

ORDINANCE NO. 473

**AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP OF SPRING CODE OF ORDINANCES, CHAPTER IX, ENTITLED "FIRE PREVENTION AND FIRE PROTECTION" BY ADDING A NEW PART 8 ENTITLED "BURN BAN" WHICH WILL: (A) AUTHORIZE THE FIRE MARSHAL AND FIRE CHIEF TO DECLARE AN EMERGENCY BURN BAN PROHIBITING ALL OUTDOOR BURNING WITHIN THE TOWNSHIP; (B) ESTABLISH PROCEDURES FOR DECLARATION, PUBLIC NOTICE, AND RATIFICATION BY THE BOARD OF SUPERVISORS; AND (C) PRESCRIBE PENALTIES FOR VIOLATIONS.**

**WHEREAS**, the Board of Supervisors of the Township of Spring ("Board of Supervisors") is authorized to adopt ordinances for the proper management, care, and control of the Township of Spring ("Township") and the maintenance of the health and welfare of its residents pursuant to Section 1506 of the Second Class Township Code (53 P.S. § 66506); and

**WHEREAS**, the Board of Supervisors is further authorized to adopt ordinances to secure the safety of persons and property within the Township pursuant to Section 1527 of the Second Class Township Code (53 P.S. § 66527); and

**WHEREAS**, the Board of Supervisors is authorized to take measures for fire prevention and protection within the Township by Article XVIII entitled "Fire Prevention and Protection" by the Second Class Township Code, (53 P.S. §§ 66801 et seq.); and

**WHEREAS**, outdoor burning during conditions of drought, high wind, low humidity, or other elevated fire risk poses a significant threat to the health, safety, and property within the Township and to the surrounding environment; and

**WHEREAS**, the Board of Supervisors finds that swift action by the Township's Fire Marshal and Fire Chief, without waiting for a scheduled Board meeting, may be necessary to protect the public during periods of acute fire danger; and

**WHEREAS**, the Board of Supervisors desires to authorize the Fire Marshal and Fire Chief to declare an emergency burn ban effective immediately upon declaration, subject to ratification by the Board of Supervisors; and

**WHEREAS**, for the reasons stated herein above, it is the intent of the Board of Supervisors of the Township to amend the Township of Spring Code of Ordinances, Chapter IX, entitled "Fire Prevention and Fire Protection," by adding Part 8 entitled "Burn Ban."

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, as follows:

Section 1. The Board of Supervisors of the Township of Spring hereby amends the Township of Spring Code of Ordinances, Chapter IX, entitled "Fire Prevention and Fire Protection," by adding Part 8 entitled "Burn Ban," as follows:

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Part 8.  
Burn Ban

Section 801. Definitions.  
Section 802. Conditions Warranting a Burn Ban.  
Section 803. Declaration of Burn Ban.  
Section 804. Public Notice.  
Section 805. Prohibited Activities  
Section 806. Ratification by Board of Supervisors  
Section 807. Lifting the Burn Ban.  
Section 808. Enforcement.  
Section 809. Penalties.

Section 801. Definitions. As used in this Part 8 of Article IX of the Township of Spring Code of Ordinances, the following terms shall have the meanings set forth herein below, as follows:

- (A) "BOARD OF SUPERVISORS" means the duly elected Board of Supervisors of the Township of Spring, Berks County, Pennsylvania.
- (B) "BURN BAN" means a prohibition on all outdoor burning within the Township of Spring, declared pursuant to Section 803 of this Ordinance.
- (C) "CODE RED" or "Reverse 911" means the Township's emergency mass notification system used to deliver voice, text, and/or electronic messages to Township residents and property owners.
- (D) "EMERGENCY BURN BAN DECLARATION" means the written declaration issued jointly by the Fire Marshal and Fire Chief pursuant to Section 803 of this Ordinance.
- (E) "FIRE CHIEF" means the Chief Officer of the Township of Spring Fire Rescue Services recognized by the Township of Spring for providing fire protection services to the Township, or his or her duly authorized designee.
- (F) "FIRE MARSHAL" means the Fire Marshal appointed or designated by the Township of Spring, or his or her duly authorized designee.

(G) "OUTDOOR BURNING" means the combustion of any material in the open air or in any outdoor receptacle, container, pit, or device, including but not limited to bonfires, brush fires, debris fires, recreational fires, campfires, and burning barrels. The term does not include:

1. Cooking fires using commercially produced charcoal, propane, or natural gas in a grill or outdoor cooking appliance used solely for the preparation of food for human consumption;
2. Any fire set by or at the direction of fire suppression, emergency management, or law enforcement personnel in the performance of their official duties.

(H) "TOWNSHIP" means the Township of Spring, Berks County, Pennsylvania.

(I) "TOWNSHIP WEBSITE" means the official internet website maintained by the Township of Spring.

