

BOARD OF SUPERVISORS OF
THE TOWNSHIP OF MIDDLE SMITHFIELD
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-231

AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES OF MIDDLE SMITHFIELD TOWNSHIP BY AMENDING THE REQUIREMENTS AND RESTRICTIONS FOR OUTDOOR BURNING AND THE PROVISIONS FOR VIOLATIONS AND PENALTIES RELATED THERETO.

WHEREAS, Middle Smithfield Township has previously enacted an ordinance governing outdoor burning within the Township at Chapter 94 of the Middle Smithfield Township Code of Ordinances; and

WHEREAS, the Board of Supervisors of Middle Smithfield Township believes that it is in the best interest of the Township and the residents of the Township to amend Chapter 94, Burning, Outdoor, of the Middle Smithfield Township Code of Ordinances as set forth herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, that Chapter 94 of the Middle Smithfield Township Code of Ordinances is hereby amended as follows:

ARTICLE I.

Chapter 94, Burning, Outdoor, of the Middle Smithfield Township Code of Ordinances is hereby amended by adding a new Section 94-2.1, Definitions, to read as follows:

§94-2.1 **Definitions:** For the purposes of this Chapter, the following words and terms shall have the meanings ascribed to them herein:

BONFIRE – an outdoor fire utilized for ceremonial purposes associated with recreational facilities with a fuel area larger than that of a campfire, but not including a fire intended for the disposal of waste, recyclables, or refuse.

CAMPFIRE – a small outdoor fire intended for recreation or cooking wherein only dry tree trimmings are burned (excluding leaves), no greater than three inches in diameter, as fuel and which is contained in an approved outdoor fireplace, a commercially manufactured portable outdoor fireplace and/or fire pit, an outdoor cooking grill or barbecue pit, and/or an approved in ground fire pit and constructed to have a total fuel area of three feet or less in diameter and two feet or less in height.

ARTICLE II.

Chapter 94, Burning, Outdoor, Section 94-4, Regulated Activities, of the Middle Smithfield Township Code of Ordinances is hereby amended by amending only the first sentence of Section 94-4 to read as follows:

§94-4. Regulated Activities

Outdoor burning of items not included within the Middle Smithfield Township recycling program(s) is only permitted as follows, and no other form of outdoor burning shall be permitted within the Township:

ARTICLE III.

Chapter 94, Burning, Outdoor, Section 94-4, Regulated Activities, of the Middle Smithfield Township Code of Ordinances is hereby amended by amending Section 94-4.A. to read as follows:

- A. Bonfires for recreational facilities related to their operations. Bonfires shall be supervised by a responsible adult at all times. However, bonfires are strictly prohibited during any fire-ban emergency declared within the municipality as well as when atmospheric conditions or local circumstances make such fires hazardous.

ARTICLE IV.

Chapter 94, Burning, Outdoor, Section 94-4, Regulated Activities, of the Middle Smithfield Township Code of Ordinances is hereby amended by adding a new Section 94-4.E. to read as follows:

- E. Campfires, as defined herein. Campfires shall be supervised by a responsible adult at all times. However, campfires are strictly prohibited during any fire-ban emergency declared within the municipality as well as when atmospheric conditions or local circumstances make such fires hazardous.

ARTICLE V.

Chapter 94, Burning, Outdoor, Section 94-6, Violations and Penalties, of the Middle Smithfield Township Code of Ordinances is hereby amended to read as follows:

§94-6. Violations and Penalties

Any person, individual, partnership, co-partnership, association or corporation violating any provision of this Chapter shall be guilty of a summary offense, and upon conviction thereof, be sentenced to pay a fine of not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution, including attorneys' fees, for each separate offense and, in default of the payment of such fine, may be sentenced to imprisonment not exceeding ninety (90) days for each separate offense, or by

both such fine and imprisonment. Any person continuing any such violation beyond one calendar day shall be deemed to have committed a separate offense for each calendar day such violation continues.

ARTICLE VI. SEVERABILITY.

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

ARTICLE VII. REPEALER.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE VIII. EFFECTIVE DATE.

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

DULY ENACTED AND ORDAINED this 26 day of May 2022, by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, in lawful session duly assembled.

Board of Supervisors of Middle Smithfield Township

By: Annette Atkinson
Annette Atkinson, Chair

By: Mark Oney
Mark Oney, Vice-Chair

By: Michael J. Dwyer
Michael J. Dwyer, Supervisor

ATTEST: Holly Den
Asst. Township Secretary

[TOWNSHIP SEAL]