer than 20 feet from any building or vehicle located on the property of the person conducting the fire or on the property of another person and no closer than 20 feet from a property line. [*Ord. 2010-1*]

D. No open fire shall be allowed whenever drought or extreme weather conditions exist or when a ban on burning has been put into effect by the Commonwealth of Pennsylvania or the Township. Notice of such restriction or weather conditions shall be given by notice in a newspaper or by posting a notice at the Township office or at the fire company.

E. No open fire shall violate the provisions of the Air Pollution Control Act, 35 P.S. §4001 *et seq.*

F. The person attending the fire and responsible for controlling the fire must be 16 years or older.

G. Any permanent burning structures that exist as of the effective date of this Part shall be allowed to remain at their present location. These structures cannot be extended or enlarged in any way, except with compliance with Heidelberg Township Zoning Ordinance, §27-1005.B. If the structure is damaged and a new one must be built, it must conform to the distances from structures and property lines stated in this Part as outlined in Heidelberg Township Zoning Ordinance, §27-1005.B [Chapter 27].

(*Ord. 2002-2, 4/11/2002, §6; as amended by Ord. 2010-1, 4/8/2010*)

§7-207. Open Fires Exempted.

The following types of fires, provided that such fires are wood and wood products only, are exempted from §7-206.A. and B. of the general regulations, set forth in this Part: [*Ord. 2010-1*]

A. Fires solely for the cooking of food for immediate consumption.

B. Camp fires for warmth and fellowship and food preparation.

C. Ceremonial purposes by bona fide groups of individuals such as hunting camps or public organizations such as Boy Scouts or Girl Scouts.

D. Fires set in the performance of public duty by any fireman or public official for official purposes.

(*Ord. 2002-2, 4/11/2002, §7; as amended by Ord. 2010-1, 4/8/2010*)

§7-208. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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.

(*Ord. 2002-2, 4/11/2002, §8; as amended by Ord. 2010-1, 4/8/2010*)

§7-209. Enforcement Orders.

1. The Township Administrator and/or any other duly authorized agent assigned by the Board of Supervisors shall have the power and duty to enforce the provisions of this Part. [*Ord. 2010-1*]

2. The Township may issue such orders as are necessary to aid in the enforcement of the provisions of this Part. These orders shall include, but shall not be limited to, orders requiring persons to cease unlawful open burning which, in the course of its occurrence, is in violation of any provision of this Part; orders to take corrective action or to abate a public nuisance; orders requiring the testing, sampling, or monitoring of any open burning; or orders requiring production of information. Such an order may be issued if the Township finds that any condition within the Township's belief in its present condition is involved and/or causing or contributing to a violation of any provision of this Part.

3. The Township may, in its order, require compliance with such conditions as are necessary to prevent or abate open burning or affect the purposes of this Part. An order issued under this section shall take effect upon notice, unless the order specifies otherwise. An appeal to the Board of Supervisors shall not act as a supercedeas; provided, however, that, upon application and for cause shown, the Board of Supervisors may issue such a supercedeas under rules established by the Board of Supervisors.

4. The Board of Supervisors to issue an order under this Section is in addition to any remedy or penalty, which may be imposed pursuant to this Part. Failure to comply with any such order is hereby declared to be a public nuisance.

(*Ord. 2002-2, 4/11/2002, §9; as amended by Ord. 2010-1, 4/8/2010*)