Section 802. Conditions Warranting a Burn Ban. The Fire Marshal and Fire Chief are hereby jointly authorized to declare a Burn Ban when, in their professional judgment, one or more of the following conditions exist within or affecting the Township:

- (A) A drought warning, drought watch, or drought emergency has been declared by the Pennsylvania Department of Environmental Protection, the Pennsylvania Emergency Management Agency, the County of Berks Board of Commissioners, or any agency of the Commonwealth of Pennsylvania;
- (B) A Red Flag Warning, Fire Weather Watch, or equivalent fire weather advisory has been issued by the National Weather Service for Berks County or the region;
- (C) Sustained winds or wind gusts present conditions that create an elevated risk of fire spread;
- (D) Conditions of low humidity, dry vegetation including fine fuels, or dry soil, high Probability of IGnition (P.I.G.) create an elevated risk of wildfire or uncontrolled fire spread; or
- (E) Any other conditions exist that create a significant risk to public safety, property, or the environment from outdoor burning.

Section 803. Declaration of Burn Ban.

- (A) Joint Declaration Required. A Burn Ban may be declared only upon the joint action of both the Fire Marshal and the Fire Chief. Neither the Fire Marshal nor the Fire Chief may declare a Burn Ban independently.

(B) Written Declaration. A Burn Ban shall be declared by a written Emergency Burn Ban Declaration, signed by both the Fire Marshal and the Fire Chief, which shall set forth:

1. The date and time of the declaration;
2. The factual basis and conditions warranting the declaration, with reference to one or more of the conditions set forth in Section 802;
3. The geographic scope of the ban, which shall encompass the entire Township unless the Fire Marshal and Fire Chief determine that a more limited geographic area is appropriate;
4. The effective date and time of the ban, which shall be no earlier than the time of signing and may be made effective immediately; and
5. The signatures of both the Fire Marshal and the Fire Chief.

(C) Immediate Effect. Upon execution of the Emergency Burn Ban Declaration the Township shall immediately provide Notice of the Burn Ban pursuant to Section 804 below. The Burn Ban shall become effective immediately after Public Notice, all Outdoor Burning within the Township (or such lesser geographic area as specified in the Declaration) shall be immediately prohibited.

(D) Notification to Township Officials. Immediately upon execution of the Emergency Burn Ban Declaration, the Fire Marshal or Fire Chief shall provide written notice of the declaration to:

1. The Township Manager (or Township Secretary, if no Manager);
2. Each member of the Board of Supervisors; and
3. The Township Solicitor.

Section 804. Public Notice.

(A) Notice Required. Upon declaration of a Burn Ban pursuant to Section 803, the Township shall provide notice to the public as promptly as practicable, and in no event later than four (4) hours after the Emergency Burn Ban Declaration is executed (“Notice” or Public Notice”). The Burn Ban shall become effective immediately after the Township provides Public Notice.

(B) Methods of Notice. Public Notice of a Burn Ban shall be provided through all of the following methods:

1. Township Website. Posting of the Burn Ban on all official Township of Spring Website, on home page as well as on the top of any other pages of the Township Website;
2. Social Media. Posting of the Burn Ban on all official Township social media accounts, including but not limited to Facebook and any other platforms maintained by the Township; and
3. Emergency Mass Notification. Issuance of a voice and/or text message to Township residents and property owners via the

Township's Code Red, Reverse 911, or equivalent emergency mass notification system, informing recipients of the Burn Ban, its effective date, and the prohibition on Outdoor Burning.

(C) Content of Notice. All Public Notices issued pursuant to this Section shall include, at minimum:

1. The effective date and time of the Burn Ban within the Township of Spring;
2. A general description of the activities prohibited;
3. A statement of any exceptions that may apply; and
4. Contact information for the Township for residents with questions.

Section 805. Prohibited Activities. The Declaration may prohibit activities which create a significant risk to public safety, property, or the environment during a Ban Burn, including but not limited to:

- (A) Open Burning including campfires, bonfires, and fire pits; Burning yard waste, leaves, or brush; and Barrel or trash burning;
- (B) Cooking & Heating including open-flame cooking (charcoal grills, wood-burning grills); propane/gas grills; and outdoor fireplaces and chimineas;
- (C) Recreational & Celebratory Activities including using fireworks, sparklers, and firecrackers, sky lanterns / paper lanterns, and performing spinning fire breathing, and other fire performances;
- (D) Land & Agricultural Work including clearing land with fire, burning stubble or crop residue and prescribed burns (unless officially authorized);
- (E) Industrial & Construction Activities including welding, cutting, or grinding outdoors (can spark fires), using open-flame torches (e.g., for roofing), and operating equipment that generates sparks without spark arrestors;
- (F) Smoking outdoors in or near forested, grassy, or dry areas and discarding cigarette butts outdoors;
- (G) Vehicles & Equipment Use including driving or operating off-road vehicles in dry vegetation, using chainsaws or power equipment without spark arrestors, parking vehicles on dry grass (hot catalytic converters can ignite it).

