

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. ___05-07__

AN ORDINANCE OF THE SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA
REGULATION AND LIMITING OUTDOOR FIRES
AND BURNING WITHIN SOUTH MIDDLETON TOWNSHIP
AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

BE IT ORDAINED by the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania, 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 and fire upon any of the public streets, roads, highways, alleys, sidewalks, parks or other public grounds within and under the jurisdiction of South Middleton Township, unless specifically authorized in advance of such burning by specific authority of the Board of Supervisors.

SECTION 2 – It shall be and is hereby declared to be unlawful for any person or entity to burn or permit to be burned any substances or maintain or permit to be maintained any fire out-of-doors on any tract of land within South Middleton Township except for the following:

- a. Outdoor fires to cook food for human consumption provided the fire is confined to a fire ring, fireplace, charcoal or gas grill or other similar fireproof container;
- b. Fires used exclusively for agricultural purposes on properties containing a minimum of ten (10) acres, provided that any such burning occurs at a distance of not less than one hundred (100) lineal feet from the nearest point of any building and not less than one hundred (100) lineal feet from any boundary line of the tract of land on which said burning occurs; and
- c. Bonfires, upon the issuance of a permit from the Emergency Services Administrator or other duly authorized official of the Township, provided that:
 - (1) The fuel for the bonfire shall not be more than five (5) feet long by five (5) feet wide by five (5) feet high in dimension and shall not burn longer than three (3) hours. The size and duration of a bonfire shall only be increased with the approval of the Emergency Services Administrator or other duly authorized official of the Township,
 - (2) A portable fire extinguisher or small hose line must be kept available and ready for service;

- (3) Fuel for a bonfire shall consist only of seasoned, dry firewood and shall be ignited with a small quantity of paper; and
- (4) Any such bonfire must occur at a distance of not less than one hundred (100) lineal feet from the nearest point of any building and not less than one hundred (100) lineal feet from any boundary line of the tract of land on which said bonfire occurs.

SECTION 3 – Additional restrictions may be placed on fires by the Emergency Services Administrator or other duly authorized official of the Township if it is determined that the situation is likely to constitute an unreasonable threat to people or property. During periods of low humidity, drought, high wind or other adverse weather conditions, the official may restrict burning to prevent the spread of fire. The Emergency Services Administrator or other duly authorized official of the Township shall have the authority to order the extinguishment of any fire in violation of this ordinance or which an unreasonable threat to people or property.

SECTION 4 – PENALTIES

Any person or entity who shall violate the provisions of this Ordinance shall, upon conviction thereof in a summary proceeding before a district justice, be sentenced to pay a fine of not exceeding one thousand (1,000.00) dollars, plus costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned for not more than thirty (30) days in the County Prison. Extinguishing costs may also be assessed as necessary.

SECTION 5 – 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 remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as it such unconstitutional, illegal or invalid provision had not been included therein.

SECTION 6 – REPEALED

Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7 – EFFECTIVE

This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED INTO LAW this _____ day of _____,
20____.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP

Attest:

THOMAS E. FALEY, Chairman

SANDRA A. QUICKEL, Secretary

BRYAN A. GEMBUSIA, Vice Chairman

PHYLLIS W. GIVLER

JAMES N. BAKER

RONALD L. REEDER