

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 5 - 99

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA AUTHORIZING
THE PROHIBITION OF OUTDOOR FIRES AND IMPOSING
PENALTIES FOR THE VIOLATION THEREOF.

It is hereby ENACTED AND ORDAINED by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania, as follows:

SECTION 1: PREAMBLE.

The Board of Supervisors of Middlesex Township recognizes that in the event of drought or certain weather or climatic conditions or an emergency, starting or maintaining outdoor fires or conducting outdoor burning may be or become hazardous to the health, safety and welfare of residents of Middlesex Township and jeopardize property and/or improvements. The Board of Supervisors of Middlesex Township therefore deems it in the best interest of the residents that outdoor burning or outdoor fires be prohibited under certain conditions.

SECTION 2: PROHIBITION ON OUTDOOR BURNING OR FIRES.

In the event low humidity, drought conditions, high winds, other adverse weather or climatic conditions or an emergency that would make any fire or burning out-of-doors hazardous to the health, safety or welfare of the residents of Middlesex Township, or hazardous to any property or improvements, the Board of

Supervisors may from time to time institute a ban on all outdoor fires or burning in Middlesex Township. Unless otherwise prohibited by the Board of Supervisors, the ban on outdoor burning or fires shall not apply to burning or fire utilized in a cooking grill or other contained enclosure designed for outdoor cooking or heating a residence or structure. Once the Board of Supervisors institutes a ban on all outdoor fires or burning, same shall remain in effect until lifted or removed by the Board of Supervisors.

SECTION 3: PUBLIC NOTICE.

The Board of Supervisors shall notify the public of the ban by a newspaper of general circulation within the Township of Middlesex or by radio or any other means reasonably calculated to bring the ban to the attention of the residents of Middlesex Township.

SECTION 4: UNLAWFUL OUTDOOR BURNING OR FIRES.

It shall be and is hereby declared to be unlawful for any person or entity to burn or permit to be burned any substance out-of-doors or maintain or permit to be maintained any fire out-of-doors on any tract of land within Middlesex Township after the implementation of a burning ban by the Board of Supervisors.

SECTION 5: PENALTIES.

Any person or entity who violates this Ordinance, shall upon conviction thereof in a summary proceeding before a District

Justice, be sentenced to pay a fine not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for the use of the Township of Middlesex and ordered to pay the costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than fifteen (15) days in the Cumberland County Prison. Each day's violation of this Ordinance shall constitute a separate offense.

Any person or entity who violates this Ordinance and, as a result of such violation, any fire company is required to respond to a fire or does put out a fire burning or permitted to burn in violation of this Ordinance, such person or entity shall be responsible for reimbursing the reasonable costs of such fire company for such service or paying a service fee to such fire company. In the event the costs or service fee is not paid, same may be collected by any means permitted by law for the collection of debts.

SECTION 6: SEVERABILITY.

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 declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in 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 7: EFFECTIVE DATE.

This Ordinance shall become effective in accordance with applicable law.

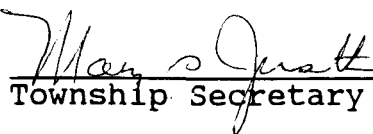
SECTION 8: REPEAL PROVISIONS.

Any prior ordinance inconsistent herewith shall be deemed to be repealed.

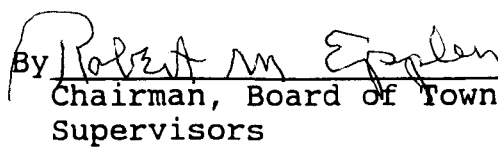
ENACTED AND ORDAINED this 7 day of April , 1999.

ATTEST:

TOWNSHIP OF MIDDLESEX



Township Secretary

By 

Chairman, Board of Township Supervisors

(Township Seal)