

WEST BRADFORD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 99-03

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 77-03, "WEST BRADFORD TOWNSHIP REFUSE CONTROL AND BURNING ORDINANCE," AS AMENDED BY ORDINANCE 96-03, BY DELETING, AMENDING AND REVISING CERTAIN SECTIONS AND ADDING A SECTION ON CONTROLLED BURNING REGULATIONS.

BE IT AND IT HEREBY IS ORDAINED, by the Board of Supervisors of the Township of West Bradford, Chester County, Pennsylvania, that the following shall be an amendment to the West Bradford Township Refuse Control and Burning Ordinance known as Ordinance 77-03, as amended.

Sections 3 and 4 shall be deleted.

The following sections shall be added:

Section 6 – Fire Emergencies

Whenever by reason of drought, spillage over substantial areas of highly flammable materials, the non-availability of critical fire fighting equipment or any other condition whereby the risk of fire is materially increased or the ability to combat fires is materially diminished or impaired, the Chief of the local fire department or in his absence the person acting in that capacity may and it shall be his duty to recommend to the Board of Supervisors that a period of fire emergency be declared.

- (1)** The declaration shall be made by causing an announcement to be broadcast on a radio station or stations serving the township at least two times during the first full day following the declaration of a fire emergency and a notice of the declaration shall be delivered to local cable and television stations, and posted on the Township's internet

website, as applicable. Further a published notice shall be made in a newspaper of general circulation serving the township. The notice shall appear twice in a five (5) day period following the declaration of the fire emergency.

- (2)** The declaration shall be made by causing a notice thereof to be displayed prominently upon the main entrance to all fire houses in the township and the Township Building and in such other manner as the chief of the local fire department shall direct. The said fire emergency period shall be deemed to continue until revoked by the Board of Supervisors as recommended by the chief of the local fire department.
- (3)** During the fire emergency period, no person or persons shall set fire to, burn, or cause to be burned out-of-doors any paper, trash, leaves, grass or refuse of any nature or description whatsoever unless with specific approval of and under the direct supervision of the Chief of the local fire department or a fireman appointed by him for that purpose.

The following sections shall be added to the ordinance:

Section 7 - Controlled Burning Regulations

- (1) No person shall allow, cause, or maintain any bonfire, junk fire, refuse fire, or open fire upon any public or private property in West Bradford Township except :
 - (a) Fire for the purposes of burning household refuse and yard waste, not including food waste, in a suitable receptacle. All waste must be generated on the property upon which it is burned. These fires shall not be permitted on public property.

- (b) Controlled burn when approved by the chief of the local fire department, as a part of an agricultural or horticultural activity or for the removal of an invasive species.
 - (c) Cooking or camp fires
 - (d) Fire used for fire department training purposes when under the direct supervision of the chief of the local fire department.
- (2) No fires, with the exception of cooking or campfires, shall be kindled or maintained after sundown and before sunup.
 - (3) Operating garden hoses connected to a water supply or other fire extinguishing equipment shall be maintained on the site of the fire at all times ready for use.
 - (4) A competent person shall constantly attend all fires until such fire is extinguished.
 - (5) Prior to starting a fire, individuals shall contact the County's Emergency Services Department or the local fire department's non-emergency number to notify them.
 - (6) Any fire shall not be kindled or maintained closer than twenty (20) feet from any structure. Controlled burns shall not be kindled or maintained closer than fifty feet (50') from any structure.
 - (7) No person shall deliberately, or through carelessness or negligence, set fire to or cause the burning of any material, in such a manner as to endanger the safety of any person or property.

Section 8 – Violation and Enforcement Provision

Any person who violates or permits the violation of any provision of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a district justice, pay a fine for each such violation in an amount not less than \$100.00 and not more than \$1,000.00 plus all court costs, including reasonable attorneys' fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the district justice. If the

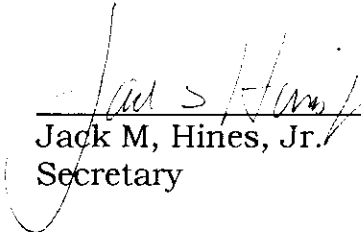
defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Section 9 – 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 hereof. 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.

Enacted and ordained this 10 th day of August 1999.

ATTEST:

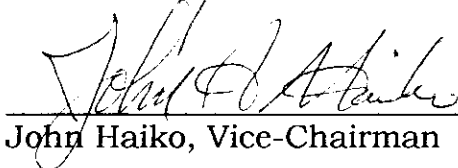


Jack M. Hines, Jr.
Secretary

**West Bradford Township
Board of Supervisors**



Mark Blair, Chairman



John Haiko, Vice-Chairman

SEAL



Kenneth Klunk, Member