

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 3-2007

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIDDLESEX
TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA,
REGULATING OUTDOOR AND OPEN BURNING AND REPEALING
ORDINANCES 4-91 and 14-70.

NOW THEREFORE, BE IT ENACTED AND ORDAINED and 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: Purpose.

This Ordinance is intended to promote public health, safety and welfare and to safeguard the health, comfort, living conditions, property values, safety and welfare of the citizens of Middlesex Township by regulating air pollution and the fire hazards of outdoor and open burning.

SECTION 2: Applicability.

The Ordinance applies to all outdoor burning and open burning within Middlesex Township. The provision of this Ordinance shall not apply to the following activities.

- a. Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- b. Burning for the purposes of generating heat in a stove, furnace, fireplace or other heating device located within a residential building used primarily for human habitation.
- c. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- d. Fires that are set or maintained for fire-fighting training practices.
- e. Patio wood burning units used as chimneas, patio warmers and other portable wood burning devices used for recreational purposes provided the following shall apply:

- (i) only clean wood may be used and burned.
- (ii) The patio wood-burning unit must be located at least 50 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- (iii) Use of the patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 3: Definitions.

The following words, terms and phrases when used in this Ordinance shall have the meanings ascribed to them in this Section.

"Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

"Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

"Construction and demolition waste" means building waste materials, including, but not limited to, waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

"Municipality" and "Township" each mean Middlesex Township.

"Outdoor burning" means open burning or burning in an outdoor wood-fired boiler.

"Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes, but is not limited to, burning in a burn barrel.

"Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building or structure intended for habitation by humans or domestic animals.

"Refuse" means any waste material, including, but not limited to, construction and demolition waste, but excepting trees, logs, brush, grass clippings, and other vegetative matter.

SECTION 4: General Prohibition on Open Burning and Outdoor Burning.

Open burning and outdoor burning are prohibited in Middlesex Township unless the burning is specifically permitted by this Ordinance.

SECTION 5: Open Burning of Refuse.

Open burning of refuse is prohibited.

SECTION 6: Open Burning of Trees, Logs, Brush and Stumps.

- a. Open burning of trees, logs and brush is permitted in accordance with all of the following provisions set forth below. Open burning of leaves and stumps is specifically prohibited.
 1. Open burning must be conducted at least 100 feet from any structure and at least 50 feet from any property boundary line.
 2. Open burning shall not be permitted in the CH, VC, and I zoning districts.
 3. No open burning shall take place during such time periods as the County, State or Board of Supervisors of the Township has established a burning ban.
 4. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 5. Open burning shall be conducted only on the property on which the materials were generated.
 6. Outdoor campfires and small fires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
 7. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 8. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
 9. Open burning shall be limited to the time after sunrise and not later than sunset.

SECTION 7: Outdoor Wood-Fired Boilers.

Outdoor wood-fired boilers ("boilers") are permitted in Middlesex Township subject to the following conditions and requirements:

- a. Only dry clean wood may be burned.
- b. Boilers are not permitted in the VC, CH and I zoning districts.
- c. Boilers may only be utilized on lots or parcels of land of three and $\frac{1}{4}$ (3.25) or more acres.
- d. Boilers must be set back at least 200 feet from the front lot line and 100 feet from the side and rear lot lines and 500 feet from the nearest residential structure not on the lot where the boiler is located.
- e. Boilers must be equipped with a properly functioning spark arrestor.
- f. The boiler furnace may not be used as a waste incinerator.
- g. Lighter fluids, gasoline and chemicals to start the boiler are prohibited.
- h. Installation, use and operation must comply with all applicable county, state and/or federal laws, regulations and guidelines as well as applicable building and other codes of the Township.
- i. Use shall be limited to October 1 to May 1.
- j. Stack height shall be in accordance with the boiler manufacturer's specifications.
- k. The use of the boiler shall not cause a nuisance to neighboring or other property.

SECTION 8: Existing Outdoor Wood-Fired Boilers.

Any outdoor wood-fired boiler existing as of the effective date of this Ordinance or for which any Middlesex Township zoning or building permit has been obtained prior to the effective date of this Ordinance shall not be required to comply with Section 7 b., c. or d., above, of this Ordinance.

SECTION 9: Enforcement and Penalties.

Any person who violates any provision of this Ordinance, upon summary conviction thereof, shall be sentenced to pay a fine of not more than One Thousand and No/100 Dollars (\$1,000.00) plus costs of prosecution and, in default of payment thereof, be imprisoned in the

Cumberland County Prison for a period of not more than thirty (30) days. Each day of violation of any provision of this Ordinance shall constitute a separate offence.

Any person who engages in open burning in violation of this Ordinance shall be responsible for reimbursing the reasonable costs of any fire company or companies utilized to extinguish any fire permitted to burn in violation thereof. In the event the costs are not paid, same may be collected by any means permitted by law for the collection of debts. Such remedy shall be in addition to any fine or punishment available through summary conviction.

SECTION 10: Severability and Conflict.

The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or any other Ordinance of Middlesex Township.

In the event of any conflict between any provision of this Ordinance and the Pennsylvania Uniform Construction Code, International Mechanical Code and the International Fire Code, the more stringent and/or more protective provision shall apply and control.

SECTION 11: Repeal of Ordinances 4-91 and 14-70.

Ordinances 4-91 and 14-70, which regulates outdoor fires and burning, are hereby repealed.

SECTION 12: Effective Date.

This Ordinance shall become effective in accordance with applicable law.

DULY ENACTED AND ORDAINED this 28th day of December, 2007 by the Board of Township Supervisors of the Township of Middlesex.

TOWNSHIP OF MIDDLESEX

By: Charles W. Shroyer
Chairman, Board of Township Supervisors

ATTEST:

Mary O. Just
Township Secretary

(Township Seal)