Section 806. Ratification by Board of Supervisors.

- (A) Ratification Required. An Emergency Burn Ban Declaration issued pursuant to Section 803 shall be presented to the Board of Supervisors for ratification at the next regularly scheduled or special meeting of the Board of Supervisors following the Emergency Burn Ban Declaration, provided that such meeting shall occur not less than thirty (30) days after the date of the Emergency Burn Ban Declaration.

- (B) Effect Pending Ratification. A Burn Ban declared pursuant to Section 803 shall remain in full force and effect from the moment of declaration through the date of the Board of Supervisors' ratification meeting, unless sooner lifted pursuant to Section 807. If the Board of Supervisors fails to ratify the Burn Ban upon thirty (30) days, the Burn Ban automatically terminates.
- (C) Board Action at Ratification Meeting. At the ratification meeting, the Board of Supervisors shall, by majority vote, take one of the following actions:
1. Ratify the Emergency Burn Ban Declaration, in which case the Burn Ban shall continue in effect until lifted pursuant to Section 807; or
  2. Decline to ratify the Emergency Burn Ban Declaration, in which case the Burn Ban shall terminate at the close of business on the day of the Board's vote, unless the Board, in the exercise of its authority under Section 1506 of the Second Class Township Code independently resolves to continue the ban.
- (D) Extended Duration. Following ratification, the Board of Supervisors may, by Resolution, extend the Burn Ban for such additional period as the Board deems necessary and appropriate to protect the public health, safety, and welfare.

#### Section 807. Lifting the Burn Ban.

- (A) Joint Authority to Lift. Prior to ratification by the Board of Supervisors, the Fire Marshal and Fire Chief, acting jointly, may lift a Burn Ban at any time upon a written determination, signed by both, that the conditions warranting the ban no longer exist.
- (B) Board Authority to Lift. After ratification of the Emergency Burn Ban Declaration, the Board of Supervisors may, by majority vote at any regular or special meeting, lift a Burn Ban that has been ratified under Section 806, upon a finding that the conditions warranting the ban no longer exist.
- (C) Notice of Lifting. Upon the lifting of a Burn Ban, the Township shall provide Public Notice through the same channels specified in Section 804.B as promptly as practicable, and in no event later than twenty-four (24) hours after the Burn Ban is lifted.

#### Section 808. Enforcement.

- (A) Enforcement Officers. This Ordinance shall be enforced by the following officers, each of whom is hereby authorized to issue warnings, notices of violation, and citations for violations of a Burn Ban in effect under this Ordinance:
1. The Township's Code Enforcement Officer;
  2. The Township Zoning Officer;

3. Any police officer with jurisdiction in the Township; and
4. The Fire Marshal.

(B) Authority to Order Extinguishment. Any enforcement officer identified in Section 808.A is authorized to order the immediate extinguishment of any fire burning in violation of a Burn Ban in effect pursuant to this Ordinance.

Section 808. Penalties.

- (A) Summary Offense. Any person who violates the provisions of a Burn Ban in effect pursuant to this Ordinance shall, upon conviction in a summary proceeding before a Magisterial District Judge, be guilty of a summary offense and shall be subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) per violation, together with the costs of prosecution and reasonable attorneys' fees incurred by the Township.
- (B) Continuing Violations. Each day upon which a violation of a Burn Ban continues shall constitute a separate offense.
- (C) Equitable Relief. In addition to or in lieu of any penalty provided under this Section, the Township may seek equitable relief, including injunctive relief, in the Court of Common Pleas of Berks County to enforce the provisions of this Ordinance and any Burn Ban declared hereunder.

Section 809. Liability. The Township of Spring, its Board of Supervisors, the Fire Marshal, the Fire Chief, and their respective agents, officials, and representatives shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the declaration or lifting of a Burn Ban under this Ordinance, or by reason of the conduct of any person in compliance or noncompliance with a Burn Ban declared hereunder.”

Section 2. Severability. If any provision, sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, 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 Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

Section 3. Repealed. All prior ordinances or parts of ordinances of the Township of Spring that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date. This Ordinance shall take effect on the date listed herein below.

[Signatures on the following page.]

ENACTED AND ORDAINED this 14th day of May, 2026, by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, at a duly advertised public meeting.

**TOWNSHIP OF SPRING  
BOARD OF SUPERVISORS**

By: Jesse D. Royer  
Jesse D. Royer, Chairperson

By: George W. Stuck III  
George W. Stuck III, Vice Chairperson

By: Lauren K. Robertson  
Lauren K. Robertson, Member



By: Michael S. Wertz  
Michael S. Wertz, Member

By: Zachary A. Zeoli  
Zachary A. Zeoli, Member

ATTEST: Mary L. Rossi  
Mary L. Rossi, Township Secretary

*This Ordinance was duly advertised as required by the Second Class Township Code prior to enactment.*