

ORDINANCE NO: 2009- 05

AN ORDINANCE AMENDING CHAPTER 10 OF THE VALLEY TOWNSHIP
CODE OF ORDINANCES BY ADDING A PART 4,
RESTRICTING OPEN FIRES AND BURNING BY
ESTABLISHING SPECIFIC REGULATIONS, EXCEPTIONS, AND
DEFINITIONS, AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED, this 4th day of NOVEMBER, 2009,
by the Board of Supervisors of Valley Township, Chester County, Pennsylvania, as follows:

Section 1. Chapter 10 of the Valley Township Code of Ordinances is hereby amended by
the addition of Part 4, providing the following:

SECTION 401. The Ordinance shall be known as the "Valley Township Open
Fire Ordinance of 2009."

SECTION 402. **Definitions:** As used in this Ordinance, the following terms
shall have the meanings indicated unless a different meaning
clearly appears from the context.

- (a) **Open Fire** – a fire outside of any building in which any material burned in the open or in a receptacle other than a barbeque structure.
- (b) **Barbeque Structure** – A commercially constructed grill or masonry constructed grill for the purposes of heating, cooking and preparing food for the purpose of consumption
- (c) **Person** – any individual, partnership, association, corporation, department, bureau, agency or other legal entity.
- (d) **Recreational and Ceremonial Fire** – Fires for the cooking of food, on other than a commercial premises, and open fires for recreational, religious and/or ceremonial purposes, such as campfires or bonfires.
- (e) **Township Enforcement Officer or Enforcement Officer** – The Valley Township Code Officer, the Chief of the Westwood Fire Company or his designee.
- (f) **Township** – Valley Township, Chester County, Pennsylvania.

SECTION 403. **Regulations** – Within the Township limits, no person shall:
Ignite, feed, cause, allow, permit or maintain on any
property any open fire outside of any building for any
purpose other than that specifically permitted herein.

SECTION 404. **Exceptions** – The activities prohibited in this Ordinance are
subject to the following exceptions:

- (a) Open fires may be set in the performance of an official duty
of any public officer if the fire is necessary for:
 - (i) the prevention of a fire hazard which cannot be
abated by other means; or
 - (ii) the protection of public health
- (b) Open fires shall be permitted at any time when the same is
conducted during an official act or exercise preapproved by
the duly designated Township enforcement officer or by the
Westwood Volunteer Fire Company.
- (c) Recreational and ceremonial fires may be set with written
approval of the enforcement officer provided,
 - (i) no hazardous or other objectionable condition
will be created by such burning;
 - (ii) no such burning is allowed on any street or
sidewalk within the Township.
 - (iii) said open fire is related to a public function,
including but not limited to fire works or a
bonfire in support of a local organization;
 - (iv) the pile of material to be burned shall be no
greater than four feet (4') in diameter and four
feet (4') in height;
 - (v) the fire shall not take place within fifty feet (50')
of a structure and precautions shall be taken to
prevent the fire from spreading to within fifty
feet (50') of a structure;
 - (vi) the ground around the material to be burned
must be scraped so that a three foot (3')
noncombustible barrier exists around the area of
the proposed fire;
 - (vii) fire extinguishing equipment shall be available
on site and shall include, at a minimum, a shovel
and sufficient water to extinguish the fire.
- (d) it shall be lawful at any time to burn charcoal or wood fires
kindled for the purpose of outside barbeques, providing the
fire is confined to the barbeque structure as defined in this
Ordinance, and is used SOLELY for the heating, cooking
and preparing of food.

- (e) Any person, partnership, corporation, unincorporated association or other entity seeking to burn an open fire under subsection (c), supra, shall make application therefore with the Township enforcement officer and shall further be responsible for the payment to the Township of an application fee in the amount of Twenty Dollars (\$20.00), which shall be appropriated by the Township to the use of the Westwood Volunteer Fire Company.

SECTION 405. Authority to Extinguish – Authority is hereby granted to the Westwood Volunteer Fire Company to extinguish any open fire within the Township when the Fire Chief of said Company deems that conditions warrant such action.

SECTION 406. Appeals – Upon the denial of written approval for a recreational and/or ceremonial fire, an Appeal may be taken to the Township Board of Supervisors at a regularly scheduled meeting and such denial may be reversed upon a majority vote of said Board of Supervisors. The Board of Supervisors reserves the right to limit this approval to a specific time, place and/or manner, and issue restrictions that may be placed on said open fire.

SECTION 407. Enforcement – The Township Board of Supervisors designates to the enforcement officer, in addition to the Township police officers, the power to enforce the provisions of this Ordinance.

SECTION 408 -- Penalties – Any person who shall violate any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than THREE HUNDRED and no/100ths (\$300.00) DOLLARS, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day the violation exists shall constitute a separate offense.

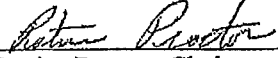
SECTION 409 – Repealer – This Ordinance shall in no way be construed so as to repeal Ordinance No. 2008-10, prohibiting, *inter alia*, the burning of commercial, institutional or municipal yard waste, Ordinance No. 2008-09, prohibiting the burning of combustible rubbish, noncombustible rubbish, garbage and/or dead animals, or Ordinance No. 2008-08, prohibiting the burning of vehicles. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.


SECTION 410 – 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 of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not included herein.

Section 2. This Ordinance shall be effective five (5) days after enactment.

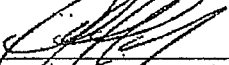
ENACTED AND ORDAINED the date first above written at a regular meeting of the Valley Township Board of Supervisors.


VALLEY TOWNSHIP BOARD OF SUPERVISORS

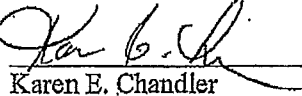
By: 
Patrice Proctor, Chairperson


Walter P. Johnson, Supervisor


Edward Hammond, Supervisor


Christopher Lehenky, Supervisor


Yolanda Beattie, Supervisor

Attest:

Karen E. Chandler
Township Secretary