

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 91-4 OF 1991

AN ORDINANCE REGULATING AND LIMITING
OUTDOOR FIRES AND BURNING WITHIN
MIDDLESEX TOWNSHIP, AND PRESCRIBING
PENALTIES FOR VIOLATION THEREOF.

The Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, hereby enacts and ordains and be it enacted and ordained as follows:

SECTION 1: It shall be and is hereby declared to be unlawful for any person, firm, partnership or corporation to burn any substance or maintain any fire upon any of the public streets, roads, highways, alleys, sidewalks, parks or other public grounds within and under the jurisdiction of the Township of Middlesex, unless specifically authorized in advance of such burning by specific authority of the Board of Township Supervisors.

SECTION 2: It shall be and is hereby declared to be unlawful for any person, firm, partnership or corporation to burn or permit to be burned on any land in Middlesex Township any substance other than organic plant material grown on the premises where such material is to be burned (such as tree limbs, leaves, brush, shrubbery clippings). The following items are illustrative of the type of materials which may not be

burned in Middlesex Township at any location including, but not limited to: tires, roofing material, lumber, paper, cardboard, garbage, manure, automobiles, wire, insulation, plastic items, furniture, etc.

SECTION 3: It shall be and is hereby declared to be unlawful for any person, firm, partnership or corporation to burn or permit to be burned any substance or maintain or permit to be maintained any fire out-of-doors on any tract of land within the Township of Middlesex having an area of less than one square (equal-sided) acre of land except under the following conditions and requirements:

A. Any such burning must occur in container which will contain the body of the fire and provide a screen to prevent the spreading of fire by wind, such as a fireplace or incinerator.

B. Any such burning must be conducted in the presence of and under the supervision of an adult person who shall be present at all times during said burning. The term "burning" shall include smoldering.

C. Any such burning must be extinguished completely when not attended and at sunset.

D. Any such burning must be limited to the time after sunrise and not later than sunset.

E. Any such burning must occur at a distance of not

less than fifteen (15) lineal feet from the nearest point of any building (whether or not said building is owned or controlled by the person, firm, partnership or corporation conducting or maintaining said burning, and whether or not such building is occupied).

F. Any such burning must occur at a distance of not less than fifteen (15) lineal feet from any property line of the tract of land on which said burning occurs.

G. No such burning shall occur on any Sunday or Monday.

SECTION 4: It shall be and is hereby declared to be unlawful for any person, firm, partnership or corporation to burn or permit to be burned any substance or to maintain or permit to be maintained any fire out-of-doors outside of a container as specified in Section 3 above on any tract of land within the Township of Middlesex having an area greater than one (1) square acre of land except under the following conditions:

A. Any such burning must be conducted under and supervised by an adult person who is designated by the owner or lessee of said land. If said burning occurs on forest land, it shall be conducted or maintained in the actual presence of the supervising person at all times.

B. Any such burning must occur at a distance of not less than one hundred (100) lineal feet from the

nearest point of any building unless the express prior consent of the owner or lessor has been obtained to permit such burning within such prohibited distance.

C. Any such burning must occur at a distance of not less than fifty (50) lineal feet from any property line of the tract of land on which said burning occurs.

SECTION 5: The Police Department of Middlesex Township is authorized to extinguish any fire in violation of this ordinance. Any officer of said Department is empowered to summon a fire department to effect such extinguishment.

SECTION 6: Any person, firm, partnership or corporation who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a district justice of the peace, be sentenced to pay a fine not exceeding Three Hundred (\$300.00) Dollars for the use of the Township of Middlesex and the costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days in the Cumberland County Prison.

SECTION 7: The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would

have been adopted and enacted as if such unconstitutional,
illegal or invalid provisions had not been included therein.

SECTION 8: Ordinance No. 9 of 1987 is repealed upon the
effective date of this Ordinance.

SECTION 9: This Ordinance shall take effect on August 16,
1991.

ENACTED AND ORDAINED this 1st day of August, 1991.

TOWNSHIP OF MIDDLESEX
Cumberland County, Pennsylvania

BY Robert M. Espley
Chairman, Board of Township
Supervisors

ATTEST:

John S. Blain
Township Secretary