

ORDINANCE No. 133

**AN ORDINANCE AMENDING THE WEST COCALICO
TOWNSHIP BURN ORDINANCE OF 2016 TO PROVIDE
FOR RESTITUTION FOR RESPONDING VOLUNTEER
FIRE DEPARTMENTS**

WHEREAS: West Cocalico Township has adopted a "Burn Ordinance" establishing procedures for outdoor incineration, requiring permits under certain circumstances, and establishing fines and penalties for violation of same; and

WHEREAS: Local Fire Departments have been summoned to outdoor incineration events with resulting costs and expenses; and

WHEREAS: Such local Fire Departments will suffer financially without reimbursement for such expenses.

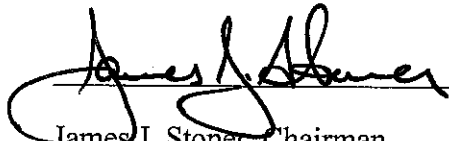
NOW THEREFORE, Section 8 of the West Cocalico Township Burn Ordinance, No.128, adopted on June 16, 2015, is hereby amended to include the following additional paragraphs:

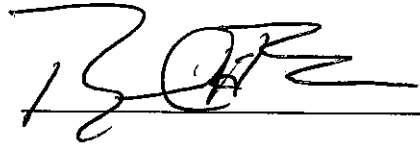
1. "In addition to the foregoing penalties, in the event either the Schoeneck, Reinholds, Stevens, or Denver Volunteer Fire Companies are called to the scene of an intentionally ignited fire, regardless of whether or not a violation of this Ordinance has occurred, or whether or not the fire escaped containment, West Cocalico Township shall impose an assessment for restitution, in addition to any other fines or penalties, against the responsible party, parties, and/or property owner(s) (if the burn occurred with owner consent or suffrage) in the amount of fifty dollars (\$50.00) as an administrative fee plus an amount of restitution for the responding fire company(ies) for the costs incurred by such fire company's(ies) response to the fire, together with Township expenses and Solicitor's fees. The assessment to compensate the responding fire company(ies) shall be calculated based upon the standardized Pennsylvania Department of Conservation and Natural Resources fee schedule in effect at the time of the burn. The responding fire company(ies) shall have thirty days (30) in which to present the Township with its calculation, but failing same, its claim shall be deemed waived. From the funds recovered, the Township shall receive its expended costs and solicitor's fees, then its administrative fee and then any remaining funds shall be promptly remitted to the responding fire company, or if more than one, to the first responder who may distribute the collected funds as deemed appropriate.

The Township shall send a notice of assessment to the responsible party as referenced above within thirty days (30) of receipt of the calculation from the responding fire company(ies), by certified mail, return receipt requested, and by 1st class mail (if the certified letter is unclaimed or returned, but the 1st class letter is not, then delivery to the addressee shall be conclusively presumed to have occurred five days (5) after posting). The responsible party(ies) as aforesaid shall have fifteen (15) days after receipt of such assessment to make payment to the Township. Failure to make payment within the stated time shall constitute a violation of this Ordinance subject to the enforcement provisions above. The total amount of the assessment as aforesaid shall, upon conviction, be included as restitution along with any fines and costs imposed. "

2. This amendment shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this 20th day of September, 2016, by the Board of Supervisors of West Cocalico Township.


James J. Stoner, Chairman


Ray Burns, Vice Chairman


Leon Eby, Secretary/Treasurer