

RESOLUTION NO. 357-2024

IMPOSING OF A TEMPORARY BAN ON OUTDOOR BURNING IN THE COUNTY OF BERKS AND ESTABLISHING PENALTIES FOR VIOLATION OF THE BAN.

WHEREAS, the Berks County Board of Commissioners received a written recommendation from the District Forester on behalf of the Department of Conservation and Natural Resources (DCNR) who has received or solicited verbal requests from 20 Fire Chiefs recommending and requesting the imposition of a temporary countywide ban on outdoor open burning in Berks County; and

WHEREAS, the existing dry and dangerous burning conditions and sub-average rainfall have created a great risk of fire in Berks County that requires soaking rain to end the fire danger; and

WHEREAS, current conditions warrant a County-wide burning ban for the protection of life, welfare, safety, and property in Berks County; and

WHEREAS, state law authorizes counties to provide for the imposition of a temporary County-wide ban on open fires, 1995 Act 52, 16 P.S. § 13201, *et seq.*; and

WHEREAS, it is the intent of the Berks County Board of Commissioners to enact a burning ban; the burn ban should not apply to open outdoor burning that is directly related to normal agricultural operations or agricultural related business operations.

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

1. Except as outlined below, all open outdoor burning is hereby banned in Berks County, Pennsylvania for a period of no more than thirty (30) days from the effective date of this resolution or as modified/removed by future resolution, whichever is earlier, provided the County does not receive a recommendation to extend the burning ban from the District Forester.
2. The burn ban shall not apply to normal agricultural operations or any agricultural related business operations which shall be defined as: a business engaged in the production operations of a farm, the manufacturing and distribution of farm equipment and supplies or a business engaged in the processing, storage or distribution of farm commodities.
3. Upon the recommendation of the District Forester, the burning ban may be extended by resolution for a period of up to an additional 30 days.
4. Open burning is defined as the ignition and subsequent burning of any combustible material (including but not limited to garbage, leaves, twigs, wood, litter, paper, vegetative matter involved with land clearing, or any sort of debris) out of doors either in a burn barrel, backyard fire pit or on the ground. The use of propane or gas stoves, charcoal briquette grills, or the use of tobacco in any form is not covered under this burn bans. County residents are encouraged to responsibly dispose of cigarettes and related products to minimize the risk of fire. While the County believes the ban should be universal, the DCNRs definition of burn ban allows campfires in fire rings that confine and contain the

campfire in a designated state, federal or Department of Environmental Protection licensed campground.

5. The provisions of this resolution shall become effective at 6:00 P.M., November 2, 2024, pursuant to the forty-eight (48) hour minimum statutory notice requirement of the burning ban.
6. The Berks County Director of Emergency Services, in coordination with the Berks County Public Relations Officer shall notify the residents of Berks County of the burning ban by: (1) Notifying local and state media outlets of the ban; (2) Notifying all Berks County Fire Chiefs of the ban; (3) Placing notice of the ban on the County of Berks website; and (4) Notifying the offices of all Berks County municipalities of the ban.
7. This burning ban may be enforced by any sworn police officer when available including the Pennsylvania State Police and all police departments of the Berks County municipalities.
8. In accordance with 16 P.S. § 13204, a person who violates this burn ban commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$100 for the first offense, \$200 for the second offense, and \$300 for the third offense. The aforesaid penalties shall not act as limitation on any other remedies provided in law or equity.
9. Whenever a violation of this burn ban occurs in a city, borough, incorporated town or township which has in effect an ordinance prohibiting open burning, the police officer may cite the violation under either the municipal ordinance or the county resolution. Under no circumstances shall any person be cited for violations of both the county resolution and the municipal ordinance for the same violation
10. The provisions of this burn ban shall supersede any municipal ordinance to the contrary.

ADOPTED THIS 31st DAY OF OCTOBER 2024.

COUNTY OF BERKS



Kevin S. Barnhardt, *Chief Operations Officer*
On behalf of the Berks County Board of
Commissioners pursuant to the authority granted in
Resolution 216-23 and associated resolutions.

Attest:



Amanda Bentzel, Chief Clerk